

# Housing Committee

Date: **13 November 2019**

Time: **4.00pm**

Venue **Hove Town Hall, - Council Chamber**

Members: **Councillors:** Williams (Chair), Brennan (Deputy Chair), Gibson (Opposition Spokesperson), Mears (Group Spokesperson), Atkinson, Barnett, Fowler, Heley, Hugh-Jones and Osborne

Contact:

01273 290569  
shaun.hughes@brighton-hove.gov.uk

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# AGENDA

## 17 PROCEDURAL BUSINESS

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

**(b) Declarations of Interest:**

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

In each case, you need to declare

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

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

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

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

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## 18 MINUTES OF THE PREVIOUS MEETING

9 - 22

To consider the minutes of the meeting held on 18 September 2019 (copy attached).

## 19 CHAIRS COMMUNICATIONS

## 20 CALL OVER

(a) Items (23 - 37) will be read out at the meeting and Members invited

to reserve the items for consideration.

- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

## 21 PUBLIC INVOLVEMENT

23 - 26

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

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the (7 November 2019);

5 Written Questions have been received:

- 1) Night Shelters
- 2) SWEPP
- 3) Homeless Bill of Rights
- 4) Sustainability Measures for new Homes
- 5) ***HRA Revenue and Capital Budgets***

- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the (7 November 2019).

2 Deputations have been received:

- 1) Deputation on the need for Qualifying Long-Term Agreements
- 2) ACORN Brighton Minimum Standards for Landlords Charter

## 22 ISSUES RAISED BY MEMBERS

To consider the following matters raised by councillors:

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

## 23 HOUSING SUPPLY - ITEMS CONSIDERED AT POLICY & RESOURCES ON 10 OCTOBER 2019

27 - 42

Report of Executive Director, Neighbourhoods, Communities & Housing

Contact Officer: Diane Hughes

Tel: 01273 293159

*Ward Affected: East Brighton; Queen's Park*

- 24 COMMUNITY LED HOUSING - SITE IDENTIFICATION UPDATE 43 - 48**  
Report of Executive Director, Neighbourhoods, Communities & Housing  
*Contact Officer: Emma Kumar Tel: 01273 293297*  
*Ward Affected: All Wards*
- 25 PRS SELECTIVE LICENSING UPDATE 49 - 52**  
Report of Executive Director, Neighbourhoods, Communities & Housing  
*Contact Officer: Sylvia Peckham Tel: 01273 293318*  
*Ward Affected: All Wards*
- 26 PRIVATE SECTOR HOUSING ENFORCEMENT STRATEGY 53 - 88**  
Report of Executive Director, Neighbourhoods, Communities & Housing  
*Contact Officer: Sylvia Peckham Tel: 01273 293318*  
*Ward Affected: All Wards*
- 27 SENIORS HOUSING REVIEW 89 - 178**  
Report of Executive Director, Neighbourhoods, Communities & Housing  
*Contact Officer: Peter Huntbach Tel: 01273 293248*  
*Ward Affected: All Wards*
- 28 HEALTH & SAFETY UPDATE 179 - 186**  
Report of Executive Director, Neighbourhoods, Communities & Housing  
*Contact Officer: Glyn Huelin Tel: 01273 293306*  
*Ward Affected: All Wards*
- 29 SUSTAINABILITY MEASURES FOR NEW HOMES 187 - 196**  
Report of Executive Director, Neighbourhoods, Communities & Housing  
*Contact Officer: Nick Fishlock Tel: 01273 293905*  
*Ward Affected: All Wards*
- 30 PROGRAMME FOR THE FUTURE DELIVERY OF RESPONSIVE REPAIRS AND EMPTY PROPERTY REFURBISHMENTS, PLANNED MAINTENANCE AND IMPROVEMENT PROGRAMMES, AND MAJOR CAPITAL PROJECTS TO COUNCIL HOUSING STOCK 197 - 206**  
Report of Executive Director, Neighbourhoods, Communities & Housing  
*Contact Officer: David Canham Tel: 01273 293165*  
*Ward Affected: All Wards*
- 31 NEW HOMES FOR NEIGHBOURHOODS - PROCUREMENT OF SPORTS PAVILION 207 - 214**

Report of Executive Director, Neighbourhoods, Communities & Housing

Contact Officer: Jo Thompson

Tel: 01273 291466

Ward Affected: South Portslade

## **32 PRESENTATION BY ADULT SOCIAL CARE**

### **33 PROCUREMENT OF SHORT TERM AND EMERGENCY TEMPORARY ACCOMMODATION 215 - 232**

Report of Executive Director, Neighbourhoods, Communities & Housing

Contact Officer: Sylvia Peckham

Tel: 01273 293318

Ward Affected: All Wards

### **34 RE- PROCUREMENT OF FLOATING SUPPORT SERVICE 233 - 242**

Report of Executive Director, Neighbourhoods, Communities & Housing

Contact Officer: Jenny Knight

Tel: 01273 293081

Ward Affected: All Wards

### **35 PROCUREMENT OF AN OUTREACH SERVICE FOR PEOPLE ROUGH SLEEPING 243 - 250**

Report of Executive Director, Neighbourhoods, Communities & Housing

Contact Officer: Sue Forrest

Tel: 01273 292960

Ward Affected: All Wards

### **36 PROCUREMENT OF A 'NO SECOND NIGHT OUT' SERVICE GRANT FUNDED BY THE MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT 251 - 256**

Report of Executive Director, Neighbourhoods, Communities & Housing

Contact Officer: Sue Forrest

Tel: 01273 292960

Ward Affected: All Wards

### **37 PROCURMENT FOR THE PROVISION OF A "SOMEWHERE SAFE TO STAY" SERVICE FUNDED BY GRANT BY THE MINISTRY OF HOUSING COMMUNITIES AND LOCAL GOVERNMENT 257 - 262**

Report of Executive Director, Neighbourhoods, Communities & Housing

Contact Officer: Sue Forrest

Tel: 01273 292960

Ward Affected: All Wards

## **38 ITEMS REFERRED FOR FULL COUNCIL**

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

*In accordance with Procedure Rule 24.3a, the Committee may determine*

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

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Date of Publication - Date Not Specified





**BRIGHTON & HOVE CITY COUNCIL**

**HOUSING COMMITTEE**

**4.00pm 18 SEPTEMBER 2019**

**HOVE TOWN HALL, - COUNCIL CHAMBER**

**MINUTES**

**Present:** Councillor Williams (Chair) Allcock, Gibson (Opposition Spokesperson), Mears (Group Spokesperson), Atkinson, Barnett, Fowler, Heley, Hugh-Jones and Osborne

**Other Members present:** Councillors

**PART ONE**

**1 PROCEDURAL BUSINESS**

**(a) Declaration of Substitutes:**

Councillor John Allcock substituted for Councillor Nichole Brennan.

The Democratic Services officer stated that there is currently a vacancy for the Chair of the meeting and the committee is required to appoint one. Nominations were received for Councillor Gill Williams from Councillor Peter Atkinson, seconded by Councillor Theresa Fowler. The Committee agreed to appoint Councillor Gill Williams to the Chair.

**(b) Declarations of Interest:**

Councillor Theresa Fowler declared an interest in item 14. The Councillor will step out of the meeting and not take part in the any discussions or decisions.

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

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**2 MINUTES OF PREVIOUS MEETING**

The minutes were accepted as a record of the meeting on 19 June 2019.

### 3 CHAIR'S COMMUNICATIONS

*Thank you for all attending this meeting of Housing Committee, my first as chair. I would like to thank Cllr Allcock for his work as chair and wish him well as the new chair of Children and Young People's committee and Deputy Leader of the Council.*

*As I am new to this role, there is a lot for me to learn but I have been impressed with what I have seen so far. I think the work plan, we will be discussing at tonight's meeting is exciting and is a real opportunity to make a difference to people in the city.*

*There are a couple of things I would like to mention.*

*Earlier this year, we carried out structural surveys on our eight 'large panel structure' tower blocks. These surveys were conducted by specialist structural engineers and found that there are no structural issues with any of the buildings. The report also stated that the buildings are generally in good structural condition. The report did highlight some non-urgent repairs, and these will be scheduled into our programme of planned maintenance. We're now writing to residents of the blocks about the survey results and will be bringing a report updating the committee on this to November's Housing Committee.*

*I was really pleased that our new 12 council homes in Kensington Street are now completed and residents have moved in – This brings the numbers of new homes built under our homes for neighbourhood programme to 185 and will make a real difference to people needing homes in our city.*

*As many of you will know our annual City-Wide tenant event, City Assembly, is taking place on 28 September 2019. I look forward to a lively event, hearing the views of tenants. We have changed the format to make it more interactive which I think will be positive.*

### 4 CALL OVER

It was agreed that the following items would be called for discussion:

7	Housing & New Homes Strategy Delivery Targets 2019/23
8	Housing Supply Update Report 2019/23
9	Home Purchase Policy Progress Update
10	Evictions from Temporary Accommodation Annual Update
11	Homelessness & Rough Sleepers Strategy Development and Consultation
12	Night Shelter & Supported Accommodation for Rough Sleepers
14	Disposal by Lease of Two Sites at Dunster Close, Hollingdean

The following items were not called for discussion and the recommendations contained therein are therefore approved and adopted.

13	Frederick Street – Scheme Approval
15	Housing Management Performance Report Quarter 1 – 2019/20

## 5 PUBLIC INVOLVEMENT

### a) Petitions

Homeless Bill of Rights – Item referred from Council.

### b) Questions

I. Question from Valerie Paynter

*How many of the 57 flats at Clarendon House on the Clarendon & Ellen Estate have been either transferred to Seaside Homes or have been leased back from leaseholders & used for temporary/short-term housing, please?*

Response from the Chair

Thank you for your question.

- In Clarendon House we have 10 Seaside units and 4 Private Sector Leased properties.
- In Ellen Street we have 1 Seaside unit and no private sector leased properties.

In answer to a supplementary question Valerie Paynter was informed that Brighton and Hove City Council (BHCC) were aware of the anti-social behaviour at Clarendon House. It was noted that Martin Reid and Larissa Reed would be visiting the estate to understand issues. Valerie Paynter was invited to accompany the visit.

II. Question from Barry Hughes

*On Sylvan Hall Estate four blocks have recently been refurbished including new roofs. These blocks were well built post war and all could have had an extra floor built on top, I understand that Government thinking would allow this without recourse to planning, resulting in additional units for the HRA. An extra floor on each of these blocks would have produced 9 one-bedroom flats and 6 two-bedroom flats.*

*I hear this is an idea under discussion but is it not a policy that should be implemented at Sylvan Hall, Stage 2 and citywide now?*

Response from the Chair.

Thank you for your question which is very relevant to one of the council's key priority areas - to increase the supply of council housing in the city.

As outlined in our Housing Committee Priorities and work plan to be discussed at this meeting, the council is considering all opportunities for achieving additional council and other affordable homes.

This may include options to build on top of existing blocks where:

- This is possible and allowable under planning policy;
- There is a sustainable business case;
- There is resident support.

We have recently bid for, and been awarded, £50,000 from the Local Government Association (under their 'Building Council Homes' fund) to help us look at potential sites for additional council homes and accelerate delivery.

As outlined in our Housing supply update (also to be discussed at this meeting) we are committing significant resources to increase officer support for the delivery of our plan to achieve our target of 800 additional council homes over the next 4 years.

This includes newly developed sites, buying back homes previously sold under the Right-to-Buy, using infill sites on council estates, and building additional housing within existing blocks.

While the council has not yet developed a specific policy on building on top of or to the side of existing council blocks of flats our housing revenue account asset management strategy expressly supports best use of our land and buildings to deliver more homes.

We would be pleased to explore further any proposals to provide extra floors on blocks where this is feasible, fits within our repairs and improvement programme and has the support of residents.

No supplementary questions were asked by Barry Hughes.

III. Question from David Spafford

*71/73 Grand Parade, is freehold HRA property, leased on a full Repairing lease to Optivo Housing Association, is grade two listed.*

*The lease with Optivo has under a year left to run.*

*The property is divided up in to several homes some on short leases and others on 30day notice tenancies on Social rents.*

*Are there plans to have the building surveyed and a notice of dilapidations served on the freeholder or are the cost of bringing the property up to standard, Better Homes, BHCC standards, Grade Two, to fall on the council tenants though the housing revenue amount.*

Response from the Chair.

Thank you for your question.

As you've identified 71 – 73 Grand Parade is leased by Brighton & Hove City Council.

The properties were leased to South London Family Housing Association Limited in December 1997 on a 25-year lease.

This lease ends in December 2022, the tenant may wish to renew the lease at this point.

Should the property be handed back then the council will work to manage this appropriately and to ensure that any Housing Revenue Account or General Fund interests are managed.

This is something that the council has done successfully on the return of other leased properties over recent years.

We will be liaising Optivo as we approach lease end with a view to ascertaining their future intentions.

In response to a supplementary question David Spafford was informed that there were no stock condition surveys proposed. When properties are bought back from residents they will be checked. Residents can ask at anytime for issues to be checked.

### **(c) Deputations**

Deputation on the Homeless Bill of Rights

*On 25<sup>th</sup> July 2019 the Brighton & Hove Housing Coalition presented a petition to the full Council calling upon the city of Brighton & Hove to adopt the Homeless Bill of Rights. The petition had more than 2,500 signatures (it now has more). John Allcock, chair of the Housing and New Homes Committee, welcomed it warmly, as did Amy Heley of the Green Party and Mary Mears of the Conservative Party. The Council noted the petition and referred it to the Housing and New Homes Committee for action.*

*Among the items for this committee to consider is item 7, the Strategic Delivery Targets, and we welcome the commitment in these to the Homeless Bill of Rights; in particular, in Appendix 2, to consult on how best to implement a Bill of Rights for homeless people. However, we are very concerned that there is no item on your agenda to take this forward, and yet there is an item to start a consultation on the Homelessness and Rough Sleeping Strategy for the next five years.*

*This deputation argues that this is in danger of putting the cart before the horse. The Homeless Bill of Rights does not, in itself, have financial implications; it is a statement of principles, a high promise to our homeless and our rough sleepers to make their human rights real, a set of standards for the Council to hold itself to. It should inform every step of the consultation on Homelessness and Rough Sleeping; it is relevant to every word of it; it is the common thread that should run through the whole.*

*Standing as we are on the threshold of winter, the Coalition urges the Committee to pledge itself without delay to these principles of equality, humanity and dignity in its*

*treatment of the homeless, and to integrate them into every part of the consultation on its homelessness strategies.*

*We accompany this deputation with the text of the Homeless Bill of Rights, since it is not in your papers today.*

*David Thomas - Legal Officer, Brighton & Hove Housing Coalition.*

Chairs response

Thank you for your deputation and for the petition which was referred to this committee from full Council on 25 July.

My predecessor Cllr Allcock emphasised at the Council meeting that he was keen for the Housing Committee and the council to adopt a Homeless Bill of Rights as an important statement of principle and commit to working for the human rights, equality, and dignity of our homeless residents. As the new Chair of Housing I can assure you that I am committed to this also.

We welcome both the petition and your deputation and as you will later hear and be able to see in the report for item 7 *Housing and New Homes Strategic Delivery Targets - 2019-2023*, both appendix 1 and 2 reference joint Labour/Green plans to review, consult and hopefully adopt a Homeless Bill of Rights.

We have agreed to ask the Executive Director for a report to the next committee meeting on 13 November. This will involve a concise consultation with other departments in the Council, the Police, health and relevant community and voluntary sector partners about the principals and implications of adopting the Bill. Their views will be referenced in the report.

I understand your point that the Bill itself has no financial implications but as I said, we are committed to consult on, and adopt a homeless bill of rights and the adoption of this bill may have financial and legal implications.

In addition, the timing for us to consider adopting the Bill of Rights is helpful as we are currently reviewing our rough sleeping and homeless strategy (item 11 on the agenda) and we want to reference the bill of rights as part of this piece of work.

Thank you for your continued work in advocating for our homeless residents.

## **6 MEMBER INVOLVEMENT**

- a) Petitions:** There were no petitions
- b) Written Questions:** There were no written questions
- c) Letters:** One letter has been received:

*We are submitting this letter under Council Procedure Rule 23.3 to be included on the agenda for the Housing Committee meeting of 18<sup>th</sup> September 2019.*

*As chair of the Housing Committee, I'm sure Councillor Allcock shares our concerns about the conditions in temporary accommodation and the need for these to be drastically improved.*

*The fact that existing contracts expire in May 2020 presents an opportunity for us to guarantee an improvement to conditions. These conditions must be laid out before the re-procurement process begins.*

*The Council must commit itself to improving conditions in temporary accommodation before starting the re-procurement process with providers of temporary accommodation, and if the provider does not agree to pay for these additional services, we feel that the council should cover the costs.*

*The council has a duty to ensure that temporary accommodation is a safe, comfortable and welcoming place, and the current conditions do not meet these requirements. Extra charges for basic services result in unnecessary stress and financial burden for people at points of crisis in their lives, so the council should alleviate this as much as we can by covering the costs.*

*Given the above, I would ask that as the Chair, Councillor Allcock agrees with us that the Committee should to commit to the following conditions being included in the procurement documents:*

*That:*

- Service charges should be paid by the council, not the tenants;*
- Laundry facilities must be provided for tenants;*
- Basic kitchen equipment (kettles, crockery, cutlery, toaster, microwave, dishtowels) and bedding must be provided to tenants free of charge;*
- Wi-Fi must be provided to tenants free of charge*

*Yours sincerely,  
Councillor Amy Heley  
Councillor Nichole Brennan*

Chairs response

Dear Councillors

Thank you for your letter to Housing Committee regarding the future specification for short term managed temporary accommodation.

We are keen to ensure that accommodation is as good as it can be within the budget we have available.

We are starting to obtain feedback on the future specifications for short term accommodation that is managed on our behalf.

We will be seeking feedback from the current providers and the Temporary Accommodation Action Group along with some users of the accommodation currently procured.

We also welcome feedback from members.

We have previously had feedback from Committee over travel costs for clients living in our short-term temporary accommodation and will look at this as part of this work.

Following this consultation, we are aiming to bring a Report to November Housing Committee that sets out options with indicative costs.

Any additional facilities and equipment that the council require providers to deliver would be an additional cost over and above the inflationary uplift on current specification.

In considering the proposals outlined, we anticipate that based on current specifications costs could increase which would potentially create a budget pressure despite the ambition to reduce our expenditure on use of such accommodation.

In light of this additional budget would need to be identified.

As you are aware the general fund is under increasing pressure and so unfortunately, we do have to be mindful of that and make some choices.

Nevertheless, we are committed to looking how conditions can be improved.

This is in addition to reviewing how we can provide other solutions for households so that their stay in short term accommodation is for a minimal time and only then where we have been unable to find another housing solution to either:

- prevent their becoming homeless;
- and/or to find a speedy solution to resolve a household's homelessness.

Once we have feedback and all additional costs, including related to the proposals in this letter, it is proposed that Housing Committee members will then review and recommend an option to Policy and Resources Committee who will make the final decision in January 2020.

Committee comments:

- 1) Councillor Mary Mears commented that there is a wide variety of accommodation across the city and some temporary accommodation was not acceptable. The costings need to be looked at in detail with a lot falling within the general fund and some from Housing Revenue Account (HRA).
- 2) Councillor Theresa Fowler agreed that Wi-Fi would help temporary accommodation residents with loneliness.
- 3) Councillor David Gibson noted that tenants placed out of the city centre have encountered difficulties in back into the centre.



- 4) Councillor John Allcock noted that the needs of temporary accommodation want to be addressed.

**Resolved:** That a report would be submitted to a future meeting.

## 7 HOUSING AND NEW HOMES STRATEGIC DELIVERY TARGETS - 2019-2023

- 1) The Committee considered the report presented by Larissa Reed to seek agreement for the priorities and work plan for the Housing Committee and service for the next four years in order to inform future reporting to Committee on key areas of officer focus and delivery, budget strategy, asset review, investment plans and resource allocation, resident engagement and formal consultation, engagement and consultation with partners and key stakeholders.
- 2) Councillor Mary Mears commented that the Conservative Group had been excluded and felt that this was a coalition report. The Councillor made the following points: affordable housing would be around 1,000 under the joint venture; photovoltaic panels need to be rolled out across housing stock; the fire authority need to have input into improving council housing; approve of arrears policy; financial report to be submitted to January 2020 Committee to understand how additional affordable homes will be achieved; what were the set up costs for field licensing officers.
- 3) Councillor Peter Atkinson was pleased to see references to: key workers under 'Enabling more affordable home ownership'; modern methods of construction under 'Providing additional affordable homes'; 'Alleviating poverty'.
- 4) Councillor John Allcock noted that under the joint venture the administration was working closely with the Green Party and this had been considered constructive. The reduction of carbon comments was welcomed. It was noted that having a clear sense of direction for housing supply was very important.
- 5) Councillor David Gibson noted that the Labour and Green parties were closely aligned on housing and working together would will achieve more. The Councillor made the following comments: Under the combined manifesto pledges it was good to see 1,500 new homes; striving to achieve the end of homelessness was a good thing; reducing carbon emissions by 2030 was a huge challenge; the increased spending on photovoltaic panels was going ahead; tenant involvement via area panels needs to take place to monitor pledges; pleased to see 346 homes already granted planning permission, making the challenging 1,500 more achievable.

**Resolved:** That the Housing Committee agreed:

- I. the contents and timings of the work plan.
- II. to receive a progress report on alternate meetings.
- III. that the work plan and joint programme be referred to Area Panels for comment.

**8 HOUSING SUPPLY UPDATE REPORT - 2019-2023**

- 1) The Committee considered the report presented by Diane Hughes to update the Committee on the delivery of new affordable housing by the council, and future plans to escalate delivery by utilising the Housing Revenue Account (HRA) borrowing flexibilities and revenue underspends in the HRA.
- 2) Councillor Mary Mears commented that the HRA is ring fenced to support tenants. It was important to watch budgets and spending. The budget pressure of recruiting staff for the housing supply programme was noted in relation to the HRA revenue budget for 2020/21. It was noted that the Councillor was nervous about taking monies from the HRA.
- 3) The Member was informed that HRA covers some of the most important work going on in the city. It was confirmed that HRA was ring fenced to council housing only and the staff recruited would help provision of affordable housing across the city.
- 4) Councillor Siriol Hugh-Jones welcomed the additional housing supply and noted BHCC was working towards zero carbon homes in the city by 2030. Any individual schemes will come to committee. The Councillor requested that the Brighton General Hospital be included in the Home Purchase Policy under land and buildings acquisitions. It was noted that the proposed residents of the move-on accommodation to be sited at the former Hollingbury Library will require low to medium level support. A report on the matter will be submitted to a future meeting of the committee.

**Resolved:** That the Housing Committee agreed the following recommendations:

- I. That the Housing Committee note the contents of this report.
- II. That the Housing Committee notes that estimates for new revenue spend on housing supply for 2020/21 will be included in the HRA Revenue and Capital Budget Report for approval in February 2020.
- III. That Housing Committee recommend to Policy & Resources (P&R) Committee that for 2019/20, any new revenue costs (estimated at £0.100m) arising from the increased support for delivery of housing supply, should be met from HRA general reserves (current balance £6.980m).

**9 HOME PURCHASE POLICY - PROGRESS UPDATE**

- 1) The Committee considered a report presented by Diane Hughes updating the Committee on the operation of the Home Purchase Policy following the policy agreement in September 2017 and the feedback on the pilot and revised policy presented in September 2018.
- 2) Councillor Mary Mears was informed that the rent support reserve was £1m. The Councillor also considered that the report lacked clarification.
- 3) Councillor David Gibson noted that 40 additional homes had been built this year, above numbers reached in previous 4 years. It was noted that the rent reserve of

£1m has not been used yet and the right-to-buy receipts need to be used. The Councillor supported the report.

- 4) Councillors were informed that delegation as been given to the Constitutional Working Group with no objections at Full Council.

**Resolved:** That the Housing Committee:

- I. Notes the outcomes of the Home Purchase Policy to date.
- II. Recommends that Policy and Resources Committee agree an additional HRA capital budget of £3.000m for the scheme for 2019/20.
- III. Councillors were informed that the Constitutional Working Group had indicated that it had no objection to an increase in the threshold to the delegations given to the Executive Director – Neighbourhoods, Communities and Housing to permit the acquisition of land for residential purposes only, this subject to Committee approval.
- IV. Recommends use of the rent support reserve held within the HRA reserves to enable consideration of reduction of rents under the Home Purchase Policy to achieve social rents or 27.5% living wage rents.

## 10 EVICTIONS FROM TEMPORARY ACCOMMODATION ANNUAL UPDATE

- 1) The Committee considered the report presented by Sylvia Peckham to update the Committee on the numbers of evictions from Emergency accommodation over the last year.
- 2) Councillor Amy Heley was informed that training is given on the job through experience. Sylvia Peckham attends sites and checks in with residents to ascertain feedback.
- 3) Councillor Mary Mears noted that military veterans have complex needs and civilian life can be challenging. It was noted that stats breakdown does not identify military veterans and residency is not required when apply for accommodation which can be resolved quickly.
- 4) Councillor David Gibson noted the 412 units for short term / emergency accommodation and expressed concerns that agency support may not be to standard as was the case historically. It was considered that continuity of support was important.
- 5) Councillor John Allcock considered that working together was the best way forward to deal with the complex issues including drug use in accommodation, which has been raised with Police.
- 6) Councillor Martin Osborne was informed that the Council's duty of care stops when residents are evicted from accommodation. It was noted that vulnerable groups are

supported and if reasons for evictions are not clear then another placement will be offered.

- 7) The Committee were informed that the number of evictions is under 10%.

**Resolved:**

- 1) That the Housing Committee note the findings of the report.

**11 HOMELESSNESS AND ROUGH SLEEPING STRATEGY DEVELOPMENT AND CONSULTATION**

- 1) The Committee considered the report presented by Justine Harris to ask for approval to commence work to consult on the Homelessness and Rough Sleepers Strategy 2020/25.
- 2) Councillor Peter Atkinson considered that prevention was better than cure and noted the importance of the work carried out by the options team. Imported homeless to be given affective support to return home town. It was noted that St Mungo's charity offer support in the city and help incomers to contact place of origin.
- 3) Councillor Mary Mears noted that BHCC form part of Trailblazers, an early intervention project with funding included to reduce rough sleeping in the area. The Councillor was informed that officers are aware of other funding streams including the cold weather fund.

**Resolved:** That the Housing Committee agreed to:

- 1) give approval to commence consultation on the Homelessness and Rough Sleeping Strategy 2020-2025.

**12 NIGHT SHELTER & SUPPORTED ACCOMMODATION FOR ROUGH SLEEPERS**

- 1) The Committee considered the report presented by Jenny Knight to update on the work that has taken place to develop the night shelter and supported accommodation for rough sleeper services and to seek approval from the Committee to the procurement of a joint 365-night shelter and supported accommodation service.
- 2) Councillor Siriol Hugh-Jones was informed that the single bidder proposed 29 units.
- 3) Councillor John Allcock stated that Councillor Nichole Brennan was keen to get the much-needed night shelter running.
- 4) Councillor David Gibson was informed that the single bidder would be finalising the lease of a property at the end of September 2019. The alterations to accommodation would then start in mid-November 2019. The accommodation will be released in phases.

- 5) The Chair was informed that the accommodation would be open 24/7 365 days a year.

**Resolved:** That the Housing Committee agreed:

- 1) That the Committee grants delegated authority to the Executive Director of Health & Adult Social Care (HASC) to take all necessary steps to:
  - (i) Procure and award a contract for Two (2) years for the provision of a joint Night shelter Service and supported accommodation service to the value of £450,000 per annum.
  - (ii) The contract is to contain a break provision permitting the council to terminate the contract in whole or in part after one year.

### **13 FREDERICK STREET - SCHEME APPROVAL**

**Resolved:**

- 1) That the Housing Committee approves:
  - i. The proposed scheme of four new council homes at Frederick Street, Brighton under the New Homes for Neighbourhoods programme;
  - ii. The rent levels for the 2 bed flats are set at Local Housing Allowance (LHA) rates and the 1 bed flats are set at 37.5% Living Wage rates in line with the New Homes Rent policy.
- 2) That the Housing Committee recommend to Policy & Resources Committee to:
  - i. Appropriate the Frederick Street car park site (7-9, Frederick Street, Brighton, BN1 4TA) for planning purposes and delegate authority to the Executive Director for Neighbourhoods, Communities & Housing to appropriate for housing once the development is complete.
  - ii. Approve the appropriation of land at Frederick Street from the General Fund to the Housing Revenue Account for £0.300m, being the best consideration reasonably obtainable.
  - iii. Approve the use of £0.300m of commuted sums held for housing purposes as a contribution to the total scheme costs.

### **14 DISPOSAL BY LEASE OF TWO SITES AT DUNSTER CLOSE, HOLLINGDEAN**

- 1) The Committee considered a report presented by Emma Kumar informing the Committee of the progress of the disposal by lease of two sites at Dunster Close, Hollingdean.
- 2) Councillor Theresa Fowler having declared an interest in the item stepped out of the meeting for the duration of the discussions on the item.

- 3) Councillor Martin Osborne observed that going forward more sites need to be found in the city.
- 4) Councillor David Gibson welcomed the joint programme between BHCC and the Brighton and Hove Community Land Trust (BHCLT) who are the council's lead partner for community led housing.
- 5) Councillor John Allcock welcomed the 'community wealth building' resulting from the partnership of BHCC and BHCLT.

**Resolved:**

- I. That Housing Committee recommend to Policy & Resources Committee the disposal by lease of two areas of land identified at Dunster Close (Site A and Site B), to Bunker Housing Co-operative for a 125-year period with the freehold retained by the council's Housing Revenue Account (HRA). The granting of the lease for the site is on the basis that best consideration can take the form of an annual ground rent instead of an initial capital payment, and is subject to Bunker obtaining planning consent, securing funding and entering into a nomination's agreement with the council.
- II. That the decision at 2.1 be implemented by Housing who will report details and progress to the Housing Supply Members Board.

**15 HOUSING MANAGEMENT PERFORMANCE REPORT QUARTER 1 2019/20**

**Resolved:**

- 1) That the Housing & New Homes Committee notes and comments upon the report.

**16 ITEMS REFERRED FOR COUNCIL**

There were no items referred to Full Council.

The meeting concluded at 6.10pm

Signed

Chair

Dated this

day of

**Public Involvement****Written Questions**

*(A period of not more than 15 minutes shall be allowed at each ordinary meeting for questions submitted by members of the public).*

**5 written questions**

**Question:** from Charles Harrison

**Night Shelters**

Would you please provide data indicating the total costs of operating each of the night shelters in Brighton and Hove, compared with the number of night beds occupied by the street homeless in each shelter, during the 2018 – 2019 winter period?

**Question:** from David Thomas

**SWEP Question**

The Guidance on SWEP from Homeless Link recommends a process “based on empathy for people sleeping rough in severe weather, rather than sticking to a fixed approach”. Accordingly, the Council’s August 2018 Specification for SWEP, after discussing the set triggers for opening the shelter, adds “The service’s primary focus is preventing a loss of life and therefore it will be expected to operate flexibly in times of extreme weather which may pose a risk to the lives of rough sleepers.” How many times so far this autumn has SWEP has been operated flexibly when the triggers did not apply?

Supplementary:

We acknowledge that the triggers in the 2018 Specification are low, for which we are grateful. My question is about the discretion to operate SWEP outside the triggers, “in times of extreme weather which may pose a risk to the life of rough sleepers.” There have been a number of severe storms in the last couple of months. On the second of November, there was very severe rain coupled with gale force winds over a long period of time, bringing the sea smashing over the whole width of the esplanade, uprooting trees in the Old Steyn. If that was not extreme weather posing a risk to life, what is?

**Question:** from Barry Hughes

**Homeless Bill of Rights Question**

On 25th July 2019 the Housing Coalition presented a petition to the full Council calling upon the city of Brighton & Hove to adopt the Homeless Bill of Rights. The Council welcomed the petition and referred it to the Housing Committee. On 18<sup>th</sup> September we appeared here to express our concerns. The Committee asked for the

executive director to prepare a report to bring to the next committee to enable them to consider it. The agenda for the committee has been published without any reference to such a report. Winter is upon us. Is this to be further delayed?

You will remember that last time we were concerned that the statutory consultations on the homelessness and rough sleeper policies was under way. The initial meeting for those consultations took place on 2<sup>nd</sup> November, and the first part of the meeting was on the Homeless Bill of Rights, which we welcome. What we welcome less is that the participants had been given the wrong version of the document; the English language version, rather poorly translated from the French, on the FEANTSA website; **not** the tweaked and added to version that was launched in this city with the support and participation of FEANTSA on 28<sup>th</sup> October last year, which was the document referred to in both parties manifestos and in the petition referred to the housing committee. Can the chair assure us that that was a mistake that will not be repeated?

**Question:** from Dave Croydon

### **Sustainability Measures for new Homes – Agenda item 29**

I note that, on Agenda item 29, page 185, clause 3.2.3, the Estates Regeneration team, in collaboration with other colleagues, have been considering several initiatives to improve sustainability and carbon emissions standards, to support the Council's 10-year carbon neutral programme. I also note that there is a desire to develop zero carbon homes and improve air quality and well-being.

Would the Council consider adding the adoption of Passivhaus standards for new Council homes to their list of initiatives under review, as many other progressive Councils have demonstrated the benefits of these standards?

**Question:** from David Spafford

### **HRA Revenue and Capital Budgets**

In the past there has been consultation between resident associations, councillors and Housing officers to study the HRA revenue and capital budgets for the following year. Previously, consultation has started in September, however I would suggest that it is not too late to hold meetings to help inform decisions which will be made by this committee and Policy and Resources Committee in January.

Supplementary

The council website used to proclaim that "Resident Involvement is at the heart of everything we do in Housing" on the new site I could not see this worthy claim – does this indicate a change in policy?

### **( c ) Deputations**

#### **Two deputations received**

#### **Deputation on the need for Qualifying Long-Term Agreements**



The contract with Mears is a ten-year partnering contract, which will end on 31<sup>st</sup> March 2020. The council agreed at the September 2018 Housing & New Homes Committee and at October 2018 Policy Resources & Growth Committee to deliver these services in a different way from April 2020. On 1<sup>st</sup> October 2019 the council issued a Section 20 Notice to leaseholders giving notice to enter into Qualifying Long Term Agreements for six types of work including roof, window and door replacements; these notices required a response by 4<sup>th</sup> November 2019. It was also indicated that the intention was to make these agreements for a period of five years with the option to extend by a further two years.

As the decision to deliver these services was taken by this committee in 2018 only this committee can agree to whatever new system is implemented and it therefore seems to us that it is precipitate to have issued these Section 20 notices ahead of Housing Committee consultation and discussion. There are a number of contentious issues in the proposals; the five-year term with the option to extend for two years would take the agreement beyond the life of the current administration. There is also an argument for selecting more than one supplier for the range of services described.

We are advised that there is no statutory need for the council to use the procedures for Long Term arrangements and that prior to the Commonhold & Leasehold Reform Act of 2002 these did not exist. The QLTA procedures were introduced as an alternative not a requirement.

This deputation argues that the proposal to introduce these QLTAs should be abandoned and the Section 20 notices withdrawn, we also wish to see the matter debated by Housing Committee with a view to shortening the length of contracts given to suppliers and that monitoring procedures and accountability of all contractors should be improved.

Barry Hughes - 8 The Laurels, Bromley Road, Brighton BN2 3GE

David Croydon, BN42 4LA

Jane Thorp BN2 9WE

David Spafford BN2 1SR

Charlotte Rogers BN2 0GH

Nic Bowker BN2 3RQ

## **Deputation**

**ACORN Brighton Minimum Standards for Landlords Charter, Deputation Summary for November 13 2019, Brighton and Hove City Council Housing Committee meeting, 4.00 pm.**

## **Summary**

ACORN the union have produced a Minimum Standards for Brighton Landlords Charter for Brighton and Hove City Council to use as guidance for future housing policy.

This charter was written by ACORN Brighton members who have consulted hundreds of renters across the city including at our 'Big Renters Meeting'. The final draft of this charter was then voted on and approved at our Annual General Meeting on November 2, 2019.

This charter includes recommendations for affordable rents, tenancy length and fair evictions, repairs and maintenances and guidance on avoiding discrimination.

ACORN Brighton will call upon councillors to commit to using this charter to guide future housing policy.

This charter has been sent to all councillors on the committee and can be viewed here: <https://tinyurl.com/acornlandlordscharter>

### **About ACORN**

ACORN is a community union representing thousands of renters across the UK. Our Brighton branch was launched in February 2018 and since then has won successive campaigns against rogue landlords in Brighton. You can find further information on ACORN at <https://acorntheunion.org.uk/> or contact the Brighton branch at [brighton@acorncommunities.org.uk](mailto:brighton@acorncommunities.org.uk).

<b>Subject:</b>	<b>Housing items considered at Policy &amp; Resources on 10 October 2019</b>		
<b>Date of Meeting:</b>	<b>13 November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Diane Hughes/Ododo Dafe</b>	<b>Tel: 01273 293159</b>
	<b>Email:</b>	<b><a href="mailto:diane.hughes@brighton-hove.gov.uk">diane.hughes@brighton-hove.gov.uk</a> <a href="mailto:ododo.dafe@brighton-hove.gov.uk">ododo.dafe@brighton-hove.gov.uk</a></b>	
<b>Ward(s) affected:</b>	<b>East Brighton; Queen's Park;</b>		

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

1.1 On 10 October 2019 Policy & Resources Committee considered three reports which sought approval for housing acquisitions to proceed. These were:

- Item 60: Home Purchase Policy opportunity – purchase of a portfolio of properties
- Item 62: Site purchase – Valley Social Centre
- Item 63: Lease surrender – Oakley Motor Units LTD, Oakley House, Edward Street, Brighton

1.2 Due to the timings of these offers and the work required to appraise the viability of any potential purchase, it was not possible to take a report to September Housing Committee. The constitution says that where it is impractical for timing or other reasons to go to the service committee first then the matter can go straight to Policy & Resources following consultation with the service committee chair. Following this, consultation briefings were also offered to opposition members of Housing Committee.

1.3 The decisions to proceed with these acquisitions are advantageous to the council. It provides further opportunities to provide additional council homes in the city and/or bring buildings back into council ownership. This supports the priority to deliver 800 additional council owned homes as outline in the Housing Committee Work Plan 2019-23 as agreed at Housing Committee in September 2019.

**2. RECOMMENDATIONS:**

2.1 That the Committee note the decisions for items 60, 62 and 63 made at Policy & Resources Committee on 10 October 2019 (attached at appendix 1).

### **3. CONTEXT/ BACKGROUND INFORMATION**

3.1 The council has been considering a range of acquisition opportunities including the purchase of properties and lease surrenders. Three opportunities were assessed and brought forward for a decision.

#### **3.2 Purchase of a portfolio of a properties – 1 Rugby Place, Brighton**

The report sought approval for the purchase of three residential properties (2 x1 bed flats, 1 x 2 bed flat) at 1 Rugby Place, Brighton delivered through the Home Purchase Policy. The properties are part of a portfolio of properties that a private landlord in the city is seeking to dispose of and he approached the council regarding the potential purchase of these properties.

#### **3.3 Site Purchase – Valley Social Centre, Whitehawk Way, Whitehawk**

This report sought authority to purchase the Valley Social Centre site, Whitehawk Way, Whitehawk. The trustees had decided that the Valley Social Centre was no longer viable and would need to be sold. In July the trustees contacted the council as they were keen to explore the council purchasing the freehold interest in the building, in advance of marketing it for sale on the open market in October 2019.

3.4 The council already owns the car park which is located on Housing Revenue Account (HRA) land. Purchasing the property will expand the land available to enable the potential for construction of approximately 28 new council homes. The acquisition of the site would support the council's key priority of providing additional council homes in the city. However, the council will consult the community on the incorporation of community space within any future development of the site and provide a suitable space where need can be proven. This acquisition was also discussed at Housing Supply Members Board on 25 October 2019.

#### **3.5 Lease Surrender – Oakley Motor Units Ltd, Oakley House, Edward Street, Brighton**

This report sought authorisation for the Executive Director Neighbourhoods, Communities & Housing, and the Head of Legal Services to use their delegated powers to accept a surrender of a lease. The lease is for commercial premises situated beneath six HRA general needs council housing flats. Housing Supply Members Board considered the proposal prior to Policy & Resources Committee. The lease surrender enables the council to regain full possession of its land and property. Any proposals for the future use of the site will come to Housing Committee, and then go to Policy & Resources Committee for consideration; and officers are considering options for 'meanwhile use' of the vacated space – subject to suitability with regard to the residential dwellings above. The residents of Oakley House have been advised about the surrender of the lease.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 Each report outlined alternative options for consideration.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 There was no need for community engagement in relation to the the purchase of the three residential properties at 1 Rugby Place. Residents at Oakley House have been advised about the surrender of the lease.

5.2 As part of the options identification process for the Valley Social Centre, officers liaised with the council's Community Engagement Team to gain a better understanding of the Whitehawk area. Officers will now gather more information from the Centre Manager of the Valley Social Centre on the use of the building over the past one to two years. A wider consultation with other community organisations will be undertaken to establish the need for community facilities on this site.

#### **6. CONCLUSION**

6.1 The decisions to proceed with these acquisitions are advantageous to the council. It provides further opportunities to provide additional council homes in the city and/or bring buildings back into council ownership.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

7.1 This report is for noting. Detailed financial implications for each of the items were reported to P&R on 10 October 2019 items 60, 62 and 63.

*Finance Officer Consulted: Monica Brooks*

*Date: 18/10/2019*

##### Legal Implications:

7.2 There are no legal implications attaching to this report which is for noting. The legal implications for each property transaction were included in the reports to Policy and Resources Committee.

*Lawyer Consulted:*

*Name Liz Woodley*

*Date: 21/10/19*

##### Equalities Implications:

7.3 There are no immediate equality implications arising from this report.

##### Sustainability Implications:

7.4 There are no immediate sustainability implications arising from this report. For any redevelopment of the Valley Social Centre, all new homes will be required to

meet sustainability standards, be energy efficient and encourage a sustainable lifestyle.

Any Other Significant Implications:

7.5 There are none.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Policy & Resources Committee 10 October 2019 Decisions for items 60, 62 and 63

### **Documents in Members' Rooms**

None

### **Background Documents**

1. Policy & Resources Committee 10 October 2019: Item 60: Home purchase policy opportunity – purchase of a portfolio of properties
2. Policy & Resources Committee 10 October 2019: Item 62: Site purchase – Valley Social Centre
3. Policy & Resources Committee 10 October 2019: Item 63: Lease Surrender – Oakley Motor Units Ltd, Oakley House, Edwards Street, Brighton

**BRIGHTON & HOVE CITY COUNCIL**  
**POLICY & RESOURCES COMMITTEE**

**4.00pm 10 OCTOBER 2019**

**HOVE TOWN HALL, - COUNCIL CHAMBER**

# **DECISION LIST**

## **Part One**

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### **42 TARGETED BUDGET MANAGEMENT (TBM) 2019/20: MONTH 5**

*Contact Officer:* Jeff Coates  
*Ward Affected:* All Wards

*Tel:* 01273 292364

**RESOLVED:** That the Committee

- (i) Noted the forecast risk position for the General Fund, which indicates a budget pressure of £4.100m. This includes an overspend of £0.121m on the council's share of the NHS managed Section 75 services.
- (ii) Noted that the one-off financial risk safety net of £0.855m is available to mitigate the forecast risk if the risks cannot be completely eliminated by year-end.
- (iii) Noted the forecast for the Housing Revenue Account (HRA), which is currently an underspend of £0.080m.
- (iv) Noted the forecast risk position for the Dedicated Schools Grant which is an underspend of £0.145m.
- (v) Noted the forecast outturn position on the capital programme and approve the variations and slippage in Appendix 6 and the new schemes as set out in Appendix 7.
- (vi) Approved the use of £0.158m Modernisation Fund resources to support implementation of the Community Infrastructure Levy charging scheme as endorsed by the Tourism, Economy, Communities & Culture Committee.

#### **43 ORBIS INSURANCE TENDER 2020**

*Ward Affected: All Wards*

**RESOLVED:** That the Committee

- (i) Approved the procurement of insurance policies via an Orbis wide joint procedure with East Sussex and Surrey County Council.
- (ii) Granted delegated authority to the Executive Director of Finance & Resources to procure and award contracts for the provision insurance as set out in section 1.3 of this report each with a term of up to 7 years.

#### **44 ADOPTION OF THE SHOREHAM HARBOUR JOINT AREA ACTION PLAN**

*Contact Officer: Steve Tremlett*

*Tel: 01273 292108*

*Ward Affected: South Portslade*

**RESOLVED:** That the Committee

- (i) Noted the responses to the consultation on the main modifications to the JAAP and the contents of the Inspector's Report with her conclusion that the JAAP is legally compliant and 'sound';
- (ii) Recommended to Council that the JAAP be adopted, incorporating the main modifications and minor modifications, as part of the Development Plan for the City, subject to the Head of Planning agreeing any further minor non-material changes to the text with Adur District Council and West Sussex County Council;
- (iii) Recommended to Council that the currently adopted west area Policies Map be revised to additionally display policies contained within the JAAP;
- (iv) Recommended to Council that the Development Brief for South Portslade Industrial Estate & Aldrington Basin be revoked.

#### **45 COLLABORATIVE PROCUREMENT OF HARD FACILITIES MANAGEMENT CONTRACTS - PLANNED, TERM AND REACTIVE MAINTENANCE**

*Contact Officer: Martin Hilson*

*Tel: 01273 291452*

*Ward Affected: All Wards*

**RRSOLVED:** That the Committee

- (i) Approved the award of the council's BHCC Reactive Fabric Repairs framework agreement for a duration of three years and an option to extend by up to one year.



- (ii) Approved the procurement of the other Hard Facilities Management services not awarded by working in partnership with East Sussex County Council (ESCC) led by the BHCC Orbis Procurement Team.
- (iii) Granted delegated authority to the Executive Director Economy, Environment & Culture:
  - To procure the planned maintenance framework agreements set out in Appendix 3, term maintenance contracts set out in Appendix 4 and standalone procurements set out in Appendix 5. All as referred to in (ii) above, including the award of term contracts and places on framework lots.
  - To enter into any subsequent call-off contracts to the framework agreements referred to in 2.1(ii) above should it be considered appropriate at the relevant time; and
  - To approve the extension to the framework lot agreements and term contracts, if required, dependent upon satisfactory performance.

#### 46 ADOPTION SOUTH EAST

*Contact Officer:* Deb Austin  
*Ward Affected:* All Wards

*Tel:* 01273 291407

**RESOLVED:** That the Committee

- (i) Approved the arrangement for Brighton & Hove City Council's Adoption Service to join a partnership arrangement with East Sussex; West Sussex and Surrey County Councils in forming Adoption South East, a RAA.
- (ii) Gave delegated authority to the Executive Director of Families Children & Learning, in consultation with the Lead Member for Children and Skills to implement the arrangements for Adoption South East, including entering into and signing off the Partnership Agreement and any other agreement between Brighton & Hove City Council and the other participating authorities, in order for the RAA to be implemented in April 2020.

#### 47 ANNUAL WAIVER REPORT

*Contact Officer:* Cliff Youngman

*Tel:* 01273 291408

**RESOLVED:** That the Committee noted the number and value of waivers authorised under Contract Standing Orders 20.2, 20.3 and 20.4 during the financial years 2017/18 and 2018/19 and the improvements made to the waiver process following Member involvement.

#### **48 PROCUREMENT OF A CORPORATE OFFICE SUPPLIES CONTRACT**

*Contact Officer:* Gabbi Bancroft  
*Ward Affected:* All Wards

*Tel:* 01273 292211

**RESOLVED:** That the Committee

- (i) Approved the procurement and award of a contract for the provision of office stationery, office sundries, food and drink sundries, computer consumables, office furniture, cleaning consumables and paper (“Office Supplies”) with an initial term of three years and the option to extend by one year (the “Contract”).
- (ii) Granted delegated authority to the Executive Director for Finances & Resources –
  - (i) To carry out the procurement of the contract referred to in 2.1 above including the award of the contract; and
  - (ii) To grant the optional extension to the contract referred to in 2.1 of one year should they consider it appropriate at the relevant time.

#### **49 PROPOSALS ARISING FROM THE PAY AND REWARD REVIEW 2019**

*Contact Officer:* Alison Mcmanamon  
*Ward Affected:* All Wards

*Tel:* 01273 290511

**RESOLVED:** That the Committee

- (i) Approved the Reward proposals outlined in Section 3 for implementation on or before April 2020.
- (ii) Noted the report including continuing work to support and consult on changes to the pay line.

#### **50 WORKING TOWARDS A FAIR AND INCLUSIVE WORKPLACE**

*Contact Officer:* Alison Mcmanamon  
*Ward Affected:* All Wards

*Tel:* 01273 290511

**RESOLVED:** That the Committee

- (i) Noted the findings in the Global HPO report and endorses the co-created Fair & Inclusive Action Plan to support the council’s aim to establish a fair and inclusive culture where expectations around how we work are clear and consistently met;

- (ii) Commits to supporting and championing the aims and actions of the Fair & Inclusive Action Plan;
- (iii) Instructs officers to bring a progress report in 12 months as part of the governance of the Fair & Inclusive Action Plan.

## 51 SELF-SUPPLY WATER LICENCE

*Contact Officer:* Kelvin Newman *Tel:* 01273 290599  
*Ward Affected:* All Wards

**RESOLVED:** That the Committee approved the decision not to apply for a self-supply licence at this time as there is no justifiable business case for doing so and the council has already entered into a contract for the provision of the water retail services covered by a self-supply licence with Castle Water until 31 January 2021 with a possibility to extend this to 31 January 2022.

## 52 FULL REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2019

*Contact Officer:* Michael Appleford *Tel:* 01273 291997  
*Ward Affected:* All Wards

**RESOLVED:** That the Committee

- (i) Approved polling district boundaries outlined in Appendix 1 including changes to the following polling districts:
  - a) AT and AU districts merged to form a new AU/KRCA district.
  - b) EU and EX districts merged to form a new EX/KQPD district.
  - c) Boundaries for GX/PHSE, GY/PHSF and GZ/PHSG districts redrawn.
  - d) HZ district split amongst the surrounding districts.
  - e) KT and KZ districts merged to form a new KZ/PKT district.
  - f) Boundaries for NV/HGOA, NY/HGOD and NZ/HGOE districts redrawn.
- (ii) Approved the recording of polling districts using a Parliamentary Constituency, Ward, Polling District Reference format as outlined in Appendix 1.
- (iii) Approved the polling place schedule outlined in Appendix 1 including changes to the following venues:
  - a) The polling place for EU&E/KQPD as Brighton Youth Centre.
  - b) The polling place for GY/PHSF as City Gate @ The Dip, 119d Hollingdean Terrace.
  - c) The polling place for HT/PPAA as St Thomas More

Church Hall.

d) The polling place for KT &KZ/PSPB as Brighthelm Church & Community Centre.

e) The polling place for LZ/PRED as Brighton Town Hall.

f) The polling place for NV/HGOA as Ajax Hall.

g) The polling place for NY/HGOD and OZ/HHPD as Hove Rugby Club Pavilion.

h) The polling place for NZ/HGOE as Possibility Place.

i) The polling place for QZ/HNPE as Hill Park School (formerly Hillside).

j) The polling place for RX/HSPD as St Nicholas Parish Centre

- (iv) That the Executive Lead – Strategy Governance and Law, acting following consultation with the Council’s Returning Officer, be authorised to take measures, as required by law, to bring the changes indicated in para 2.1 – 2.3; with the authority to make these changes at a time that best fits with any election timetable.
- (v) Delegated to the Returning Officer, following consultation with the Group Leaders and respective ward councillors, authority to designate one or more alternative polling places in the event of any polling place not being available at any elections taking place prior to the end of 2020 and before the next full or partial review of polling places

### **53 FREDERICK STREET - SCHEME APPROVAL**

*Contact Officer:* Laura Webster

*Tel:* 01273 292705

*Ward Affected:* St Peter’s & North Laine

**RESOLVED:** That the Committee

- (i) To appropriate the Frederick Street car park site (7-9, Frederick Street, Brighton, BN1 4TA) for planning purposes and delegate authority to the Executive Director for Neighbourhoods, Communities & Housing to appropriate for housing once the development is complete.
- (ii) Approved the appropriation of land at Frederick Street from the General Fund to the Housing Revenue Account for £0.300m, being the best consideration reasonably obtainable.
- (iii) Approved the use of £0.300m of commuted sums held for housing purposes as a contribution to the total scheme costs.

**54 DISPOSAL BY LEASE OF TWO SITES AT DUNSTER CLOSE, HOLLINGDEAN**

**RESOLVED:** That the Committee agreed to the disposal by lease of two areas of land identified at Dunster Close (Site A and Site B), to Bunker Housing Co-operative for a 125-year period with the freehold retained by the council's Housing Revenue Account (HRA). The granting of the lease for the site was on the basis that best consideration could take the form of an annual ground rent instead of an initial capital payment, and was subject to Bunker obtaining planning consent, securing funding and entering into a nominations agreement with the council.

**55 ATTENDANCE SUPPORT PROCEDURE**

**RESOLVED:** That the Committee

- (i) Approved the implementation of the new Attendance Policy and Procedure for all staff across the council as part of our work on Our People Promise.
- (ii) Gave delegated authority to the Executive Director, Finance & Resources to decide on an implementation timetable for the new Attendance Policy and Procedure.
- (iii) Recommended to Full Council that the council signs up to the TUC's *Dying to Work Charter*, which supports staff with terminal illness to either remain in work as long as they are able, or to help them to access their pension early, depending on their wishes.

**56 KING ALFRED DEVELOPMENT**

*Contact Officer: Mark Jago*  
*Ward Affected: All Wards*

*Tel: 01273 291106*

**RESOLVED:** That the Committee

- (i) Noted Crest's withdrawal from the King Alfred Development project.
- (ii) Agreed that the procurement should be closed, that the current project should be ended and that the Council should serve a notice under Regulation 55 of the Public Contracts Regulations 2015 confirming that the Council will not be awarding a contract.
- (iii) Confirmed that provision of a modern Sports Centre in the west of the city remains a Council priority and agrees that new plans should be formulated.

- (iv) Noted the outline of key activities proposed as part of the next stage to establish the new project; and seeks to - establish new delivery methods for key aspects of the scheme, including: the exploration of multi-site approaches; reaffirmation of developing elements of the scheme 'in-house'; public transport infrastructure connectivity for residents.
- (v) Agreed to the establishment of a new cross-party Project Board to oversee the new project; notes that the membership of the Board will be on the basis of nominations from each political group; and notes that terms of reference will be brought to a future meeting of this Committee for approval.
- (vi) Agreed that a detailed report with proposals for the way forward, including project delivery timescales for the next five years be brought to a future meeting of this Committee.

## **57 HOUSING SUPPLY UPDATE REPORT 2019-2023**

**RESOLVED:** That the Committee agreed that for 2019/20, any new revenue costs (estimated at £0.100m) arising from the increased support for delivery of housing supply, should be met from HRA general reserves (current balance £6.980m).

## **58 ROYAL PAVILION ESTATE CAPITAL PROJECT PHASE 1**

*Contact Officer: Richard Davies*  
*Ward Affected: All Wards*

*Tel: 01273 296825*

**RESOLVED:** That the Committee

- (i) Noted that the decision to appoint a contractor to complete the stage 1 emergency and remedial works required to the buildings has been taken by the Executive Director for Economy, Environment & Culture.
- (ii) Noted the recommendation of the Procurement Advisory Board set out in paragraph 3.7.
- (iii) Granted delegated authority to the Executive Director for Economy, Environment & Culture to procure and award a contract for the stage 2 works required to complete the project as set out in paragraph 3.6.
- (iv) Noted that Policy & Resources Committee approval to vary the capital budget, via the Targeted Budget Management (TBM) reporting process, would be required as set out in paragraph 7.1.

## 59 EU WITHDRAWAL: RESPONSE TO FULL COUNCIL NOTICE OF MOTION

**RESOLVED:** That the Committee

- (i) Noted the content of this report and appendices.
- (ii) Agreed to the continuation of BHCC's contingency planning for Brexit, which will continue to be informed by national best practice and include developing key resilience building opportunities for the council and city aligned with the council's strategic priorities.

## 60 HOME PURCHASE POLICY OPPORTUNITY - PURCHASE OF A PORTFOLIO OF PROPERTIES

*Contact Officer: Diane Hughes Tel: 01273 293159*  
*Ward Affected: East Brighton; Hanover & Elm Grove*

**RESOLVED:** That the Committee

- (i) Agreed to purchase the three flats at 1 Rugby Road, Brighton at a total value of £0.550m
- (ii) Approved a HRA capital budget of £0.590m inclusive of all fees and statutory taxes to be funded by Right to Buy Receipts and HRA Borrowing.

## 61 RPM TRUST

*Contact Officer: Steve Foster Tel: 01273 291646*  
*Ward Affected: All Wards*

**RESOLVED:** That the Committee

- (i) Agreed the in principle decision of the Tourism, Development & Culture Committee in June 2019 that the Royal Pavilion & Museums service transfers to the Royal Pavilion & Museums Trust.
- (ii) Noted the positive progress to date and that the final legal agreements between the council and the Trust will be brought to the December Policy & Resources Committee for approval.
- (iii) Noted the governance arrangements, that Member nominations will be proposed via the December Policy and Resources Committee
- (iv) Noted the financial model, including the anticipated council contributions and consequent short term draw on council reserves.

- (v) Noted the commitment to retain staff membership in the local government pension scheme (LGPS) at the time of transfer, and that discussions are continuing over the pensions proposals for other transferred and new staff.
- (vi) Noted the proposed commitments to staff made by the Trust;
- (vii) Agreed that the Thompson Bequest, Royal Pavilion Renewal Fund, Brighton & Hove Natural History Society Reserve, Museums Objects Reserves and James Green Foundation Reserve are transferred to the RPM Trust on transfer of the management of the RPM as detailed in paragraph 3.9.1.
- (viii) Noted that the intention is for the service to transfer by 1 April 2020.

## **62 SITE PURCHASE - VALLEY SOCIAL CENTRE**

*Contact Officer: Jo Thompson*  
*Ward Affected: East Brighton*

*Tel: 01273 291466*

**RESOLVED:** That the Committee

- (i) Authorised the freehold acquisition of Valley Social Centre at the appropriate price following independent valuation advice.
- (ii) Approved budget for this acquisition will be added to the 2019/20 HRA capital programme and will be funded from commuted resources held by the council. Further detail is included in the part 2 report.
- (iii) Agreed that delegated powers be given to the Executive Director of Neighbourhoods Communities & Housing, the Executive Director Economy, Environment & Culture and the Executive Lead of Strategy, Governance and Law to agree terms for the acquisition.

## **63 LEASE SURRENDER - OAKLEY MOTOR UNITS LTD, OAKLEY HOUSE, EDWARD ST, BRIGHTON**

*Contact Officer: Ododo Dafe*  
*Ward Affected: Queen's Park*

*Tel: 01273 293201*

**RESOLVED:** That the Committee agreed to the lease surrender for the agreed lease premium detailed in the Part 2 report, and authorises that delegated powers be given to the Executive Director Neighbourhoods, Communities & Housing, and the Head of Legal Services to agree terms.



## **64 APPOINTMENT OF COUNCILLORS TO OUTSIDE BODIES**

**RESOLVED:** That the Committee agreed the appointment of Councillors to the Following:

- (i) Councillor Knight to be a member of Brighton & Hove Seaside Community Homes Ltd
- (ii) Councillor Williams to be a member of the Homes for the City of Brighton & Hove Ltd
- (iii) Councillor Williams be a Director of the Homes for City of Brighton & Hove Design & Build Company Ltd

## **64a AMENDMENT TO EXECUTIVE DIRECTOR AND DIRECTORATE TITLE**

**RESOVLED:** That the Committee agreed

- (i) To change the title of the current role of Executive Director for Neighbourhoods, Communities and Housing to Executive Director for Housing, Neighbourhoods and Communities
- (ii) That the name change be effective for the purposes of advertisement to the post and the commencement of the newly appointed Executive Director



## HOUSING COMMITTEE

## Agenda Item 24

Brighton & Hove City Council

<b>Subject:</b>	<b>Community led housing – site identification update</b>		
<b>Date of Meeting:</b>	<b>13 November 2019</b>		
<b>Report of:</b>	<b>Executive Director Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Diane Hughes/Emma Kumar</b>	<b>Tel: 01273 293159</b>
	<b>Email:</b>	<a href="mailto:Diane.Hughes@brighton-hove.gov.uk">Diane.Hughes@brighton-hove.gov.uk</a> <a href="mailto:Emma.Kumar@brighton-hove.gov.uk">Emma.Kumar@brighton-hove.gov.uk</a>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Brighton & Hove has a well-established and active community housing sector and a history of community housing schemes. The city's Housing Strategy, Fairness Commission Report and City Plan recognise and confirm the council's commitment to community led housing in the city highlighting its importance in helping to meet a key priority of improving housing supply in the city.
- 1.2 The Housing Committee Work Plan 2019-23 agreed at Housing Committee on 18 September 2019 includes a commitment to community led housing in the city and identifies that a report will be brought to this committee identifying suitable sites to work in partnership with the Brighton & Hove Community Land Trust for development. This report provides an update on progress with site identification.

#### 2. RECOMMENDATIONS:

That Housing Committee:

- 2.1 Note the progress to date with identifying sites for community led housing in the city.

#### 3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Brighton & Hove City Council (BHCC) has a long history of working with housing co-operatives and supporting community led housing. Community led housing can involve building new homes (on council or privately owned land), returning empty homes to use and buying or managing existing homes. Each of these opportunities exists within Brighton and Hove and are being actively explored by the Brighton and Hove Community Land Trust (BHCLT).

- 3.2 In December 2016 the Government announced a new Community Housing Fund to help councils that had the least affordable homes or the highest density of second homes. The Community Housing Fund aims to put local groups in the driving seat, help build capacity and support local projects, now and into the future. The council received a grant of £464,540 which was subsequently awarded by the council in October 2017 to BHCLT working in partnership with Co-operative Housing in Brighton & Hove (CHIBAH) and Mutual Aid in Sussex (MAIS) to deliver a community led housing programme. The initial programme ended in March 2019 but the BHCLT have subsequently received a further community led housing hub enabling grant of £150,000 from Community Led Homes in order to continue to their work until March 2021. The Hub is also exploring other funding streams in order to continue working beyond this date.
- 3.3. The Community Housing Fund from Homes England has £163m available up to March 2020 to deliver additional homes by the community-led sector. The fund has provided additional resources to further enhance community led housing in the city, supporting groups of people to come together and organise, or build, their own affordable homes. This fund covers both revenue and capital bids, with bids welcome until the fund is fully committed or until 31 December 2019 (whichever occurs first). Several bids have been submitted successfully to Homes England by the land trust and co-operatives in the city to support pre-development costs on schemes coming forward. At present it is not known if funding will be extended beyond the current timelines.

#### **Site identification – council owned sites**

- 3.4 A pathway has been developed for council owned sites to ensure there is a clear route for considering when land or building opportunities may be considered for community led housing. Reports of sites taken through this pathway are initially considered by the cross-party Housing Supply Members Board with further discussion with BHCLT thereafter. This pathway offers context, transparency and mutual understanding of the circumstances under which community housing development may be considered, including: our priorities around delivery of the New Homes for Neighbourhoods programme; the potential disposal route (lease or sale of freehold); conditions attached to the disposal, including best consideration, nominations rights and development of sites to an appropriate density. Any schemes coming forward would then be subject to consideration by Housing Supply Members Board, Housing Committee and Policy & Resources Committee.

#### **Current projects**

##### **Plumpton Road**

- 3.5 Bunker Co-op who is on site to deliver a self-build housing scheme on a piece of council land which has been leased to them through a council pilot project. Two family homes will be built for rent, which will be let within affordable rent levels to applicants including those from the Housing Register and to which the council will be able to nominate future tenants.

### 3.6 **Coldean Lane (Sites 21a & 21C)**

In relation to community led housing, Housing & New Homes Committee (25 September 2017) resolved to fully explore opportunities with providers, including consideration of sites 21a and 21c in Coldean. Initial proposals for a mixed development of residential and community sports facility were brought forward earlier this year by the Coldean Community Organisation and BHCLT. Pre-planning advice was sought. The BHCLT, working with Coldean Community Organisation will now bring forward new proposals which will be considered in the context of the overall potential of the site.

### 3.7 **Dunster Close, Hollingdean**

Housing Committee on 18 September 2019 and Policy & Resources on 10 October 2019 approved the recommendation for disposal by lease of two areas of housing land to Bunker Co-Operative to develop new affordable housing. This is subject to Bunker obtaining planning consent, securing funding and entering a nominations agreement with the council. Terms of the lease will also be negotiated between the council and Bunker.

### **Future council owned sites**

3.8 Further work is being undertaken to identify other suitable sites in the city.

3.9 The council have regular monthly meetings with the BHCLT with a standing agenda of information sharing and any specific initiatives as well as updating progress on existing schemes and reviewing sites which are of interest both in public and private ownership. This exchange of knowledge and ideas helps to maintain close working ties and assist in progressing further development opportunities.

### **Enabling role**

3.10 The council is also supporting community led housing in the city through a range of work, including:

- Reviewing the possibility of loans through public works loan board (PWLB). The BHCLT will be submitting a business case for consideration.
- Discussion on including community-led housing within S106 Agreements with developers is also underway.
- Actively supporting bids for funding made to Homes England.

3.11 The council has successfully bid for funding from Homes England to fund a post to support community led housing work until March 2020. Recruitment to this position is underway.

## **4. ANALYSIS & CONSIDERATION OF ANY OPTIONS**

4.1 This report provides an update on identifying sites for community led housing in the city and confirms the council's commitment to supporting community led housing in the city. The pathway that has been developed for council owned sites as mentioned in paragraph 3.4 will outline the circumstances when development can be considered and the options available for each site.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Raising awareness and engaging with communities is key for BHCLT. BHCLT aims to connect local people who want to start their own housing projects and raise awareness and build knowledge about housing with local people, the council and others who work in housing.

## **6. CONCLUSION**

- 6.1 This report provides an update on the site identification work that is taking place between the council and the BHCLT. This alongside other projects being progressed by the BHCLT and co-operatives on buildings/land in private ownership creates a vibrant programme of activity to increase affordable housing in the city.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### **7.1 Financial Implications:**

It is not anticipated that there will be any capital or revenue costs incurred as a result of this report.

A full due diligence process on each business case will be undertaken by Finance on the proposals to lease council owned sites to Community led housing organisations. To date one lease agreement has been assigned Bunker to a Co-Operative Housing, subsequent leases will be agreed in accordance with the proposed business plan. The agreed ground lease payments are payable directly to the council.

The review being undertaken around the proposal to lend money to external organisations is subject to individual approval. A full assessment of the impact of this proposal will be brought back to Housing Committee and Policy & Resources Committee for approval. Any proposal will need to comply with the councils Financial Management and Treasury management Policies and will need to pass the tests to ensure state aid rules are complied with.

*Finance Officer Consulted: Craig Garoghan Date: 21/10/2019*

### **7.2 Legal Implications:**

There are no legal implications to draw to Members' attention arising from this report which is for noting. The legal implications for each new site will be assessed at the relevant time.

*Lawyer Consulted: Liz Woodley*

*Date: 04/11/19*

### **7.3 Equalities Implications:**

Community led housing allows local people to take control of their housing and creates alternatives to the limited choices that may be available in the local

housing market. Community led housing offers a range of tenures benefiting a range of people and communities including older or vulnerable people. An increase in housing supply may also extend opportunities to accommodate households on the Housing Register who are on housing need including vulnerable groups.

#### 7.4 Sustainability Implications:

Community led housing provides a housing option that enables people to remain in their local area and ensure neighbourhood services remain sustainable. Community led housing developments can benefit from being innovative with environmentally sustainable design.

#### Any Other Significant Implications:

#### 7.5 Public Health Implications:

Community led housing creates and demonstrates alternative ways of living which can have a positive impact on wellbeing. Furthermore improvements to neighbourhoods will have a positive health impact on residents.

#### 7.6 Crime & Disorder Implications:

Community housing can create opportunities to make use of empty buildings and vacant land which may otherwise become subject to anti social behaviour.

#### 7.7 Risk and Opportunity Management Implications:

Community led housing provides another option for increasing housing supply in the city and providing permanently affordable housing.

#### 7.8 Corporate / Citywide Implications:

Every new home built helps meet the city's pressing housing needs and deliver the first priority in the council's Housing Strategy 2015 of improving housing supply.

### **SUPPORTING DOCUMENTATION**

**Appendices** None

**Documents in Members' Rooms** None

#### **Background Documents**

Community Led Housing update report: Housing & New Homes Committee 14 March 2018





<b>Subject:</b>	<b>Private Rented Sector Selective Licensing Update</b>		
<b>Date of Meeting:</b>	<b>13<sup>th</sup> November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sylvia Peckham</b>	<b>Tel: 01273 293318</b>
	<b>Email:</b>	<b>sylvia.peckham@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

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

- 1.1 Following a report to Housing & New Homes Committee on 13 March 2019, this report is to further update members by outlining the current position in considering taking forward a smaller-scale selective licensing scheme for private rented housing in the City. This would primarily cover properties occupied by single-family units. It would not cover Houses in Multiple Occupation that are currently licenced under the National or Additional HMO Licensing Schemes.
- 1.2 Proposals to introduce a Selective Licensing Scheme in 12 wards in the city received cross party Housing & New Homes Committee support in November 2017. Following a legal challenge, the Secretary of State withdrew approval for the previously proposed scheme to designate 12 wards in the city as subject to selective licensing. Private rented housing accounts for around 28% of the total housing stock in the city and so we want to ensure that such accommodation is safe and well managed. Licensing is a pro-active approach to achieve this, as opposed to taking reactive action, when an issue has been reported to us. We are therefore exploring a smaller scheme with a focus on specific areas where there are indications of poor standards and/or management.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee notes the current position and that there is a lot more work to be undertaken with the aim to bring a report to Housing committee updating on the strength of the evidence to support a scheme in March 2020.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 At Housing & New Homes Committee on 17 November 2017 there was cross party approval for recommendations concerning a proposed Selective Licensing Scheme for privately rented homes. Proposals sought to designate the following 12 wards as subject to selective licensing: St Peters & North Laine; Regency; Moulsecoomb & Bevendean; Hollingdean & Stanmer; Queens Park; Hanover & Elm Grove; Brunswick & Adelaide; East Brighton; South Portslade; Central Hove; Westbourne; Preston Park. The previous proposed scheme intended to cover all

single occupancy private rented properties in these wards, which was approximately 27,000 properties. Following a legal challenge, the Secretary of State withdrew approval for the previously proposed scheme.

- 3.2 The private rented sector is a disproportionately large sector and is an important source of accommodation for a large number of households covering many different income scales, from basic accommodation through to luxury end.
- 3.3 There is a concern that some of the accommodation, particularly at the lower end of the market where vulnerable households may reside, is not safe and not well managed.
- 3.4 Whilst we can bring Enforcement action against property owners whose properties fall below standard, this relies on the tenant informing us and there may be reasons why tenants are concerned to do this. It is also a reactive remedy.
- 3.5 In contrast, Licensing can be a more pro-active approach but it does not allow us to address issues with an individual property. Licensing is to address the management, use and occupation of private sector accommodation as it affects others in the locality, with a view to ameliorating the problems of low housing demand and anti-social behavior, which occasioned designation as a selective license area. Its purpose therefore is to address community issues in a local area (which can be geographically small). For instance if an area is run down we may be able to get the landlord to address the external façade of the property, but not the internal conditions in any direct way. There are limitations to the terms of the licence and it is not possible legally to directly address physical problems with the property
- 3.5 In view of the previous response of the Secretary of State, any further proposed scheme needs to be robust. This proposal is therefore being developed with detailed input from our legal team and will build on and update the work previously undertaken by Mayhew and Harper Associated Ltd, which was considered at Housing & New Homes Committee on November 2016, and building on previous consultation. As these reports are now several years old, the information will need to be updated and this work is being undertaken.
- 3.6 The legislation has several grounds for introducing a selective licensing scheme:
  - Anti-social behaviour
  - Poor housing conditions
  - Migration
  - Deprivation
  - Crime
  - (low Housing Demand – which we can discount as there are no such areas in the city)
- 3.7 Current work is underway to collate and analyse information available in relation to a range of factors that would feed into one or more of the above grounds. This encompasses data around anti-social behaviour; noise nuisance; fly tipping, public health, migration, deprivation and crime. In addition, we are undertaking a stock condition survey focused on a sample of approximately 250 properties. We would also need to consider any 'unforeseen circumstances'. For example Would

an unintended consequence be that we in fact further reduce properties available to vulnerable groups. For instance if we were to obtain a licence based on anti-social behaviour in a specific area, this might mean that landlords would filter out people who may be more likely to engage in anti-social behaviour.

- 3.8 Early analysis of the information is indicating a much smaller scheme than previously, which would focus on several areas accounting for no more than five wards. If the evidence robustly supports this, it would be below that which would require Secretary of State Consent.
- 3.9 There is a lot more work to be undertaken and we are aim to bring to Housing committee in March 2020 an update on the strength of the evidence in support of a scheme.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 We are analysing all options that will ensure private rented accommodation is safe and well managed.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Extensive consultation was previously undertaken and we will build on this when we have distilled the information and evidence to inform potential areas for a licensing scheme

#### **6. CONCLUSION**

- 6.1 To note that work in underway to consider an alternative selective licensing scheme that is robust and proactively addresses conditions so that properties are safe and well managed.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 7.1 The costs of the stock condition survey relating to the private rented sector are being met from current Housing General Fund budgets.

*Finance Officer Consulted: Monica Brooks*

*Date: 21/10/19*

##### Legal Implications:

- 7.2 There are multiple legal requirements under the Housing Act to be met even if the Secretary of State approval is not sought. For instance there is a requirement in relation to anti-social behaviour ( s 80) to establish that “some or all of the private sector landlords are failing to take action to combat problems that it would be appropriate for them to take;” that it is consistent with the overall housing strategy; that there is a co-ordinated approach between homelessness, empty

properties and anti-social behaviour ; we must have considered what other options are available to us; and that it will significantly assist us to achieve objective.

7.3 Each one of the grounds has its own set of requirements.

7.4 Given the judicial challenge to the previous applications, it is likely that there will be further challenge even to a reduced scheme. On that basis, it is important to ensure that we can meet each and every required criterion.

*Lawyer Consulted:*  
2019

*Name Simon Court*

*Date: 22nd October*

#### Equalities Implications:

7.5 A previous Equalities Impact Assessment was undertaken for the city-wide proposed scheme and this will be updated to reflect any new scheme proposed.

#### Sustainability Implications:

7.6 Any proposed scheme would aim to improve sustainability of properties that would be licensed including energy efficiency, heating and insulation. Whilst we cannot require additional items we can ensure that what is in the property is fully operational and fit for purpose.

<b>Subject:</b>	<b>Private Sector Housing Enforcement Policy</b>		
<b>Date of Meeting:</b>	<b>18<sup>th</sup> September 2019</b>		
<b>Report of:</b>	<b>Executive Director for Housing Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Alison Perkins</b>	<b>Tel: 01273 292413</b>
	<b>Email:</b>	<b>alison.perkins@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All wards</b>		

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

- 1.1 Recent legislative changes have introduced new powers to tackle private sector landlords who do not maintain their privately rented properties to a safe, secure and warm standard. The Council is required to have regard to the Regulators' Code when regulating private rented housing standards, which came into force 6th April 2014 under the Legislative and Regulatory Reform Act 2006. This provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate.
- 1.2 A Private Sector Housing Enforcement Policy has been developed to reflect these changes and detail how the council will regulate standards and tackle empty homes. The Enforcement Policy will enable consistency of approach and sets out what residents can expect from the service. The policy also contains a process for appeal against enforcement action and/or or legal proceedings.
- 1.3 Fees, charges and fines will be imposed where landlords fail to comply with requests and these are calculated to cover reasonable expenses incurred. In addition, civil penalties will also be considered, which are an alternative to prosecution for certain housing offences under the Housing Act 2004, and the maximum penalty is £30,000. (Full details are in appendix 2 of the policy). This policy sets out the approach to how these will be calculated, along with indicative amounts.
- 1.4 A lot of work is carried out with landlords to try and avoid formal Enforcement Action and so the purpose of this policy is for those few cases where a more formal approach is required to ensure properties are safe and well managed.
- 1.5 Following adoption of the policy, detailed procedures will be produced to enable implementation.

**2. RECOMMENDATIONS:**

- 2.1 That Housing Committee approve the Enforcement Policy, including the approach to fees, charges and fines charges and methods of debt recovery.

- 2.2 That Housing Committee note that procedures will be devised and the policy implemented from April 2020
- 2.3 That the Committee agree the approach to fees, charges and fines, along with indicative amounts. These will be kept under review and if significant changes are considered necessary, these will be brought back to Committee.

### 3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Local Authority Private Sector Housing Teams play a vital role in making sure people in private rented properties have somewhere safe, secure and warm to live.
- 3.2 The private rented sector (PRS) has grown significantly in recent years, with it now being the second largest housing tenure, with an increasingly diverse range of tenants. Brighton and Hove has a higher than average number of privately rented homes, including Houses in Multiple Occupation, making up over 30% of the housing stock.
- 3.3 Whilst the vast majority of private landlords maintain their properties to a good standard there remains a small minority of landlords who do not, resulting in tenants living in conditions that are below acceptable standards. The government is committed to clamping down on these rogue landlords and have introduced legislation providing new tools to help local authorities force landlords to improve the condition of their properties or leave the sector completely. Provision is made to recoup some of the costs of enforcement from landlords through fines, charges and civil penalties.
- 3.4 The table below shows that the majority of referrals for action are resolved informally with only a small minority requiring formal Enforcement Action

Date	2018/19	19/20 (to date)
Number of Referrals	645	518
Number resolved informally	639	518
Number resolved formally	6	0

- 3.5 The Enforcement Policy details how the council will regulate standards in the PRS and tackle empty homes in Brighton and Hove. It also provides a background to the legislation and guidance.
- 3.6 Initially the approach is to ensure private sector landlords, and companies who are letting out private accommodation are provided with assistance, information and education to understand what is required to comply with regulatory standards and laws. We will generally aim to secure compliance informally in the first instance.

**3.7** If such requirements are not met, enforcement action will subsequently be taken using a risk based approach and relevant intelligence to ensure we prioritise the most urgent cases.

**3.8** The Policy clarifies the service we provide and the process tenants need to follow in order for us to be able to enforce accommodation standards.

**3.9** The policy covers Houses in Multiple Occupation as well as individual flats and houses.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 We are under statutory duties to enforce standards in the private rented sector.

4.2 In some circumstances, we have a duty to act, whilst in other circumstances we have powers to act. These are outlined in the policy.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 There is no legal requirement to consult, however we are considering engagement with various stakeholders to monitor the effectiveness of the policy.

#### **6. CONCLUSION**

6.1 The Private Sector Housing Enforcement Policy mirrors the legislation governing minimum standards of private rented accommodation to ensure properties are safe, secure and warm.

6.2 Brighton and Hove has a disproportionately large private rented sector, which provides accommodation for a broad range of people, some of which are vulnerable and /or at the poorer end of the market. It is therefore important that we have a policy setting out our approach to safeguard standards, taking action where appropriate.

6.3 Whilst recognising that not all costs are recoverable, with limited resources it is important we maximise the possibilities of recovering costs of enforcement.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

7.1 The net budget for the Private Sector Housing team, which includes the enforcement function, is £0.190m for 2019/20.

*Finance Officer Consulted: Monica Brooks*

*Date: 29/10/19*

##### Legal Implications:

7.2 As is referred to this document is covered by the Regulators Code under section 23 of the Legislative and Regulatory Reform Act 2006 (“the Act”), The Legislative

and Regulatory Reform (Regulatory Functions) Order 2007 is applicable to Parts 2 – 4 of the Housing Act 2004.

7.3 The regulators code requires us to have regard to the code when developing policies and procedures that guide their regulatory activities. While certain aspects of regulatory activity will not be covered, the majority set out in the draft policy will be and therefore it is sensible to apply it across the whole policy.

7.4 The enforcement policy complies with the regulator code. It should be noted that there are certain elements of the regulators code, which may not sit comfortable with changes under the GDPR, and so certain elements around information sharing need to be carefully considered.

*Lawyer Consulted:*

*Name Simon Court*

*Date: 4.10.19*

#### Equalities Implications:

7.1 An Equalities Impact Assessment is planned. The policy will provide clarity regarding the action the council can take when standards of private rented accommodation fall below legal thresholds.

7.2 In drafting this report, we have considered the Public Sector Equality Duty pursuant to s149 Equalities Act 2010. In our view, this policy which is directed at improving housing stock will benefit many vulnerable groups who often find themselves in rented accommodation due to their circumstances. Historically public health colleagues have identified that the elderly were one of the largest groups living in property that was unsuitable. Many in the group were in the private rented sector. We also note that it is often the case that the BME community are disproportionately represented in private rented accommodated. A clear Enforcement Policy dealing with standards of private rented accommodation has the benefit of providing better clarity for tenants to understand their rights and also for Landlords to understand their responsibilities. The proposed 'assistance, education and information' approach (before enforcement steps are taken) will be beneficial to landlords and companies who may not have a grasp of the legal requirements in the UK. An EIA will be kept under review in relation to the implementation and impact of the new Policy.

#### Sustainability Implications:

7.3 None

#### Any Other Significant Implications:

7.4 None



## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Private Sector Housing Enforcement Policy

### **Documents in Members' Rooms**

1. Private Sector Housing Enforcement Policy

## **Appendix 1**

### **Part 1 General Policy Provisions**

#### **1. Introduction and Scope**

Brighton & Hove is a popular place to live, which has affected the cost of buying and renting in the city and resulted in high property prices and high rents. The city has a higher than average number of privately rented homes including Houses in Multiple Occupation, with demand for housing in the city outstripping supply. The council believes that the private rented sector should be well-managed and that everyone has the right to live in decent, safe accommodation.

This Policy details how the Council will regulate standards in Private Rented Housing and tackle empty homes in Brighton and Hove. It also provides a background to the legislation and guidance on which it is based.

It is important for local authorities to have an enforcement policy to ensure consistency of approach among Council Officers and for members of the public to know what to expect from the service. An enforcement policy also provides clarity if the Council takes legal proceedings or enforcement action is appealed against.

In developing this policy, we must remain impartial to both landlord and tenant to be fair to both sides. We will give help and advice to achieve our aim but we must also be firm in taking enforcement action if appropriate.

#### **2. Aims**

The Private Sector Housing Team is part of the Council's Neighbourhoods, Communities and Housing Directorate and aims to protect and improve lives by ensuring private rented homes are safe and warm.

Our aims for compliance are to provide assistance, information and education; working with landlords, lettings and management companies, tenants, and owners of long-term or nuisance empty properties and other interested parties to help them comply with regulatory requirements and laws. If such requirements are not met, we will target enforcement action using a risk based approach and relevant intelligence to make sure that we prioritise the most urgent cases.

The main themes of this policy are to ensure that the council takes appropriate action, to achieve the following general aims:

- Tenants of private landlords live in homes that are free of unacceptable hazards and risks to their health and safety
- All licensable private rented properties are licensed and all licensing conditions are met
- Where private housing remains empty for an unreasonable amount of time and/or becomes an eyesore and nuisance to neighbouring properties.

The policy applies to all private sector homes in the city and long-term empty properties.

The Regulators' Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006 and provides a clear, flexible and principles-based

framework for how regulators should engage with those they regulate. The Council is required to have regard to the Code when regulating private rented housing standards. For further information see:  
[www.gov.uk/government/publications/regulators-code](http://www.gov.uk/government/publications/regulators-code)

### **3. General Principles**

- **Openness**

We will provide clear information and advice either verbally or in writing on regulations, standards and enforcement work;

- **Proportionality**

We will take into account the risk to health and safety, any protected characteristics of landlords, owners or tenants, the severity of any breach or non-compliance and the impact on those interested parties or local communities;

- **Consistency**

We will ensure that our actions are in line with legislation and other regulatory requirements.

- **Relevant legislation and guidance**

This policy has been written taking into account relevant legislation, guidance and best practice.

- **Human Rights and Equality Issues**

Enforcement action will be conducted in a manner which does not conflict or undermine the principles of the Human Rights Act 1998 and the Equalities Act 2018. Any enforcement decisions will be made with consideration of the council's equality and inclusion policy statement and strategy

- **Vulnerable groups**

Any enforcement action taken will take into account the vulnerability of the interested parties and that at some point in the future the property may be occupied by someone who is vulnerable.

- **Safeguarding**

Where we are carrying out compliance and enforcement work and we become aware of issues relating to the safeguarding of children and vulnerable adults, we have a duty to make the appropriate referrals to ensure the welfare of those persons at risk are protected.

- **Working in partnership**

We foster and maintain good working relationships with partner services to help ensure all homes in the city, across all the different tenures, including long term empty properties are well managed and maintained.

- **Housing Strategy**

The supply of good quality, affordable, privately rented accommodation is essential to meeting local housing need and this is acknowledged in the Council's Housing Strategy. A key priority for this strategy is to provide professionally managed and well maintained homes. We will work with landlords to improve and sustain good quality accommodation

and will only intervene when there is a risk to the health and safety of occupants, neighbours or visitors to a property.

## **4. What to expect from us**

### **4.1 Landlords**

- Whilst the onus is on the landlord to find out and be aware of their responsibilities, we will always attempt to advise you of the legislation and help you understand how you can comply with it
- We will advise you of any action you need to take to comply with the legislation and will ask you to respond with your proposal of how you intend to comply with any requirements of any Notice or Licence
- If we are satisfied with your proposal, we will work with you to agree reasonable timescales for compliance
- If we are not satisfied with your proposal or how the work is progressing, we will initiate formal action in a proportionate manner as appropriate to the circumstances
- A charge will generally be made for the service of a statutory notice, further details are given in Appendix 2
- In making any decision to prosecute or apply a civil penalty, we will have regard to how serious the offence is, the benefit of enforcement action and whether some other action would be appropriate

### **4.2 Tenants**

- We will expect you to advise your landlord of any issues within your property, preferably in writing, before contacting us for further advice and guidance
- We will advise you as to what action we can take and advise you of the expected timescales
- We will expect you to cooperate with the landlord to get the works carried out (including providing access at all reasonable times), and to advise us of any action taken by the landlord

### **4.3 Owner-Occupiers**

- We will expect owners to maintain the properties they live in without any intervention from us. Enforcement action will be considered if there is an imminent risk to a person's life

### **4.4 Owners of Empty Homes**

- We will work proactively with owners of empty homes to encourage and assist in bringing their empty homes back into use
- Where an empty property is having detrimental impact on the neighbouring area enforcement action will be considered as appropriate
- If owners fail to take responsibility for their properties, are not willing to engage or negotiations have failed, and where there is little prospect of a property being brought back into use voluntarily, enforcement action (Compulsory Purchase Order, Empty Dwelling Management Order, and Enforced Sale) will be considered

## **5. Situations where a Service may not be provided**

Where any of the following situations arise, consideration will be given to not providing or ceasing to provide a service:

- Where the tenant(s) unreasonably refuse access to the landlord, managing agent or landlord's builder, to arrange or carry out works
- Where the tenant(s) have, in the opinion of the Council, clearly caused the damage to the property they are complaining about, and there are no other items of disrepair
- Where the tenant's only reason for contacting the Private Sector Housing Team, in the opinion of the Council, is in order to pursue a position on the housing register
- Where the tenant(s) have requested a service and then failed to keep an appointment and not responded to a follow-up letter or appointment card
- Where the tenant(s) have been aggressive, threatening, verbally or physically abusive towards Officers
- Where there is found to be no justification for the complaint, on visiting the property
- Where the tenant unreasonably refuses to provide the Council with relevant documentation

## **6. Our Approach to Enforcement Work**

### **6.1 Advice and Guidance**

We will provide authoritative, accessible advice around Private Sector Housing. The Council's website is used to provide general information, advice and guidance to make it easier for landlords, agents, home owners and others to understand their obligations. It is provided in clear, concise and accessible language, using a range of appropriate formats and media.

We will consult with landlords' associations and other appropriate stakeholders when developing the content and style of this guidance. When offering compliance advice, the Private Sector Housing Team will distinguish between statutory requirements and advice or guidance aimed at improvements above minimum standards. Advice will be confirmed in writing, if requested.

We welcome enquiries from home owners and landlords about complying with minimum standards and ensuring homes are safe and warm. However, the Service will not act as a consultant for home owners or landlords, and is not able to complete detailed assessments for specific properties (such as party wall issues or fire safety risk assessments).

### **6.2 Risk Assessment and Triage of Requests for Assistance**

Following the receipt of a request for assistance or complaint about poor housing conditions, an initial 'risk assessment' will normally be carried out in order to 'triage' cases according to their apparent severity. Follow-up advice or action will be dependent on the outcome of the initial risk assessment and we may not always carry out a visit to the property. In making the assessment, we also take account of any safeguarding issues and vulnerability of the occupant.

Complaints about Social Housing properties will be referred to the Providers to investigate in the first instance. However, where intervention is deemed necessary to protect health and safety, we will do so.

## **6.3 Inspections, Other Visits and Information Requirements**

No inspection will take place without reason. Inspections and other visits will take place in response to a reasonable complaint or request for service or where poor conditions have been brought to our attention:

- In accordance with any risk-based programmes that may be undertaken
- In accordance with statutory inspection requirements (such as for mandatory licensing of houses in multiple occupation, HMOs)
- Or on receipt of relevant intelligence

Unless the visit is intended for advice purposes only, the landlord or his or her agent will be contacted and given the opportunity to accompany the Investigating Officer at the visit.

We will focus its resources on the highest risk properties, those in worst condition and properties owned by landlords who regularly fail to comply with regulations or frequently have properties with poor conditions. The Service will endeavour not to ask for unnecessary information or to ask for the same piece of information twice.

## **7. Authorisations and Powers to carry out Enforcement Work**

### **7.1 Delegation and decision-making**

Decisions about the most appropriate enforcement action will be made in line with this policy and based on professional judgement, legal guidelines and advice, statutory codes of practice and priorities set by the Council and/or Central Government

The Executive Director for Neighbourhoods Communities & Housing has the delegated authority in accordance with the 'Council's Scheme of Delegation to Officers' within the Council's constitution to take certain action under a range of legislation. The Executive Director delegates these powers to other officers.

A decision to instigate a prosecution will be made by the Private Sector Housing Manager (as delegated by the Executive Director for Neighbourhoods Communities & Housing) in consultation with Legal Services.

### **7.2 Authority to Investigate or Enforce**

The Housing Act 2004 and associated secondary legislation sets out the duties and powers that Brighton and Hove City Council has in relation to regulating housing standards. Powers are also contained in the Housing Act 1985 (as amended), and other legislation, such as the Environmental Protection Act 1990, the Town and Country Planning Act 1990, the Public Health Acts 1936 and 1961, the Mobile Homes Act 2013, Prevention of Damage By Pests Act 1949, the Building Act 1986, and the Housing and Planning Act 2016. This is not a complete list of the powers available.

### **7.3 Authorisation of Officers**

Only Officers who are competent by training, qualification and/or experience will be authorised to undertake enforcement action. The Council's Scheme of Delegation sets out the delegated powers given to Officers. Officers who undertake criminal investigations will be conversant with the provisions of all relevant criminal investigation law. Officers are sometimes asked to give evidence on behalf of one of the parties in a private action. To prevent any implication that the officer has taken sides, officers will usually only attend in response to a witness summons.

#### **7.4 Powers of Entry and Power to Require Information**

The Council has the power of entry to properties at any reasonable time to carry out its duties under Section 239 of the Housing Act 2004 provided that:

- The Officer has written authority from an appropriate Officer stating the particular purpose for which entry is authorised
- The Officer has given 24 hours' Notice to the owner (if known) and the occupier (if any) of the premises they intend to enter

No Notice is required where entry is to ascertain whether an offence has been committed under Sections 72 (offences in relation to licensing of HMOs), 95 (offences in relation to licensing of houses) or 234(3) (offences in relation to HMO Management Regulations). If admission is refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry, then a warrant may be granted by a Justice of the Peace on written application. A warrant under this section includes power to enter by force, if necessary.

Also, for Emergency Remedial Action and Emergency Prohibition Orders under s40 of the Housing Act 2004, right of entry is at any time and notice may be given by pinning it to the door.

The Council also has power under Section 235 of the Housing Act 2004 to require documentation to be produced in connection with:

- Any purpose connected with the exercise of its functions under Parts 1-4 of the Housing Act 2004
- Investigating whether any offence has been committed under Parts 1-4 of the Housing Act 2004

The Council also has powers under Section 237 of the Housing Act 2004 to use the information obtained above and Housing Benefit and Council Tax information obtained by the authority to carry out its functions in relation to these parts of the Act.

The Housing and Planning Act 2016 made amendments to the Housing Act 2004 to enable the sharing of certain data held by the Tenancy Deposit Protection (TDP) schemes on Private Rented Sector properties, landlords and managing agents with local housing authorities in England. From 6 April 2017, Tenancy Deposit Protection (TDP) schemes are required to provide specific information they hold on tenancies in England to Local Housing Authorities who request the information.

The Council must only use the data:

1. For a purpose connected with the exercise of their functions under Parts 1-4 of the Housing Act 2004 in relation to any premises (in general improving housing conditions, licencing of HMOs, selective licencing of other accommodation and management orders)
2. for the purpose of investigating whether an offence has been committed under any of those Parts in relation to any premises

#### **8. Accountability of the Service**

The Service will be accountable for the efficiency and effectiveness of its activities, while remaining independent in the decisions that it takes. Employees will provide a courteous, prompt and efficient service and will identify themselves by name. A contact point, telephone number and email address will be provided.

## **8.1 Complaints about the Service**

Complaints about our service will be handled in line with the Council's corporate complaints procedure. In the event that a person is not satisfied with the service provided, they should initially contact the Private Sector Housing Team to discuss their complaint. The Council will deal with all complaints in the strictest confidence and wherever possible will attempt to resolve your complaint informally. If a person is still unhappy they can contact the council's customer feedback team at:

<https://www.brighton-hove.gov.uk/content/council-and-democracy/feedback-about-council-services/make-a-complaint-using-our-corporate>

The customer feedback process is without prejudice to any formal appeal mechanisms. Where a formal appeal mechanism exists, that mechanism must be used. The complaints procedure cannot be used as a substitution for a formal legal appeal.

If you are still dissatisfied you can discuss your complaint with your local ward Councillor, MP or raise your complaint with the Local Government Ombudsman.

## **8.2 Appeals**

Any person served with a notice/order has the right to appeal on any grounds set out in the legislation. Appeals regarding enforcement action under the Housing Act 2004 are made to the relevant First Tier Tribunal (Property Chamber). For the southern area this is:

Residential Property Tribunal Service  
First Tier Tribunal (Property Chamber)  
Ground Floor  
Residential Property  
Havant Justice Centre  
The Court House  
Elmleigh Road  
Havant  
PO9 2AL

Tel: 01243 779394

Email: [rpsouthern@hmcts.gsi.gov.uk](mailto:rpsouthern@hmcts.gsi.gov.uk)

All other appeals regarding enforcement action taken should be directed to the Magistrates Court or as directed on the notice/order served.

## **9. Application of the Policy**

All Officers must have regard to this policy when making enforcement decisions.

## **10. Monitoring and Review of the Policy**

The Service will keep its regulatory activities and interventions under review, with a view to considering the extent to which it would be appropriate to remove or reduce the regulatory burdens they impose, where the Council has direct control of these matters. Changes will be introduced into this document where necessary to accommodate new legislation, guidance and local needs. Where housing or other related legislation is introduced, which is enforced by the Council and permits the imposition of any monetary



penalty or penalty charge the Council will seek to fully implement any duty or power conferred upon it.

This policy will be reviewed every three years and amended to reflect any change in legislation, corporate policy or official guidance.

## **11. Related policies and Supporting documents**

We will ensure this policy aligns to our approach to enforcement across the authority.

Related policies include:

- Housing Strategy
- Homelessness Strategy

These are available on the council's website at

<https://www.brighton-hove.gov.uk/content/housing/general-housing/housing-strategy-2015>

<https://www.brighton-hove.gov.uk/content/housing/general-housing/policies-and-strategies-general-housing>

A copy of the guidance on civil penalties can be accessed via:

<https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016>

A copy of the Guidance on rent repayment orders can be accessed via:

<https://www.gov.uk/government/publications/rent-repayment-orders-under-the-housing-and-planning-act-2016>

A copy of the Regulators Compliance code can be downloaded from:

<https://www.gov.uk/government/publications/regulators-code>

A copy of the Enforcement Concordat: Good Practice Guide can be downloaded from:

<http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/files/file10150.pdf>

## **12 Contact and enquiries information**

If you have any comments or queries on this policy, please contact either:

The Private Sector Housing Team  
Brighton & Hove City Council  
Room G3  
Hove Town Hall  
Norton Road  
Hove, BN3 3BQ

By Email: [psh@brighton-hove.gov.uk](mailto:psh@brighton-hove.gov.uk)

By telephone: 01273 293156

The Empty Property Team

By Email: [emptyproperties@brighton-hove.gov.uk](mailto:emptyproperties@brighton-hove.gov.uk)

By telephone: 01273 293297 / 293035

## **Part 2 Specific Enforcement Areas**

### **13. Housing Health & Safety Rating System (HHSRS)**

The Housing Act 2004 introduced the Housing Health and Safety Rating System (HHSRS), which is a statutory, evidence-based, risk assessment method, for assessing and dealing with poor housing conditions. All officers using this will be suitably trained.

HHSRS is a calculation of the effect of 29 possible hazards on the health of occupiers. The legislation provides a range of actions for addressing identified hazards. It is a two-stage calculation combining the likelihood of an occurrence taking place and then the range of probable harm outcomes that might arise from that occurrence which results in a numerical rating. The assessment is not based upon the risk to the actual occupant but upon the group most vulnerable to that particular risk. Once scored, any action that is then considered will take into account the effect of that risk upon the actual occupant. The scores for each hazard present are then banded from A to J. Bands A to C (ratings of 1,000 points and over) are the most severe, and are known as Category 1 hazards when considering action. Bands D to J, the less severe (rating less than 1,000 points) are known as Category 2 hazards. HHSRS provides a score for each hazard identified and does not provide a single score for the dwelling as a whole. It can be applied to all residential premises, whether owner-occupied or rented.

The Council has a duty to take appropriate action in response to a Category 1 hazard. When a Category 1 hazard is identified, the Council must decide which of the available enforcement options it is most appropriate to use.

The Council will exercise its discretion and consider individual cases and circumstances when deciding whether to take action in response to Category 2 hazards. There is a power to deal with category 2 hazards. This is where the risk to health and/or safety is present but not so significant. The Council will exercise this power in the following circumstances:

- where there are category 1 hazard(s) also present at the residential unit of accommodation
- where the category 2 hazard is progressive and will likely become a category 1 hazard unless preventative action is taken
- where there are a number of category 2 hazards which would present a hazard to occupiers

#### **13.1. Compliance and Enforcement Actions following HHSRS inspection**

Unless there is an imminent risk to the health and safety of the occupant or visitors to the property, the Council will attempt to secure the required improvements informally and within a reasonable amount of time.

Where this approach fails, the Council will determine which of the specific enforcement options it will use, taking into account the facts and circumstances in each individual case.

When considering formal enforcement action, following an HHSRS inspection, we will, where appropriate, discuss the circumstances with those suspected of a breach and take these into account when deciding on the best approach. This will not apply where immediate action is required to prevent, or respond to a serious breach or to deal with an imminent risk to health or safety, or where to do so is likely to defeat the purpose of the proposed enforcement action.

We will ensure that clear reasons for any enforcement action are given and complaints and appeals procedures are explained. A Statement of Reasons will be provided with any Notice it serves, explaining why the Council has decided to take a particular course of action.

The decision to use enforcement action will depend on the severity of the non-compliance. Factors that will be taken into consideration include:

- The risk that the non-compliance poses to the safety, health or economic welfare of the public at large or to individuals
- The culpability of the responsible party
- Evidence that suggests that there was premeditation in the commission of an offence
- Whether the alleged offence involves a failure to comply in full or in part with the requirements of a statutory Notice or order
- Whether there is a history of previous warnings or the commission of similar offences
- Aggravated circumstances such as aggressive or violent behaviour

The range of action that will be considered includes:

- Hazard Awareness Notices (s.28 & s.29)
- Improvement Notices (s.11 & s.12)
- Prohibition Orders (s.20 & s.21)
- Emergency Remedial Action (s.40)
- Emergency Prohibition Order (s.43)
- Demolition Order (s.265 Housing Act 1985)
- Clearance Area Action (s.289 Housing Act 1985)

**Hazard Awareness Notice** – notice advising the person on whom it is served of category 1 and/or category 2 hazard(s) at the property. These will usually be issued where there is a less serious hazard present. There is no right to appeal a hazard awareness notice.

**Improvement Notice** – notice requiring the person on whom it is served, to take the remedial action specified in the notice in relation to the hazards found, within a specified timescale.

**Prohibition Order** – an order imposing restrictions on the use of the whole or part of the property and/or who can use the property.

**Emergency Remedial Action** - this will be considered where there is an imminent risk of serious harm and a Category 1 hazard is present. The Council will take the action necessary to mitigate and/or remove this risk where the person responsible cannot be contacted and formal action will be taken to recover the full costs incurred.

**Emergency Prohibition Order** – same as a prohibition order but the order will take effect immediately. This is only available where a Category 1 Hazard is present.

**Demolition Order** – an order requiring the demolition of the property. This is only available where a Category 1 Hazard is present.

**Declaring a Clearance Area** – an area which is to be cleared of all buildings. This is only available where Category 1 Hazards are present.

In determining what action to take, the Council will use their judgement to take account of the current or potential occupants.

The Council can also issue **Suspended Improvement Notices** and **Suspended Prohibition Orders**. These are usually used where the condition of a property presents a risk to health and safety, but the property is unoccupied or not occupied by a vulnerable person. Suspended Notices will be reviewed at least every 12 months.

Notices will include reasonable time limits having regard to the seriousness of the defects and/or contraventions and contain a statement of reasons as to why the notice was served.

The notice/order will contain all required information as specified by the relevant Act or Regulation.

All appropriate persons will be notified of the formal action, e.g. tenants, mortgagees etc.

Information on how the HHSRS will be applied to each tenure is set out in **Appendix 1**

### **13.2 Review of Enforcement Action**

If there is a change in the occupation of a premises (leading to either an increase or decrease in the apparent risk to occupiers), the current state of any outstanding enforcement action will be reviewed by the investigating officer, in consultation with his or her line manager, to ensure that it is still appropriate and proportionate to the risk posed from the identified hazard(s).

### **13.3 Retaliatory Evictions**

Retaliatory eviction is where a tenant makes a legitimate complaint to their landlord about the condition of their property and, in response, instead of making the repair, their landlord serves them with an eviction notice. On 1st October 2015, a number of provisions in the Deregulation Act 2015 came into force. These provisions are designed to protect tenants against unfair eviction. Where a tenant makes a genuine complaint about the condition of their property that has not been addressed by their landlord, their complaint has been verified by a local authority inspection, and the local authority has served, or is intending to serve, either an improvement notice or a notice of emergency remedial action, a landlord cannot evict that tenant for 6 months using the 'no fault' eviction procedure (a section 21 eviction). The landlord is also required to ensure that the repairs are completed.

In order to rely on the protection against retaliatory eviction that the Deregulation Act 2015 provides, a tenant must approach the landlord in writing in the first instance. If, after 14 days from the tenant making a complaint, the landlord does not reply, that reply is inadequate, or they respond by issuing a Section 21 eviction notice, the tenant should approach the Private Sector Housing Team and ask us to carry out an inspection to verify the need for a repair. We will then undertake an HHSRS inspection, following the correct s239 Notice procedure to notify the landlord of the inspection. If the inspection verifies the tenant's complaint, the enforcement officer will take appropriate action. If the council serves an Improvement Notice or Notice of Emergency Remedial Action, the landlord cannot evict the tenant for 6 months using the no-fault eviction procedure.

We will work with landlords to understand their obligations and the implications of this legislation, and will work alongside the Housing Options team to provide support, advice and guidance to the tenant in these circumstances.

The Government intends to introduce a new, fairer deal for both landlords and tenants in the private rented sector. As part of this new deal, the Government is proposing to put an end to 'no-fault' evictions by repealing section 21 of the Housing Act 1988. Under the new proposals, a tenant could not be evicted from their home without good reason.

## **14 Enforcement Notices and Orders**

### **14.1 Power to Charge for Notices and Orders**

The Council has the power under Section 49 of the Housing Act 2004 to make a reasonable charge as a means of recovering certain administrative and other expenses incurred in serving an Improvement Notice, Hazard Awareness Notice, making a Prohibition, Emergency Prohibition or Demolition Order or taking Emergency Remedial Action.

Where a charge is made, the Council can recover a reasonable amount for expenses incurred in connection with time spent gaining entry, visiting and inspecting the premises to determine appropriate action and the administration costs for the production of a Notice, Order or Remedial Action.

Costs incurred carrying out Work in Default or Remedial Action will be charged separately.

When the charge demand becomes operative, the sum recoverable will be a local land charge.

Where charges can be made, these will be set in line with all relevant guidance. Details are given in **Appendix 2**

### **14.2 Revocation and Variation of Notices and Orders**

Under the Housing Act 2004, The Council must revoke an Improvement Notice or Prohibition Order once they have been complied with.

If part of the work required within an Improvement Notice or Prohibition Order is carried out, or if agreed with the Case Officer, then the Notice can be varied to allow alternative works or additional compliance time.

### **14.3 Failure to Comply with Notices and Orders**

If a Notice is complied with, no further action will be taken. However, if the Notice is not complied with, the Council will consider the following options, taking into account the circumstances of each case:

- Prosecution;
- Carrying out the works in default;
- Carrying out the works in default and prosecution;
- Whether a simple caution is appropriate;
- Civil Penalty

Failure to comply with an Improvement Notice or a Prohibition Order is an offence punishable by an unlimited fine. Following conviction, it is an offence to carry on using the premises in breach of the Prohibition Order, attracting a daily fine.

The Council will take action to recover its costs in connection with works in default, including admin charges of up to 30% of the cost of the works.

The Council will also take action to recover the costs incurred in carrying out works associated with Emergency Remedial Action.

As a charge on the property, the costs give the Authority the same powers and remedies as a Mortgagee under the Law of Property Act 1925 (Enforced Sale).

### **14.3.1 Prosecution**

Prosecution will be considered in all cases of noncompliance, but having regard to all other possible options. This will be carried out in conjunction with the Legal Services Team

### **14.3.2 Works in Default**

Works in Default will be considered if all other methods to try to remedy the necessary works have been unsuccessful. In determining if work in default is appropriate, Officers will report to the Private Sector Housing Manager who will consider approval based on the following information;

- The effects of not carrying out the work on the health and safety of the occupant of the property concerned
- The wishes of the tenant where the Notice has been served in respect of a rented property
- The reason for the work not being carried out in the first place
- Any other factors that are specific to individual properties

The Council will normally seek to recover all of the costs associated with undertaking work in default (including time spent by its Officers, administrative costs, contractors costs, the cost of any specialist reports, supervisory costs etc.)

In the case of Officer time, the Council will calculate costs as follows:

- The actual time spent by Council Officers on the chargeable activities and recorded using file notes and database
- Time spent will be converted into a monetary figure using the appropriate hourly rate set for the Officer(s) concerned.

The expenses incurred are to be recovered from the person(s) on whom the Notice or Order has been served ("the relevant person"). Where the relevant person receives the rent on behalf of another, the expenses are also to be recovered from that other person. The expenses will carry interest from the date of service until payment of all sums due under the demand at a rate specified at the time. The recoverable expenses, together with interest accrued on them, are a charge on the premises.

In addition, as a means of recovering the costs, the Council may also serve Recovery Notices to recover, receive and give a discharge for any rent or sums in the nature of rent.

### 14.3.3 Simple Cautions

The Council may use Simple Cautions where someone has committed a less serious offence. Simple Cautions warn people that their behaviour has been unacceptable and makes them aware of the legal consequences should they commit further offences.

Simple cautions can only be issued where:

- There is evidence an offender is guilty
- The offender is eighteen years of age or over
- The offender admits they have committed the crime
- The offender agrees to be given a caution – if the offender does not agree to receive a caution then they are likely to be prosecuted instead.

Simple cautions are normally not appropriate where there is history of offending within the last 2 years or where the same type of offence has been committed before.

### 14.3.4 Civil Penalties

A civil penalty is a financial penalty imposed by a local housing authority on an individual or organisation as an alternative to prosecution for certain housing offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of Houses in Multiple Occupation (section 72);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95);
- Offences of contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234).

The maximum penalty is £30,000 – there is no minimum set.

The decision to issue a financial penalty will be made on a case by case basis, and the amount of penalty will be determined in accordance with statutory guidance.

More details of the Council's approach to determining the level of Financial Penalty can be found in **Appendix 2**

## 15. Rent Repayment Orders

Rent Repayment Orders (RROs) can be applied for in respect of the following offences committed after 6th April 2017:

- Failure to comply with an Improvement Notice under Section 30 of the Housing Act 2004
- Failure to comply with a Prohibition Order under Section 32 of the Housing Act 2004
- Breach of a banning order made under Section 21 of the Housing and Planning Act 2016
- Using violence to secure entry to a property under Section 6 of the Criminal Law Act 1977
- Illegal eviction or harassment of the occupiers of a property under Section 1 of the Protection from Eviction Act 1977

The powers to apply Rent Repayment Orders to offences related to HMOs can be applied to a range of offences:

- Offences in relation to licensing of Houses of Multiple Occupation (section 72(1))
- Offences in relation to licensing of houses under Part 3 of the Act (section 95(1)).

The maximum amount of rent, either to a tenant for rent paid or to the council for housing benefit or universal credit paid, that can be recovered is capped at 12 months. The Council must apply to the First Tier Property Tribunal for an RRO. The Council will consider application for RROs in all cases where a successful prosecution has been achieved.

A notice of intended proceedings will be sent to the relevant party with the required information and details of the right to make representations.

## **16. Banning Orders**

A Banning Order prohibits a landlord or managing agent convicted of 'Banning Order offences' under the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017, from undertaking activities in connection with letting a property for a period of at least 12 months.

Rogue landlords who flout their legal obligations and rent out accommodation which is substandard following prosecution, will be referred to the First-tier Tribunal for application of a banning order.

A banning order will last a minimum of 12 months. There is no statutory maximum period for a banning order.

The Council will apply for Banning Orders to be made where:

- the evidence justifies this course of action
- it is considered to be in the public interest to protect tenants against rogue landlords
- it is in line with the Council's overall enforcement policy, and
- it is in line with the guidance issued by the Ministry of Housing and Communities

A banning order means that the subject of the order cannot:

Let housing in England

Engage in English letting agency work

Engage in English property management work

Hold a license under Part 2 or Part 3 of the Housing Act 2004

Once a banning order has been issued, it will be possible to include details in the database of rogue landlords and property agents.

## **17. Rogue Landlord Database**

Under the provisions within the Housing and Planning Act 2016 the Government established and maintains a nationwide database to record details of Landlords and Managing Agents given a Banning Order or convicted of certain offences.

Application to have Landlord/Agents details entered on the database is a statutory duty where a Banning Order has been given and is at the discretion of the Housing Authority in other circumstances.

The Council will apply to have Landlord's details entered on the database where there is a duty to do so, and in other cases where the law allows discretion when it is in the public interest to do so.



## **18. Statutory Nuisance provisions**

Under the Environmental Protection Act 1990, the Council must take action to deal with a Statutory Nuisance if it exists, is likely to occur or recur. We would deal with a statutory nuisance, which could affect residential occupiers under section 79 of this act. There are two parts to this as it applies to any premises in such a state as to be

- prejudicial to health or
- a nuisance.

A general inspection of the premises would take place, to confirm the details of the complaint and to assess the situation. The complainant will be made aware of what further steps will be taken (if any). It may be necessary to visit other premises to determine the cause of the nuisance. If access to other premises is refused, power of entry may be invoked.

If any action is taken, the complainant will be informed and sent a copy of any letter or the Abatement Notice, where possible.

The Abatement Notice itself is served on the “person responsible for the statutory nuisance”, which in this case would be the ‘owner’ of the premises. Where the person cannot be found or the nuisance has not yet occurred, the Notice is served on the ‘owner or occupier’ of the premises.

Enforcement of the Notice can be done by a prosecution for non-compliance with the Notice in the Magistrates Court, or by carrying out works in default, or both.

## **19. Overcrowding**

We will investigate complaints from tenants living in privately rented properties about overcrowded living conditions or where overcrowded conditions are legitimately impacting on neighbours’ health, safety or welfare. Wherever possible we will resist taking action that would lead to homelessness but will seek to reduce any serious hazard of overcrowding using suspended notices where appropriate.

It is a criminal offence to contravene an overcrowding notice served under the Housing Act 1985 and we will consider taking enforcement action against those who do.

We can also take enforcement action to deal with ‘crowded’ conditions following an HHSRS assessment under provisions in The Housing Act 2004.

Officers will use the most appropriate legislation on a case by case basis.

## **20. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

The regulations impose obligations upon landlords to ensure that tenanted properties are provided with smoke alarms and carbon monoxide alarms.

Reg 4(1) says; A relevant landlord in respect of a specified tenancy must ensure that -

(a) during any period beginning on or after 1st October 2015 when the premises are occupied under the tenancy-

(i) a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;

(ii) a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and

(b) checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.  
Where the Council has reasonable grounds to believe that the requirements of these Regulations have not been met by a landlord, there is a duty on the Council to serve a 'remedial notice'.

A remedial notice must-

- specify the premises to which the notice relates;
- specify the duty or duties that the local housing authority considers the landlord is failing or has failed to comply with;
- specify the remedial action the local housing authority considers should be taken;
- require the landlord to take that action within 28 days beginning with the day on which the notice is served;
- explain that the landlord is entitled to make written representations against the notice within 28 days beginning with the day on which the notice is served;
- specify the person to whom, and the address (including if appropriate any email address) at which, any representations may be sent; and
- explain the effect of regulations 6, 7 and 8, including the maximum penalty charge which a local housing authority may impose.

The remedial notice will confirm the provisions for a review, and the appeal procedures.  
Failure to comply with a remedial notice imposes a further duty on the Council to arrange remedial action and a power to require payment of a penalty charge.

**Indicative Penalty charges for non-compliance are outlines in Appendix 2**

## **21. Homes (Fitness for Human Habitation) Act 2018**

On 20 March 2019 a new law came into force to make sure that rented houses and flats are 'fit for human habitation', which means that they are safe, healthy and free from things that could cause serious harm.

If rented houses and flats are not 'fit for human habitation', **tenants** can take their landlords to court. The court can make the landlord carry out repairs or put right health and safety problems. The court can also make the landlord pay compensation to the tenant.

Tenants can use the Homes Act immediately if they signed their tenancy agreement contract on or after **20 March 2019**. If they signed their contract before 20 March 2019, they will have to wait until **20 March 2020** before they can use the Homes Act (unless they sign a new tenancy or their tenancy becomes a monthly rolling contract). See the Guidance detailed below for further information:

<https://www.gov.uk/government/publications/homes-fitness-for-human-habitation-act-2018/guide-for-tenants-homes-fitness-for-human-habitation-act-2018>.

If tenants ask us to visit to provide a report for evidence to support their case, we will not act solely as consultants for this purpose. We will follow our usual procedures and take the appropriate action as necessary, which may involve contacting the landlord. We may be able to provide a short, factual statement of the findings of our visit and offer limited advice, but tenants should seek their own independent legal advice.

## **22. Houses in Multiple Occupation (HMOs)**

### **22.1 HMO Licensing**

It is a national legislative requirement that all houses in multiple occupation (HMOs) with five or more unrelated occupiers, who share facilities must be licensed. The aim of

licensing is to ensure that every licensable HMO is safe for the occupants and visitors, and is properly managed. The responsibility for applying for a licence rests with the person having control of or the person managing the property.

In March 2018, Brighton & Hove City Council introduced a discretionary Licensing Scheme across the city, as a way to improve the safety standards and living accommodation for the benefit of tenants of smaller HMOs and other residents. The responsibility for applying for a licence under this scheme also rests with the person having control of or the person managing the property.

It is an offence under the Housing Act 2004, not to licence a property, which falls under either scheme. The Council will prosecute where a person fails to apply for such a licence.

When considering the Amenities required in a House in multiple occupation regard will be made to the Brighton and Hove HMO Standards. These include minimum room sizes, along with bathing facilities and cooking amenities. The HMO Standards can be found on the website at: <https://new.brighton-hove.gov.uk/housing/private-housing/houses-multiple-occupation>

## **22.2 HMO licencing offences and Management Orders**

### **Licensing Offences**

The Housing Act 2004 sets out a number of licensing related offences all of which carry an unlimited fine, including:

- Operating an unlicensed HMO or allowing an HMO to be occupied by more persons than a licence allows
- Breach of licence condition
- Supplying incorrect information in a licence application

In addition to the above, a landlord who operates an unlicensed HMO can be subject to a Rent Repayment Order (RRO) by a First-tier Tribunal (Property Chamber) under sections 96 and 97 of the Housing Act 2004. The Council may also decide to apply a Civil Penalty for certain offences using the Housing and Planning Act 2016.

A RRO requires repayment of rent received by the landlord over a period of up to 12 months. The Council will usually consider applying for such a measure if the landlord has received rent that has been paid by Housing Benefit.

Where an unlicensed HMO is identified, the Council will assess whether there are good reasons why an application has not been received. If there are no good reasons, the Council will look to take formal proceedings with a view to prosecution in the courts or by way of issuing a Civil Penalty.

If a landlord of an unlicensed HMO approaches the Council for licensing and the landlord fully cooperates with the Council, including addressing any management, safety or amenity issue within an agreed timescale, the Council would not normally take enforcement action.

Generally, any breach of licence condition will be dealt with informally initially. However, if the breach is serious and affects the safety of the occupants or the responsible person does not carry out necessary works within an agreed timescale, the Council will pursue legal proceedings.

### **Interim and Final Management Orders**

An Interim Management Order (IMO) transfers the management of a residential property to the Council for a period of up to twelve months. The circumstances in which

an order can be made are discussed below. In particular, the IMO allows the Council possession of the property against the immediate landlord, and subject to existing rights to occupy can;

- Do anything in relation to the property, which could have been done by the landlord, including repairs, collecting rents etc.
- Spend monies received through rents and other charges for carrying out its responsibility of management, including the administration of the property
- To create new tenancies (with the consent of the landlord).

Under an IMO the Council must pay to the relevant landlord (that is the person(s) who immediately before the order was made was entitled to the rent for the property) any surplus of income over expenditure (and any interest on such sum) accrued during the period in which the IMO is in force. It must also keep full accounts of income and expenditure in respect of the house and make such accounts available to the relevant person.

The Council must take enforcement action in respect of a licensable property (which means an HMO subject to Part 2, or other residential property subject to Part 31) by making an IMO if:

- The property ought to be licensed, but is not, and the Council considers there is no reasonable prospect of it granting a licence in the near future. An IMO may not, however, be made on these grounds if an effective application is outstanding with the authority for the grant of a licence or a temporary exemption notice or if such a notice is in force
- The Private Sector Housing Team is satisfied that the Health and Safety Condition isn't met and, therefore, it would not have granted an application for a licence
- The Private Sector Housing Team intends to revoke the licence on one or more of the grounds specified in Parts 2 or 3 of the Act, other than the property has ceased to be licensable, and upon revocation there will be no reasonable prospect of the property being licensed in the near future (e.g. to another suitable person)
- The Private Sector Housing Team is satisfied that when the licence is revoked the Health and Safety Condition test will be met

### **Final Management Orders**

In exceptional circumstances the Council can also apply for a Final Management Order (FMO) which can last for up to five years. Such powers will only be used in exceptional circumstances and will be agreed by the Head of Housing and Community Enforcement. A FMO cannot be made unless an IMO or another FMO was already in force. An FMO transfers the management of the house to the Private Sector Housing Team for the duration of the order. In particular, the FMO allows the Council;

- Possession of the property against the immediate landlord, but subject to existing rights of occupation
- To do anything in relation to the property, which could have been done by the landlord, including repairs, collecting rents etc.
- To spend monies received through rents and other charges for carrying out its responsibility of management, including the administration of the property;
- To create new tenancies (without the consent of the landlord).

### **Management Order Management Schemes**

The Council must adopt a management scheme for a property subject to an FMO. The scheme must set out how the Council intends to manage the house. In particular, the management scheme must include:

- The amount of rent it will seek to obtain whilst the order is in force
- Details of any works which the Council intends to undertake in relation to the property

- The estimate of the costs of carrying out those works
- Provision as to the payment of any surpluses of income over expenditure to the relevant landlord, from time to time
- In general terms how the authority intends to address the matters that caused the Council to make the order. The Council must also keep full accounts of income and expenditure in respect of the house and make such accounts available to the relevant landlord.

### **Temporary Exemption Notices**

Where a landlord is, or shortly will be taking steps to make an HMO non-licensable, the Council may serve a Temporary Exemption Notice (TEN). A TEN can only be granted for a maximum period of three months. In exceptional circumstances a second TEN can be served for a further three-month period. A TEN will be served where the owner of the HMO states in writing that steps are being taken to make the HMO non-licensable within 3 months.

### **22.3 Raising Standards in all HMOs**

Under current legislation many HMOs do not currently require a licence. These include houses containing self-contained flats. Many of these still pose a significant degree of risk to occupants and/or have a history of being poorly managed. The Council will continue to regulate such HMOs through enforcement of the HMO Management Regulations and by use of the Housing Health and Safety Rating system.

### **22.4 Fire Safety in HMOs**

Statistically, HMOs have one of the highest incidents of deaths caused by fire in any type of housing. It is therefore essential that any HMO possesses an adequate means of escape in event of a fire and adequate fire precautions. The actual level of fire protection and detection required will be determined by a risk assessment. When requiring fire safety works, the Council will have regards to the LACORS Fire Safety Guidance document.

The Private Sector Housing Team is generally the lead enforcing authority for fire safety in HMOs, however where an HMO contains communal areas, a Fire Risk Assessment must be carried out in accordance with the Regulatory Reform Order which is ENFORCED by East Sussex Fire & Rescue Service. For clarification, and/or general fire safety guidance, contact the Private Sector Housing Team.

### **22.5 HMOs and Planning Legislation**

Planning and HMO licensing are separate and governed by different pieces of legislation. HMO licensing is concerning the safety and welfare of the tenants, so if tenants are present, we have to ensure the property complies, even if they are occupying without Planning permission.

We will liaise with the Planning Team where this is the case and decide on the approach on a case by case basis. We may, for example: grant a licence for a period of time until the situation is regularised; or not grant a licence until the situation is regularised.

Landlords may wish to seek independent advice in relation to planning and HMO's as there are a number of variables. For instance where there is in force an Article 4 Direction under the Town and Country Planning Act 1990 (as amended) then there must be planning permission for a smaller HMO.

Larger HMOs also require Planning Permission in all areas.

Further information can be found on the council website:

<https://www.brighton-hove.gov.uk/content/planning/planning-applications/planning-permission-houses-multiple-occupation>

## **22.6 HMOs, Noise and Antisocial Behaviour**

If we receive any complaints about noise or other anti-social behaviour from a licenced property, we would in the first instance, write to the Owner, Managing Agents and Tenants about the issue, reminding them of their responsibilities under the provisions of the HMO Licence. We would subsequently ask for proof that the owners had addressed the issue with the tenants.

The Name and Address of the licence holder and the Managing Agents are detailed on the HMO Register which is available on the Council's website, so the neighbour could approach them directly regarding the noise issues should they wish in addition to / or instead of an approach to us. The register can be found on our website with the following link:

<https://new.brighton-hove.gov.uk/housing/private-housing/register-hmo-licences-brighton-hove>

Also, if the noise is frequent, the person complaining should approach the Noise Team in Environmental Health. Their contact details are on the website at this link:

<https://www.brighton-hove.gov.uk/content/environment/noise-pollution-and-air-quality/report-a-noise-problem>

In addition, both the University of Sussex and University of Brighton have teams that support community liaison where issues arise with their students living in the private rented sector. We liaise with them where appropriate.

## **23. Empty Homes**

Empty homes can be a blight on our community as well as a wasted housing resource. Our approach will be to work alongside owners of empty homes with a solution-based approach to support and encourage voluntary action. However, we are also committed to using appropriate enforcement action where owners fail to take responsibility for their properties, reasonable negotiations fail or there is little prospect of the property being bought back into use voluntarily.

A number of factors will be considered in deciding the best course of action for an empty home. For more information please see the [Empty Homes Strategy](#) (to be updated/reviewed) or contact the Empty Property Team at [emptyproperties@brighton-hove.gov.uk](mailto:emptyproperties@brighton-hove.gov.uk)

The Council will provide advice and assistance to the owners of empty properties to help bring the home back into use. It will however also consider using any of the following enforcement options:

- Empty Dwelling Management Orders

Where a property has been left empty for over two years and is attracting anti-social behaviour, the Council may seek an EDMO, the provisions for which are contained in the Housing Act 2004. An EDMO allows the Council to take over full management of the

property for up to seven years, reclaiming any management and refurbishment costs from the rental income.

- Compulsory Purchase Orders

CPOs can be made under s17 of the Housing Act 1985 or s226 of the Town & Country Planning Act 1990. They allow local authorities to purchase properties in specific circumstances without the owner's consent.

- Enforced sale procedure

The Law of Property Act 1925 allows the recovery of debt secured by a registered charge by forcing the sale of a property. In situations where the Council has served notices requiring the owner to ensure that their property is not unsafe or having a negative impact, but they have failed to act, the Council may be forced to carry out the works in default. If the costs incurred are not paid, the Council will register a charge against the property and should the owner still not pay this debt, the Council can commence legal proceedings to sell the property to recover the costs. An enforced sale under a different procedure can also be used to recover Council Tax arrears.

- Other provisions

If a property is unsafe or causing, or is likely to cause, a nuisance to the locality, there are several legislative tools available to the Council to ensure that the condition of the property is improved.

These include:

- Town and Country Planning Act 1990, Section 215: To tackle land or buildings adversely affecting the appearance of the neighbourhood
- Housing Act 2004: To make sure properties are safe and suitable to live in for potential occupiers
- Building Act 1984 Sections 77, 78 & 79: To deal with dangerous or dilapidated buildings, structures or unsightly land/property affecting the area
- Anti-social Behaviour Crime and Policing Act 2014 (Community Protection Notice): To require an owner to deal with the accumulation of rubbish or overgrown gardens
- Local Government (Miscellaneous Provisions) Act 1982, Section 29: To secure or board up properties
- Environmental Protection Act, 1990, Section 80: To deal with nuisance caused by waste or rubbish, or because repairs are needed at property
- Prevention of Damage by Pests Act 1949, Section 4: To treat and/or prevent rat or mice infestations.

Further information can be found on our website

<https://www.brighton-hove.gov.uk/content/housing/general-housing/what-council-can-do-about-empty-properties>

## **24. The Redress Schemes for Letting Agency Work and Property**

The Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 requires that a person who engages in lettings agency work, or property management work must be a member of a redress scheme for dealing with complaints in connection with that work.

This is currently enforced by the Trading Standards team of the council who can be contacted via

trading.standards@brighton-hove.gov.uk

<https://www.brighton-hove.gov.uk/content/business-and-trade/trading-standards>



## **Appendix 1**

### **Application of HHSRS to each tenure**

The Housing Health and Safety Rating System (HHSRS) outlined above applies all tenures of housing. Furthermore, it does not specify that particular approaches or solutions should be used on the basis of ownership or the occupier's status. All enforcement options are available to the Council regardless of whether the premises in question are owner-occupied, privately rented or belong to a Social Housing Provider. Generally, the Council considers that owner-occupiers are usually in a position to take informed decisions concerning maintenance and improvement issues that might affect their welfare and are then able to set their financial priorities accordingly; tenants however, are not usually able to do so.

For this reason, the Council proposes that it is appropriate for its powers to be used according to tenure, as follows:

#### **Owner-Occupiers**

The Council anticipates that Hazard Awareness Notices will frequently be the appropriate course of action. However, the use of Improvement Notices, Prohibition Notices and their emergency equivalents will be considered in cases involving:

- Vulnerable elderly people who are judged incapable of making informed decisions about their own welfare
- Vulnerable individuals who require the intervention of the Council to ensure their welfare is best protected
- Hazards that might reasonably affect persons other than the occupants
- Serious risk of life-threatening harm such as electrocution or fire

Unless an identified hazard is judged to pose an imminent risk of serious harm, the Council will contact the owner to confirm its involvement, explain the nature of the hazard and confirm the action it is intending to take. The Council will take account of any proposals or representations made by, or on behalf of the owner. The Council will solicit and take account of the opinion of the relevant Welfare Authority in considering both the vulnerability and capability of such persons as well as in determining what action it will then take.

#### **Social Landlords**

Housing Providers exist to provide suitable and properly maintained accommodation for their tenants. They are managed by Boards (which typically include tenant representatives) and their performance is scrutinised by the Homes and Communities Agency (HCA). Housing Providers normally employ staff to both manage and maintain their properties and will usually have written arrangements for reporting problems, setting out the response times they aim to achieve, and also for registering any complaints about service failure.

On this basis, the Council will not normally take formal action against Housing Provider unless:

- It is satisfied that the problem in question has been properly reported to the Housing Provider and
- The Housing Provider has then failed to take appropriate action and

The tenant has initiated a complaint through the housing providers complaints system regarding their inactivity

If the Council determines that it is appropriate to take action, it will then normally notify the Housing Provider that a complaint has been received and/or a hazard identified and seek the Housing Provider's comments and proposals. Only in cases where it judges that an unsatisfactory response has been received will the Council take further action and will then determine which of the available enforcement options is the most appropriate, considering the facts of the case.

#### **Private Landlords**

The Council will have regard to the principles of statutory guidance and relevant guidance and will initially seek to proceed informally.

Formal action will be initiated immediately if a hazard in question is judged by the Council:

- To pose an imminent risk of serious harm to any person (whether or not immediate action is required, and whether the hazard(s) in question is likely to affect a tenant, an employee or a member of the public), or
- The landlord in question is known to have failed, on a previous occasion, to take appropriate action in response to an informal approach
- Where a serious hazard exists and retaliation eviction as defined by the Deregulation Act 2015 is in process or is likely to occur

Initially, officers may visit the tenants at the property in an informal capacity. If arranging a formal inspection however, the Council will write to the landlord (or his/her relevant agent) to confirm their involvement and the time and date of the visit. Following the inspection, the Council will explain the nature of any hazard(s) identified in writing and seek the landlord/agent's proposals for remedying the problem. Unless the Council already holds the required information, a Requisition for Information Notice may also be served at this point.

Following the inspection, the Council will not normally need to take any further action to discharge its duties as long as:

- Satisfactory proposals and timescales for the work to be carried out are received and agreed within approximately 14 days
- The work is carried out to a satisfactory conclusion within agreed timescales Landlords are expected to either:
  - Provide any agent acting for them with sufficient authority to act on their behalf, in the event that they are contacted by the Council, or
  - To ensure that they maintain appropriate communication with their agent in order that appropriate decisions and responses can be provided to the Council

The failure of an agent to respond to communication from the Council or any failure to take appropriate action may be treated as a failure by the landlord.

If the Council receives:

- No response from the landlord/agent or
- A response it judges inadequate or
- Proposals that were judged acceptable but which are not then followed through (for example if works fail to start when agreed, fail to make proper progress or are completed to an inadequate standard) or
- In the event of retaliation eviction as defined by the Deregulation Act 2015 is in process or is likely to occur

it will proceed with formal action by taking the most appropriate enforcement action in accordance with this Policy.

### **What is expected of Tenants**

Before considering taking any action in respect of a tenanted property, the tenant(s) will normally be required to contact their landlord about the problems (preferably in writing), allowing a reasonable time period for the landlord to make representation. Legislation covering landlord and tenant issues requires that tenants notify their landlords of any problems with the property.

Where the matter appears to present an imminent risk to the health and safety of the occupants, and the tenants can not reach their landlord / agent, it is expected that they will continue to try to contact their landlord, even if this is after they have contacted the Private Sector Housing Team.

Copies of correspondence between the landlord and tenant should be provided for Officers.

In certain situations, tenants, will not be required to write to their landlord first, for example:

- Where there is a history of harassment/threatened eviction/poor management practice
- Where the tenant appears to be vulnerable or where there are vulnerable members of the household

Tenants are responsible for keeping Officers informed of any contact they have had with their landlord (or the landlord's agent or builder, etc.) which may affect the action the Council is taking or considering taking. Tenants should also consider seeking independent legal advice about their own individual powers to resolve any dispute with their landlord.

Housing Provider tenants have standard procedures to follow if their landlord does not carry out repairs in a satisfactory manner and also a final right of appeal to the Housing Ombudsman Service. However, if the Housing Provider has not taken appropriate action to deal with problems with the property, then the Council will investigate and take appropriate action.

**Appendix 2**  
**Setting levels of fees, charges and fines**

**1. Housing Act 2004: making a charge for the service of Notices under Part 1.**

**Power To Charge**

Section 49 of the Housing Act 2004 local authorities gives the local authority discretion to levy a charge, (currently unlimited), as a means of recovering expenses incurred in:

- Determining whether to serve the notice (Improvement Notices, Emergency Remedial Action, Prohibition Orders);
- Identifying any action to be specified in the notice (Improvement Notices);
- Serving the notice (Improvement Notices, Emergency Remedial Action Prohibition Orders);
- Serving copies of the Notice on persons as owners of premises (Prohibition Orders).

**Person To Charge**

In the case of Improvement, Emergency Remedial Action or Hazard Awareness Notices, the charge can be recovered from the person on whom the notice is served.

In the case of a Prohibition Order, the charge can be recovered from any person on whom a copy of the order is served who is an owner of the premises.

**Notice Of Charge (The Demand):**

A formal demand for payment of the charge for enforcement will accompany any notice served, unless waived following discussion with the Private Sector Housing Manager.

The demand has effect 21 days after service if no appeal is made on the original Notice, and is registerable as a Local Land Charge.

For the purposes of enforcing the demand, the Council has a power of sale under the Law of Property Act 1925, one month from the date on which the demand takes effect.

**Calculation of Charge**

It is essential that charges levied can be justified and it is proposed that a series of relevant costings be established to cover the standard work undertaken in enforcement.

For service of notices, the following timed items will be included:

- inspection including travel time;
- evaluation of inspection, preparation of defects schedule and specification;
- administration costs in typing, serving and recording of notices.

Having determined the total time taken for the tasks listed above, the cost will be calculated against our hourly chargeable rates.

**Waiving Of Charge**

Where an Officer has reason to believe that the application of a full charge is not appropriate they will discuss the case with the Private Sector Housing Manager to determine whether the charge should be applied.

## **2. Housing act 2004: Charges for Works in Default of a Notice**

Section 31 and Schedule 3 to the Act enables the Council to take the action required by an improvement notice itself, with or without the agreement of the person on whom the notice was served.

Where the Council takes action with the agreement of the person served with the improvement notice the works are to be taken at their expense. Where the Council takes action without agreement, it will recover expenses reasonably incurred. Such expenses may be registered as a local land charge on the property.

The council may make an admin charge on top of works in default costs.

## **3. Housing & Planning Act 2016: Civil Penalties**

### **Background**

A civil penalty is a financial penalty imposed by a local authority on an individual or organisation as an alternative to prosecution for certain housing offences under the Housing Act 2004.

The maximum penalty is £30,000 – there is no minimum set.

The decision to issue a financial penalty will be made on a case by case basis.

### **Factors Affecting Level of Financial Penalty Imposed on Landlords and Agents**

In determining an appropriate level of penalty, the Council will have regard to statutory guidance, which sets out the following factors to take into account when deciding on the appropriate level of penalty:

1. Severity of the offence
2. Culpability and track record of the offender
3. The harm caused to the tenant
4. Punishment of the offender
5. Deter the offender from repeating the offence
6. Deter others from committing similar offences
7. Remove any financial benefit the offender may have obtained as a result of committing the offence

### **Determining Financial Penalty**

These guidelines indicate the minimum financial penalty the council is likely to impose for each of the offences under the Housing Act 2004 that may attract a financial penalty, as an alternative to prosecution for offences. Any deviation from the levels set out below, due to mitigating circumstances, will be referred to the Private Sector Housing Manager for decision on a case by case basis.

**Culpability:**

	<b>Factors to consider</b>
<b>Very High</b>	Deliberate failure to comply with legal obligations
<b>High</b>	Knew or ought to have known that they were in breach of their legal responsibilities. Non-compliance over a long period or ignoring concerns raised by Officers, tenants or others
<b>Medium</b>	Offence committed through an act or omission which a person exercising reasonable care would not commit
<b>Low</b>	Offence committed with little fault, for example, Significant efforts were made to address the risk although they were inadequate or failings were minor and occurred as an isolated incident.

**Harm:**

	<b>Factors to consider</b>
<b>High</b>	Conditions pose a high risk of serious adverse effects to the health and mental wellbeing of the tenant(s) or Vulnerable people were put at risk
<b>Medium</b>	Conditions pose a medium risk of serious adverse effects to the health and mental wellbeing of the tenant(s) and / or visitors
<b>Low</b>	Conditions pose a low risk of adverse effects to the health and mental wellbeing of the tenant(s) and / or visitors

Having determined the culpability and harm levels, the matrix below should be referred to in order to calculate the starting point for the civil penalty:

	<b>Harm</b>	Low	Medium	High
<b>Culpability</b>				
Low		£500	£1000	£2000
Medium		£1000	£2000	£5000
High		£2000	£4000	£10000
Very High		£5000	£15000	£25000

Consideration could be given to further adjustments from the starting point to take into account aggravating and mitigating features. Set out below is a non-exhaustive list of factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these or other relevant factors should result in an upward or downward adjustment from the starting point.

Aggravating factors include:

- History of failing to comply with obligations
- Motivated by financial gain
- Deliberate concealment of illegal nature of activity

- Established evidence of wider/community impact
- Obstruction of justice
- Landlord or agent of multiple properties which may include licensed HMOs
- 

Factors reducing seriousness or reflecting personal mitigation:

- Steps taken to remedy the problem
- High level of co-operation with the investigation, beyond that which will always be expected
- A history of good communication and compliance
- Co-operation and acceptance of responsibility in the case in question
- Serious medical conditions requiring urgent, intensive or long-term treatment

### **Early Payment Discounts**

The Council may consider applying the following discounted rates to any imposed financial penalties in the following circumstances:

- In the event that the offender complied with the identified breach [for example by making an application to licence a previously unlicensed address] within the representation period at the 'Notice of Intent' stage, the Council would reduce the level of any imposed financial penalty by 20%; (amount subject to change)
- A discount of 20% of the original calculated financial penalty should the penalty be paid within a specified time period [normally 28 days] (amount subject to change)

### **Appeals Against Notices of Charge**

Appeals must be made within 21 days of the date of service of the Notice to the First Tier Property Tribunal. For the southern area this is:

First Tier Tribunal (Property Chamber)

Ground Floor

Residential Property

Havant Justice Centre

The Court House

Elmleigh Road

Havant

PO9 2AL

Tel: 01243 779394

Email: [rpsouthern@hmcts.gsi.gov.uk](mailto:rpsouthern@hmcts.gsi.gov.uk)

## **4. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

The regulations impose obligations on landlords to ensure that tenanted properties are provided with smoke alarms and carbon monoxide alarms.

A remedial notice can be served for non compliance. This will confirm the provisions for a review, and the appeal procedures.

Failure to comply with a remedial notice imposes a further duty on the Council to arrange remedial action and a power to require payment of a penalty charge.

Indicative Penalty charges for non-compliance are as follows: (There are guideline figures and will be considered on a case by case basis)

First offence £1500 Reduced to £750 if paid within 14 days

Second offence £3,000 No reduction for early payment

Any additional offences £5,000 No reduction for early payment

In determining the level of the fixed penalty notice the Council will consider the likely costs it will incur and the amount required sufficient to provide a deterrent to non-compliance. Increasing the fine for a second or third offence reflects the seriousness of the offence and is designed to deter repeat offending.

While these charges will be set as standard, a landlord may seek to review a penalty charge notice within 28 days by service of notice on the Council. A senior officer not directly involved in the service of the original notice, will carry out this review. The reviewing officer will consider the representations made by the landlord and decide whether to confirm, vary or withdraw the penalty charge notice.

In doing so the reviewing officer will have regard to the amount required for the Council to recover its costs and that the Council has considered and agreed a level of fine that it considers is sufficient to provide a deterrent to non-compliance. After reviewing the fixed penalty notice the reviewing officer will inform the landlord by service of notice of their decision. The 50% reduction for a first offence will apply to any revised charge set should payment be within 14 days of service of the revised notice.

#### Crime & Disorder Implications:

1.1 None

#### Risk and Opportunity Management Implications:

1.2 None

#### Public Health Implications:

1.3 None

#### Corporate / Citywide Implications:

1.4 As part of our Homelessness Prevention Agenda, and driving down our use of temporary accommodation, we are expanding access to the Private Rented Sector for homeless households. This policy will support that agenda by ensuring properties are well maintained.



<b>Subject:</b>	<b>Seniors Housing Review</b>		
<b>Date of Meeting:</b>	<b>13 November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Housing, Neighbourhoods, &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Peter Huntbach</b>	<b>Tel: 01273 293248</b>
	<b>Email:</b>	<b>peter.huntbach@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

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

- 1.1 To report on the findings of the seniors housing review agreed at Housing Committee in November 2018 and for the recommendations of this review to be agreed.

**2. RECOMMENDATIONS:**

- 2.1 That Housing Committee agrees the overarching design standards proposed by Design South East.
- 2.2 That Housing Committee agrees the solutions for removing barriers to letting seniors housing properties.
- 2.3 That Housing Committee agrees the proposals for Burwash Lodge outlined in section 9 of this report.
- 2.4 That Housing Committee agrees for further reports on any proposals to be considered on a case-by-case basis.

**3. CONTEXT/BACKGROUND INFORMATION:**

- 3.1 As the population of Brighton and Hove ages, our housing stock will need to adapt to the changing needs and expectations of its residents. The evidence nationally and locally is that although there remains a need and wish for specialist housing for older people it has to be of good quality.
- 3.2 The council has 23 seniors housing schemes (including one extra care scheme) providing 876 units of accommodation. These are largely flats, though 43 are bungalows. Three new flats are currently under construction at Elwyn Jones Court and Woods House.

Size	Number	%
studio	232	26%
1 bedroom	553	63%
2 bedroom	90	10%
3 bedroom	1	0%
<b>Total</b>	<b>876</b>	<b>100%</b>

3.2 With the exception of Brooke Mead, the council's seniors housing schemes were built (or changed to specialist provision) between the 1960s and 1990 and largely reflect the design standards of their time. This means that:

- Some schemes no longer meet good design principles for older people and have outdated facilities.
- Some schemes are unsuitable for frailer people or those with disabilities.
- Some schemes now appear unattractive or institutional and are difficult to let.
- There is no consistency of design across the schemes and standard of housing varies from scheme to scheme.

3.3 Although we have invested in our schemes and decommissioned others, there has not been an overall design approach. This has resulted in expenditure to maintain and improve the fabric of the building whilst not always addressing some of the factors that make the properties viable or attractive as older peoples housing.

## 4. Review

4.1 Following agreement at Housing Committee in 2018, the following steps were undertaken:

- An independent consultant, Design South East (D:SE) visited each scheme and assessed each against contemporary standards of good design (Appendix 1)
- Staff, stakeholders and architectural specialists held a design roundtable event, including a site visit to an award winning development in Seaford (Appendix 2).
- Residents, prospective residents and staff attended seven workshops.
- D:SE consulted with the Seniors Housing Action Group and the proposed standards were approved by this consultative body in July 2019.
- The Housing Property & Investment Team investigated costings.

4.2 As well as housing design, the review also considered the barriers that older people faced when considering moving house.

4.3 The review took place in coordination with a citywide assessment of older peoples' housing needs involving Housing, Adult Social Care and Planning ensuring that the seniors review linked with this work. The findings of this cross-tenure assessment have informed the review.

## 5. The Brighton & Hove Standard

5.1 D:SE proposed an overarching design standard that covers:

- Communal areas
- Circulation space

- External space
- Private accommodation (each flat or dwelling)
- Accessibility
- Guest facilities
- Security
- Storage

5.2 Following feedback from residents, the additional items are recommended:

- Video as well as audio door entry systems for individual homes.
- Mobility scooter storage either within the scheme or outside

5.3 Adopting this standard would ensure that the council has a consistent design approach for its seniors housing stock across the city which will help inform future planned maintenance and housing development. Lessons learnt on good design for an ageing population could also help inform programmes for our general housing stock.

5.4 The standard is summarised in Appendix 3 with estimated costings in Appendix 4. These are indicative costs that will be worked up in any future Asset Strategy and 30 Year Business Plan of the Housing Revenue Account going forward.

## **6. Implementation**

6.1 Implementing the standard will require us to:

- Consult with residents.
- Use the overarching standard to inform planned maintenance specifications or future developments.
- Set aside capital budget to develop systemic improvement programmes for seniors housing.
- Consider the fixtures and fittings in the communal areas within capital investment programmes.
- Maximise funding opportunities to refurbish outdated schemes such as the Homes England 'Care & Support Fund'.
- Involve stakeholders – and especially residents and the Housing Adaptations team- more closely in the design of programmes, especially in relation to disability and access issues.
- Consider options for schemes where it is not viable to implement the standard.
- Work alongside the housing review of grounds maintenance to ensure that communal gardens are well maintained and remain an important part of the green infrastructure of the city.

## **7. Opportunities and challenges**

7.1 The main opportunities in adopting the standard are:

- It will make our schemes more suitable and attractive for an increasingly ageing population.
- It responds to the views of residents and prospective residents about our schemes.

- Good older peoples housing will help those looking to downsize or move from general stock housing, in turn releasing much needed properties to let.
- It should make our schemes easier to let, in turn improving performance and rental income.
- Improvements in communal areas and how these spaces are used helps develop activities that can encourage social connectivity and tackle loneliness.
- It enables us to create more secure environments to reduce the risks of crime or fear of crime.
- It helps us evaluate our schemes and make a more informed decision about future investment. There may be scope to increase the supply of seniors flats at some schemes, or review options at others.
- It delivers the housing business plan commitment to improve housing quality and, where it encourages more downsizing, improving supply.
- It meets a key 'ageing well' action within the council's Joint Health and Wellbeing Strategy regarding the need to improve the design of physical environments to support an ageing population.
- In line with the City Plan, it will make our schemes more sustainable, creating environments and buildings that are more durable.
- Good design in seniors housing could provide valuable lessons in how to make all homes more suitable for an ageing population.

## 7.2 The main challenges in adopting the standard are:

- There are cost implications, as significant investment will be required.
- The work required at some sites to bring them up to this standard may be prohibitively expensive or impractical.
- Any work required will require resident consultation and may be unpopular and / or incur unsustainable disruption to the community concerned.
- Making changes to schemes to make them more homely requires us to assess the fire risk and additional measures may be needed where adopting a more managed (as opposed to a sterile) approach to communal areas.

## 8. Barriers to letting

8.1 Outdated, unattractive and institutional schemes do not help us let our seniors homes. In the last financial year (2018/19) our average letting time was 51 days for seniors housing compared to 26 for general stock housing. The council also incurred £0.076m lost rent and £0.050m council tax liabilities associated with unlet property.

8.2 However, whilst the schemes themselves might be off-putting, the review also looked at the other factors that act as barriers for people wishing to move into seniors housing. Moving can be difficult at the best of times let alone for those who are older, frailer and without means or support.

8.3 Barriers to letting seniors housing has implications for housing and the city as a whole:

- Properties are difficult to let and incur rent loss.

- Opportunities for downsizing and releasing general stock housing are not realised.
- Older people remain in unsuitable, inaccessible and non-decent housing.
- Increased housing costs, including adaptation and temporary accommodation costs.
- Wider health and social care costs associated with poor housing including premature moves to residential and nursing care.

8.4 The common barriers to letting identified through the consultation were:

- The unsuitability of some schemes including location.
- Financial cost including removal, decorating and carpeting.
- Personal cost including the physical and emotional toll.
- Lack of information, practical help and support.
- Letting processes including poor 'lettable standard' and time constraints.
- A restrictive approach to pet ownership.

8.5 To address these barriers the following solutions are recommended:

- For all public and internal information on older peoples' housing options to be updated to ensure better advice about what is available and to restate the benefits of moving into seniors housing.
- An under-occupation role within Tenancy Services (this is within existing budget) to help to meet the business plan objective 'making best use of housing stock'. The post holder will assist under occupiers to move, freeing up family-sized accommodation for households on the waiting list. They will guide tenants through the process of a move from start to finish. This will also reduce voids in senior's housing.
- For the council to provide assistance with removals where required to ensure an easier move into seniors housing and to overcome the financial and practical burdens associated with the moving process. Based on the number of lets in 2018/19 help with removals is estimated at £0.500m.
- Increasing the seniors housing budget to enable a systemic approach to furniture renewal as opposed to spot purchasing.
- For decorating and carpeting to be part of the 'lettable standard' for seniors homes where required, extending a pilot into 2020/21.
- For pet ownership to be welcome in all schemes subject to normal tenancy permissions. As well as ensuring that older people are not forced to give up their pets when seeking different housing, this also welcomes ownership to help address loneliness and isolation.

8.6 Whilst there may be solutions to some barriers some schemes may still prove hard to let. Consideration to the use of Local Lettings Plans may assist to address this problem

## 9. **Burwash Lodge**

9.1 Burwash Lodge sits next to the Lindfield Court seniors housing scheme and comprises a learning disability service and eight Housing Revenue Account

(HRA) flats. The Specialist Community Disability Service (SCDS) rent five of the eight flats for people with learning disabilities following agreement in 1987 (then with East Sussex County Council) for a specialist housing provision.

- 9.2 The three remaining flats at Burwash Lodge are let as seniors housing despite residents having to leave their home and cross between sites in order to use the services and facilities associated with Lindfield Court. This is a historic anomaly and the recommendation is to extend the SCDS's use to all flats. The flats will remain a HRA asset as with the five existing flats rented to SCDS.
- 9.3 To ensure that our seniors housing residents are not adversely disrupted this change should only happen when the current residents relinquish their tenancies.
- 9.4 This change helps deliver the housing business plan action to enable the supply of accommodation for vulnerable adults particularly those with learning disabilities.

## **10. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

10.1 Remaining as we are is not a viable option since:

- The suitability of the housing does not sufficiently meet the current and projected future needs of older people in the city.
- There will be continuing problems in lettings our homes with incurred costs due to rent loss.
- The opportunity of releasing general stock housing through households moving to seniors housing will be lost.
- We are not making best use of our assets and investment in our council homes.
- Benefits associated with older people moving into specialist housing will not be realised.

## **11. COMMUNITY ENGAGEMENT & CONSULTATION**

- 11.1 Seven workshops were held between February and March 2019 with tenants, prospective tenants and key housing staff teams (Re-Housing Team, Homemove, Housing Options, Seniors Housing) where participants were asked to identify barriers and solutions to letting.
- 11.2 Consultation has taken place with the representative body for seniors housing tenants, the Seniors Housing Action Group (SHAG). SHAG representatives have expressed their views that:
  - The seniors housing service and especially the scheme manager should have more involvement in the whole letting process.
  - Prospective tenants need better information about seniors housing including the availability of floor plans, and better adverts (especially regarding what a 'studio flat' is).
  - Some schemes are no longer fit for purpose especially considering wheelchair use and disability access. Some schemes have been converted from general stock housing and were never designed as specialist housing for older people.

- Accessibility was a key issue when the proposed standard was discussed (e.g. at Somerset Point where residents in wheelchairs cannot access the balconies because of a raised threshold).
- The council should build new purpose built schemes (with a concern that the city has lost seniors schemes but not necessarily replaced them).
- Location and access to easy transport routes are key factors for people considering seniors housing.
- Communal areas need to be attractive whilst still being safe in terms of fire.
- Security should be improved to stop tailgating, such as better door entry systems where people can see as well as hear callers.
- If pets are to be allowed in schemes, they should not be allowed in communal lounge areas and signage should inform people of this.

11.3 The service has also presented at the October 2019 Age Friendly Coffee and Conversation event and attended the Active Forever event meeting with prospective tenants.

11.4 There has also been city wide consultation on older peoples housing undertaken by Housing LIN (Learning and Improvement Network) in 2019 as part of the older people housing needs assessment– this consultation included meetings with residents at our Leach Court and Elwyn Jones Court seniors schemes.

11.5 Consultation has taken place with the Specialist Community Disability Team with regards to Burwash Lodge.

## **12. CONCLUSION**

12.1 The review has identified a need to modernise our seniors housing stock to a consistent standard at a time when the local population is ageing. This presents the opportunity to improve the stock for current and future need, whilst understanding that this also presents a challenge particularly at some schemes where it may be difficult to do so.

12.2 The review has found barriers to letting homes and offers solutions to make it easier for older people to move into.

12.3 Plans for seniors housing will sit within the overall Asset Strategy and 30 Year Business Plan of the HRA. This will require details within each financial year of building works priorities and intentions.

## **13. FINANCIAL & OTHER IMPLICATIONS**

### Financial Implications:

13.1 The HRA budget proposals for 2020/21 will include £0.150m to enable decorating and carpeting to be included as part of the lettable standard for Seniors Housing. Also £0.200m will be included as a proposal in the draft Capital Programme for 2020/21 to address some of the 'quick wins' in the D:SE report such as decorating of communal space and the design of some entrance lobbies. The longer term strategy for Seniors Housing will be included within the 30 Year Business Plan for the HRA.

*Finance Officer Consulted: Monica Brooks*  
*21/10/19*

*Name Date:*

Legal Implications:

13.2 The Housing Act 1985 includes express powers for the council as landlord to enlarge, repair or improve property and to fit it out with furniture, fittings and conveniences. The property proposals outlined in the report are therefore within the council's powers. The legal implications of any future proposals will be assessed on a case by case basis.

*Lawyer Consulted:*

*Name Liz Woodley*

*Date: 24/10/19*

Equalities Implications:

13.3 An Equality Impact Assessment (EIA) is enclosed (Appendix 5). The recommendations within the report help address social inequality within the city by offering a more comparable standard with higher-end private sector retirement housing. The recommendations also ensure that older and disabled people in the social housing sector have the same opportunities to access better housing to enable them to live independently and age well.

Sustainability Implications:

13.4 In line with the City Plan (One and proposals in Two), the report recognises the need to continue ensuring the provision of affordable accommodation for older people. It also recognises the importance of making our existing buildings more sustainable, modernising them to reflect suitable design standards, and retaining the green spaces associated with communal garden areas.

13.5 During all refurbishment or improvement projects, measures to reduce both carbon emissions and fuel use for residents will be fully considered. This will build upon works already undertaken to reduce the environmental impact such as changing internal lighting systems or installing solar panelling. Seniors housing aims to be an exemplar in terms of tackling fuel poverty and moving towards zero carbon.

Crime & Disorder Implications:

13.6 The proposed standard of design includes improvement to the security of buildings in developing staged entry, which can help deter distraction burglary by putting a more effective boundary between private, residential space and more public, communal spaces. The further recommendation of video door entry ensures better protection of the private, residential spaces.

Risk and Opportunity Management Implications:

13.7 The risks and opportunities of the proposals are set out within this report.



### Public Health Implications:

- 13.8 Considering the needs of older people in the design of the physical environment is a commitment of the Brighton & Hove Health & Wellbeing Strategy (2019-2020).

### Corporate / Citywide Implications:

- 13.9 The review has been undertaken alongside the Older Peoples Housing Needs Assessment undertaken by Housing LIN and the recommendations herein are consistent with the assessment and considered within the Equality Impact Assessment.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. D:SE Seniors Housing Scheme Overview Report March 2019.
2. D:SE Roundtable Best Practice Report March 2019.
3. D:SE Proposed standard.
4. Summary of estimated costings.
5. Equalities Impact Assessment (EIA)

### **Documents in Members' Rooms**

- 1 None

### **Background Documents**

1. Scheme addresses and wards
2. Housing for older people inquiry (Housing, Communities and Local Government Committee) February 2018. Link:

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/inquiries/parliament-2017/housing-for-older-people-17-19/>



# **SENIORS HOUSING SCHEME OVERVIEWS**

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**BRIGHTON AND HOVE CITY COUNCIL**

**MARCH 2019**

## **Content**

**1 – Introduction**

**2 – Summary of seniors housing schemes**

**3 – Issues common to the majority of seniors housing schemes**

**4 – Individual seniors housing scheme reports**

## 1. Introduction

This report summarises research gathered from site visits to the 23 council owned seniors housing schemes in Brighton and Hove. The process involved a tour of communal facilities and an example private home in each scheme, as well as conversation with scheme managers and residents. Information gathered in this process aims to provide a broad overview of how well designed each scheme is to support the needs of today's residents, and explore where improvements could be made.

Overall, seniors housing in Brighton and Hove provides a highly valuable service, helping to build strong communities and allow residents to maintain a level of independence for longer than they might in other types of housing. It often functions particularly well for residents who do not have the support of a family in the local area. However, there is a great variety of the quality, and many schemes do not comply with modern building standards. This report aims to summarise potential areas for improvement.

### Brighton and Hove Seniors Housing standards

Principles set out by HAPPI (Housing our Ageing Population: Panel for Innovation) informed this approach, helping to provide a framework to measure schemes against:

- Space and flexibility
- Daylight in the home and in shared spaces
- Balconies and outdoor space
- Adaptability and 'care ready' design
- Positive use of circulation space
- Shared facilities and 'hubs'
- Plants, trees, and the natural environment
- Energy efficiency and sustainable design
- Storage for belongings and bicycles
- External shared surfaces and 'home zones'

Using the HAPPI principles as a basis, and through further conversation with residents and service providers at Brighton and Hove City Council, the following criteria were developed:

#### Communal facilities

Generous communal facilities should be provided to encourage a sense of community between residents. Spaces should:

- Be of sufficient scale, allowing a range of activities to take place. Ideally including a large central space for all residents and guests to gather, and smaller-scale more intimate spaces
- Be bright and airy, with natural light and ventilation
- Ideally, be located near main entrances or circulation spaces where residents regularly pass by
- Include sufficiently large cooking areas
- Include accessible bathrooms
- Include suitable furniture and facilities (e.g. library, artwork/display)
- Be in good decorative order (recently decorated, suitable flooring, avoid exposed wiring etc)
- Avoid creating an overly 'institutional' atmosphere

### **Circulation space**

Circulation spaces should be accessible and welcoming, encouraging social interaction as well as fulfilling a practical purpose. Spaces should:

- Provide level access
- Be of sufficient scale for wheelchair use
- Make it simple for guests and residents to find their way around
- Ideally provide access to natural daylight and ventilation
- Provide informal places to meet people and interact
- Be in good decorative order (recently decorated, suitable flooring, avoid exposed wiring etc)
- Avoid creating an overly 'institutional' atmosphere

### **External space**

Communal garden spaces should be provided for residents. Gardens should:

- Provide a mixture of soft planted areas, and hard areas for seating and events
- Provide both sunny and shaded, sheltered spaces
- Include facilities such as benches, tables and BBQs
- Be easily accessible from internal communal spaces

### **Private accommodation**

Private accommodation should:

- Be of sufficient scale, adhering to minimum space standards
- Include private outdoor amenity space
- Be bright and airy, with natural light and ventilation
- Should feel like a home rather than an institution
- Be in good decorative order (recently decorated, suitable flooring, avoid exposed wiring etc)

### **Accessibility**

- Provide level access to all communal spaces and private dwellings
- Provide sufficient width corridors and doors for wheelchairs
- Provide an accessible bathroom where appropriate

### **Guest facilities**

- Guest facilities should be included in larger facilities, providing high quality accommodation for visiting friends and families
- These should include access to full bathrooms, and ideally en-suite bathrooms should be provided
- Parking provision is an advantage

### **Security**

Housing should be safe and secure, providing suitably designed staged entry with electric doors

### **Storage**

Suitable storage for bins (including recycling), communal equipment and bicycles should be provided. Personal storage for residents who have recently downsized is an advantage.

## 2. Summary of individual seniors housing schemes

### Scoring guide

**Green** – The scheme complies with all, or the significant majority, of the outlined standards

**Yellow** – The scheme complies with the outlined standards to some extent

**Red** – The scheme does not comply with all, or the significant majority, of the outlined standards

**Existing** – Refers to the current condition of the seniors housing scheme

**Potential** – Demonstrates where there could be feasibility to make improvements in the future

Housing Scheme	Communal spaces (internal)	Communal gardens	Accessibility	Neighbourhood	Private accommodation	Guest facilities	Security	Storage
Broadfields – Existing	Yellow	Yellow	Red	Yellow	Yellow	Green	Yellow	Yellow
Broadfields – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Brooke Mead – Existing	Green	Yellow	Green	Green	Green	Yellow	Green	Green
Brooke Mead – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Churchill House – Existing	Yellow	Yellow	Red	Green	Yellow	Red	Yellow	Yellow
Churchill House – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Ditchling Gardens – Existing	Yellow	Green	Green	Green	Green	Red	Green	Yellow
Ditchling Gardens – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Elizabeth Court – Existing	Yellow	Green	Green	Green	Green	Yellow	Yellow	Green
Elizabeth Court – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Elwyn Jones Court – Existing	Yellow	Green	Green	Yellow	Green	Yellow	Yellow	Yellow
Elwyn Jones Court – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Evelyn Court – Existing	Yellow	Yellow	Yellow	Yellow	Yellow	Green	Yellow	Yellow
Evelyn Court – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Hazelholt – Existing	Green	Green	Green	Yellow	Yellow	Green	Green	Yellow
Hazelholt – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Jasmine Court – Existing	Yellow	Green	Red	Yellow	Yellow	Yellow	Yellow	Red
Jasmine Court – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Jubilee Court – Existing	Green	Green	Yellow	Yellow	Yellow	Yellow	Green	Red
Jubilee Court – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Laburnum Grove – Existing	Yellow	Green	Yellow	Yellow	Yellow	Green	Green	Red
Laburnum Grove – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Lavender House – Existing	Green	Yellow	Yellow	Green	Yellow	Green	Red	Yellow
Lavender House – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Leach Court – Existing	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Leach Court – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Lindfield Court – Existing	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Lindfield Court – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Manor Paddock – Existing	Yellow	Green	Yellow	Yellow	Yellow	Red	Yellow	Yellow
Manor Paddock – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Muriel House – Existing	Yellow	Green	Yellow	Yellow	Yellow	Green	Yellow	Yellow
Muriel House – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Rose Hill Court – Existing	Yellow	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Rose Hill Court – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Sanders House – Existing	Green	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Sanders House – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Sloane Court – Existing	Green	Green	Green	Green	Yellow	Green	Yellow	Yellow
Sloane Court – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Somerset Point – Existing	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Somerset Point – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Southeast – Existing	Green	Yellow	Red	Yellow	Yellow	Yellow	Yellow	Yellow
Southeast – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Walter May House – Existing	Yellow	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Walter May House – Potential	Green	Green	Green	Green	Green	Green	Green	Green
Woods House – Existing	Yellow	Yellow	Red	Green	Yellow	Red	Yellow	Yellow
Woods House – Potential	Green	Green	Green	Green	Green	Green	Green	Green

**Schemes that are particularly well designed to adapt to the changing needs of residents and help them to maintain their independence (e.g. accessible design, strong sense of community, located near amenities)**

Elizabeth Court  
Elwyn Jones Court  
Hazelholt  
Leach Court  
Rose Hill Court  
Sloane Court

**Schemes that are particularly poorly designed to adapt to the changing needs of residents and help them to maintain their independence**

Broadfields  
Churchill House  
Evelyn Court  
Jasmine Court  
Manor Paddock  
Southease  
Woods House

**Schemes with a high proportion of undersized private accommodation**

Broadfields  
Evelyn Court  
Jasmine Court  
Jubilee Court  
Hazelholt  
Laburnum Grove  
Lavender House  
Rose Hill Court  
Sloane Court  
Walter May House

**Schemes where security issues require addressing as a priority**

Lavender House  
Rose Hill Court  
Somerset Point  
Sloane Court

**Schemes with underused circulation space with the potential for better use**

Evelyn Court  
Elwyn Jones Court  
Hazelholt  
Muriel House  
Sloane Court



### 3. Issues common to the majority of housing schemes

This main purpose of this report is to highlight specific issues relating to individual schemes. However, there are some issues that are common to the majority of schemes, and these have been summarised below:

#### Cables and wiring

The installation of new electrical services has often been done with insufficient regard for the appearance. The quality of communal spaces has been damaged by conspicuous conduits running haphazardly along walls. This should be addressed, considering the following approaches:

- Establish acceptable minimum standards with the electrical contractor on future works.
- Where possible, wiring should be chased into the wall, particularly in conspicuous areas (e.g. where electrical points are not near the junction of the ceiling or floor). This should be informed by an asbestos assessment.
- Where conduits are unavoidable these should be of high quality and sensitively located. Locating conduits at the junctions of walls and ceilings or skirting is an advantage.

#### Repair of damage following the installation of new services

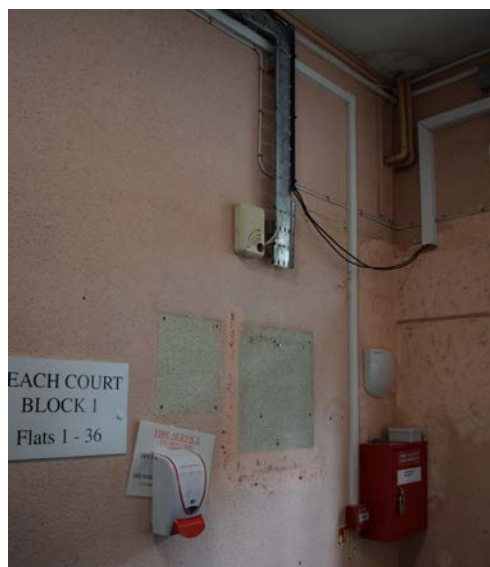
Make good decorative works where damage has been caused by the installation of new services. Rather than awaiting full redecoration for these issues to be repaired, a service that does smaller scale decoration to damaged areas in the meantime would improve the quality of schemes

#### Decoration - resident input within a framework

Some schemes feel very institutional, described as 'hospital grey' throughout, whilst colour choices made by some (not all) residents within individual schemes have not enhanced the look or feel of a scheme. Establishing some colour themes/approaches with a designer and giving residents a choice within a specific range could be a way to address this.



Exposed wiring at Woods House



An example of poor quality repair work at Leach Court



Some decorative choices made by residents can date badly

### **Greater variety of furniture in communal areas**

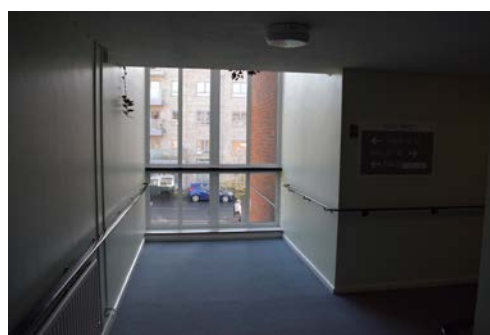
High backed chairs are well suited to the need of many residents, but when these are the only option it can make communal lounges appear very institutional. A greater variety of furniture that supports the needs of residents with varying mobility issues could be preferable. For example, integrating sofas, window seats and dining furniture into communal lounges, alongside existing.



More varied furniture creates a less institutional atmosphere in the lounge at Jubilee Court

### **More efficient and welcoming circulation spaces**

Fire regulations have led to the removal of furniture and artwork from communal spaces, giving many schemes a more impersonal atmosphere. However, there may be fire ways to address this, such as non-combustible artwork or fixed benches. Where particularly large unused corridor space is located, the option to screen off areas to create smaller communal spaces or storage could be explored.



An underused corridor space at Water May House

### **Establish a 'design guide' for seniors housing schemes**

This could outline issues such as furniture, colour schemes, material finishes and artwork options for communal areas. This should be completed in consultation with fire regulations specialists.

### **Scooter storage and charging**

Many schemes have seen a significant increase in demand for scooters over recent years. This is particularly common in more central schemes where neighbourhood amenities are within easy reach. This can be advantageous in helping residents to maintain their independence. However, the majority of schemes do not have dedicated storage and charging areas. This should be addressed, considering the following approaches:

- Conversion of underused internal space into scooter storage. For example, many schemes have excess corridor space, communal bathrooms that are no longer in regular use, or bin stores that are larger than required. Areas such as these could have the potential to provide storage area.
- Construction of external stores. Underused communal garden areas could have the potential to accommodate new storage structures. Ideally these should be of bespoke design to integrate fully with the scheme and surrounding area, however, prefabricated structures could also be explored.



A formerly underused corridor space at Jubilee Court that has been screened off to create an IT area



Scooter storage and charging at Elizabeth Court

### Lighting

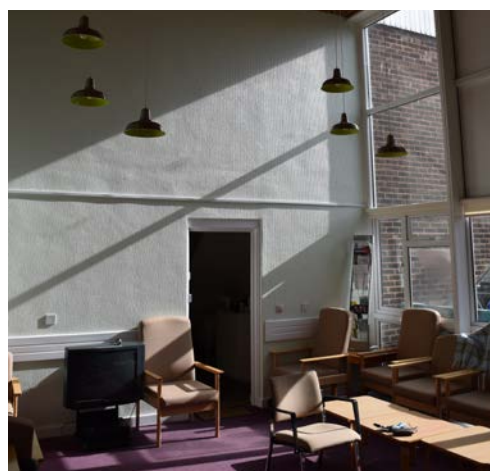
The quality of lighting throughout the majority of schemes is very poor, with fluorescent lights adding to the institutional atmosphere of many schemes. Although emergency lighting to specific standards is required, this could be in addition to alternative light sources. Therefore, particularly in important areas such as communal lounges, installing higher quality lighting could significantly improve the quality of internal space. Use of warmer, yellow tones should be considered, as well as energy saving properties of LED lights.



Poor quality fluorescent lighting at Ditchling Gardens

### Staged entry and increased security

Many schemes discussed problems with unwanted visitors gaining entry, often occurring when residents are 'tailgated'. Almost all schemes do not yet have staged entry, with an additional set of lockable doors. The introduction of this could improve security.



Recently installed pendant lighting at Southease is a simple and effective way of improving the space

### Welcoming communal entrances

The quality of the arrival to the main communal entrance can significantly affect the perception of a scheme. However, at present there are often problems with these entrances being cluttered by recycling bins, salt bins. Internally, exposed services and poorly coordinated signage can negatively impact the space. A review of the quality of the arrival space for all schemes would be beneficial.

### Adapted kitchens

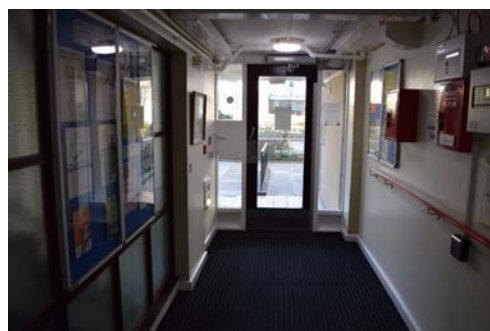
Some residents raised concerns about how well adapted kitchens are for those with mobility issues. As kitchens are replaced, installing raised ovens could be beneficial.



Recycling and salt bins cluttering the entrance to Lavender House

### Cycle storage

Although not regularly demanded by the majority of residents, there is still some demand for cycle storage. There is also a clear need for visiting care workers and alike. The lack of dedicated storage for cycles in the majority of schemes should be addressed.



Exposed services and signage cluttering the lobby to Somerset Point

#### **4. Individual seniors housing scheme reports:**

**Broadfields  
Churchill House  
Ditchling Gardens  
Elizabeth Court  
Elwyn Jones Court  
Evelyn Court  
Hazelholt  
Jasmine Court  
Jubilee Court  
Laburnum Grove  
Lavender House  
Leach Court  
Lindfield Court / Burwash Lodge  
Manor Paddock  
Muriel House  
Rose Hill Court  
Sanders House  
Sloane Court  
Somerset Point  
Southeast  
Walter May House  
Woods House**

## Broadfields

### Description of building

The original 1950s building has been extended and adapted over time. Brick construction. Mainly 2 storey

### Description of location

Moulsecoomb, suburban. Located at a busy junction with Lewes Road

### Key Points

- This housing scheme occupies a prominent corner plot, but the small-scale buildings and back garden fences do not interact well with the surrounding streets.
- There is generally a good sense of community within this development, with residents using communal spaces.
- Although the main communal garden area is well used, there are large areas of underused green space on this site.
- The majority of flats are studios or small one beds, providing relatively undersized accommodation.
- There are no lifts, meaning upper floor units have stepped access and are not suitable for people with mobility issues.
- Some of the construction is poor quality, with single leaf brick providing low insulation values.
- A large-scale student housing scheme is proposed for the site opposite on 1 Moulsecoomb Way.



The northern edge of the scheme from Moulsecoomb Way, showing underused green spaces.



View from the Lewes Road junction, showing how the existing bungalow does not hold this prominent corner well.



Communal garden area at the rear



View from the communal lounge to Moulsecomb Way



Communal lounge



Circulation spaces are not designed to be wheelchair accessible

## Churchill House

### Description of building

Built 1967, adopted as sheltered housing in 1990. A stepped, zig-zagged floor plan. 2 storey. Brick with tiled roof.

### Description of location

Semi-suburban on a fairly busy road.

### Key Points

- No lifts to the first floor apart from one stairlift to one flat.
- The communal lounge and kitchen are pleasantly designed but are under-used at present. This space should be successful because it is large but is linear and laid out in a way which encourages smaller groups of seating, as well as being integral with the main circulation through this block.
- Multiple entrance points to groups of 4 flats leads to a sense of disconnect between residential units and the communal areas.
- The garden is pleasant but simple, it doesn't feel private and as such feels anonymous.
- Scooter storage would be welcomed.



Multiple entrances to groups of 4 flats makes a main entrance confusing



The building zig-zags across the site with anonymous triangular lawns to the front



The lounge is open-plan but with more intimate pockets



Small area at the end of the zig-zag plan where an extension could be added

## Ditchling Gardens

### Description of building

1970s bungalows

### Description of location

Quiet cul-de-sac. Back street location not far from the centre.

### Key Points

- Bungalows provide generous, high quality, accommodation.
- In many ways this scheme represents the 'best of both worlds' with the support of seniors housing, but with the space and independence of individual houses.
- Detached housing means that residents encounter one another less often than in flats with communal corridors, making the community more disparate. But some residents still get involved with community activities.
- An advantage of semi-detached bungalows is that there is more opportunity to adapt to suit the needs of individuals. For example, a conservatory extension allowed one couple to have enough space accommodate a wheelchair and mobility scooter. Allowing future adaptations to take place could help to allow residents to maintain their independence for longer.
- No guest accommodation or laundry facilities.
- The communal lounge and scheme manager's office are half way up the hill, making it difficult for some residents with mobility issues to reach



The communal lounge is functional, but could be improved by replacing the lighting



Bungalows 25 and 26 in the foreground, looking south down Ditchling Gardens



## Elizabeth Court

### Description of building

1982, brick structure, 3 storey with generous gardens. Believed to have originally been purpose built for vulnerable people, but not specifically for those with disabilities.

### Description of location

Near central Hove, within the Willett Estate Conservation Area. Close to Hove Station and local amenities.

### Key Points

- The location, setting, building design and management of the scheme are generally of good or exceptionally good quality. Anecdotally, this may help residents enjoy longer healthier lives.
- The entrance to the building is at the far end of the site to the driveway/pedestrian entrance. This can cause confusion for visitors to the scheme, and means a relatively large area of the site is given over to a carriageway.
- Private accommodation is relatively generous, with large balconies to around half of the units.
- Access to outdoor space, with generous communal and private amenities is a significant benefit of the scheme, though more could be made of underused spaces.
- Communal spaces can come across as institutional.



The entrance to the scheme is unclear upon arrival



A scooter storage and charging area



Large windows and balconies to upper units significantly improve the quality of internal environment



The potential to create private amenity space for ground floor units could be explored

## Elwyn Jones Court

### Description of building

1991, brick with pitched roof, mix of 2 and 3 storeys.

### Description of location

Suburban, residential area.

### Key Points

- One of the largest schemes with a good community feel.
- Adequate communal space but this all feels dark and needs a face lift.
- The first floor mezzanine over the living room is treated as a corridor and is underused.
- Pleasant courtyard garden but room for improvement.



Heavy patio doors leading onto a courtyard garden



The lounge is open-plan but with more intimate pockets



Dark ceilings over communal areas make the room feel dark and mezzanines are underused



The kitchen is larger than necessary and might benefit from being opened up into the dining/lounge adjacent

## Evelyn Court

### Description of building

Opened 1967. 2 storey, brick and render with tiled roof. Main building with attached annexe (not linked internally.)

### Description of location

Suburban but close to Old Shoreham Road and Portslade Village, facing allotments.

### Key Points

- One of the least popular schemes. The 1 bed studio conversions are less popular due to their size and harder to let.
- Although the scheme is on a public road, due to this being a 'close' it feels private and secluded.
- The communal corridors badly need redecorating in a more tasteful palette.
- The scheme feels tired but could be uplifted by making a better connection with the gardens to the front and back.
- The back garden is large but shared with the opposite social housing, which gives it a sense of anonymity and leads to it being under-used.
- The west-facing front garden is a much more pleasant space with better light and long views over the allotment.



The west-facing front facade with under-used garden and annexe beyond



Large rear garden shared with the social housing opposite, shady and under-used



The lounge is located in the SW corner and would benefit from opening out onto the front gardens



Communal circulation needs redecoration

## Hazelholt

### Description of building

Opened 1969, purpose built as sheltered housing. 2 storeys. Brick and render.

### Description of location

Suburban but central to Mile Oak.

### Key Points

- Has been recently refurbished.
- The studio conversions to 1 beds are a big improvement upon the previous layout but they are very small and lacking storage.
- The scheme manager has been very proactive in securing funding and enhancing the community feel.
- Very pleasant garden which is well used by residents.



A large car park to the front which could be put to better use. A public gym is located at the council owned leisure centre across the road.



The rear garden has been partially paved and is popular with residents



Large disused spaces within communal corridors

## Jasmine Court

### Description of building

Late 1970s / early 1980s brick with mono-pitched tiled roof.

### Description of location

Suburban, residential area. Some local amenities but fairly cut-off from central Brighton and Hove.

### Key Points

- Communal lounge is a pleasant space which leads onto a nice garden.
- In contrast the communal circulation is poor with some very dark carpets and dark red walls.
- The location is lacking in doorstep facilities but is well connected by bus routes.
- The fairly busy road with blind corner poses a risk to residents crossing to the bus stop.



Panoramic view of the front of Jasmine Court. The building is formed of low-rise individual blocks linked together on a busy road.



The ample rear car park



A large rear garden with changes in level

## Jubilee Court

### Description of building

1970s brick construction, 3 storeys. Accessibility is limited. In relatively good decorative order.

### Description of location

Suburban (Moulsecoomb), quiet road, long distance views towards the South Downs National Park.

### Key Points

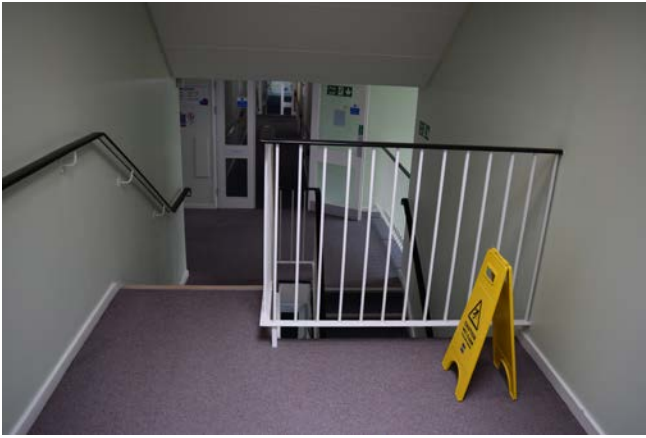
- Only around half the flats are accessible by lift due to the split level nature of each floor.
- Communal areas are generally generous and in good condition.
- Private flats are constrained, with relatively small studio flats and converted 1 beds. Bathrooms added at a later stage mean that storage is lacking.
- The rear entrance is used more by residents than the main front entrance. The rear entrance should therefore be better adapted.
- The large communal lounge is broken up by different types of furniture, including sofas and a large dining table. This makes the space feel less institutional.
- A glass screen has been installed to convert an unused landing space into a small communal IT area, making the most of available space.
- Recent decoration means communal areas are in good condition, without many of the problems seen in other schemes.
- The relative isolation of the scheme makes it more difficult for residents to travel independently, and the area is not very suitable for scooters.



The secondary rear entrance is used most commonly by residents



The secondary entrance does not provide level access, electric doors or a draught lobby



The split level nature of the building means that some areas are inaccessible by lift



Studio flats are small, with limited storage space



The communal lounge has a variety of furniture



The public green area next to the site

## Laburnum Grove

### Description of building

3 storey, 1970s brick construction, purpose built block

### Description of location

Suburban, Hollingdean

### Key Points

- This scheme has a particularly institutional atmosphere, with stark circulation spaces
- There is a large proportion of small studio flats.
- There is a large variety of generously scaled communal spaces.
- Metallic artwork in circulation spaces satisfies fire regulations.
- Exposed wiring conduits and poor quality repair work are particularly problematic.



Laburnum Grove from the south.



The communal garden area

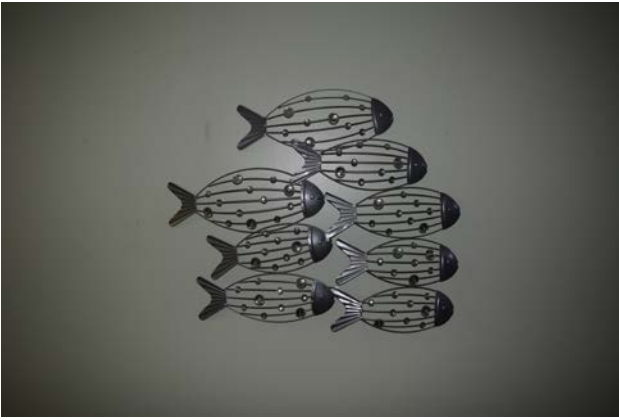


Poor quality paintwork.



The communal lounge





Fire regulation approved seating in circulation areas.



Fire regulation approved seating in circulation areas.



The sloping creates void areas below accommodation.



The unused void created by the sloping site could be put to better use.

## Lavender House

### Description of building

1980s brick construction, purpose built block, 3 storeys.

### Description of location

Kempton, central area close to local amenities

### Key Points

- Social problems mean communal facilities are not functioning well.
- Security is a significant issue in this location.
- The scheme has relatively large areas of garden, particularly given its central location. However, this is largely difficult to access and therefore underused.
- Some flats are inaccessible by lift.



The garden area outside the communal lounge is well used, but very limited in scale



The front garden is not easily accessed, and therefore underused



The front garden area is crowded with bins



Generous but unused lawned areas between the building and the footpath



Ground floor flats in close proximity to the main entrance experience noise issues



The one storey day care centre with Lavender House to the left

## Leach Court

### Description of building

1970s, 7 storey brick/concrete frame construction. Purpose built housing for vulnerable people, but not all originally seniors housing.

### Description of location

Kempton, central area close to local amenities

### Key Points

- This is a large-scale scheme with a lively atmosphere and a sense of community
- A larger scheme with a greater variety of communal spaces appears to suit the needs of residents well.
- Private accommodation is relatively generous, with good levels of natural daylight and ventilation.
- The scheme generally functions well internally, but external areas and the way it relates to the surrounding neighbourhood could be improved. For example, accessing the main entrance through a car park rather than a landscaped garden area.
- Some communal areas are in relatively poor repair.



View from Eastern Road



An entrance is cluttered by bins



The main circulation route is very long and institutional in atmosphere



Undercroft space leading on to the garden



The majority of flats are relatively generous, with far reaching views



The communal lounge leading on to the garden



Bulk storage for large refuse is required



Some communal areas are in poor condition

## Lindfield Court/Burwash Lodge

### Description of building

1987, 3 storey brick construction. Purpose built sheltered housing

### Description of location

Suburban (Hollingdean), steeply sloping south facing site with long distance views.

### Key Points

- The scheme is generally well adapted for residents with a range of needs.
- The scheme generally provides a relatively high standard of accommodation, but smaller flats and north-facing flats are less successful.
- Allowing under-used communal garden space to be used as private amenity for adjacent flats has been successful.



Approach along The Crestway



Communal lounge with a favourable southern aspect.



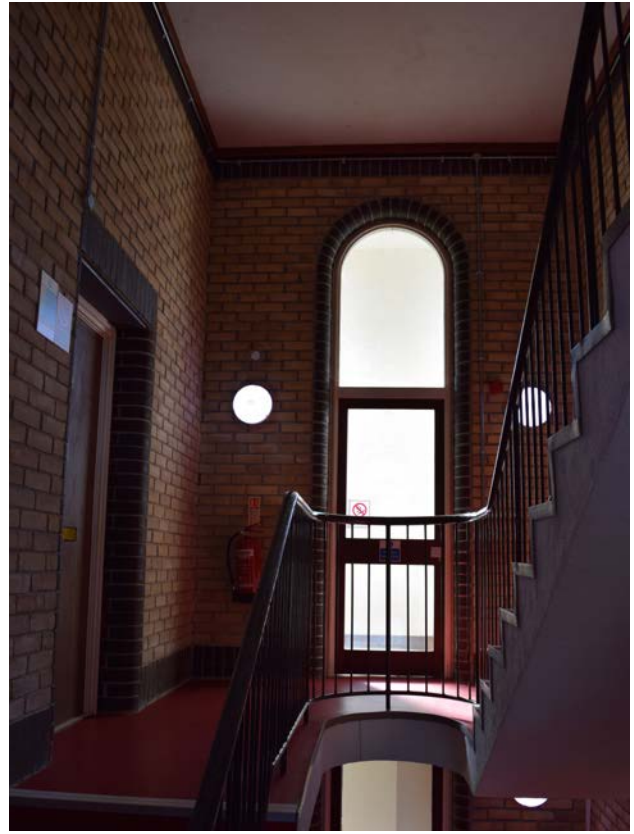
Small, but well used terrace area



The main garden area is difficult to access and therefore underused



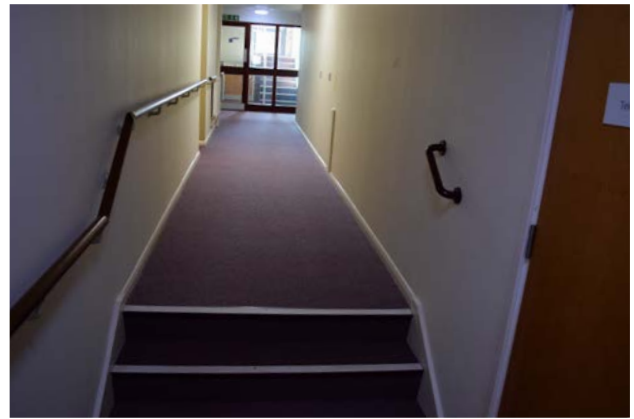
Generous and light filled circulation spaces



Burwash Lodge



Poor quality repair after the replacement of a light



Split level access corridor

## Manor Paddock

### Description of building

Converted 19th century farm house (including 8 flats) and 16 bungalows.

### Description of location

Suburban, on the outskirts of Kempton

### Key Points

- The scheme includes large amounts of green space, much of which is underused. There have been problems with the local school using the green area for parking in the past.
- There is not a strong sense of community. The disparate nature of the site may contribute to this. The communal lounge is underused.
- The communal garden is well tended by residents.
- Accessibility to the farm house is limited.



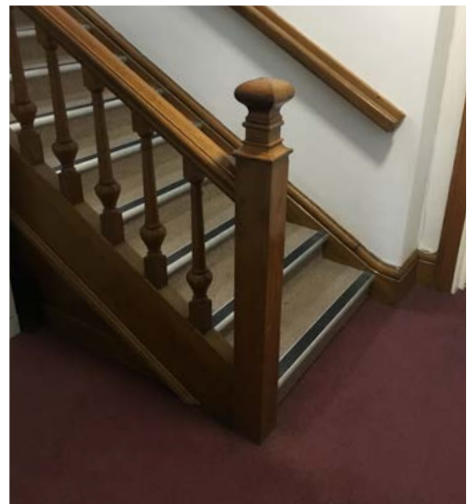
The nineteenth century farm house converted into flats and communal facilities.



Bungalows at the northern end of the site.



The communal lounge.



The communal stairwell.



## Muriel House

### Description of building

1985. Built in square plan with central courtyard. Brick with pitched tiled roof.

### Description of location

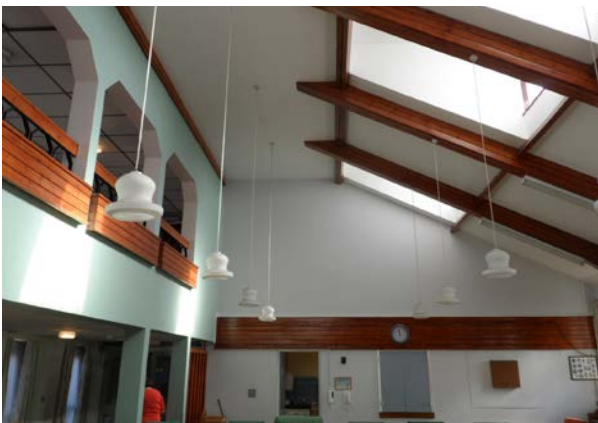
Semi-suburban. Although not central to Brighton and Hove, the scheme is located near to Portland Road and Boundary Road which offer many amenities.

### Key Points

- A good location for those looking for a compromise between urban and suburban.
- The courtyard garden could be a very nice space but feels a bit tired at the moment.
- The corridors feel quite unloved with wasted space at the corners.
- The double-height lounge is a popular and dramatic space but is too open to be conducive to intimate conversation. Some smaller, more intimate communal areas would be welcomed.



The south facing entrance is obvious but the building is located at the top of a hill at the back of Ingram Crescent West



The lounge is characterful and doesn't feel overly institutional but is too open



The courtyard garden with individual flat access

## Rose Hill Court

### Description of building

Opened 1983, purpose built as sheltered housing. 3 storeys. Brick.

### Description of location

Urban location near London Road.

### Key Points

- Urban location very popular with residents although this attracts problems with drug users, security etc.
- The garden is a very valuable asset to the scheme especially in such an urban location.
- Large dual aspect dining/lounge but very small kitchen.
- In bad need of redecoration throughout communal areas.



The front garden and entrance. Set back from the building line of Kingsbury Road, it isn't obvious at first, but the main entrance is apparent once you are on site.



The rear garden is well used and maintained by the residents



The dining room with very small kitchen to the left. The decoration clashes and is tired.



A large north garden is inaccessible to residents

## Sanders House

### Description of building

Built 1983. 3 storey. Brick with flat roof.

### Description of location

Semi-suburban.

### Key Points

- A good location for those looking for a compromise between urban and suburban.
- Outdoor spaces are a key benefit here with a well-used communal garden as well as private outdoor space for every resident.
- The scheme has many benefits and with some communal redecoration could be made to feel more contemporary.



The entrance faces north and the front door is down a ramp however it is well sign-posted



The large open-plan lounge. The flooring is due for replacement and the lounge is decorated with a contemporary colour scheme.



Every flat has an external door or balcony and many residents have personalised the space



The communal patio leads to the garden

## Sloane Court

### Description of building

1982 brick construction, purpose built block

### Description of location

Kempton, central area close to local amenities

### Key Points

- This is a generally high quality scheme with impressive communal facilities and circulation spaces.
- The generous scale of circulation areas means that the removal of furniture from these areas is particularly problematic. A strategy to address this should be undertaken.
- There are no studios, but 1 bed flats are relatively undersized.
- The split level nature of the building, with a central lift serving half levels, is an intelligent way to resolve accessibility issues on a sloping site, and could inform future development approaches on other sites.
- There is a relatively large amount of parking for this central area. The potential to put this to better use could be explored.



The communal lounge.



Sloane Court frontage from Park Street.



Generous circulation and winter garden area.



Unused circulation area with poor quality electrical installation.

## Somerset Point

### Description of building

72 units, 12 storey 1960s tower

### Description of location

Kempton, central location close to local amenities.

### Key Points

- There is a relatively strong sense of community, with an active tenants association.
- Communal facilities are relatively institutional in appearance, but seem well used.
- Studio flats are very small. Previous exploration into knocking studios together to create 2 bed flats concluded this would not be possible.
- Some ground floor units have windows directly on to the car park.
- The large car park adjacent to the scheme was underused on the day of the site visit. There may be potential to convert some of this into an amenity area.
- Residents raised concerns over how well kitchens are adapted for older users. High level ovens would be preferable as kitchens are refurbished.



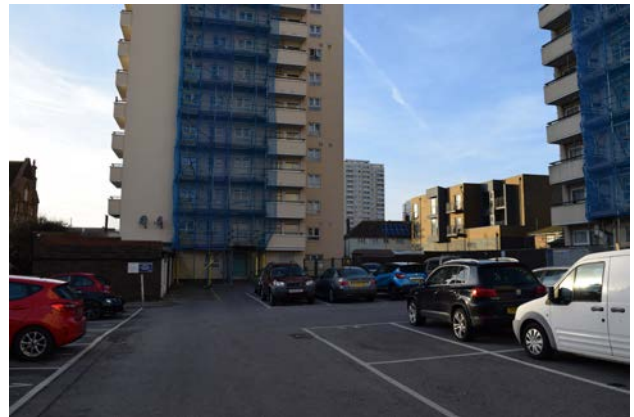
Communal lounge



The entrance lobby is undersized and highly cluttered with exposed services and signage



External lighting is required along the main entrance route



A large area of parking and garages outside Somerset Point

## Southeast

### Description of building

1960/70s brick construction, 2/3 storey

### Description of location

Whitehawk, suburban

### Key Points

- Double height space and pendant lighting in the communal lounge make this an exceptionally good quality space.
- All units are studios, but these are relatively generous.
- Access is limited as there is no lift. The split level nature of the scheme means at least two lifts would have to be installed to make the scheme fully accessible.
- Fire vents next to a radiator in the communal hall make the heating system inefficient.



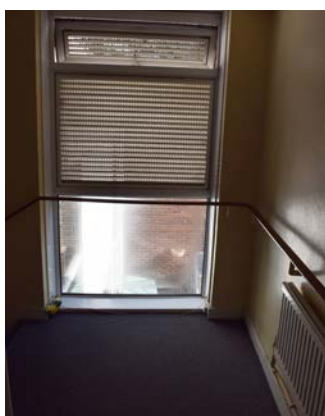
Double height communal lounge with pendant lighting



Approach from Whitehawk Road



Some circulation areas are dark



Ventilation next to a radiator wastes energy

## Walter May House

### Description of building

1978, brick construction, 3 storeys. Purpose built block.

### Description of location

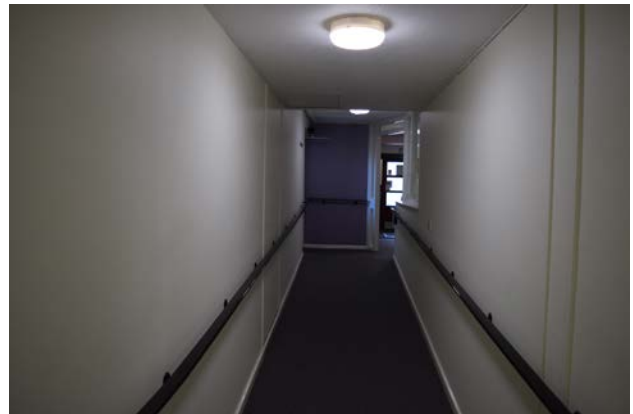
Whitehawk, a suburban area with predominantly low rise buildings and large areas of green space. However, this area is being intensified, as exemplified by the 5 storey Kite Place development opposite.

### Key Points

- There is not such as strong sense of community and some younger residents still work.
- Communal areas come across as particularly institutional.
- Direct access to the garden for ground floor units is positive.



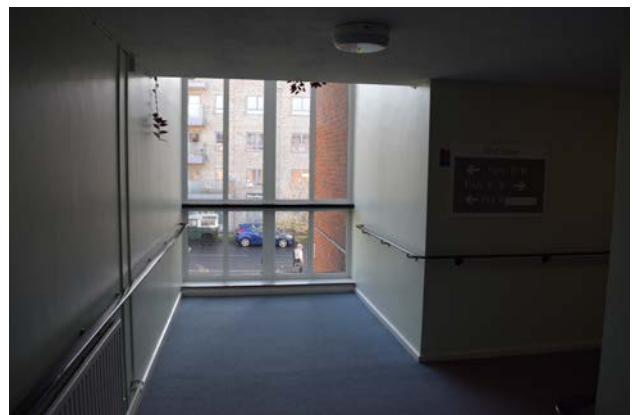
The communal lounge has an institutional atmosphere



Circulation space is very sparse



The generous garden is well used



Unused circulation areas that could be converted

## Woods House

### Description of building

Original building constructed 1975, and converted into sheltered housing around 2 years later. An extension with 6 flats built in the early 1980s. Predominantly 3 storey, brick construction.

The public toilets attached to the buildings are currently being converted into a new residents lounge, with an additional flat being created in the location of the current lounge.

Exterior garden space is limited, though the majority of units have a small private amenity space.

### Description of location

Located on a busy main road, close to public transport and amenities. The location in central Hove makes it popular with residents despite some problematic issues.

### Key points

- Not suitable for people with more severe mobility issues as there are no lifts. A lack of level access and narrow corridors also limit accessibility. Therefore, the majority of residents need to be in relatively good health.
- As this facility was not specifically designed for sheltered housing and has been added to over the years, there is little opportunity to significantly improve accessibility (e.g. there are 3 separate stairs on different levels).
- Communal facilities are currently undergoing significant improvement with the construction of the new lounge.
- Circulation areas were decorated around 3 years ago, but would benefit from further improvement.
- Active residents have been successful in helping to keep this facility up-to-date.
- Parking is limited, but the vast majority of residents do not drive. This is an issue for visitors, however.
- Woods House is located next to an area undergoing significant development, with sites around Hove Station proposed for relatively high density mixed use development. There is little opportunity for development on this site however, due to the lack of garden space and proximity of neighbouring terraced housing.



The scheme is located on a busy road, but a well tended front garden creates a buffer



Exposed wiring in corridors is problematic





External garden areas are minimal



The existing undersized communal lounge is to be replaced



Former public toilets are being converted into a communal lounge



Proposed lounge plans.



# **ROUNDTABLE: BEST PRACTICE DESIGN IN HOUSING FOR OLDER PEOPLE**

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**BRIGHTON AND HOVE CITY COUNCIL**

**22nd MARCH 2019**

## Attendance

### **Brighton and Hove City Council:**

Satti Sidhu, Housing Performance and Improvement Officer  
Scott Lunn, Housing Stock Review Manager  
Justine Harris, Housing Options Manager  
Jo Thompson, Project Manager, Estates Regeneration  
Sarah Potter, Housing development manager  
Janine Dodson, Project Manager, Housing Stock Team  
Emma Gilbert, Tenancy Services Operation Manager for Housing  
Ododo Dafé, Head of Income, Inclusion & Improvement  
Sandra Rogers, Planning Manager, Policy, Projects and Heritage Team  
Chris Swain, Principal Planning Officer

Chris Lamb, Director, DSE  
Huw Trevorrow, DSE  
Mary Liggins, DSE  
Sarah Wigglesworth, Sarah Wigglesworth Architects  
Khalil Rheman, PegasusLife  
Tim Riley, RCKa  
Artjoms Kuzmics, Proctor Matthews Architects  
Rachel Sayers, Fielden Clegg Bradley  
Nick Hayhurst, Hayhurst and Co.  
Irene Craik, Levitt Bernstein  
Robin Darton, University of Kent  
Anna Kear, Project Tonic, LGBT Senior Housing group  
Kevan Forde, Anchor Hanover

## Introduction

There is an identified need for at least 30,000 new homes in Brighton and Hove. At the same time, the population is aging, and nationally the proportion of over 65s is predicted to rise from 18% to 26% over the next 25 years. Therefore, providing housing for older people is one of the greatest challenges facing the planning and development industry.

Bringing together council employees, designers, developers, academics and specialists, this event explored best practice design in housing for older people, to identify principles that can help guide new development and improvements to existing facilities in Brighton and Hove.

## Seniors Housing in Brighton and Hove

There are 23 council owned Seniors Housing schemes in Brighton and Hove, providing accommodation for people of 55 years and older in self contained homes. These are not extra care facilities, but include an on-site scheme manager on weekdays, and communal facilities such as a lounge and garden.

This provides a highly valuable service, and often functions particularly well for residents who do not have the support of a family in the local area. However, the majority of these facilities were developed or converted in the 1970s and 80s, and though quality varies, many fall below modern standards. Particular issues include undersized private accommodation and limited accessibility. As part of this discussion, we aim to explore how the Seniors Housing stock in Brighton and Hove can be improved, and how new facilities could potentially be approached.

## Summary of key discussion topics

**Relocation into seniors housing as a choice not a necessity.** Existing seniors housing in Brighton and Hove is aimed at those aged 55+, however there is a general reluctance for people to leave their homes at this age. Housing needs to be improved to encourage relocation as a positive decision rather than as a last resort.

**Provision of housing for older people should be informed by consultation and research.** The needs of older people have historically been assumed. Instead, we need to ask - what do they want? Research should be conducted within the generation of future occupants - the baby boomers who are expected to demand a higher standard of living. A key focus should be on the needs of the individual - with the creation of *homes*, not 'units'. Not all older people will have the same requirements and desires, and a range of housing should be offered.

**Design standards should be reviewed.** The HAPPI principals provide straightforward standards which should be seen as the minimum. Post-retirement, those who might previously have been out at work all day are now home alone. Seniors housing needs to cater for this, both in facilitating a level of social interaction, and providing a pleasant environment suited to occupants who will now spend the majority of the day in their home. 'Delight' should be a basic requirement, not a luxury.

**Location is key.** Research suggests that city-centre locations are more popular than suburban locations. Elderly people should be able to use the same facilities as the general public in the city/town centre. These facilities should not all be provided in-house, as this de-motivates residents to leave the site and interact with their local community and surroundings. If retail areas could be partially re-purposed as seniors housing, this could benefit struggling high streets - this might include some of Brighton and Hove Council's commercial building stock. Older people are key contributors to a local economy, and this is especially apparent in the centre of towns.

**A social environment can be facilitated by the provision of more imaginative communal spaces.** Stewardship of communal spaces has been shown to work well, with regular clubs and activities planned. Communal facilities should be located where residents will pass by or through them on a regular basis.

**Nature is beneficial.** The integration of nature provides a healthier environment as well as improving the social and health well-being of residents. Green spaces must be accessible, incorporating level access and raised beds. Private outdoor space is also key.

**Flexibility of layout within accommodation.** Accommodation should be provided which offers flexible living with sufficient storage. Homes should be adaptable to accommodate future mobility issues. Many older people require a second bedroom to offer care for grandchildren, host visiting family, or to run a business or undertake a hobby at home. There is an opportunity to provide mixed-age

accommodation within the same site, but this needs to be carefully considered to manage the different lifestyles of the residents, especially with regards to noise and behaviours. This can be addressed by zoning a development and taking care when planning internal layouts. Purpose built cohousing schemes might be well suited to incorporating seniors housing. However it should be remembered that not all older people have the same wants - some seek interaction with younger people, while others want peace and quiet.

**Specific design to suit the scale of the site.** Brighton and Hove have a number of smaller sites, and there should be a focus on how to develop these sites, alongside a broader view of larger sites which might become available. The current provision is driven by the desperate need for more housing, rather than being based on research. The cost and value of brownfield land in a city centre makes it hard for planners to resist densification, and developers are able to override the needs of the individual in order to maximise their profit. Planning policy could be reviewed to address this. Not all council seniors housing should be aimed at low rents, and the ability to sell off the leasehold of homes should be considered as a way to finance improved housing for tenants.

**Community consultation.** When developing new sites, community consultation is key to ensure that the seniors housing integrates with its environment, rather than becoming a ghetto. Shared community gardens and new facilities for public use can encourage this, as well as architectural design which is well suited to its context in scale and materiality.

**Ask the right questions and communicate the vision.** Very important is to get people to be more open-minded about the possibilities, and to ask the next generation what they want. Sometimes it can be hard to see beyond a current preconception. This can be overcome by asking “what are the barriers to you moving into seniors housing; why are you hesitant?” Communication of this vision and possibilities is crucial.

## **Brooke Mead Presentation**

Rachel Sayers of Fielden Clegg Bradley Studios provided an overview of the recently completed extra care facilities at Brooke Mead, which is part of Brighton and Hove’s Senior Housing programme, and provides early-stage dementia care. The scheme aims to connect with the community, physically and socially. This was key to the pre-planning stage, with consultation with the local tenants’ association leading to the provision of a community garden within the scheme. Key design principals include:

- Overlooking issues are balanced against the desire to provide private external space for residents by virtue of inset balconies, which are accessible from bedrooms and living rooms.
- Deck access provides cross ventilation and more natural light, simultaneously bringing residents outside on a regular basis. Exposure to the elements is reduced by semi-permeable screening and residents’ satisfaction is reportedly high.

- The scheme is designed to get progressively more private as you ascend.
- The colour scheme was designed by a Dulux dementia care specialist.
- Communal facilities are located on the ground floor adjacent to the main entrance.

## **DWELL Presentation**

Sarah Wigglesworth gave an overview of the principals of the DWELL Research Project (**D**esigning for **W**ell-being in **E**nvironments for **L**ater **L**ife, 2013-2016, University of Sheffield.) The key findings were presented, summarised below:

- The current housing market does not provide a sufficient quantity and quality of seniors housing. The range of housing available needs to improve, and this should include the option to own your own home in later life.
- Location is key and city centre living is a very popular option. Services such as retail, transport, healthcare and social opportunities should be accessible.
- Autonomy and independence are key priorities for those people considering a move into senior's housing, with institutionalised spaces to be avoided.
- Residents who feel comfortable and in control will live a longer and healthier life.
- Living accommodation should be flexible to allow for second bedrooms to be dual purpose, eg. a study or extended living room. Many new businesses are set up by retirees, and new accommodation should have full digital capabilities.
- There is a proven benefit to older people living alongside people of other generations and new housing could facilitate this.
- Service charges and bills are a cause of concern for the elderly and new construction should be sustainable and robust to minimise these costs.
- Deck access is encouraged to avoid double-loaded corridors, allowing for cross-ventilation and a reduced need for fire resistant glazing.
- Stewardship and curation of community spaces is very important.
- Integration with nature offers benefits to users as well as helping to prevent overheating.
- A number of different design models have been considered from courtyard bungalows to high-rise living.

## **Principles to help guide future approaches to seniors housing**

### **Standards:**

- The council should develop their own standards for new and existing seniors housing - above and beyond existing minimum standards.
- The focus should be on improving the lives of end users, rather than focusing on densification or financial motivation.

### **Location and Design:**

- City centre locations are preferable and offer the best opportunity for mid-high rise development - allowing densification without sacrificing size or quality.
- Integration within existing high streets can benefit both parties.
- Where higher density developments are introduced, there should be a renewed



focus on providing external amenity space above ground level (eg. balconies and raised courtyards.) Higher density developments can help create a critical mass of activity to populate communal areas.

- The existing suburban sites could be re-purposed as temporary accommodation.
- The council's existing schemes could work harder and in some instances, replacement would be the best option.
- 'Delight' should be accounted for within the budget.

**Tenure:**

- Different options should be considered and integrated within schemes, including the option for selling off leasehold flats to help fund development.
- Higher rents could be justifiable where better standards of living are provided.
- The added value of the improved health and well being of occupants in better living accommodation must be considered within cost considerations.

**Planning:**

- Current planning policy should be reviewed with a view to facilitating the provision of new and/or improved seniors housing.
- Relaxed planning regulations on overlooking distances can open up opportunities.
- Existing successful schemes should be visited and publicised as examples.
- The design of new schemes should be opened up to a wider pool of architects, to include those with specific experience in this field.

**Key Design Principals for Seniors Housing:**

- Larger homes which can be used in a flexible way to allow for guests and/or home working and hobbies.
- Located within urban areas with key facilities within close walking distance.
- 'Care-ready' design or easily adaptable spaces.
- Access to both private and communal outdoor space.
- Communal rooms and facilities which are integral with or easily accessible from circulation, preferable located near the main entrance.
- Sufficient storage within homes and communally for larger items such as scooters and bicycles.
- Integration with nature.
- Double aspect units with adequate natural light and cross ventilation.
- Sustainable and robust design especially where leasehold purchases are proposed, to keep service charges and bills to a minimum.



## **Brighton and Hove Seniors Housing Standards**

Principles set out by HAPPI (Housing our Ageing Population: Panel for Innovation) informed this approach, helping to provide a framework to measures schemes against:

- Space and flexibility
- Daylight in the home and shared spaces
- Balconies and outdoor space
- Adaptability and 'care ready' design
- Shared facilities and hubs
- Plants, trees, and the natural environment
- Energy efficiency and suitable design
- Storage for belongings and bicycles
- External shared surfaces and 'home zones'

Using the HAPPI principles as a basis, and through further conversation with residents and service providers at Brighton and Hove City Council, the following criteria were developed (by Design South East):

### **Communal facilities**

Generous communal facilities should be provided to encourage a sense of community between residents. Spaces should

- Be of sufficient scale, allowing a range of activities to take place. Ideally including a large central space for all residents and guests to gather, and smaller scale more intimate spaces
- Be bright and airy, with natural light and ventilation
- Ideally be located near main entrances or circulation spaces where residents regularly pass by
- Include sufficiently large cooking areas
- Include accessible bathrooms
- Include suitable furniture and facilities (e.g. library, artwork/display)
- Be in good decorative order (recently decorated, suitable flooring, avoid exposed wiring etc)
- Avoid creating an overly 'institutional' atmosphere

### **Circulation Space**

Circulation space should be accessible and welcoming, encouraging social interaction as well as fulfilling a practical purpose. Spaces should:

- Provide level access
- Be of sufficient scale for wheelchair use
- Make it simple for guests and residents to find their way around.
- Ideally provide access to natural daylight and ventilation
- Provide informal places to meet people and interact
- Be in good decorative order (recently decorated, suitable flooring, avoid exposed wiring etc)
- Avoid creating overly 'institutional' spaces

**External Space**

Communal garden spaces should be provided for residents. Gardens should:

- Provide a mixture of soft planted areas, and hard areas for seating and events
- Provide both sunny and shaded, sheltered spaces
- Include facilities such as benches, tables and BBQs
- Be easily accessible from internal communal spaces

**Private accommodation**

Private accommodation should:

- Be of sufficient scale, adhering to minimum space standards
- Include private outdoor amenity space
- Be bright and airy, with natural light and ventilation
- Should feel like a home rather than an institution
- Be in good decorative order (recently decorated, suitable flooring, avoid exposed wiring etc)

**Accessibility**

- Provide level access to all communal spaces and private dwellings
- Provide sufficient width corridors and doors for wheelchairs
- Provide accessible bathroom where appropriate

**Guest facilities**

- Guest facilities should be included in larger facilities, providing high quality accommodation for visiting friends and families
- These should include access to full bathroom, and ideally en-suite bathrooms should be provided.
- Parking provision is an advantage

**Security**

- Housing should be safe and secure, providing suitably designed staged entry with electric doors

**Storage**

- Suitable storage for bins (including recycling), communal equipment and bicycles should be provided. Personal storage for residents who have recently downsized is an advantage

**Brighton & Hove Standard Indicative Costings****1. Introduction**

- 1.1 Delivering this standard will require significant capital investment in future years although other budgets such as the Estate Development Budget or the seniors housing budget could also be utilised. For information, details of indicative costs associated with implementing the standard are enclosed.
- 1.2 £0.200m of the 2020/21 draft capital budget has been set aside to cover the 'quick win' action points identified in the D:SE report and to develop more detailed plans for further years, especially where wholesale modernisation or programmes may be required to meet the standards.
- 1.3 Existing capital programmes already planned for seniors schemes can also take note of the D:SE report and the standards to ensure that good design practices inform future works such as decorating programmes.

**2. Communal facilities and circulation space**

- 2.1 There is a current redecoration programme plan for seniors housing that seeks to improve communal areas between 2020 and 2026, although this does not include lounges, guest rooms, communal kitchens and so on. The value of this programme is £0.208m for 2019/20 for all housing stock including seniors housing.
- 2.2 Based on the provision at Brooke Mead, wholesale renewal of communal furniture would be in the region of £15k-£30k per scheme. This would not be required at all schemes immediately as some have newer furniture purchased through the above provision. Specialist furniture may also be required to accommodate bariatric residents. There is scope within current budgets to accommodate furniture renewals.
- 2.3 The major redesign of a scheme will vary from site to site and the nature of the redevelopment and further work would be required to provide detail on this.

**3. Accessibility**

- 3.1 The standard sets out the need for further adaptation of communal and private space. Many schemes have automated internal doors and main entrances, and some automated doors have been installed to flats. Our Housing Adaptations team (HAOT) estimate that the most common adaptations to improve accessibility have the following costs:
  - Widening a communal doorway between £1.5k and £1.7k
  - Widening a household door between £1.2 and £1.4k
  - Installing an automated door approximately £2.5k per door.
  - Installing a ramp approximately £500 per metre with £700 for each flat landing area (top and bottom of ramp, turning spaces)
- 3.2 These costs are variable especially if additional works are required, for example to ensure fire safety, or depending on the materials being worked upon.

**4. External Space**

- 4.1 Our residents paid just under £30k for grounds maintenance in 2018/19 via a service charge as part of the rent, although this excludes arboriculture and garden furnishings. The Housing grounds maintenance service is currently under review to ensure that it is fit for purpose and delivers value for money.

**5. Private accommodation**

- 5.1 The cost of decorating and carpeting of an empty property is on average £1597 (£995 for decorating plus £599 carpeting based on a pilot in seniors housing). Based on the number of lets per year, this equates to an additional £92k for decorating and £55k for carpeting per annum should all seniors properties require these additional works. The draft HRA Budget for 2020/21 will include £0.150m as a service pressure for consideration to maintain this higher letting standard.

**6. Guest Facilities**

- 6.1 There are 22 guest rooms. The rental income of the seniors guest rooms was approximately £7.5k in 2018/19 and running costs including cleaning, and replacement of fixtures and fittings has been managed through the seniors housing budget (see 2.2 above).
- 6.2 The cost of decorating and carpeting all guest rooms would be approximately £31k based on pricing above.
- 6.3 Major works to improve facilities would need to be costed on an individual basis. This includes eight schemes where the rooms do not include any self-contained bathing facilities. These would need to be costed on a case-by-case basis.

**7. Security**

- 7.1 The cost of installing video as well as audio door entry systems is approximately £1.5-£2K per dwelling (including installation, cabling, containment) as a whole new system. Costs would be lower if installed to a newer upgraded door entry system.

**8. Storage**

- 8.1 There are some schemes with dedicated scooter storage space e.g. Brooke Mead, Leach Court, Elisabeth Court, Laburnum Grove. The commercial cost for a standalone scooter shed (for six scooters) is approximately £9k with an additional £3k if the units are very near a building requiring additional fire safety protection. The costs include delivery and installation but excluding electrical installation and any grounds work if required.
- 8.2 The commercial cost for shielding external refuse or recycling bins is approximately £4k for three large communal bins with an additional £1k if the building requires additional fire safety protection. This is not required at all schemes which have a refuse room but would benefit schemes where bins are located near entrance doors, especially Leach Court.

**9. Conclusion**

- 9.1 The cost of fully implementing the standard would be significant and further work will need to be done in order to develop programmes of work with more detailed costings over and above the indicative amounts herein. Plans for seniors housing will sit within the overall Asset Strategy and 30 Year Business Plan of the Housing Revenue Account. This will require details within each financial year of building works priorities and intentions







## **Equality Impact and Outcome Assessment (EIA) - 2019**

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

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users<sup>1</sup>. They analyse how all our work as a council might impact differently on different groups<sup>2</sup>. They help us make good decisions and evidence how we have reached these decisions<sup>3</sup>.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age<sup>13</sup>) or use the hyperlinks ('Ctrl' key and left click).

**For further support or advice please contact:**

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

### **1. Equality Impact and Outcomes Assessment (EIA) Template**

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed<sup>4</sup>.

<b>Title of EIA<sup>5</sup></b>	Seniors Housing Review (Draft)	<b>ID No.<sup>6</sup></b>	
<b>Team/Department<sup>7</sup></b>	Seniors Housing / Neighbourhoods Communities & Housing)		

<p><b>Focus of EIA<sup>8</sup></b></p>	<p>To provide an assessment of the equalities impact of the seniors housing review, especially with regards to the condition of the seniors housing stock and the barriers older people face when moving.</p>
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**2. Update on previous EIA and outcomes of previous actions<sup>9</sup>**

<p><b>What actions did you plan last time?</b> (List them from the previous EIA)</p>	<p><b>What improved as a result?</b> What outcomes have these actions achieved?</p>	<p><b>What further actions do you need to take?</b> (add these to the Action plan below)</p>
<p><b>Review seniors housing lettings</b> We revised guidelines for the supported housing sector to avoid inappropriate allocation and expanded the extra care panel to be more effective in the discussion of applicants with higher support needs.</p>	<p>Processes for ensuring a smoother transition are now in place for people leaving supported housing.</p>	<p>Ensure that staff teams are better aware of the service and eligibility criteria to avoid any inappropriate allocation.</p> <p>Adopt the recommendations of the service review 2019.</p>
<p><b>Produce clear guidelines on the service.</b> We revised our website and information on the Elderly Accommodation Counsel and produced new leaflets for people. We also provided information to Age UK Advice &amp; Information so they were better aware of empty homes within the service. We have also run open days and attended promotional events.</p>	<p>We have seen referrals via the EAC website and we've been able to use publicity to promote the service to people in the community and to organisations.</p>	<p>The information needs reviewing to ensure that it is consistent and to provide more details such as size of homes.</p>
<p><b>Engage with City Wide Connect to address loneliness.</b> We engaged with organisations to promote social connectivity and address loneliness and improve connectivity, including support to those with dementia. The Dementia Action Alliance used Brooke Mead as a base for meetings.</p>	<p>We have successfully engaged with organisations and run a range of activities and events with staff, residents and local organisations. Two schemes run a national award based on resident feedback reflecting the positive engagement.</p>	<p>.</p>

**HOUSING COMMITTEE****Agenda Item 27****Appendix 5**

Brighton &amp; Hove City Council

<p><b>Develop better ways of listening to the BAME community.</b> We ran an event for Windrush Day in 2019 to better promote our service to the BAME community and to start a conversation as to how we could better promote our services.</p>	<p>We had positive feedback from those attending, staff and residents.</p>	<p>We need to continue the consultation with the BAME community both to reflect diversity within the schemes but also to tackle discrimination.</p>
<p><b>Develop better ways of listening to the LGBT community.</b> We have continued to promote the LGBT community and Brooke Mead hosted a Rainbow Café for people in the LGBT community living with dementia.</p>	<p>We have had positive feedback from residents and staff.</p>	<p>We need to continue to see where we can build upon the work so far in developing the working relationship with the LGBT community and LGBT switchboard.</p>
<p><b>Develop better ways of listening to the needs of carers.</b> The service has supported and housed residents and their carers.</p>		<p>We need to better promote the availability of seniors housing to people with carers, especially two bedroom stock which could accommodate an older person and their carer.</p>
<p><b>Remodel studio flats.</b> Studio flats have been remodelled.</p>	<p>Individual dwellings have been modernised.</p>	<p>Continue to modernise schemes to continue improving the seniors housing stock.</p>

### 3. Review of information, equality analysis and potential actions

Groups to assess	What do you know <sup>10</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>11</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>12</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>13</sup> ? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age <sup>14</sup>	<p>There will be a substantial age increase in Brighton &amp; Hove with an additional 20,000 over 60s by 2035*</p> <p>In seniors housing 46% (418 of 905 residents) are aged 75 and over with 14% (125) aged 85 and over.</p> <p>Brighton &amp; Hove has a relatively large population of older people living alone: 41% of over 65s in the 2011 census. This is projected to increase too.*</p> <p>The risk of loneliness for those 65+ in the city is in the top 20% in England (2011)**</p> <p>Brighton and Hove is below the England average for owner-occupation amongst the</p>	<p>People tell us that some of the current seniors stock doesn't meet their needs and is outdated or institutional.</p> <p>There are some external factors such as schemes in hilly areas or lack of transport which make some schemes unattractive.</p> <p>People and organisations have told us that moving at older age is difficult and especially where there is little help to do so.</p> <p>People have told that our approach to pets in seniors housing is restrictive and can prevent some from moving in.</p> <p>The Police have advised that better CCTV as part</p>	<p>The current standard of housing is not meeting the needs or expectations of current or prospective residents and without change the negative impact will increase as property become more outdated. This can be off-putting for those the accommodation is seeking to attract</p> <p>Without support to do so older people may struggle moving into seniors housing even if this were a better option for them.</p> <p>There is particular impact on older council tenants who are not 'downsizing' since they do not benefit from the Transfer Incentive Scheme.</p>	<p>Improving the seniors housing stock and the help and support to people wishing to move will make accessing and living in seniors housing easier. This will improve wellbeing and help maintain independence longer.</p> <p>Removing restrictive approaches to pets increases the options for pet owners.</p> <p>The use of video as well as audio door entry systems will help in the safety and security of older people.</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	<p>60+ households above the England average for living in social rented housing (19.2% of the total 60+ population)*</p> <p>46% of general stock council housing tenants (12199) are over 55 (5646).</p> <p>35% (2511) are over 55 and live alone.</p> <p>6% (732) are 75 and over and live alone (OHMS data Oct 2019).</p> <p>There are 358 people on the housing register who are able to bid for seniors housing (Oct 2019).</p> <p>The ONS identify that excess winter deaths in 2017-18 were the highest recorded since 1975-6 and that older and females were the most affected. Predominant strain of influenza in 2017-18 impacted the elderly the most.</p>	<p>of door entry systems provision will help with distraction burglaries and community safety. Residents tell us that the ability to see callers as part of the door entry system will help them feel safer.</p>	<p>Restrictive approaches to pets can negatively impact on people's take up of seniors housing and increase loneliness given the companionship pets can bring.</p>	

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Disability<sup>15</sup></b>	<p>People in Brighton &amp; Hove are living longer in ill health and this is set to increase. 50% of general need council tenants over 60 and 77% of those in age-designated council housing have a self-reported disability or long term health condition.*</p> <p>The % of people in seniors housing with a disability or vulnerability has increased (63.4% in 2013 compared to data above of 77%).</p> <p>While life expectancy (LE) has been increasing healthy life expectancy (HLE) has fallen: LE: 79.1 for men, 83 for women (2015-17) HLE: 62.2 for men, 65.3 for women (2015-17)**</p>	<p>People tell us that there is a problem with accessibility in some schemes not only in terms of the communal areas but also in private dwellings. This may be compounded by other factors such as hilly locations.</p> <p>Prospective residents have told us about the difficulty they face when moving due to the practicalities of doing so.</p> <p>Staff tell us that the mobility codes used in Homemove adverts may inadvertently restrict older people from accessing seniors housing because the usage does not recognise the concept of 'care ready' housing and future need.</p>	<p>People with disabilities are finding their homes difficult to use and require adaptation (such as automated door systems).</p> <p>People will be living longer in ill-health and outdated properties may make life more difficult for them.</p> <p>Prospective and disabled residents may be put off from moving or experience difficulty when they do so.</p> <p>There is disruption for people and costs to housing HRA where individual adaptations are required reactively and retrospectively instead of buildings being more 'care ready'.</p>	<p>Improving the design of the seniors housing stock will help better support disabled residents, especially with regards to wheelchair and mobility access and storage. It will also better support those with ill-health at the later stages in their life.</p> <p>Ensure that any proposed refurbishment includes good practice design and the input of the Housing adaptation team (HAOT) and tenant disability network.</p> <p>Review the use of mobility codes for seniors housing and other than wheelchair accessible property enable people to access properties with facilities that might help them age better.</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Gender reassignment<sup>16</sup></b>	0.4% of tenants in age-designated housing identify as transgender, double that within general stock housing. This is likely to be an underestimate. One in three respondents in the 2015 trans community survey run by the University of Brighton and LGBT Switchboard has experienced homelessness.*			Ensure that our future marketing of the seniors housing service positively attracts the transgender community accessing seniors housing.
<b>Pregnancy and maternity<sup>17</sup></b>	We are not aware of any pregnancies or maternity issues within the seniors housing population.			
<b>Race/ethnicity<sup>18</sup></b> Including migrants, refugees and asylum seekers	At the time of the 2011 census 6% of all over 60s were Black & Minority Ethnic (BAME). 11% of current council tenants in age-designated are classified as BAME in the same census.*  BAME households are more likely to be renting privately, and specific BAME groups are more	That celebration of diversity is welcome and that visible commitment to the BAME communities helps address current or historical discrimination.	That more needs to be done to visibly promote diversity of race and ethnicity within the service.	Ensure that our future marketing of the seniors housing service positively attracts the BAME community accessing seniors housing especially extra care at Brooke Mead given the increased risks regarding dementia.



<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	likely to own homes in deprived areas or request homeless support.*  Dementia is likely to be more prevalent amongst Asian and Black Caribbean elders because some of the risk factors (high blood pressure, stroke and heart disease) are more common in these communities.*			
<b>Religion or belief<sup>19</sup></b>	OHMS data continues to show diversity of faith in seniors housing. The majority faith is Christian though this has fallen between 2013 and 2019 (46% respondents compared to 67.2%)	Seniors staff advise that two schemes have communal space used by people to practice their faith and that this is welcomed by those who wouldn't be able to easily do so outside of the scheme.	There is a need for faith space.	Ensure that our future marketing of the seniors housing service positively attracts the faith communities accessing seniors housing.  Ensure that the redesign of building can incorporate more faith/reflective space.
<b>Sex/Gender<sup>20</sup></b>	There are more men in seniors housing than women (54% men compared to 46%)	That in schemes where there is a gender imbalance this can have an impact on the	Older women can feel that the scheme is not for them especially if the male residents are	Ensure that the local; delivery of the service reflects gender balance e.g. promoting Men-in-

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	women). This has increased since 2013 (when there were 51% men compared to 49% women).	community, particularly where the majority are men.  Community activities can sometimes be hard to foster in a scheme where the majority are men	younger and/or have a complexity of needs.	Sheds project for older men, encouraging befriending services, tailoring activities to reflect any unmet need.
<b>Sexual orientation<sup>21</sup></b>	4% of residents in council age designated housing identify as LGBT. There has been little change between 2013 and 2019 (5% in 2013).	There has been positive feedback about living and working in BHCC seniors housing especially where the service has been more visible in promoting the LGBT community..	A pro-active approach to ensuring and promoting a more inclusive service can improve the positive 'feel' of a service for communities,	Ensure that our future marketing of the seniors housing service positively attracts and supports the LGBT community accessing seniors housing.
<b>Marriage and civil partnership<sup>22</sup></b>	The majority of residents are single persons.			
<b>Community Cohesion<sup>23</sup></b>				
<b>Other relevant groups<sup>24</sup></b>	There is significant deprivation in the city and 18.4% (7035) of older people of pension age live in poverty compared to 10.1% in the SE and 13.8% in England.	That it is expensive to move especially with regards to removals and where there is a need to decorate or re-carpet or furnish new homes.	Older people may be put off from moving into seniors housing or struggle to do so even if this were a better option for them.	The seniors housing already provides white goods (cookers, fridges) and has piloted carpeting and decorating empty homes before letting. This should continue.

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	<p>Whitehawk, Moulscroomb, Hollingbury and Woodingdean are in the 20% most deprived areas in England.*</p> <p>11% (14,600 people) are estimated to be in fuel poverty (2016)**</p> <p>There are 1751 general stock housing tenants over 55 and over who would not qualify for any help under the current Transfer Incentive Scheme because they are in studio or 1 bedroom flats are not downsizing. (OHMS data Oct 2019). The majority (1419) live alone.</p> <p>There are 1090 people over 55 who live alone in general stock council dwellings of between with between 2-5 bedrooms. This represents 8.9% of council tenants.</p>	<p>Staff tell us that existing mechanisms for assisting with removals can be bureaucratic and do not guarantee timely payment when needed.</p>	<p>A significant number of older council tenants would not receive any financial incentive to move because they are not considered downsizers. The majority live alone where there may be risks of loneliness.</p> <p>There is the potential to release council accommodation if the current occupants chose to live in seniors housing.</p>	<p>The recommended actions within the review aim to encourage more older people to consider the seniors housing option and make it easier for them to move if they decided to do so.</p> <p>Provide more support to council tenants wishing to transfer particularly in respect to removals.</p> <p>Provide more support to carers in the moving process.</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Cumulative impact<sup>25</sup></b>	There may be Cumulative impacts on the wider health and social care economy if good housing is not available. Delayed transfers from hospital, acute bed placements and residential care numbers in Brighton & Hove against comparator areas may reflect this in part.***	That older people may be delayed in hospital or be housed in residential care rather than seniors housing or extra care.	This means that older people may lose independence with resulting impact on their wellbeing.	Ensure that the process of moving into seniors housing and extra care is easy and that these are options are better known.
<b>Assessment of overall impacts and any further recommendations<sup>26</sup></b>				
The overall impact is that the current standard of the BHCC seniors housing stock does not meet the needs or expectations of an ageing population. The D:SE report assesses each scheme against what is considered and overall good design standard, and provides an objective view of the stock. The report echoes the qualitative feedback from residents and prospective residents about the stock being outdated, institutional and unattractive. This means that without change the seniors housing stock becomes less and less viable and prospective residents less likely to move in despite the benefits associated with living in specialist housing. This is reflected in letting data where it takes double the time to let a seniors housing property when compared to general stock housing. The adoption of a new standard and improvements to the stock will improve the quality of accommodation for existing and prospective residents. It will also help attract older people (including 'downsizers') to consider seniors housing.				

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<p>The barriers facing older people moving into seniors housing have been identified at a national and local level and the recommended solutions will make it easier for people to do so. If people find it difficult and expensive to move – as advised in working groups - they may be less likely to move into housing even though this may be better for them. With a high proportion of older people living in the social rented sector, higher and increasing numbers of single older people in the city and significant levels of poverty in Brighton, there is a risk that without change the most vulnerable will be adversely affected. As well as the human impact for those individuals this will also have ramifications in terms of the wider health and social care economy (e.g. residential care placement, delayed transfers, falls).</p> <p>There is an inequality between newer, and higher end retirement housing and the council's seniors housing stock and the ability to access appropriate housing. Without capital investment and addressing the barriers people face when moving there is a risk that those without means will not be able to access good quality housing that would be beneficial in terms of health and wellbeing.</p> <p>As a landlord the evidence that is we have significant numbers of older people living alone in our housing stock who might benefit from seniors housing. Moving into seniors housing may not only have a positive impact for those who move into the service but it may also help release the supply larger council accommodation that is currently under-occupied.</p> <p>As a landlord ensuring that our seniors schemes are more suitable for older and disabled people may reduce the need for re-active adaptations in the future where these can be costly and disruptive for those concerned.</p>				

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

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
*Housing LIN Older Peoples Housing Needs Assessment.	2019		
**Brighton & Hove Health and Wellbeing Strategy	2019		
***Care Quality Commission LA area date profile: older people's pathway 2019	2019		
OHMS (housing) data	October 2019	Carer data	Engage with Adult Social Care to ensure better data on carers.
Design South East (D:SE) reports commissioned by BHCC on good design and seniors housing.	March 2019		
Workshops with residents, prospective residents and staff held between February and March 2019	Feb-Mar 2019		
Seniors Housing Action Group consultative body.	Ongoing		

Windrush Day Event held in seniors housing	June 2019		
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## 5. Prioritised Action Plan<sup>27</sup>

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
Age (those over 55) Disability	Improve the quality of the seniors housing stock to reflect better design standards.	More suitable housing for older and disabled people.	Increased numbers of people applying and bidding for seniors housing.  Positive feedback from residents and prospective residents, including consultative groups such as the Tenant Disability Network and Seniors Housing Action Group.	2019
Age (those over 55 with pets)	Remove restrictive pet practices	More people being able to access seniors housing	Increased numbers of people applying and bidding for seniors housing	2019
Age (those over 55)	Improve security	People feel safer in their homes and less vulnerable to crime.	Positive feedback from residents, particularly through tenant groups such as the Seniors Housing Action Group.	
Age (those over 55) Sexual orientation Gender Re-assignment Race/ethnicity Carers	Improve the information for people on seniors housing.	More people know about the seniors housing option	Increased numbers of people applying for seniors housing, especially those who may otherwise be in residential care.	2019-20
Age (those over 55) Sexual orientation Gender Re-assignment	More help for people moving into seniors housing.	More people are attracted into seniors housing as there is more	Increased number of people applying and bidding for seniors	2019-20



Race/ethnicity Carers		assistance.	housing.	
Religion/belief	Enable more communal space to be used for faith practice.	More faith spaces in seniors schemes.	An increase in faith practices within schemes.	
Carers	Ensure there is better data on the number of carers in seniors housing.	Better knowledge of the needs of carers in schemes.	More specific details of carers within schemes.	2019-20

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

**Staff member completing Equality Impact Assessment: Peter Huntbach**

**Date: October 2019**

**Directorate Management Team rep or Head of Service/Commissioning:**

**Date:**

**CCG or BHCC Equality lead:**

**Date:**

## Guidance end-notes

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

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

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

### <sup>2</sup> Our duties in the Equality Act 2010

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

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

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

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

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<sup>3</sup> EIAs are always proportionate to:

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

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

<sup>4</sup> **When to complete an EIA:**

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

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

**Do you need to complete an EIA? Consider:**

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

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

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

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

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

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

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This section should explain what you are assessing:

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

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

<sup>10</sup> **Data:** Make sure you have enough data to inform your EIA.

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

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

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

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

<sup>12</sup> Your EIA must get to grips fully and properly with actual and potential impacts.

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

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

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

<sup>14</sup> **Age:** People of all ages

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

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

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

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

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

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

<sup>21</sup> **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

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

<sup>23</sup> **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

<sup>24</sup> **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

<sup>25</sup> **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

<sup>26</sup> **Assessment of overall impacts and any further recommendations**

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

<sup>27</sup> **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

Scheme	Ward
<b>Broadfields</b> Moulsecoomb Way Moulsecoomb, Brighton BN2 4QF	Moulsecoomb & Bevendean
<b>Brooke Mead</b> 40 Albion Street Brighton BN2 9AJ	Queens Park
<b>Churchill House</b> Hangleton Road Hangleton, Hove BN3 7SG	Hangleton and Knoll
<b>Ditchling Gardens</b> Ditchling Road Brighton BN1 6JX	Hollingdean and Stamner
<b>Elizabeth Court</b> 65 Wilbury Road Hove BN3 3EX	Goldsmid
<b>Elwyn Jones Court</b> South Woodlands Brighton BN1 8WU	Patcham
<b>Evelyn Court</b> Windlesham Close Portslade BN41 2AA	South Portslade
<b>Hazelholt</b> Chalky Road Portslade BN41 2WF	North Portslade
<b>Jasmine Court</b> Patchdean Brighton BN1 8NG	Patcham
<b>Jubilee Court</b> The Crescent Moulsecoomb, Brighton BN2 4TS	Moulsecoomb and Bevendean
<b>Laburnum Grove</b> Burstead Close Hollingdean Brighton BN1 7HX	Hollingdean and Stamner

<b>Lavender House</b> Lavender Street Kemp Town Brighton BN2 1LG	Queens Park
<b>Leach Court</b> Park Street Kemp Town Brighton BN2 0DE (1-72) BN2 0DJ (73-108)	Queens Park
<b>Lindfield Court</b> The Crestway Hollingdean Brighton BN1 7AY	Hollingdean and Stamner
<b>Manor Paddock</b> Manor Road Kemp Town Brighton BN2 5EY	East Brighton
<b>Muriel House</b> Ingram Crescent West Hove BN3 5NS	Wish
<b>Rose Hill Court</b> Rose Hill Terrace Brighton BN1 4HS	St Peters and North Laines
<b>Sanders House</b> Ingram Crescent West Hove BN3 5NW	Wish
<b>Sloane Court</b> Park Street Kemp Town Brighton BN2 0DG	Queens Park
<b>Somerset Point</b> Somerset Street Kemp Town Brighton BN2 1JS	Queens Park
<b>Southeast</b> Whitehawk Road Whitehawk Brighton BN2 5GB	East Brighton



<b>Walter May House</b> Whitehawk Road Whitehawk Brighton BN2 5GF	East Brighton
<b>Woods House</b> Sackville Road Hove BN3 3HF	Westbourne



<b>Subject:</b>	<b>Health &amp; Safety Update</b>	
<b>Date of Meeting:</b>	<b>13 November 2019</b>	
<b>Report of:</b>	<b>Executive Director for Housing, Neighbourhoods &amp; Communities</b>	
<b>Contact Officer:</b>	<b>Glyn Huelin</b>	
	<b>Name:</b>	<b>Geofrey Gage</b> <b>Tel: 01273 293306</b>
		<b>Grant Ritchie</b>
	<b>Email:</b>	<a href="mailto:glyn.huelin@brighton-hove.gov.uk">glyn.huelin@brighton-hove.gov.uk</a>
		<a href="mailto:geofrey.gage@brighton-hove.gov.uk">geofrey.gage@brighton-hove.gov.uk</a>
		<a href="mailto:grant.ritchie@brighton-hove.gov.uk">grant.ritchie@brighton-hove.gov.uk</a>
<b>Ward(s) affected:</b>	<b>All Wards</b>	

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

- 1.1 This report updates Housing Committee on health and safety in key areas for council housing stock. It includes updates on fire doors, large panel system built blocks and other items identified by central government.
- 1.2 The council is committed to providing safe homes and has worked to keep residents well informed around safety and the work that the council is doing in this important area.

**2. RECOMMENDATIONS:**

- 2.1 That the Housing Committee note the contents of this report.
- 2.2 That the Housing Committee note that any recommendations arising from the Grenfell Tower Inquiry and / or the Pankhurst Avenue fire investigation, to improve the health and safety and fire safety of our homes, will be brought forward to a future Committee.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 As part of the council's Housing Asset Strategy there is a clear focus on 'Providing Safe Homes'. Regular updates have been provided to Area Panels and Housing Committee updating on work in this area including sprinklers, fire doors and fire safety.

- 3.2 The council is continuing to follow post Grenfell government guidance and this report updates on a number of areas that relate to health and safety and fire safety across housing. These include:
- Large Panel System buildings
  - Fire doors
  - Panels and balconies
  - Sprinkler systems
  - “Building a Safer Future”
- 3.3 A multi-agency Housing Fire, Health and Safety Board, which includes East Sussex Fire & Rescue Service, several council departments, and related agencies, has been in place for several years to ensure effective use of these resources, good governance and a ‘joined-up’ approach. The board continues to meet on a monthly basis and also reviews compliance across key housing areas.
- 3.4 Large Panel Systems**
- 3.5 Earlier this year, the council carried out structural surveys on eight ‘large panel system’ tower blocks. These surveys were conducted by specialist structural engineers and found that there are no structural issues with any of the buildings. The report also stated that the buildings are generally in good structural condition. The reports identified some repairs to be carried out in 2019 which have been programmed in for completion before the end of this year as advised by the consultants who carried out the surveys.
- 3.6 The blocks surveyed were:
- Dudeney Lodge
  - Nettleton Court
  - St James House
  - Kingfisher Court
  - Heron Court
  - Swallow Court
  - Falcon Court
  - Kestrel Court
- 3.7 The reports identified some minor cracks in service riser ducts. Work has begun to rectify these and further inspection has shown many to be hairline cracks in the plasterwork which need no further action. Any repairs necessary to fix these cracks are expected to be completed by the end of October.
- 3.8 The reports also identified some issues with loose concrete on St James House. These areas have been made safe and the council has identified the further work that needs to be done. A further inspection of St James House to look at any further repairs that may be required is underway and rectification work is planned for the next financial year.
- 3.9 The council has written to residents of the blocks about the survey results and published the reports online at <https://new.brighton-hove.gov.uk/news/2019/large-panel-system-building-survey-results>.
- 3.10 The council is also reviewing other recommendations and planning for further surveys to be undertaken in 2020/21 in line with the report recommendations.

This would include following guidance in relation to undertaking a full structural assessment of the blocks including intrusive investigations.

- 3.11 The council is reviewing procedures around future tests and introducing processes for five and ten year inspections to these blocks as required.

### **3.12 Fire doors**

- 3.13 The council has worked closely with both Central Government and East Sussex Fire & Rescue Services in managing the safety of fire doors across our housing stock.

- 3.14 In 2018 Central Government identified that a number of door suppliers failed to meet the expected performance standards required of fire doors. This included Masterdor fire doors. There are approximately 2,000 Masterdor doors in the council owned housing stock across the city.

- 3.15 IG Doors, the council's current door supplier is not one of the suppliers whose doors failed. Health & Safety officers are continuing to work with IG Doors to review certification for their doors.

- 3.16 The advice from government and National Fire Chiefs Council is that the additional risk is low. Additional fire risk assessments have been carried out on high-rise buildings and have specifically looked at the impact of fire doors.

- 3.17 The council is now looking at replacement programmes for doors, including fire doors, and will be procuring new contracts for doors as part of the planned maintenance contracts that will commence in 2020.

### **3.18 Panels and balconies**

- 3.19 Central Government have issued advice notes to local authorities on both balconies and panels on external walls.

- 3.20 The advice note on balconies indicates that balconies should not be made of combustible materials and also identifies that residents should be informed about the risks of storing any combustible materials on balconies.

- 3.21 As a result of this advice the council will be updating the "Fire safety in flats" information leaflet in conjunction with East Sussex Fire & Rescue Service and updating all residents through the "Homing In" magazine.

- 3.22 The advice note on "Spandrel panels (including window panels and infill panels)" relates to panels that are part of the external wall of buildings. This note advises building owners to check the materials used in the panels.

- 3.23 The council is reviewing information and carrying out tests to panels in council housing stock. This will identify the materials used in any panels. Should any panels need to be removed and replaced then this work will be carried out as part of the housing capital investment programme.

### **3.24 Sprinkler systems**

- 3.25 The council has engaged extensively with residents as part of proposals to install sprinkler systems at St James House and Essex Place. Both projects are jointly funded with East Sussex Fire & Rescue Service.
- 3.26 The council is currently in Section 20 consultation with leaseholders on these works. The proposal and technical specification has been amended following the last consultation process undertaken with residents at the beginning of the year.
- 3.27 Subject to the outcome of formal consultation with leaseholders works are anticipated to commence on site early in 2020.

### **3.28 “Building a Safer Future”**

- 3.29 “Building a Safer Future” is the name of the Ministry of Housing, Communities and Local Government (MHCLG) programme to improve safety and minimise the risk of fire in high rise buildings.
- 3.30 MHCLG have been consulting stakeholders and their proposals represent a significant change to fire safety in residential premises. The aim is to provide a regulatory framework which applies over the whole life time of the building including, pre planning stage, construction, occupation and the continued management of the building for its lifetime. The proposals will include all residential buildings over 18m in height.
- 3.31 Proposals include the formation of a Building Safety Regulator that would oversee both new construction and the occupation of existing premises in addition to the roles of Building Control, Fire Authorities and local Environmental Health.
- 3.32 In addition, the proposals involve:

“Creating a new ‘accountable person’ role who will be the dutyholder responsible for making sure that building fire and structural safety risks are reduced as much as reasonably practicable when people are living in the building.

Dutyholders will create a ‘safety case’ which contains all the important information about a building that shows how the dutyholders are managing any fire or structural risks on an ongoing basis.”

- 3.33 Finally, the proposals include a commitment to ensure residents are at the heart of the new regulatory system with the accountable person having specific duties to residents of high rise buildings.
- 3.34 Full details of the proposals are published on the MHCLG website at <https://www.gov.uk/government/consultations/building-a-safer-future-proposals-for-reform-of-the-building-safety-regulatory-system>
- 3.35 The Fire, Health & Safety Board has received regular updates on the programme and further reports will be presented to Housing Committee in line with the implementation of any new regulatory framework by MHCLG.

### **3.36 Grenfell Tower Inquiry, Phase 1 Report**

3.37 Committee will be aware that the first phase of the public inquiry into the Grenfell fire reported on the 30<sup>th</sup> October 2019. The report contains a number of recommendations over a range of issues. A number of these recommendations link in with the proposals that were consulted on by MHCLG “Building a Safer Future” (3.28 above). The council will work with colleagues from East Sussex Fire & Rescue Service and across the council to consider the impact of the recommendations on council housing stock and bring forward proposals to a future Committee.

### **3.38 Pankhurst Avenue fire**

3.39 Committee will be aware of the recent fire at a residential block of flats in Pankhurst Avenue. This fire is currently the subject of an investigation by East Sussex Fire and Rescue Service, therefore it would be premature to draw conclusions at this stage. Once the information is available officers will consider the outcomes and identify how they may impact council housing stock. Any proposals arising from the investigation requiring member consideration will be brought forward to a future Committee.

## **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 No alternative options have been considered for this report.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 A multi-agency Housing Fire, Health and Safety Board, which includes East Sussex Fire & Rescue Service, several council departments, and related agencies, has been in place for several years to ensure effective use of these resources, good governance and a ‘joined-up’ approach. The board continue to meet on a monthly basis and also reviews compliance across key housing areas.

5.2 Regular updates are also provided to residents through the Housing Area Panels. A health and safety update was provided at Area Panels in October 2019 in line with this report.

5.3 As detailed in this report engagement has been undertaken in line with proposed sprinkler installations in the city.

## **6. CONCLUSION**

6.1 The council is committed to providing safe homes and has worked to keep residents well informed around safety and the work that the council is doing in this important area.

6.2 The council continues to work closely with partners and agencies to ensure a robust approach to fire safety and health and safety is in place.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The costs of health and safety measures outlined in this report will continue to be prioritised and included within the 30 year Business Plan for the HRA and annually within the HRA Capital Programme which is reported to Housing Committee in January each year.

*Finance Officer Consulted: Monica Brooks*

*Date: 21/10/19*

### Legal Implications:

- 7.2 Section 11 of the Landlord and Tenant Act 1985 imposes an ongoing obligation on the council as landlord to keep in repair the structure and exterior of housing accommodation. Further duties in relation to fire safety are imposed on the council as the responsible person under Regulatory Reform (Fire Safety) Order 2005. The measures outlined in the report demonstrate that the council's compliance with and awareness of those obligations.

*Lawyer Consulted: Name Liz Woodley*

*Date: 23/10/19*

### Equalities Implications:

- 7.3 There are no equalities implications arising directly from this report. The council's major and planned works programmes and budget proposals are subject to equalities impact assessment.

### Sustainability Implications:

- 7.4 There are no sustainability implications arising directly from this report other than those already considered as part of the wider HRA Asset Management Strategy previously reported to Committee.

### Any Other Significant Implications:

- 7.5 None other than those outlined in the report or the wider HRA Asset Management Strategy previously reported to Committee.



## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None.

### **Documents in Members' Rooms**

None.

### **Background Documents**

None.



<b>Subject:</b>	<b>Sustainability Measures for New Homes</b>		
<b>Date of Meeting:</b>	<b>13 November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Nick Fishlock, Sam Smith</b>	<b>Tel: 01273 293905, Tel: 01273 291383</b>
	<b>Email:</b>	<b>nick.fishlock@brighton-hove.gov.uk, sam.smith@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

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

- 1.1 The Council is committed to developing a 10-year carbon neutral programme, which will include an engagement plan and a Citizens' Assembly.
- 1.2 This paper reviews the relationship between this target and the council's delivery of new council homes.
- 1.3 This report covers the policy context, current standards and progress to date in relation to housing and environmental sustainability; examines the opportunities, risks, challenges of developing zero carbon homes; and proposes key actions and milestones to delivering zero carbon homes by 2030.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee notes the progress to date
- 2.2 That the Committee agrees to the establishment of working group on Zero Carbon Homes based on the terms of reference, contained in Appendix 1

**3. CONTEXT/ BACKGROUND INFORMATION****3.1 Local and National Context**

- 3.1.1 The built environment currently accounts for approximately 40% of carbon emissions in the UK; almost half of this comes from energy used in buildings.
- 3.1.2 The council is to develop a ten year programme with an aim of making the city carbon neutral by 2030 --The Housing Committee Work Plan 2019-23 agreed on 18 September 2019 includes commitments to the development of 800 additional council homes and . development of a policy to set out how we will work

collaboratively to ensure housing contributes to making the city carbon neutral by 2030

- 3.1.3 The Government removed the requirement to meet the Code for Sustainable Homes and the target of zero carbon homes in 2014 and 2015 respectively. However, the ongoing need to reduce carbon emissions in order to tackle climate change means that policies are currently under review with both new national and local targets being considered.
- 3.1.4 The Government recently announced an environment and climate emergency, which followed with the adoption of a net zero emissions target by 2050. This is an amendment to the Climate Change Act 2008, with a previous target of 80% cut to 1990 level by 2050. It is the first major economy in the world to do so.
- 3.1.5 The Government announced in March 2019 that gas boilers will be banned in all new homes from 2025 to tackle climate change, with the expectation that more sustainable technologies such as heat pumps and improved building fabric will be used instead.
- 3.1.6 Over recent years a number of local authorities across the UK including Greater London, Greater Manchester, Nottingham, Glasgow, Edinburgh, Bristol, Stroud, and Oxford have set targets of net zero carbon emissions before 2050. Bristol is already two years ahead of their corporate target to reduce carbon emissions from its direct activities by 65% by 2020, with a 71% reduction in 2017/18 (against a 2005 baseline) . Stroud District Council is the first in Europe to be carbon neutral, and is aiming for its whole district to be carbon neutral by 2030.
- 3.1.7 The Government's Clean Growth Strategy outlines their intention to drive a significant acceleration in the pace of decarbonisation and set out domestic policies which enable meeting carbon reduction targets. Measures include raising energy efficiency standards; investing in new energy efficiency and heating technologies; phasing out the installation of high carbon fossil fuel heating in new and existing homes; and investing in smart systems and energy storage.
- 3.1.8 The UK has adopted the 2030 Agenda for Sustainable Development and is committed to delivering its 17 Sustainable Development Goals.
- 3.1.9 In April 2019, the UK Green Building Council (UKGBC) released a framework definition for net zero carbon buildings. This describes a path to achieve net zero carbon buildings in both construction and operation (in-use energy consumption).

## 3.2 **Current Standards**

- 3.2.1 The council's new build programme has delivered homes to local planning requirements for Brighton & Hove which require all developments to achieve a minimum 19% improvement on carbon emissions targets set by Part L and the improved water efficiency/ reduced water usage of 110 litres per person per day.
- 3.2.2 New council homes are built to the New Homes for Neighbourhoods Design Specification which has been developed and agreed with Housing's Property & Investment team. The document has evolved as the programme has developed and includes requirements to build sustainable homes that support sustainable

life styles and reduce energy consumption for tenants. The latest version of specification also includes the following:

- Use the Sustainable Design checklist
- Apply the energy hierarchy (demand reduction, energy efficiency, renewable energy)
- Achieve Energy Performance Certificate 'A' rating
- Potential for Building Management Systems aligned across the HRA
- Include Solar PV and other onsite renewables

3.2.3 The Estates Regeneration team has been working with colleagues in Housing, Sustainability, Building Control and Property & Design to update the Design Specification in relation to sustainability and carbon emissions reduction. This has involved a number of workshops and visits from experts with outputs including:

- The provision of ground or air source heat-pumps or other heating and hot water technologies which do not use fossil fuels.
- Reviewing the potential for connection to existing energy networks.
- Where these networks don't exist, considering how to unlock wider carbon reduction by leading on new energy network projects.
- Designing homes to meet improved energy performance standards.
- Including Solar PV arrays in addition to the above and explore ways to maximise on-site energy generation to reduce demand from the grid.
- Creating a 'Circular Economy' working group, investigating opportunities for the council and city wide to re-use materials, and avoid waste to landfill.
- Including electric vehicle charging infrastructure for parking bays on all new developments.
- Engaging with council contractors (including strategic partners), to reduce emissions and waste associated with the construction process

### 3.3 Opportunities

3.3.1 Reduce fuel poverty / improve energy efficiency – The council's new homes comply with local planning requirements for energy efficiency, but improving the building fabric will reduce Operational Carbon Emissions over the lifetime of the building as less energy is required to heat homes. This will reduce fuel poverty for the tenants of a carbon neutral home.

3.3.2 Anticipate new legislation to avoid future costs – The general direction of new legislation is to reduce carbon emissions. By developing zero carbon homes now, the council can prepare for tighter standards and regulation of materials in the future. Likewise, even if carbon reducing technologies are not installed during construction, buildings can be designed to convert to different technologies with less waste, cost, and disruption in the future.

3.3.3 Knowledge sharing for improved productivity – By collaborating with third sector organisations, the council can better learn what the most effective technologies, materials, and design principles are. As well as understanding the latest opportunities and products in the sustainable construction sector, the council can share data about its buildings with a growing network of sustainable constructors. This improves knowledge of sustainable design in use across the industry and

therefore improves construction methods on future zero carbon buildings, whilst potentially saving time, cost and resources long term.

3.3.4 Lead by example – With commitments to create a Climate Change Commission and to building new council homes, the council should lead by example, demonstrating to other developers what is possible.

3.3.5 Additional Benefits – Good zero carbon design considers how people will live now and in the future, and leads to additional benefits, such as developing more sustainable transport links, improvements in air quality, and wellbeing. For example: increased space to recycle, space to grow food, and using natural materials. Zero carbon homes are likely to be delivered within a wider quality assurance framework including The BRE's Home Quality Mark, as well as within circular economy principles.

### 3.4 Risks

3.4.1 Additional construction costs – Developing zero carbon homes will increase development costs as new technologies and improving the building fabric is often more expensive to implement. The council's viability model for housing is already stretched due to challenging market conditions and rising levels of build cost inflation. Additional costs towards achieving net zero carbon projects are likely to deem many projects unviable under the current funding model unless additional 'zero-carbon' costs are subsidised.

3.4.2 Program & delivery of new homes – Developing homes to new specifications may require additional time, particularly in the design, procurement and planning stages.

3.4.3 National policy – Government has not released a full strategy to decarbonise domestic energy. In the absence of a framework, the council must anticipate the likely strategy the Government will take. The technologies adopted by the council now may not align with future changes in government policy / strategy linked to decarbonising the domestic energy supply network

3.4.4 New technologies and materials – less tried and tested. A specification that relies on specialist and relatively new technologies and materials may carry a consequentially higher risk to programme, cost and reliability.

3.4.5 Restrictions on supply chain – Additional demands on supply chain procurement in support for a zero carbon strategy are likely to reduce the pool of available suppliers and incur costs.

3.4.6 Carbon offsetting – Carbon offsetting may be required to make up a carbon reduction deficit on projects. A carbon offsetting strategy is required, which will incur additional costs.

3.4.7 Maintenance – All new properties must be managed by our Housing service. Staff must be trained to effectively and efficiently maintain and repair new materials and technologies or risk creating an increased maintenance burden in the future.

### 3.5 Proposed Actions

- 3.5.1 Establish a Zero Carbon Homes working group, including representatives from Estates Regeneration, Property & Design, Housing, Planning, Building Control, and Councillors whose responsibility is to develop the below proposals, support their implementation, and monitor progress towards developing zero carbon homes.
- 3.5.2 Implement a Whole Life Carbon Assessment process on new build housing projects by:
- working with specialist consultants to undertake whole life carbon assessments on selected new build housing schemes;
  - identifying improvements to client briefs and specifications;
  - and identifying a suitable scheme from the new homes pipeline to act as a zero carbon pilot project.
- 3.5.3 The assessment data would provide a baseline from which improvements to carbon and other metrics can be measured and help officers to identify the most effective sustainable elements, benefiting future projects. After this project is complete, future whole life carbon assessments would be carried out by a specialist contractor on all projects.
- 3.5.4 Additional sustainability measures would be costed separately within the total scheme cost so any potential premium associated with the higher standards is understood when decisions are made about individual projects. Ensure the council's viability model aligns with whole life costing of projects. Zero carbon homes are likely to have higher capital costs, but could offer cost savings over the life of the building (e.g. with energy).
- 3.5.5 Produce carbon cost lifetime analysis for different options on all new build schemes, to show where carbon reduction is most cost effective.
- 3.5.6 Whilst identifying carbon reduction measures across all projects, undertake a net zero carbon pilot project to learn the risks, challenges and benefits associated with developing zero carbon homes, to the benefit of future developments. A project will be determined as soon as possible with the guidance of a Whole Life Carbon Assessor who will consider time, cost, viability, social impacts and environmental impacts for different projects as part of the exercise.
- 3.5.7 Develop links and collaborate with other organisations to share knowledge and data, becoming part of a network sharing group. Create opportunities for our Housing, Planning and Building Control services to learn more about sustainable building design, techniques, and materials. Compare case studies with other local authorities and share carbon emissions data from the ongoing operational use of new housing. Officers are already in conversation with Greater London Authority and Bristol City Council regarding knowledge sharing initiatives (these local authorities have already implemented their net zero city-wide plans).

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 A Zero Carbon Homes working group, when established, would consider a range of suitable strategies to reduce carbon and identify which are most suitable for the site. Decisions will be made according to the result of a whole life carbon assessment on different options.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 This report was written in collaboration with officers from Housing Repairs and Improvement, Architecture and Design, and Estate Regeneration services’.
- 5.2 Members of the Housing Committee were invited to a briefing, to inform them of the content of this report, to scrutinise the contents of this report, and comment on the proposals.
- 5.3 Residents and the wider community will be engaged and consulted on the council’s proposals as part of the development of each new housing scheme. those engagements will include information on the process and measures the council is taking to develop homes which are more sustainable over their lifetime.

#### **6. CONCLUSION**

- 6.1 To deliver on the council’s commitment to become a carbon neutral city by 2030, steps must be taken to reduce the carbon emissions created during the full lifecycle of the new homes it builds.
- 6.2 Officers propose measuring the most effective ways of delivering housing with lower carbon emission, including cost effectiveness; identifying and using best practice from other organisations across the construction industry; and putting these into practice on all new homes, including

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 7.1 Where capital accounting arrangements allow, it is anticipated that the cost of the external reports and specialist advice commissioned will be capitalised and therefore added to each capital project, as required. The cost of the initial advice, not attributable to a specific project will be met from existing HRA revenue resources and reported in line with the council’s Financial Management policies.
- 7.2 The inclusion of some of the measures, outlined in the report to reduce the carbon effect of building new homes will add to the initial capital investment required. The impact of the increase in costs will be reported to the Housing Committee when final scheme approval is being sought, alongside details of any mitigation actions taken to ensure value for money is maintained.



- 7.3 Therefore, the cost of the specialist advice and increase in capital investment will need to be controlled to keep rents as low as possible and to reduce the risk of increased subsidy requirements as a result.
- 7.4 It is not anticipated at this stage that there will be a need for an increase in resources as a result of setting up the Zero Carbon Homes working group.

*Finance Officer Consulted: Craig Garoghan*

*Date: 23/10/2019*

Legal Implications:

- 7.5 There are no legal implications to draw to Members attention arising from the recommendation 2.1.

Part 4 of the council's constitution (Scheme of Delegation to Committees and Sub-Committees) allows a committee to appoint task and finish member Working Groups which are time limited (six months, with the option to extend for a further six months), in order to carry out focused pieces of work, reporting back regularly to their parent body. The proposed Terms of Reference for the Zero Carbon New Build Working Group in Appendix 1 are compatible with the Committee's delegated powers.

*Lawyer Consulted: Liz Woodley*

*Date: 07/11/2019*

Equalities Implications:

- 7.6 This report considers the equalities impact of introducing carbon reduction measures in the development of new homes, including: cost effectiveness, to deliver on affordable rents; opportunities to avoid fuel poverty; and risks involved with introducing new technologies, which tenants may have difficulty operating.
- 7.7 The improvement of the quality of the council's new homes via the consideration of equalities implications, which is regularly reviewed as part of the New Homes for Neighbourhoods programme, often results in design which reduces carbon through the lifecycle of the building, for example, building homes which are suitable for someone over the course of their entire life, reduces the need for adaptations, and the extra use of materials and waste the this brings.
- 7.8 Assessment of the impact on equalities is carried out throughout project processes, development of briefs, application of specifications, consultation, and carbon reduction measures will be reviewed to ensure it meets the principles of inclusive design.

Sustainability Implications:

- 7.9 These are featured within the content of the report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Terms of Reference – proposals to be reviewed at Housing Supply Members Board
- 2.

### **Documents in Members' Rooms**

[

Appendix 1

#### **Crime & Disorder Implications:**

- 1.1 There are no direct crime and disorder implications.

#### **Risk and Opportunity Management Implications:**

- 1.2 Risks and Opportunities are contained within the body of the report.

#### **Public Health Implications:**

- 1.3 There is a link between health and good quality and sustainable housing.

#### **Corporate / Citywide Implications:**

- 1.4 There is potential to engage expertise from across the city in this work.

**Terms of Reference**

V1.0 Updated: 22/10/19

**1. Name****Zero Carbon New Build Working Group****2. Purpose**

The Working Group will support the development of actions and proposals towards developing zero carbon homes. The group will support the implementation of these proposal and monitor progress towards the zero carbon homes ambition.

**2. Status**

The Working Group is an advisory group to the Housing Committee and the Housing Supply Members Board. The Group will not have subcommittee status and the political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply.

**3. Areas of focus**

The Working Group will oversee, research and advise on carbon reduction measures in the delivery of new council homes. This will include, but not be limited to:

- Research and present new options for carbon reduction measures
- Develop links and collaborate with other organisations to share knowledge and data, becoming part of a network sharing group
- Create opportunities for the council's Housing, Planning and Building Control services to learn more about sustainable building design, techniques, and materials
- Scrutinise client briefs and specifications to identify improvements.
- Support the development of a Whole Life Carbon Assessment process for new build housing projects
- Identify a suitable scheme from the new homes pipeline to act as a net zero carbon pilot project and exploring the risks and opportunities of undertaking the project

**4. Reporting**

The Working Group will report to the Housing Supply Member Board and Housing Committee with progress and recommendations at the end of three months, six months, and with additional reports if required.

## **6. Membership**

Membership of the Working Group shall consist of three elected Members, following nominations by their Group Leaders to reflect the political composition of the Council; other interested elected members are welcome to attend meetings to participate in the Working Group

The Working Group shall also include a range of council officers including from the Regeneration, Property & Design, Housing, Planning and Building Control teams.

It is the responsibility of all members of the Working Group to develop the below proposals, support their implementation, and monitor progress towards developing zero carbon homes.

The group may also invite experts from outside the council to provide advice.

## **7. Duration, meetings and ways of working**

The Working Group will form for a period of six months and will meet four times over that period.

It will be informal in nature focusing on research, collaboration, tasks and actions.

A number of principles should underpin the working of the Working Group:

- Operate in the spirit of partnership and attempt to build consensus
- Administered by the council with agenda and papers circulated at least 3 days ahead of meetings
- Schedule of future meeting dates to be agreed by the Working Group

The nature of the business discussed by the board may mean that some issues are of a confidential or commercially sensitive nature:

- Members should treat relevant information and that of a commercially sensitive nature as confidential
- Guidance should be given to Working Group members on briefing political groups and wider stakeholders on an ongoing basis

Before the end of the six month period, the Working Group will consider whether an extension of up to six months is required to adequately complete its tasks. The decision to extend this period would be made by the Housing Supply Members Board.

<b>Subject:</b>	<b>Programme for the future delivery of responsive repairs and empty property refurbishments, planned maintenance and improvement programmes, and major capital projects to council housing stock</b>		
<b>Date of Meeting:</b>	<b>13 November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>David Canham</b>	<b>Tel: 01273 293165</b>
		<b>Martin Reid</b>	<b>Tel: 01273 293321</b>
	<b>Email:</b>	<b>david.canham@brighton-hove.gov.uk</b>	
		<b>martin.reid@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

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

- 1.1 This report updates committee on the progress of the programme to set up the future delivery of responsive repairs, empty property refurbishments, planned maintenance and improvement programmes, and major capital projects to council housing stock post April 2020.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee notes the progress with the programme which is outlined in the body of this report.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Brighton & Hove City Council currently operates a ten year partnering contract with Mears Limited ('Mears') under which the following services and works are provided for the council's housing stock:
- Responsive repairs and empty property refurbishments
  - Planned maintenance and improvement programmes
  - Major capital projects
- 3.2 Following extensive consultation (detailed in section 6), a Special Housing & New Homes Committee held on 28 September 2018 and Policy, Resources & Growth Committee on 11 October 2018, the following recommendations were approved for the delivery of the above services following the expiry of the contract with Mears from April 2020:

That:

- Customer service and quality assurance services are brought in-house.
- Responsive repairs and empty property refurbishment works to council housing stock are brought in-house.
- Planned maintenance and improvement programmes are procured through at least one contract for a term of five years with the option to extend for up to a further two years.
- A multi-contractor framework agreement is procured for major capital projects with a term of four years.

For a full list of decisions please see Appendix 1.

#### **4. KEY AREAS OF PROGRESS**

4.1 The programme consists of many different interdependent workstreams. The programme is governed by a Programme Board made up of key officers working on the programme, and an Executive Board which oversees progress and provides corporate assurance. In addition to officers from Housing, we have dedicated resources from Procurement, Legal, Human Resources and Health & Safety supporting the programme. The key areas of progress are detailed below.

##### Setting up the in-house responsive repairs service

4.2 On 1 April 2020, approximately 160 Mears staff will transfer to the council. This includes operatives, supervisors, apprentices, call centre staff, administrative staff, and management. The staff will transfer into the council on their current terms and conditions, as the Transfer of Undertaking (Protection of Employment) Regulations 2006 as amended (TUPE) protects the terms and conditions of employment of transferring staff.

4.3 Regular engagement activities with the transferring staff has been undertaken, including quarterly all-staff meetings to update on progress of the transfer, informal drop-in sessions to allow staff to speak to members of the programme team on a 1-2-1 basis, and monthly meetings with the Mears management team.

4.4 Regular engagement with Trade Unions has also taken place, with meetings between the programme team and trade union representatives occurring monthly. This has helped to identify key areas of importance for the transferring staff, so that they can be addressed by the programme team. This includes implementing new payroll cycles to match those of transferring staff, implementing a procedure to allow operatives to continue to take their work vehicles home, and providing reassurance on the TUPE process.

4.5 A number of procurement activities are in progress to set up the responsive repairs and empty property refurbishment services, including:

- Materials supply chain, including tools
- Out of hours call centre
- Pest control services
- Uniforms and personal protective equipment (PPE)
- Sub-contractor supply chain

- Waste management services
- 4.6 The preferred delivery method for each of these areas is assessed by the programme board via written options appraisals. Where feasible, the option to deliver services directly by the council or by local suppliers is being explored in each of the procurement activities.

#### Planned maintenance and major capital works

- 4.7 Planned maintenance and improvement works will be delivered by a number of contractors who will competitively bid for the works. The works will be split into seven lots and contracts awarded for a five year period with the option for the council to extend by up to a further two years. The lots are as follows:
- Lot 1: Kitchens and bathrooms
  - Lot 2: Internal and external decorations and repairs
  - Lot 3: Windows
  - Lot 4: Roofs
  - Lot 5: Doors – flats and street property doors (including fire doors)
  - Lot 6: Doors – main entrance doors
  - Lot 7: Communal and domestic rewiring
- 4.8 A bidder will be able to win up to a maximum of three lots. This is to ensure that the opportunity is attractive to both large contractors, and small to medium sized enterprises, including local contractors.
- 4.9 Bidders will be evaluated on a range of questions regarding resourcing and mobilisation, performance management, value for money, quality assurance, sustainability, and social value and community wealth.
- 4.10 For major capital works, contractors will bid to be awarded a place on a framework agreement. The framework agreement will be split into two lots – one for works under £300k, and the other for works over £300k. Splitting the framework up into lots in this way will provide opportunities for small, medium, and local businesses. Up to six contractors will be awarded a place on each lot and will then competitively bid for major capital projects as they occur.
- 4.11 The procurement documents for the planned maintenance and major capital works are currently being finalised. The tender for the planned maintenance works will go out to market at the end of November, with the major capital works following at a later date.
- 4.12 In the new arrangements, the council will be responsible for specifying, tendering and quality control on all works. Customer service and quality assurance functions will also be delivered directly by the council, and any additional resource requirements required to deliver these services is currently being identified.

- 4.13 As part of the new arrangements, the council is required to formally consult with leaseholders. A notice of intention to enter into Qualifying Long Term Agreements has been sent to all leaseholders, which invites them to make written observations in relation to the proposed contracts for the planned and maintenance works, and the framework agreement for the major capital works. The consultation period is open for 30 days and will end on 4 November 2019. A consultation meeting for leaseholders was held on 10 October to discuss the proposals for the new contracts.
- 4.14 The outcomes of the consultation will be fed back to leaseholders following the end of the 30 day period, and leaseholders will continue to be consulted on future works delivered as part of the contracts.

#### Tenant and leaseholder engagement

- 4.15 A 'task and finish' group meets with the programme team monthly to support the programme. This group is made up of tenant and leaseholder representatives from our existing resident engagement structure.
- 4.16 The task and finish group has recently discussed topics such as key performance indicators (KPIs) for the new services, creating social value, how to communicate the changes to residents, and the options for delivering an out of hours call centre.
- 4.17 The programme team has also recently attended the Leaseholder Action Group (LAG) meeting on the 23 September, as well as the CityWide Conference on the 28 September.
- 4.18 Communication about the programme has been included in the resident magazine 'Homing In', and more direct communication methods will be used as we get nearer to April to inform residents of the upcoming changes.

#### Social Value

- 4.19 Social value considerations are being embedded in all areas of the programme, either through the procurement process or through the in-house repairs service. Examples include:
- Working with local colleges to provide apprenticeships, including the introduction of a bricklaying apprenticeship
  - Training for all contractors on safeguarding
  - Commitment to invest in council services where appropriate
  - Procurement of fleet in line with green technological advances
  - T-level training courses delivered through the in-house service
  - Establishment of a new resident engagement group for the in-house service.

#### Programme budget

- 4.20 The programme budget to set up the services for 2019/20 is £1.232M. The main areas of spend are staff costs, specialist consultancy advice including legal and procurement, and IT equipment and set-up costs.



- 4.21 The budget is monitored by the programme board who receive monthly updates on the budget and the forecast spend. The programme is currently within budget and an overspend is not anticipated.

## **5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 5.1 This report updates Committee on the progress of the programme and therefore alternative options are not required.

## **6. COMMUNITY ENGAGEMENT & CONSULTATION**

- 6.1 In developing the initial proposal approved by the Special Housing & New Homes Committee held on 28 September 2018 and Policy, Resources & Growth Committee on 11 October 2018, extensive stakeholder engagement was undertaken. The outcomes of this stakeholder engagement were presented to Members in briefings and as part of the report pack which informed the Committee decisions on the series of recommendations and alternative options for the delivery of responsive repairs and empty property refurbishments, planned maintenance programmes and major capital projects to council housing stock following the expiry of the current contractual arrangements.

- 6.2 Details of the engagement exercises undertaken to ensure that stakeholder's views were considered in determining the preferred option for the delivery of works and services in the future are outlined below.

- 6.3 Programme officers attended the following meetings to provide an initial brief of the programme and next steps for tenant and leaseholder engagement:

- Area Panels
- Home Service Improvement Group
- Leaseholder Action Group – Annual General Meeting
- Business and Value For Money Service Improvement Group

Area Panel meetings provided some initial feedback around the current contractual arrangements and raised some questions about delivery methods moving forward. Feedback was included in the March 2018 report to Housing & New Homes Committee.

- 6.4 Representatives at the Home Service Improvement Group were keen to be updated at future meetings of the progress of the programme and noted the scale of the programme.

- 6.5 The programme team presented on the programme at the Leaseholders Action Group (LAG) – Annual General Meeting in April 2018 and worked with the then newly elected LAG representatives to engage with leaseholders and collect feedback on the current arrangements.

- 6.6 The programme team then completed the following engagement activities:

- Running four workshops for tenants and leaseholders to share their views on what works well with the current service, what doesn't and what we should change in the future.
- Carrying out over 1,000 door to door surveys of tenants and leaseholders across the city.
- Running an online and postal survey for tenants and leaseholders to feedback their views.

The results of the door to door surveys and the online and paper surveys were analysed independently by ARP Research and included in the final report to Committee.

6.7 Staff and union engagement was also undertaken. Staff received regular updates on the programme through the initial phase. The programme team presented on progress with the programme at the regular all staff meetings held for the Housing Property & Investment team. In addition, the team received email briefings alongside the development of reports and the release of any public reports on the programme.

6.8 Staff workshops were held as part of the engagement work undertaken on the project. These included:

- Two workshops for Property & Investment staff and unions.
- Workshop for other housing staff.

6.9 Member and committee engagement was as follows.

- A report initiating the programme was taken to Housing & New Homes Committee (H&NHC) and Policy, Resources & Growth Committee (PR&G) in March 2018.
- A further update report was taken to H&NHC and PR&G in June 2018.

6.10 There was regular engagement with members through the Members Procurement Advisory Board (PAB) with additional attendance of lead members for Housing. Officers briefed at PAB in January and March 2018 and attended with consultants to discuss the options in detail at PAB meetings in April and June 2018. A further meeting was held with PAB members in July 2018 to review the options available and identify any which should be discounted. The options discounted and the grounds on which they were discounted were detailed in the report to Special Housing Committee. The PAB meeting also considered a supplementary report produced by consultants to answer questions raised by the board. This included details about the council's market position and risk statement. A copy of this report was also included in the papers considered at Special Housing Committee. Officers also met with PAB in September 2018 to provide information on tenant and leaseholder engagement and the site visits undertaken by the programme team.

6.11 All Members were invited to an open question session which was held on 21st August 2018. A detailed discussion took place with those in attendance covering the following areas:

- Tenants and leaseholder engagement and feedback

- The remaining timeline
- The delivery options available, costs and contract terms.

6.12 Ongoing tenant and leaseholder engagement is detailed in the body of this report in section 4.

## 7. CONCLUSION

7.1 This report updates committee on the key areas of progress of the programme to ensure services are in place for April 2020 to deliver the recommendations approved at Special Housing Committee in September 2018 and Policy, Resources & Growth Committee in October 2018. The programme team along with colleagues in Housing and other corporate services, are focused on delivering the long term strategic objectives of the service by implementing the programme plan and managing the associated risks and opportunities.

## 8. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

8.1 In preparation and support of the budget setting process for 2020-21, Finance have reviewed the current HRA budget allocated to the current contract arrangements and compared this to the estimated future costs of the in-house service.

8.2 Whilst assumptions have been made around the cost of materials and use of subcontractors, provisional estimates show that the future costs are broadly in line with the current HRA budget allocated to the partnership contract. However, work is on-going and the most up to date costs for this service will be incorporated into the HRA budget for 2020-21 reported to Housing Committee in January 2020.

*Finance Officer Consulted: Monica Brooks*

*Date: 31.10.19*

### Legal Implications:

8.3 There are no direct legal implications arising from this report which is for noting. The legal implications in relation to the original recommendations for the programme were provided in the report which went to PRG Committee in October 2018.

*Lawyer Consulted: Isabella Sidoli*

*Date: 29.10.19*

### Equalities Implications:

8.4 There are no direct equalities implications arising from this update report.

### Sustainability Implications:

8.5 There are no direct sustainability implications arising from this update report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Decision record from Policy, Resources & Growth committee 11 October 2018, and Special Housing Committee on 28 September 2018.

### **Documents in Members' Rooms**

None

### **Background Documents**

None

**Brighton & Hove City Council  
Policy, Resources & Growth Committee  
4:00pm 11 October 2018  
Council Chamber, Hove Town Hall**

**Options for future delivery of housing repairs, planned maintenance and capital works**

**Resolved:** That the Committee:

Customer service and quality assurance

- (i) Agreed that the customer service and quality assurance services are brought in-house and delivered by the council following the expiry of the current contractual arrangements;

Responsive repairs and empty property refurbishments

- (ii) Agreed that responsive repairs and empty property refurbishments works to council housing stock are brought in-house and delivered by the council following the expiry of the current contractual arrangements;
- (iii) Approved a 'set-up and mobilisation' budget of £0.112m for 2018/19 funded by an in-year virement transferring this budget from the capital financing costs budget in the Housing Revenue Account (HRA) and the creation of an earmarked 'set-up and mobilisation' reserve of £0.982m for use in 2019/20 funded from HRA general reserves;

Planned maintenance and improvement programmes

- (iv) Approved the procurement of at least one contract for the provision of planned maintenance and improvement programmes to council housing stock with a term of five years with the option to extend for up to a further two years;

Major capital projects

- (v) Approved the procurement of a multi-contractor framework agreement for major capital projects with a term of four years;

Specialist works

- (vi) Noted that the specialist works will continue to be delivered through individual contracts, with reports coming back to committee for authority to procure and award such contracts if required in accordance with the council's Constitution;

Delegation

(vii) Granted delegated authority to the Executive Director Neighbourhoods, Communities & Housing to:

- (1) Commence the procurements and award the contracts required to implement the recommendations;
- (2) Use the 'set-up and mobilisation' budget to create and appoint to new roles to enable these recommendations to be delivered;
- (3) Award call-off contracts under the major capital projects framework agreement
- (4) Take any other steps necessary to implement the recommendations in this report

(viii) Affirmed its intention to review whether further elements of the services and works may be brought in-house in such a way that any timescales would ensure thorough preparation and a smooth transition.

<b>Subject:</b>	<b>New Homes for Neighbourhoods - Procurement of Sports Pavilion</b>		
<b>Date of Meeting:</b>	<b>13 November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jo Thompson</b>	<b>Tel: 01273 291466</b>
	<b>Email:</b>	<b>jo.thompson@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>South Portslade;</b>		

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

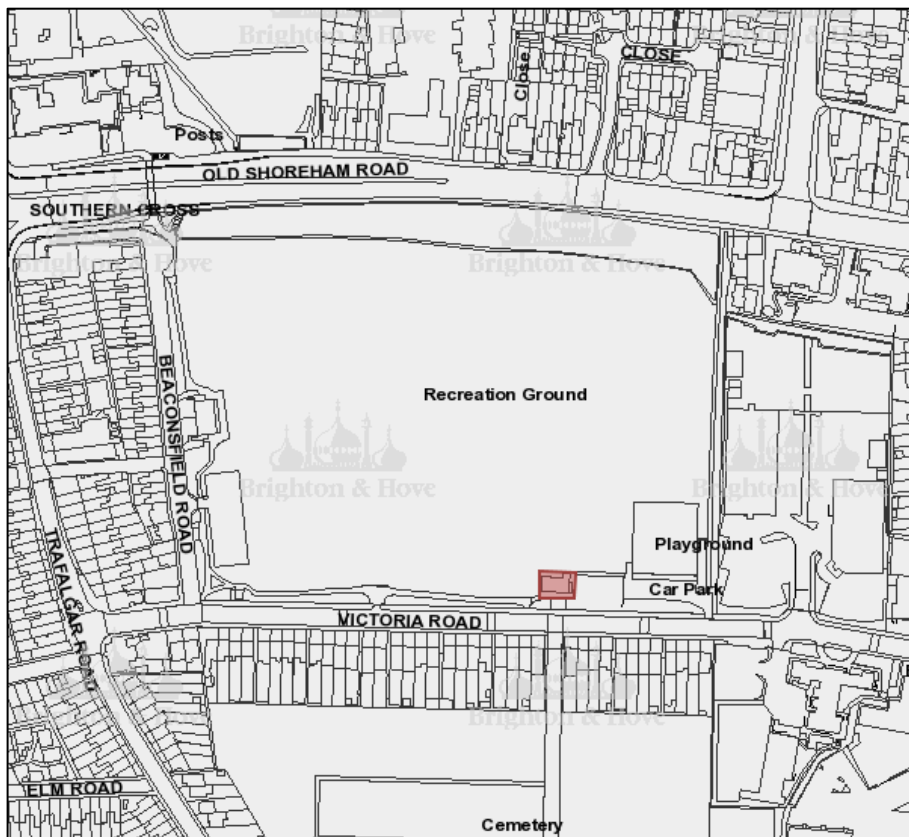
- 1.1 In November 2018, Housing & New Homes Committee approved a budget of £12.914m for the construction of 45 new council homes as well as a Sports Pavilion to be delivered through the council's City Build Construction Partnership with Morgan Sindall.
- 1.2 The council's Quantity Surveyors (Potter Raper) have carried out an independent review of Morgan Sindall's order of costs for the Sports Pavilion. These latest costs have exceeded the budget approved by Housing Committee for the delivery of the Sports Pavilion. This is not unexpected since the project is smaller than would normally be undertaken by the Partnership. As such, Potter Raper are unable to recommend Best Value and have advised that the council tests the market by exploring a different procurement route for the delivery of this project.
- 1.3 This report explains the procurement pathway which has been chosen for the project and outlines the reasons why.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee notes the reasons why Urgency Powers were exercised by the Executive Director for Neighbourhoods, Communities and Housing and Head of Legal Services to use a different procurement route to the one agreed by Housing Committee on 14 November 2018;
- 2.2 That the Committee agrees to delegate authority to the Executive Director for Neighbourhoods, Communities and Housing and Head of Legal Services to procure and award a contract under a suitable framework or through an open procurement process.

### 3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The scheme will make an important contribution towards achieving the council's target of 800 additional council homes in the next four years. The budget for the project is being financed by a combination of HRA borrowing, right to buy receipts and Government Land Release Funding (LRF) of £0.340m. LRF was secured to help towards the costs of the new Sports Pavilion in order to facilitate and accelerate the delivery of housing.
- 3.2 The council has submitted a planning application for the building of a new Sports Pavilion in Victoria Road Recreation Ground. The new Pavilion will provide accommodation for Portslade Bowls Club as well as football changing room facilities. Its construction will enable Portslade Bowls Club to vacate their existing premises on the former Housing Office site, next to Portslade Town Hall, to facilitate the building of 42 new council homes. The site is located in the south eastern corner of Victoria Recreation Ground, where the former football changing rooms used to be situated. The old Pavilion was in an extremely poor state of repair and was demolished in June 2019 as part of Morgan Sindall's enabling works package associated with the housing scheme. The site is now hoarded in preparation for the construction of the new Sports Pavilion and bowling green.



- 3.3 The project is at a critical stage. In order to keep on programme, the construction of the Pavilion will need to commence no later than the beginning of February 2020. Officers therefore need to ensure that the procurement process is completed early in the New Year, to allow sufficient time for the successful contractors to mobilise prior to the start of the main works.
- 3.4 A briefing paper was produced for the Chair of Housing by the Project Manager on 10 October, recommending that officers test the market by using an



alternative procurement route to the Strategic City Build Partnership. Following this advice, the Chair of Housing sent an email on 18 October supporting this approach. On the 26 October, the Executive Director for Neighbourhoods, Communities and Housing exercised her Urgency Powers to authorise using a different procurement route to the one agreed by Housing Committee on 14 November 2018.

#### 4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The options set out in the briefing paper prepared for the Chair of Housing were:

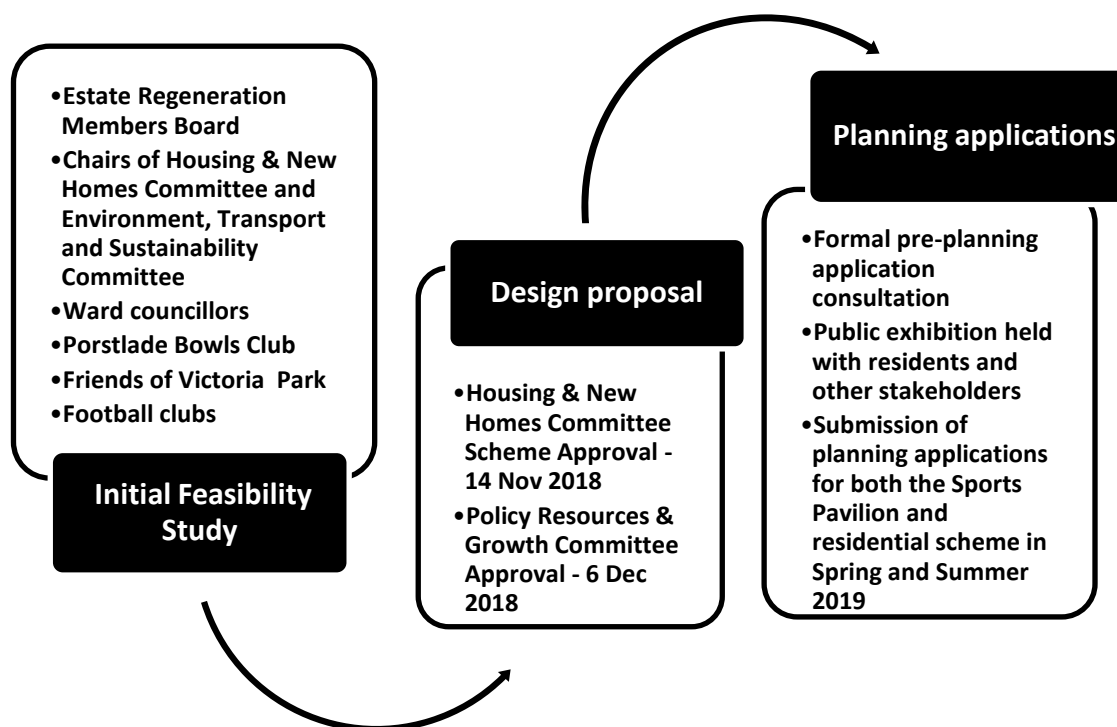
Options	Opportunities	Risks
Option 1 – Do nothing	<ul style="list-style-type: none"> <li>• Not testing the market would significantly delay the consideration of cost</li> <li>• Our QS and Members would not have sufficient information to make a decision on Best Value and the preferred delivery route</li> </ul>	<ul style="list-style-type: none"> <li>• This would cause significant delay to the project Programme</li> <li>• It would also jeopardise the Land Release Funding earmarked for the new Pavilion which needs to be spent within a certain timeframe</li> </ul>
Option 2 – Look at separating the contracts for the Sports Pavilion and Housing schemes	<ul style="list-style-type: none"> <li>• There are contractors who specialise in constructing sports pavilions, who may deliver a cheaper build</li> <li>• Separating the contracts may reduce the percentage of preliminaries being charged by Morgan Sindall (as a single contractor)</li> </ul>	<ul style="list-style-type: none"> <li>• Seeking a specialist contractor, might cause delay to the construction programme which, in turn, could increase costs</li> <li>• Managing two separate contractors as opposed to one, introduces more complexity and could have a negative impact on programme</li> </ul>
Option 3 – Value engineer to reduce costs	<ul style="list-style-type: none"> <li>• There is an opportunity to re-visit the design and materials as part of a value engineering exercise of the scheme</li> <li>• Could realise a reduction in costs</li> </ul>	<ul style="list-style-type: none"> <li>• The design has emerged as a result of feedback from planning. Fundamental changes to the scheme design and materials may not be acceptable to planners and could result in a refusal</li> <li>• This option may result in the sustainable features i.e. green roof, PV's etc. being value engineered out of the scheme</li> <li>• Value engineering will not influence the biggest cost which is mostly attributable to a higher percentage of preliminaries</li> </ul>

4.2 On the basis of this option analysis and professional advice from the council's Procurement team, officers recommended to the Chair of Housing and Executive Director for Neighbourhoods, Communities and Housing that the council proceed with Option 2. Since then, the Procurement team has investigated options and has identified an existing Orbis Construction Framework which can be utilised for these purposes. This would ensure that the tender process is undertaken swiftly.

## 5 COMMUNITY ENGAGEMENT & CONSULTATION

5.1 During the course of the project, there has been extensive engagement with a number of different stakeholders. The consultation process has been summarised in Fig 1 to ease understanding.

**Fig 1 – Consultation process**



5.2 Officers have met with Portslade Bowls Club officials to establish their requirements for a replacement facility. The design of the latest scheme meets the requirements of both Bowls England and the Club but also includes an artificial bowling green to extend the bowling season, thereby reducing the Club's maintenance obligations. Consultation has also taken place with the Football Foundation and Football Association concerning their requirements for replacement football changing room facilities. They have confirmed that like-for-like replacement of the former changing rooms would not be acceptable and that the new facilities should be compliant with current FA requirements. This has resulted in modifications to the design of the Pavilion since it was approved by Housing Committee in November 2018 and has undoubtedly contributed to the cost pressures.

## 6. CONCLUSION

- 6.1 The former Football Pavilion in Victoria Recreation Ground has been demolished and there is consequently a public expectation that the council is going to proceed to build out the new Sports Pavilion. Realising this first phase of development is also critical for releasing the former Victoria Road Housing site for the delivery of council housing. Land Release Funding was granted by central government in order to accelerate the delivery of housing on this site. It is therefore very important that we progress this project as quickly as possible in order to satisfy Government funding requirements and limit any reputational damage to the council.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 The total estimated budget for this scheme approved by Housing Committee in November 2018 was £0.980m funded by a combination of HRA borrowing and Land Release Funding. The budget includes all construction works, allowances for contingency, inflation and professional fees. Land Release Funding of £0.340m has been received from the MHCLG as a contribution towards the re-provision of the sports pavilion, in order to accelerate the delivery of council homes. There are restrictions that apply to the timing of expenditure. Failure to meet these requirements could result in the grant having to be returned to the MHCLG, putting significant pressure on the viability of the delivery of the scheme. The recommended approach by procurement is considered to provide best value in terms of reducing potential cost increases to the council.
- 7.2 It is anticipated that taking the approach to the procurement of contractors for the sports pavilion will bring the estimated costs back in line with the approved budget. Budget variations will be reported back to Policy & resources as part of the councils financial management policy.

*Finance Officer Consulted: Craig Garoghan*

*Date: 21/10/2019*

### Legal Implications:

- 7.3 The Council's Constitution allows Executive Directors to take decisions which would otherwise go to Committee in cases of Urgency provided that they first consult with the Chair of the relevant Committee and that they report the action taken to the next Committee.
- 7.4 The Council is required to comply with its Contract Standing Orders in respect of this procurement. Using a framework will comply with these rules. The Public Contracts Regulations 2015 do not apply as the contract is below the threshold for a works contract £4,551,413.

*Lawyer Consulted:*

*Alice Rowland*

*Date: 29/10/19*

#### Equalities Implications:

- 7.3 The provision of a new joint Sports Pavilion at Victoria Recreation Ground will bring much needed investment to the Park as well as encourage greater participation by all the community in bowls and football activities, irrespective of race, religion, age, disability or gender.

#### Sustainability Implications:

- 7.4 As part of the integrated design, the council's lead architect undertook a detailed evaluation and consideration of the use of sustainable technologies and where possible these have been incorporated into the developed design. Simple sustainability strategies have been deployed to reduce the demands on non-renewable energy sources and on the main drainage systems. In addition, a low maintenance sedum roof is proposed, providing enhanced biodiversity and the right microclimate for insects and birds to flourish. The roof will also reduce the surface water run-off and increase the life of the roof membrane itself.

#### Crime & Disorder Implications:

- 7.5 The Sports Pavilion has been designed having heed to the requirements outlined in the Secured by Design guidance.

#### Risk and Opportunity Management Implications:

- 7.6 Any risks associated with the project will be closely monitored by the Project Manager and Design Team.

#### Public Health Implications:

- 7.7 The provision of a new joint Sports Pavilion at Victoria Recreation Ground will bring much needed investment to the Park and will encourage inter-generational participation in bowls and football activities. This is likely to have a beneficial impact on the health and wellbeing of local residents and visitors to Portslade.

#### Corporate / Citywide Implications:

- 7.8 The re-location of Portslade Bowls Club through the provision of a new Sports Pavilion in Victoria Recreation Ground will release the former Housing Office site for much needed council housing.
- 7.9 The development of new housing has a strong economic multiplier impact on the local economy, estimated at over £3 of economic output for every £1 of public investment, creating jobs and supply chain opportunities.
- 7.10 Every new home built on small sites helps meet the city's pressing housing needs and deliver the first priority in the council's Housing Strategy 2015 of

improving housing supply. New homes also help bring benefits to the council in the form of new council tax income.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Documents in Members' Rooms**

None

### **Background Documents**

None



<b>Subject:</b>	<b>Procurement of Short Term and Emergency Temporary Accommodation</b>		
<b>Date of Meeting:</b>	<b>13<sup>th</sup> November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sylvia Peckham</b>	<b>Tel: 01273 293318</b>
	<b>Email:</b>	<b>sylvia.peckham@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

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

- 1.1 Over the next five years, the council are planning to change the model of Temporary Accommodation (TA) provision to reduce the ratio of short term and emergency temporary accommodation to longer-term leased accommodation and to provide more council owned short-term accommodation. Overall, the council plan to reduce the use of TA over the next 5 years.
- 1.2 However, there will be a continuing requirement for emergency accommodation for the short to medium term. Officers are therefore proposing to set up a new Dynamic Purchasing System (DPS) to provide a compliant route to market for short-term and emergency temporary accommodation, managed on behalf of the council for homeless households under statutory duties. The DPS would be a backup in case it takes longer to reduce down TA and/or buy accommodation so the council is not exposed to risks of non-provision and have to rely on spot purchasing B&B style accommodation.
- 1.3 In 2012, the Council developed two Framework Agreements and a Dynamic Purchasing System for the provision of short term and emergency temporary accommodation managed on our behalf. This accommodation is for those households that we have an accommodation duty toward, either under the homelessness legislation; the Care Act or Children Act. These procurement systems have now expired and so the Council needs to develop a new mechanism to procure accommodation.
- 1.4 Under the above systems, the Council awarded individual contracts for the provision of 422 units of accommodation. The individual current contracts are due to expire between 2020 and 2022.
- 1.5 The purpose of this report is to provide an update of procurement options and to seek approval for the re-procurement of managed short term and emergency temporary accommodation; and to recommend this re-procurement to Policy & Resources Committee. Members should note that there are significant financial implications to recommending the level of service in Option 2 as outlined in section 7.

## **2. RECOMMENDATIONS:**

That Housing Committee recommends that Policy & Resources Committee:

- 2.1 Agree to procure short term and emergency temporary accommodation via a new dynamic purchasing system (DPS).
- 2.2 Decides whether option 1 or option 2 as set out in paragraph 3.9 should be used to develop the specification for the DPS.
- 2.3 Notes the indicative numbers of short term and emergency temporary accommodation units required in each year as shown in the table in Appendix 1.
- 2.4 Delegates authority to the Executive Director of Housing, Neighbourhoods and Communities in consultation with the Director of Finance, to:
  - (i) Procure and award the DPS referred to in 2.1 with a duration of up to four (4) years; and
  - (ii) Award and enter into call off contracts under the DPS referred to in 2.1.

## **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Due to changes in the funding formula for temporary accommodation (TA) and the current underlying budget pressure, the council are seeking to reduce all forms of temporary accommodation. Indications are that funding subsequent to the Flexible Homelessness Support Grant (FHSG) will be pegged to the number of Homelessness preventions achieved, rather than numbers of residents in TA. As such, the focus is to reduce the amount of temporary accommodation needed and to provide a balanced portfolio of TA stock that the council requires; both in terms of leased, managed and council owned property.
- 3.2 There will be a continuing requirement for emergency accommodation for the short to medium term. The council are therefore proposing setting up a new DPS to provide a compliant route to market for short-term and emergency temporary accommodation, which is managed on behalf of the council for homeless households under statutory duties. The DPS would be a backup in case it takes longer to reduce down short term and emergency temporary accommodation and/or buy accommodation, so the council is not exposed to risks of non-provision and has to rely on spot purchasing B&B style accommodation.
- 3.3 The current Frameworks and DPS were approved by Policy and Resources Committee in November 2012. Following development of specifications, contracts were called off from 2014 onwards. The Frameworks and DPS have now expired and the call off contracts awarded expire from May 2020 through to 2022.
- 3.4 The current priority is to reduce reliance on all forms of temporary accommodation through earlier intervention and sustainment of failing tenancies



or to find alternative solutions to resolve homelessness (as per the Homelessness Reduction Act 2017).

- 3.5 To achieve this, the Council has greater engagement with the private rented sector (PRS) to provide longer-term tenancies and ensure tenants and landlords are provided with support to sustain tenancies and ensure accommodation is suitable. Those households who need supported accommodation are provided with short term and emergency accommodation until we are able to move them into accommodation that will be better suited to their needs and we are working with Adult Social care in this respect.
- 3.6 The Council have developed a draft Enforcement Policy in Private Sector Housing, to ensure private rented accommodation is safe and well managed, and in addition we are exploring a selective licensing scheme both of which supports this approach.
- 3.7 In the interim, there will still be a requirement for short term and emergency temporary accommodation, tapering down over a five-year period from the current 420 units to approximately 148 units across a variety of bed-sizes. As such any call offs via the DPS will be for varying contract lengths dependent upon the quality and price of the accommodation on offer. Appendix one contains a table setting out the reduction over time.
- 3.8 Appendix two contains the specification of the council's DPS for emergency temporary accommodation (which has now expired) for information.
- 3.9 High level options with regard to the specification for the new DPS at this stage are as follows:
  - Option One – Retain current specification such that it is basic accommodation with a janitor/caretaker. We are considering what has worked/ not worked or needs refining but provision would largely remain as is currently provided but with an area where residents can receive visitors. Indicative costs suggest that prices will increase reflecting inflation, changes in the housing market plus costs of damages and robust management. This price increase will need to be factored into the 20/21 budget setting process as a budget pressure and will depend on the number of properties procured and the new prices set by the providers.
  - Option Two – An enhanced model of service provision following feedback. Indicative costs to provide the enhancements set out below have been obtained. It is estimated that this enhanced service level, including an enhanced caretaker role, would cost an extra £3,000 per unit per year. This does not include any allowances for incentivising reduced levels of evictions or low carbon issues, which are more difficult to quantify. So if the council were to procure 100 units in 2020/21, this would cost an extra £0.300m for each full year. Even though the council is aiming to reduce the number of units needed, there is no certainty that the plan will be successful and so there is currently no budget identified for an enhanced provision. Therefore, if no additional funding is received over and above that already confirmed in the 1-year Spending Review, then Service Level Option 2 will create a minimum budget pressure of £0.300m adding to the

budget gap and requiring savings from elsewhere across General Fund services.

- Service Charges (utilities and upkeep of common ways) to be included in the cost of the accommodation.
- Laundry facilities – a well-equipped laundry room in blocks of accommodation or within a 10 minute walk to facilities.
- Basic kitchen equipment (kettles, crockery, and cutlery) not currently provided but has potential for a charity/ voluntary service to assist.
- Room inspections – review number of inspections to avoid impacting on residents' time.
- Role of Caretaker – consider enhanced training and support for vulnerable tenants, not just traditional caretaker responsibilities.
- Damages – to be costed as part of the provider fee.
- Wi-Fi freely available in all blocks.
- Incentivising reduction in evictions.
- Low Carbon issues and fuel poverty should be considered.

- 3.10 The location of properties to be considered will be limited to the following areas to ensure adequate supply and competition from suppliers:
- The City Of Brighton & Hove
  - The Brighton & Hove Broad Rental Market Area
  - Adjoining BRMA (e.g. Worthing, Crawley and Reigate)

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 The longer-term plan is to reduce the need for emergency and temporary accommodation through early intervention and tenancy sustainment to prevent homelessness or to enable a household to move in a planned way.
- 4.2 The service is increasing the number of referrals into the PRS and is working intensively with private sector landlords to offer longer tenancies; and working collaboratively to sustain existing PRS tenancies.
- 4.3 The possibility of providing some in-house managed short-term accommodation subject to a business case has been agreed by Housing & New Homes Committee (19<sup>th</sup> June 2019):

*“That it be noted the contents of the report and the business case will be developed to assess available properties as being potentially suitable for Short-term Temporary Accommodation for consideration at a future committee’*

Work is underway to find a suitable building. However, purchasing accommodation that is both affordable and meets the needs of the service will take time and so the council will still need to procure accommodation from the private sector to meet demand at least in the short to medium term.

- 4.4 Officers have considered the mechanism through which to procure and have discounted a framework. Framework agreements require that providers are qualified at the start and that prices are fixed for the period of the framework.

This means that if the housing market moves away from anticipated costs, that providers are not able to deliver the accommodation they intended for the price tendered. The Council are not able to call on other providers who have not been qualified at the start and so this model is not agile to deliver the accommodation required. Taking the learning from this, a dynamic purchasing system is proposed because it enables providers to request to join the DPS at any stage and so allows new providers to be considered; and it provides a mini tender process at each call off so that providers can reflect the cost of housing in the current market. This is more likely to enable the provision of a sufficient stock of good quality accommodation.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The Temporary Accommodation Action Group (TAAG) were consulted in October. This group brings together service users, councillors, officers, advocates and charitable organisations such as Just Life and Fulfilling Lives. This forum was invited to provide feedback regarding the developing specification. Initial feedback is that whilst Wi-Fi might be helpful for some people, it is the ability to have visitors that would make a difference, as residents would not feel so isolated. Mixed feedback was received in relation to location, with one resident commenting that being out of area has been the best thing for him, although at first he had not welcomed this. It enabled him to better deal with his addiction behaviour. Other feedback was that people felt isolated when out of area and in an unfamiliar place.
- 5.2 A report was considered by Procurement Advisory Board (PAB) on 9<sup>th</sup> September 2019, which set out that the PAB provides recommendations to P&R committee in relation to the following proposal:  
That the council procures short-term and emergency accommodation through a new DPS to provide flexibility and scaling based on future housing demand, having regard to the strategy and Government direction to reduce use of TA and take into account the replacement of properties with council owned and managed accommodation. The PAB noted the report and made no recommendations.

## **6. CONCLUSION**

- 6.1 The current procurement route and contracts are expiring and so permission is sought to re-procure. The council requires sufficient housing to meet need, at various stages of the process (investigation of claim through to accepted duty). It requires short term and emergency temporary accommodation to discharge its statutory duties under housing law, to meet immediate need to accommodate people even if no duty was eventually held to exist.
- 6.2 The council is developing it's own short- term/emergency accommodation and account has been taken of projected units in the proposed number of units required in the table in appendix 1.

- 6.3 Option 1 would provide a similar level of service provision. Option 2 would deliver a more enhanced service but there are significant additional budget implications that would need further funding to be identified.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 The Housing General Fund Budget for 2019/20 is currently forecast to overspend by £1.100m. This overspend will be funded by one-off Flexible Homelessness Support Grant received for 2019/20 to support the reduction of homelessness. The level of Government funding for 2020/21 and beyond is currently unknown and the council is currently waiting for announcements by the Ministry of Housing Communities and Local Government (MHCLG). This level of uncertainty means that there is a risk of budget pressures emerging.
- 7.2 The current 2019/20 expenditure budget for payment of rent and management of short term and emergency accommodation is £4.835m held within the Housing General Fund Temporary Accommodation budget. This budget represents 422 units of short term TA. Appendix 1 gives an estimate of the volume of short term and emergency accommodation required over the next 5 years, reducing to 148 homes by 2023/24. This plan is part of a wider strategy to reduce the number of households living in temporary accommodation and the overall budget for temporary accommodation. This reduction plan is not solely in the control of the council. It could be affected by external factors such as changes in the housing market, political changes and the on-going effects of Universal Credit.
- 7.3 As well as procuring units of accommodation the report gives members two options for the level of service:  
**Option 1 Service level.** Option 1 is broadly similar to the current level of service. The price the Council will pay for the newly procured accommodation is unknown but even with a similar service level, re-procurement is likely to lead to increased costs, given that current prices were agreed 3-5 years ago and there is high demand for rented accommodation in the city. Any increases above normal allowances for annual inflation would normally lead to a budgetary pressure for 2020/21 and beyond but, as mentioned in the body of the report, there are already plans to reduce the number of homeless households in this type of accommodation and therefore the total cost could be within the current budget. So, the service pressure resulting from the new prices will depend on the success or otherwise of the reduction plan. However, a prudent estimate for this service pressure will be taken into account when setting the General Fund Budget for 2020/21.
- 7.4 **Option 2 Service Level.** Option 2 is an enhanced service – estimated at £3,000 extra per year for each new unit procured. If 100 units were to be procured in 2020/21, this would cost an extra £0.300m for a full year. Given the risk factors of containing the newly procured units within the current budget, and the unknown level of future funding from the Government, this cost is very likely to lead to a further service pressure. If no additional funding is received over and above that already confirmed in the 1-year Spending Review, then Service Level Option 2 will create a minimum budget pressure of £0.300m adding to the budget gap and requiring savings from elsewhere across General Fund services.

Legal Implications:

- 7.4 There are a variety of housing needs, which need to be addressed. There are frequently 'emergencies which require us to have emergency accommodation. Due to the difficulty around locating accommodation on short notice either in the existing Council stock or in the private sector, it is more efficient and meets our legal requirement to have a pool of accommodation available to meet short term to medium term needs. Without property available, we face legal challenge.
- 7.5 A DPS is similar to an electronic framework agreement, but new suppliers can join it at any time. It is to be run as a completely electronic process, and should be set up using the restricted procedure and some other conditions (as set out in Regulation 34 of the Public Contracts Regulations 2015). The DPS involves a two-stage process. First, in the initial setup stage, all suppliers who meet the selection criteria and are not excluded must be admitted to the DPS. Contracting authorities must not impose any limit on the number of suppliers that may join a DPS. Unlike framework agreements, suppliers can also apply to join the DPS at any point during its lifetime. Individual contracts are awarded during the second stage. In this stage, the authority invites all suppliers on the DPS (or the relevant category within the DPS) to bid for the specific contract. The DPS should be set up and run in accordance with the Regulations as well as the council's Contract Standing Orders (CSOs).

Equalities Implications:

- 7.6 Although the scope of these umbrella arrangements is specifically for the accommodation of 'general needs' clients, it is acknowledged there is an unmet support need for some clients placed in emergency/short term accommodation. This will be met in part by the Housing support service, but the new specification can include a greater emphasis upon the clients' needs with a view to sustaining accommodation and consideration of move-on options.

A number of households supported by Adult Social Care (ASC) and Children's services are accommodated in emergency/short term accommodation. The specification will be developed in consultation with colleagues in ASC and Children's to ensure the specific needs of their clients are considered as part of this exercise; Members so as to incorporate their priorities, feedback from existing providers and from support providers and residents of short term accommodation.

Sustainability Implications:

- 7.7 Specification and tender documents will be designed in a manner to encourage Small to Medium Enterprise (SME) applicants. By the nature of this

procurement exercise, the accommodation the council seek will be located within, or adjoining the Brighton & Hove Broad Rental Market Area (BRMA) so is likely to be sourced from local contractors and/ or those who employ staff from local residents and purchase goods locally, which should contribute to the circular economy and community wealth.

There is an opportunity to require that] the accommodation which is procured meets energy efficiency standards. In addition changing the ratio of short to long-term accommodation in favour of longer term reduces the risks associated with a few providers and reduces budget pressures.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Table setting out the reduction of units over time
2. Existing Specification

## Appendix 1

Table showing proposed reduction of short-term accommodation over time and number of units it will be necessary to procure.

<i>Year</i>	<i>Short term / Emergency units</i>	<i>Number of units contract ends</i>	<i>Est.Purchased units ready to let</i>	<i>Number of units to be procured</i>	<i>Resulting number of units by year end</i>
2020 - 21 (*)	322	(202)	30	100	250
2021 - 22	250	(88)	0	38	200
2022 -23	200	(30)	0	0	170
2023 - 24	170	(2)	0	(20)	148
2024- 25	148	0	0	0	148

(\*) includes 100 units handed back in 2019/20

## Appendix 2

### CURRENT SPECIFICATION – DYNAMIC PURCHASING SYSTEM (DPS) FOR EMERGENCY ACCOMMODATION

In this specification the following words shall have the meanings given to them below:

**Call-Off Contracts** means specific contracts awarded by the Council under the terms of the DPS.

**Council** means Brighton & Hove City Council.

**DPS** means the Council's dynamic purchasing system consisting of Providers who have been approved by the Council to tender for contracts to provide and manage emergency accommodation for the Council.

**ITT** means an invitation to tender issued by the Council inviting the Providers on the DPS to tender for specific Call-Off Contracts.

**Lease Agreement** means the contractual agreement for a Property entered into between the Council and the Provider in the form supplied by the Council.

**Lease Payment** means the Lease Agreement payments due from the Council to the Provider under the Lease Agreement.

**Management Agreement** means the management agreement (to use with the Lease Agreement) for a Property entered into between the Council and the Provider in the form supplied by the Council.

**Occupier** means a person/family who has signed an Occupier Agreement with the Council and occupies a Room.

**Occupier Agreement** means the Council's licence agreement which is between the Council and the Occupier in the form to be provided by the Council.

**Property** means a property including all the Rooms within it provided by the Provider which conform to the requirements set out in this Specification.

**Property Owner** means the Provider [or a third party] who may lawfully grant the Council a Lease Agreement in respect of a Property.

**Provider** means a Provider appointed a place on the DPS

**Room** means a unit of emergency accommodation situated within a Property used for living and sleeping that is available for the exclusive use by an Occupier

**Room Booking Form** means the form used by the Council to book a unit of emergency accommodation

**Working Day** means any day other than a Saturday or Sunday or public holiday in England and Wales.

**Working Hours** means the hours from 9.00am to 6.00pm Monday to Friday and excluding public holidays in England and Wales

#### 1. OVER VIEW OF THE DPS

1.1 The Council intends to establish a DPS of Providers who satisfy the Council's standards and requirements should they successfully tender to provide and manage emergency accommodation for families and vulnerable individuals to whom the Council has a housing duty.

Selection of Provider from the DPS

1.2 During the term of the DPS, when the Council requires emergency accommodation for families and vulnerable individuals to whom it has a housing duty the Council may set out its requirements for such accommodation in an ITT to all Providers on the DPS.

1.3 Following a successful tender bid, Call-Off Contracts may then be executed as follows:

1.4 The Provider will enter into a Lease Agreement with the Council for a term of



three (3) years to seven (7) years.

1.5 The Provider will enter into a Management Agreement with the Council for the Provider to manage that Property and the Occupiers within it.

## **2. PROPERTY AND ROOM STANDARDS**

2.1 Properties supplied to the Council must:

2.1.1 Conform to the requirements set out in the Council's ITT.

2.1.2 Be available for the sole and exclusive use of the Council.

2.1.3 Be located within the Brighton & Hove City Council boundaries or in adjoining Broad Rental Market Areas

2.1.4 Consist of a number of individual Rooms with shared and/or self-contained kitchens and sanitary facilities in converted houses (HMO) or purpose built blocks (not situated above or next door to commercial or business premises unless otherwise agreed in writing with the Council) or existing bed and breakfast hotels or guest houses (subject to their planning status), which together with the communal areas will form the Property.

2.1.5 Be compliant with the buildings current planning use class for use as emergency accommodation for the Council.

2.1.6 If the facilities for the Rooms are shared; have access to adequate kitchen and bathroom/WC facilities. If the Rooms are self-contained; have a bedroom/living area, a separate kitchen or a kitchen area within the Room and a bathroom & WC.

2.1.7 Meet the following standards: the Property & Room Standards; when wheelchair accessible Rooms have been requested by the Council, the Wheelchair Accessible Property & Room Standards; the Property & Room Furnishing Standards as set out in Appendix A.

## **3. PROPERTY AND ROOM MANAGEMENT SERVICES**

3.1 The list of duties set out in this Specification is not exhaustive and the Council may seek to add or vary duties. The parties (the Council and the Provider) will agree any such additions or changes in writing prior to implementation.

### **3.2 Room allocation**

3.2.1 Following completion of the Call-Off Contracts in relation to a Property as specified above the Council will be entitled to allocate Rooms in the Property to persons qualifying for emergency accommodation.

3.2.2 The emergency accommodation will be required by the Council from the date specified in the ITT, [following a full assessment by the Council of their needs]. The Provider will be required to provide adequate staff cover at the Property to enable nominations to take place at any time, they shall respond immediately to allocations made by the Council and must facilitate the occupation of a Room by the nominee on the day of the allocation. Whilst most allocations to the accommodation will be done during the Working Day, unless otherwise specified, the emergency accommodation must be available to the Council to allocate clients to 365 days of the years at any time of the day or night.

3.2.3 If the allocation occurs during Working Hours the Council will phone and then email the Provider setting out details of the person/family (the 'Nominee') that the Council has signed up an Occupier Agreement for the Room. The Provider shall then meet the Nominee at the Property at the time set by the Council.

3.2.4 If the allocation occurs outside of Working Hours the Council's 'night duty' service will contact the Provider by phone and the Provider will be required to have staff available to facilitate the Nominees move in to the Room. On the following Working Day the Council will email the Provider setting out details of the Nominee that the Council has signed up an Occupier Agreement with and who has moved into the Room.

3.2.5 The Provider must not give keys to or move a Nominee into a Room without a

Room Booking Form except where the Nominee has been allocated the Room out of Working Hours. In this case the Nominees details will have been given over the phone and they will not have a Room Booking Form.

The Provider shall:

3.2.5.1 Hand over the keys to the Nominee and facilitate their move in to the Room at that time;

3.2.5.2 Explain the Provider's management rules for the Property to the Nominee;

3.2.5.3 Provide the Nominee with the schedule of condition and inventory of furnishing of the Room; and

3.2.5.4 Confirm to the Council on the day that the Nominee has moved into the Room.

3.2.6 The Provider shall inform the Council immediately if the Nominee does not attend the viewing or does not accept the Room. If the Nominee does not attend the viewing or accept the Room, the Council will re-allocate the Room.

3.2.7 The Provider must accept all Nominees unless they are known to the Provider to have previously been evicted from a Room or another property managed by the Provider and the Provider forms the reasonable view that the accommodation is not suitable for the Nominee in view of this history. Before refusing to accept a Nominee on this basis, the Provider must discuss the refusal with the Council and obtain the Council's approval to banning the Nominee. If the Provider operates a banned list this must be reviewed and agreed with the Council on a six monthly basis.

3.2.8 The Provider shall inspect the Room within two (2) days of the Nominee moving in to ascertain whether they are in occupation and whether there are any issues of concern with the Room or with the Occupier. If the Nominee is not in occupation, the Provider shall inform the Council immediately and the void Room shall be managed in accordance with section 3.4 below.

3.2.9 The Council may transfer any Occupier at its own discretion to another similar Room in the Property or to another Provider. The Occupier will be informed a minimum of nineteen (19) hours before the transfer and the Provider will also be informed at this time. The Provider must seek the Council's approval if it wishes to move an Occupier from one Room to another Room.

### **3.3 Room inspections, monitoring and management of occupied Rooms**

3.3.1 The Provider shall act as the Council's agent for the purposes of; managing the Rooms and the Property and enforcing the terms of the Occupier Agreement.

3.3.2 The Provider shall appoint a manager who will be responsible for the day to day running and good management of the Property. The manager's details (name, address, day time and emergency phone numbers) shall be provided in a readily visible location in the Property.

3.3.3 The Provider shall make twenty four (24) hours on-site management available to the Property and have adequate staff cover at all times to ensure the safety and wellbeing of the Occupiers and to control acts of ASB by the Occupiers or their friends, family or associates.

3.3.4 The Provider will inspect all Rooms at least once a week (or more frequently if the Provider or Council believes that the Room may be not properly occupied, or is at risk of damage by the Occupier or if the Provider or the Council has concerns that the Occupier may not be able to sustain their Occupier Agreement) to:

3.3.4.1 Determine whether the Room is occupied by the Occupier;

3.3.4.2 Determine whether the Occupier has any issues in sustaining their Occupier Agreement.

3.3.4.3 Ascertain whether there has been a breach of the Occupier Agreement

3.3.4.4 Inspect the Room to determine whether any repairs, maintenance or dilapidations works are required.

3.3.5 The Provider shall inform the Council as soon as reasonably practicable in the event that during its Room inspection it discovers that there has been a breach of an Occupier Agreement or breach of the Lease Agreement. The Provider shall then take appropriate action as set out herein to remedy the breach or as agreed with the Council.

3.3.6 During and throughout the term of the agreement the Provider shall ensure that the Property remains compliant with the Property & Room Standards (Appendix A). The Provider shall be responsible for the replacement or repair of any furniture or furnishing during the term of the agreement.

3.3.7 The Provider will be required to have clear fire evacuation procedures and routes for all Occupiers of the Property and have the evacuation Procedures and Routes clearly displayed in the Property. The Provider will be required to inform all new Occupiers what to do in case of fire and give them details of; the fire precautions provided in the Property and in their Room, the escape routes/provisions within the Property and the safe assembly points outside it.

3.3.8 The Provider must ensure that an 'individual assessment and a personal evacuation plan' is drawn up for any Occupier with disabilities or mobility issues covered by the Equality Act 2010. The Council shall identify to the Provider any Occupier who needs an 'individual assessment and a personal evacuation plan'. This will be completed in co-operation with the Occupier and a copy supplied to the Occupier; the original being retained by the Provider to inspection by the council on request.

3.3.9 The Provider shall provide a working phone on site for use by Occupiers and a notice shall be displayed by the phone with numbers of the Fire Brigade, environmental health service, Police station and local doctors.

3.3.10 The Provider shall ensure that Occupiers have access to their Rooms at all times except when essential repairs, maintenance or cleaning are being carried out.

Enforcement of Occupier Agreements/ASB:

3.3.11 The Provider shall manage any anti-social behaviour (ASB) including any noise nuisance, harassment, hate crime, domestic violence and neighbourhood disputes caused by Occupiers. All incidents of ASB must be reported to the Council. The Provider should consult with the Council (or other body in the city) where the ASB is significant and the Council or other body has a statutory responsibility in relation to such behaviour. Such bodies include the Brighton and Hove Community Safety Partnership, Crisis Intervention Team, Vulnerable Adults Team, Families and Young People Team and The Brighton and Hove Drug and Alcohol Action Team.

3.3.12 The Provider shall also adhere to the Council's ASB victim and witness standards, to be provided to the Provider by the Council

3.3.14 The Provider shall document all ASB and hate crimes that they deal with and keep records of all incidents and any warnings or actions they take, which shall be provided to the Council on request.

3.3.15 In the event that the Provider becomes aware that an Occupier has breached or is likely to breach any of the terms of their Occupier Agreement the Provider shall inform the Council and take all reasonable enforcement steps. All warnings and enforcement steps taken by the Provider against the Occupier must be made in writing to the Occupier (the form of these notices to be agreed with the Council). Records of all these actions must be kept by the Provider and provided to the Council on request

3.3.16 Where the Council considers that legal action (to be taken by the Provider on behalf of the Council) is appropriate for any breach of the Occupier Agreement or for ASB or to gain possession of the Room or the Property, the Council and Provider shall agree a method statement (except in the case of legal action against the Occupier for Rent Arrears which will be the sole responsibility of the Council). All legal actions commenced by the Provider in the name of the Council must be approved by the Council.

3.3.18 The Council shall be responsible for all reasonable costs associated with any legal action against an Occupier provided the Provider has followed the process set out above.

### **3.4 Management of void Rooms**

Void on expiry/termination of Occupier Agreement:

3.4.1 The Council and Provider shall inform each other as soon as possible after they become aware that an Occupier Agreement is coming to an end or has been terminated.

3.4.2 The Council must serve a “planned end of Occupier Agreement notice” on the Provider by 5.00 pm on the day prior to the Occupier Agreement end date. The Occupier will be expected to leave the Room by 12.00 mid-day on the Occupier Agreement end date.

3.4.3 The Provider shall visit the Occupier in their Room before the Occupier Agreement has ended and inform them of their exit obligations under the Occupier Agreement.

3.4.4 Once the Occupier Agreement has expired or is terminated and the Occupier has left the Room, the Provider shall take possession of the Room, remove any belongings and change the locks if necessary.

3.4.5 The Provider shall remove all previous Occupiers rubbish and any graffiti must be removed. The Room shall be thoroughly cleaned and the floor vacuumed or washed as necessary. All sanitary ware and kitchen facilities exclusive to the Room shall be hygienically cleaned and fit for use.

3.4.6 The Provider shall complete and pay for any works that are required to ensure the Room meets the Property & Room Standards (Appendix A) within two (2) Working Days of the end of the Occupier Agreement so that the Council can allocate a new Nominee to the Room. For the avoidance of doubt any void periods longer than two (2) Working Days (unless otherwise agreed in writing by the Council) will be the responsibility of the Provider and the Lease Payments and the Management Fee will be adjusted accordingly.

3.4.7 In bringing the void Room up to the minimum standard to satisfy the Property & Room Standards and the Property & Room Furnishing Standards (Appendix A) the Provider will be responsible for any costs or works associated with the Occupiers non-compliance with the terms of the Occupier Agreement including making good any deliberate damage and the replacement of any furniture or furnishings.

Void due to abandonment:

3.4.8 The Council and Provider shall inform each other as soon as possible after either party becomes aware that a Room has been abandoned.

3.4.9 The Provider shall take the following steps with respect to an abandoned Room:

3.4.10 The Provider may (in accordance with any applicable legislation) enter the Room for the purpose of securing the Room and any fixtures, fittings or furniture against vandalism and theft and shall affix a note to the door of the Room providing the Occupier who abandoned the Room with information where the keys can be collected.

3.4.11 The Provider shall be responsible for the collection, removal and storage of any items belonging to the Occupier left in the Room. The Provider will store any items for a minimum of two weeks. The Provider will be responsible for all costs incurred in relation to the storage of the Occupier’s items.

### **3.5 Financial arrangements**

3.5.1 The form of Lease Agreement entered into by the Council in relation to the Property will confirm the level of Lease Payments to be paid to the Provider or the Property Owner as the case may be. This Lease Payment will payable from the commencement of the Lease Agreement throughout the term subject to the void control procedure set out above.

### Occupier's Rent

3.5.2 In the event that the Provider unreasonably refuses to accept a Nominee or fails to make a Room available for occupation in accordance with the procedures set out above, the Council will not be liable for the cost of the void Room due to the Provider until such time as it is allocated to a Nominee or ready for occupation.

3.5.3 The Council will set and collect the Occupier's rent pursuant to the Occupier Agreement

### Utilities and Service Charges

3.5.4 The Provider shall be responsible for paying the council tax on the Property and for all costs associated with the provision of utilities to the Property. Where agreed with the Council, the Provider may levy a service charge on the Occupier.

3.5.5 If the Provider wishes to levy a service charge it must either be a fixed weekly charge to the Occupier (dependent upon the Room size) or the Occupier will pay for any agreed utility(s) through an individual meter in their Room. Individual meters in Rooms must be calibrated so that the Occupier is paying the standard rate for the supply of the service. For the avoidance of doubt, the Provider cannot charge the Occupier any form of rent, utility surcharge or levy a service charge upon the Occupier without the written agreement of the Council.

### Management Fee

3.5.6 The Council will pay a Management Fee to the Provider at the rates specified in the Management Agreement.

### Lease Payments

3.5.7 The Provider shall make the Lease Payments to the Property Owner in accordance with the Lease Agreement and shall be reimbursed by the Council for this. The Provider shall supply the Council with evidence that it has made the Lease Payments on request.

## **3.6 Management of Lease Agreement obligations**

Ensuring the Property Owner complies with the Lease Agreement, provision of repairs and maintenance service

3.6.1 The Provider shall ensure that the Property Owner complies with its obligations under the Lease Agreement and shall give such support and information as required by the Council to enable it to enforce its rights under the Lease Agreement.

3.6.2 The Provider shall inform the Property Owner that it will be making the Lease Payments to the Property Owner on behalf of the Council and inform them that they, the Provider, will be managing the Occupier Agreements on behalf of the Council.

3.6.3 At the start of the Lease Agreement, the Provider shall undertake a schedule of condition and inventory of the Property and all the Rooms and agree it with and provide a copy to the Property Owner and, if requested, to the Council. The schedule of condition and inventory must be drawn up to the best practice 'industry standard'.

3.6.4 The Provider will take responsibility for carrying out all repairs to and maintenance of the Property to ensure compliance with the Lease Agreement. The Provider shall obtain any necessary permission from the Property Owner to enable it to carry out these tasks.

3.6.5 The provider shall provide a 24-hour 365 day emergency repair service. It shall also provide a day to day repair service so that the Council and Occupiers can request any repairs and maintenance to the Room or the Property during the hours of 9am to 6pm on a Working Day and the Provider shall attend to such requests in accordance with the timeframes set out in Appendix B. The Provider shall inform the Occupier of the repairs and maintenance service that it offers.

3.6.6 In the event that the Property Owner wishes to carry out any works at the Property which affect or are likely to affect the Occupier, the Provider shall liaise between the Property Owner and Occupier and notify the Council.

Ensuring the Council complies with the Lease Agreement

3.6.7 The Provider shall pay the Lease Payments to the Property Owner in accordance with the Lease Agreement whether the Rooms and/or the Property are occupied or void. The Property Owner shall provide the Council with evidence that this payment is being made if requested by the Council.

3.6.8 The Provider shall take all reasonable steps to secure vacant possession of all the Rooms and the Property at the end of the Lease Agreement in accordance with any applicable legislation relating to the repossession of an Occupier Agreement which may include, when requested by the Council, serving the Council's template eviction notice on the Occupier and providing the Council with a certificate of service. Any legal action commenced against the Occupier will be carried out in accordance with section 3.3.16 above.

### **3.7 Satisfaction and complaints handling**

3.7.1 The Provider shall have policies, procedures and systems in place to record, investigate and fully address complaints made by Occupiers and/or Property Owners. The Provider's complaints process shall include the following as a minimum:

#### **3.7.1.1 Stage One – problem solving**

The Provider shall acknowledge an initial complaint within two (2) Working Days of receipt and give the complainant details of the Provider's staff member dealing with the complaint.

The staff member should aim to reply within ten (10) Working Days resolving the problem

If there is a delay in replying the staff member should inform the complainant of the reason for the delay and when they can expect to receive an answer

#### **3.7.1.2 Stage Two – Formal investigation**

Following Stage One, if the complainant is not satisfied, a formal investigation of the complaint will be undertaken by the Provider's staff manager as follows:

The continuing complaint will be acknowledged and the complainant will be given the name of the manager dealing with the complaint.

The manager should aim to complete his/her investigation within twenty (20) Working Days and if further time is required they will explain to the complainant why this is needed.

As far as possible, the Provider should aim to put the complainant in the position he/she would have been in had things not gone wrong.

The Provider shall inform the Council of any and all Stage two complaints within two (2) Working Days of their receipt.

#### **3.7.1.3 Stage Three – referral to the Council**

If the complainant is still dissatisfied following Stages One and Two, the Provider shall refer the matter to the Standards & Complaints Department at the Council.

### **3.8 Reports, monitoring and communications**

3.8.1 The Provider must keep records and full documentation (electronic) of all communications it has with the Council, Property Owners, Occupiers and all other parties associated with the agreement, with full details kept of the subject, the response and the subsequent actions taken by the Provider. Where requested the records and full documentation must be made available to the Council.

3.8.2 The Provider shall allow Council officers and officers or staff of any organisation working with, for or authorised by the Council without notice access to all parts of the Property to; inspect it, to ensure the requirements set out in the Contract are being complied with and to visit the Occupiers in

their Rooms.

### **3.9 Property Management**

3.9.1 The Provider shall carry out thorough regular cleaning of all the common parts of and shared facilities at the Property including; all kitchen and bathroom facilities, woodwork and flooring. The Provider is required to keep any outside spaces well maintained, clean and clear of obstacles, grass regularly cut and any bushes and shrubs pruned. Windows and window panes, external woodwork and finishes should be kept in a clean condition.

3.9.2 The Provider will be required to clear refuse, litter and re-cycling from the common parts of the Property and not allow litter, refuse or re-cycling to build up in any part of the Property and the external areas.





<b>Subject:</b>	<b>Re- Procurement of Floating Support Service</b>		
<b>Date of Meeting:</b>	<b>13<sup>th</sup> November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Health &amp; Adult Social Care</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jenny Knight</b>	<b>Tel: 01273 293081</b>
	<b>Email:</b>	<b>jenny.knight@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

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

1.1 This report is being presented to request authority to tender a support service for homeless people transitioning into independent accommodation from supported accommodation and for people who require support to maintain an independent tenancy.

1.2 The council currently contracts with Southdown for the provision of the following services

- Southdown Generic Floating Support Service
- Southdown Floating Support Service for those with Mental Health Needs
- Young Peoples' Floating Support for those in Independent Accommodation

The contract for these services expires on 30 September 2020.

1.3 The primary aims of the current service are to;

- Provide a floating support service to support individuals, aged 16 years old and above, living in independent accommodation to sustain their home, to transition between accommodation and to manage their health and wellbeing.
- Support individuals to build links in their local communities thereby developing the resilience to continue living independently.

1.4 In 2018-19 the service worked with people to address the following areas of support

- To access and secure accommodation
- To sustain accommodation and prevent eviction
- To manage a new tenancy
- To reduce debt and to maximise income
- To access support services including health, mental health and substance misuse

- To secure employment, volunteering and education opportunities
- To participate in the local community and develop sustainable support networks to allow them to live independently

## **2. RECOMMENDATIONS:**

2.1 That the Committee grants delegated authority to the Executive Director of Health & Adult Social Care (HASC) to take all necessary steps to:

(i) procure and award a contract for Five (5) years for the provision of a floating support service to the maximum value of £390,000.00 per annum,

(ii) to approve an extension to the contract referred to in 2.1(i) for a period or periods of up to two years in total if it is deemed appropriate and subject to available budget.

(iii) to report back to Housing Committee the progress and outcomes of this service.

2.2 The Committee is requested to note that this report was considered by the Procurement Advisory Board on 14<sup>th</sup> October 2019. The Board recommended that some additional information be included in the paper, this has been done and the paper is taken to Housing Committee for a decision.

## **3. CONTEXT/ BACKGROUND INFORMATION**

3.1 The Southdown Floating support service is open to occupiers of independent accommodation including those in social housing and emergency placement accommodation.

3.2 The service originally started out as three separate commissions, the first service commissioned to support those in independent accommodation with mental health needs commenced in February 2014 and was developed as part of the H&ASC and CCG jointly commissioned mental health supported accommodation pathway.

3.3 The generic floating support service was commissioned in 2015 to provide support for former homeless people and rough sleepers and to prevent homelessness for those in independent accommodation.

3.4 These two services were merged in 2017 following discussions with the provider to streamline referrals and create additional units of support.

3.5 The third element of the service is young people's floating support. The original holder of this contract pulled out in 2019 and their contract was split between two providers with Southdown incorporating the support for young people in independent accommodation into their service.

- 3.6 The focus of the current service is divided into four areas;
- Transition and resettlement – to support those exiting supported accommodation into independent accommodation
  - Crisis response – to support those at imminent risk of tenancy loss due to a housing or mental health crisis to maintain their tenancy or access new accommodation
  - Standard Support – approximately six (6) months of support to help an individual manage their independent tenancy, build links in the local community and manage their health and wellbeing
  - Complex Case Support – longer term support to manage an independent tenancy for those with more complex support needs

**Demand:**

- 3.7 The service is in high demand and running at full capacity whilst maintaining a short waiting list. The contract currently offers 200 units of support at an average of 2.9 hours support per week per service user. In 2018/19 the service worked with a total 556 individuals.
- 3.8 Referrals are open to all agencies and self-referrals are accepted. In 2018/19
- Referrals came from 65 individual teams and organisations
  - 26% of accepted referrals were self-referrals
  - 20% of accepted referrals came from mental health specialist services or mental health charities
  - 13% of accepted referrals came from BHCC Housing Options
- 3.9 Of those supported;
- 30% were in private rented sector accommodation
  - 20% were in properties owned by a Registered Social Landlord
  - 14% were in BHCC tenancies
  - 13% were living with family and friends
  - 11% were in local authority emergency or temporary accommodation
- 3.10 There is a demand for transitional support for those exiting supported accommodation with 80 individuals making planned moves into their own tenancies from supported accommodation in 2018/19. This aspect of the service is currently under-utilised and this will be addressed within the new tender.
- 3.11 There is additional unmet demand for those waiting for supported accommodation. In August 2019, 39 individuals were awaiting low support accommodation, many of these could be diverted directly into independent accommodation with floating support, if accommodation was available to them. The same is true of low support tenants many of whom could manage independent accommodation with floating support if accommodation was available.

## **Performance:**

3.12 The current service performs well, as an example the following outcomes were achieved between July and December 2018:

- 94% of those with an identified need sustained or obtained accommodation
- 86% of those who identified work and learning as a goal achieved access to work, learning or volunteering
- 95% of those with an identified need reduced debt or maximised their income
- 88% of service users reported that their needs had been resolved at the end of their support.

## **Overlap with existing services:**

3.13 Since the current service was commissioned, there have been some changes which affect the future service model. The current service overlaps with a number of services also provided in-house by housing teams. New legislation, the introduction of a new team in emergency placement accommodation and a planned expansion of the remit of tenancy support in Housing Management will mean an adjustment to the scope of the proposed contract to avoid duplication in the future.

The areas of overlap are as follows;

3.14 Crisis Response for those at imminent risk of eviction:

The Homelessness Reduction Act came into force in April 2018 and brought in new duties and responsibilities on local authorities to prevent and relieve homelessness. This included; an extension of the period 'threatened with homelessness' from 28 to 56 days, a new duty to prevent homelessness for all eligible applicants threatened with homelessness, regardless of priority need and a new duty to relieve homelessness for all eligible homeless applicants, regardless of priority need.

3.15 Support to those in Emergency & Temporary Accommodation:

The re-introduction of the support service in emergency accommodation has provided increased capacity in Housing to provide this support however we propose to continue to offer some support to those entering this accommodation at high risk of rough sleeping with complex support needs. This additional resource through the Welfare Officers team is in place until the end of March 2020. Future funding is subject to agreement at - budget council.

3.16 Support to those in council tenancies:

BHCC Housing Management offers tenancy sustainment support to its tenants. Housing Management intend to expand their remit in recognition of the number of people in council tenancies who have support needs.

3.17 In total, crisis intervention, support in emergency accommodation and support in council tenancies make up around 38% of the services caseload.

### **Service Model:**

3.18 Following feedback from service users and stakeholders, and analysis of the current demand for the service the following is proposed:

The tender of a floating support service offering:

- support to those exiting supported accommodation, those in independent accommodation and those being referred to supported accommodation who could manage independent accommodation with support.
- support for those at high risk of rough sleeping placed in emergency accommodation (currently a MCHLG funded post).

This will encompass the following elements;

(a) Transitional support:

- Feedback has identified that support should commence once an individual is ready for independent accommodation ensuing a relationship can be built and pre-tenancy support can be provided. Currently a referral is made once a property has been offered which is too late.
- Support to those settling in council accommodation via H&ASC's allocation to council tenancies via the council interest queue scheme.
- To offer longer term more intensive support to clients with higher support needs who are able to settle in independent accommodation.

(b) Support in Independent Accommodation:

- a specialist mental health support offer within the wider service to help those with mental health needs access support and maintain their independent accommodation.
- a specialist young person's element within the wider service to meet the differing needs of those aged 16-25.
- a service to help divert those from the supported accommodation waiting list who could manage in independent accommodation with floating support.

(c) Support in Emergency Accommodation for those at high risk of rough sleeping:

- The successful pilot of the MHCLG funded post within Southdown has identified a need for a floating support worker who is able to work more intensely with those referred into emergency accommodation with complex support needs who

are at high risk of rough sleeping. An extract of client feedback is included as Appendix 1.

- 3.19 The service will act to prevent more costly interventions from statutory services including evictions, mental health crisis and referrals into supported accommodation.

**Timeline for procurement:**

- 3.20 If approved by Housing Committee the tender of the service would commence in January 2020 with service award in April 2020 and service commencement on the 1<sup>st</sup> October 2020.

**Budget:**

- 3.20 The budget for 2019/20 for floating support is £558,111.00, this comprises the following elements.

Element of the Service	Annual Budget 2019/2020
Generic Floating Support	£300,000.00
Floating Support for those with Mental Health Needs	£200,111.00
Young Peoples Floating Support	£58,000.00
<b>Total Annual Floating Support Budget</b>	<b>£558,111.00</b>

- 3.21 The proposed budget for re-tender is £390,000.00 this is a reduction of 30%. However, £125,000.00 has been reallocated into the tender for rough sleeper outreach services and £43,111.00 has been allocated as a saving.

**4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Consideration has been given to providing the service in house. TUPE data has been received from the service which shows that the service currently employs 22 full time equivalent staff.

- 4.2 The following information has been provided by finance based on the TUPE information however it is a high level estimate and would need more detailed investigation for this option to be considered. This cannot be undertaken without understanding the full terms and conditions offered by the provider.

- 4.3 Cost of offering the service in house

Staffing	£799,295.00
Running Costs	£8,180.00
Support Service Costs	£113,047.00
<b>Total Cost</b>	<b>£920,522.00 per annum</b>

- 4.4 This cost would be an annual cost. There is a small, one off IT and equipment cost of £3000 but the other costs are ongoing.

The costs of the in-house service are above those proposed for external tender due to the following key factors:

- The council pension employer contribution is significantly higher than the average external organisation. The council contribution is 17.3% compared to an average of 7% for the current external provider.
  - The council support service costs are higher than an external organisation at 14% where an external organisation would be less than 10%.
  - There is no current management structure in place for these services so the cost of bringing this service in house includes an element of additional senior management resource.
- 4.5 This option has been discounted due to the increased cost of running the service in-house.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Interviews were held with 10 service users who were in low support accommodation and ready to move on and 9 who had recently moved on from supported accommodation into independent accommodation. They were asked a range of questions about the support they needed with this transition, the support they received and what support they felt they needed to maintain their new tenancy.
- 5.2 The overall feedback was that transitioning between supported accommodation into independent accommodation was challenging and that support was needed in a range of areas including; practical help with bills, benefits, moving, furnishing properties. Others identified support with medication, physical adaptations, mental health and linking with support networks / ensuring continuity of support services.
- 5.3 Online surveys were issued to stakeholders and all referring organisations. The response was limited and therefore the survey was undertaken twice and the deadline extended. In total 17 responses were received. Meetings were also held with individual services and with major stakeholders such as Housing. The following summarises the feedback and comments made regarding the proposed service needs;
- Person centred support which could adapt to the needs of the individual, being assertive for those who may struggle to engage.
  - Wide ranging support from transition and practical elements of moving and settling to support to prevent isolation, attend appointments, build links, grow in independence in a guided and supported way.

- Emergency accommodation and the lack of support for ex-rough sleepers was highlighted and all those asked thought this was a necessary part of the service.
- The majority of those asked felt that there were gaps in the provision of floating support in the city, comments focused on; working with people prior to an offer of independent accommodation; more person centred, waiting times / referral process too long.
- Transition to independence support was identified as a key priority and it was clear that this support should start earlier than it currently does. Most respondents felt it should start before leaving supported accommodation.
- All respondents agreed that there should be a mental health element to the service, with the service preventing isolation and having a creative approach to those who do not engage.
- The majority of respondents felt that there should be a specific element in the service for young people. One suggestion was a flexible housing first type model. The ability to re-engage in crisis and the need for an understanding for the needs of YP and YP specific services.

## 6. CONCLUSION

- 6.1 In conclusion the procurement of a floating support service for people transitioning into or living in independent accommodation is vital to ensuring that people are able to sustain their accommodation and live successfully in the community.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 The floating support contract is within the Health & Adult Social Care – Housing Related Support budget. These services have an overall budget of £5.8m for 2019/20. Any funding for 2020/21 is subject to agreement at budget council.
- 7.2 The proposed funding for this contract going forward represents a saving from efficiencies outlined in paragraph 3.14 to 3.17. Detailed financial modelling would need to be carried out to ascertain the financial impact from providing this contract in-house.

*Finance Officer Consulted: Sophie Warburton Date: 25/11/19*

### Legal Implications:

- 7.3 7.3.1 The Council's Constitution at Part 4 Scheme of Delegation to Committees and Sub-Committees sets out the terms of reference of each Committee. Housing Committee has overall responsibility for the Council's housing functions including homelessness .



7.3.2 The services required fall within Schedule 3 of the Public Contracts Regulations 2015 (PCR) and are therefore subject to the “light touch regime”. This means that there is flexibility as to the design of the procurement process providing safeguards around equal treatment and transparency are observed and the process is advertised in accordance with PCR and as required by reference to the relevant financial threshold. The threshold for the publication of light touch regime opportunities is currently £615,278.00.

7.3.3 The council’s Contract Standing Orders (CSOs) also apply.

7.3.4 It will be necessary on receipt of Tupe information to consider the extent to which the Tupe obligations apply in respect of the service to be provided by the successful bidder and to the extent that services previously delivered by an external provider are being provided in-house.

*Lawyer Consulted: Judith Fisher*

*Date: 22.10.19*

#### Equalities Implications:

- 7.4 A budget EIA has been completed on the impact on proposed budget reductions in H&ASC which includes the reduction identified to floating support.
- 7.5 Due to the duplication in the service detailed in the report, we anticipate that there would not be an adverse impact on service users from the reduction funding and that these individuals would continue to receive support.
- 7.6 There will be an impact on staffing within the service. There is a significant reduction in funding which will likely result in some staff redundancies. Parts of the service offered by the current provider duplicates services which are being provided in house by the housing department (see above duplication). This may result in a TUPE transfer from the current provider to the housing team.

#### Sustainability Implications:

- 7.7 Sustainability will be taken into account as part of the tender process including the use of public transport for visits.

#### Public Health Implications:

- 7.8 The service offers support to those who have mental and physical health needs. The service will link people into support services which address health and wellbeing issues and ensure that people are supported to enable them to manage independence accommodation.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

## Appendix 1

### **Case Study - Maintaining mental health and recovery from substance misuse**

#### **Assessment:**

Client A referred due to threat of homelessness. Client A has anxiety, depression, autism, dyspraxia, alcohol abuse and in an abusive relationship. They struggled with budgeting, increasing debts and lacked motivation and self-care. There were no services involved.

#### **Support:**

- Supported with accommodation options and secured her first tenancy
- She disclosed that she hears voices - which she thought were normal
- Supported to register and attend GP appointments and referred into mental health services
- Helped to apply for PIP, have rent paid directly from Universal Credit, set up payment plans

#### **Outcomes:**

- Now securely housed in PRS tenancy
- Understands her tenancy rights & responsibilities
- Understands where to go for help and advice
- Linked in mental health and alcohol services
- Communicating well with support agencies
- Wants to move to a bigger property so has opened a savings account
- Engaging with support from RISE

#### **Client feedback regarding the support in emergency accommodation worker funded by MCHLG.**

I didn't want the support at first, I didn't want her to come here. I'd had counselling in the past and though want a load of nosiness. So when Karen came to my door, I thought Oh no! The first couple of times I didn't want her nosing into my stuff.....

It so hard to do things on your own. I just didn't care. I didn't know if I would wake up at all. Now I have a purpose, it's nice to have someone to talk to, who knew the answers. She went through everything with me, helped me with the paperwork, I could bounce ideas off her. I am certainly grateful. I can't praise her enough, she's a real rock, absolutely brilliant, I can't fault her.

I'm quite sure I would be dead if it wasn't for the support.  
It's been sound with Karen and I'm very happy.

<b>Subject:</b>	<b>Procurement of an Outreach Service for People Rough Sleeping</b>		
<b>Date of Meeting:</b>	<b>13<sup>th</sup> November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Health &amp; Adult Social Care</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jenny Knight</b>	<b>Tel: 01273 293081</b>
	<b>Email:</b>	<b>jenny.knight@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

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

- 1.1 The purpose of this report is to seek approval from Housing Committee for a competitive procurement by tender for a contract for the provision of a rough sleeping street outreach service in Brighton & Hove.
- 1.2 This is an assertive outreach service to engage with people rough sleeping in the city, to carry out comprehensive assessments, to assess support needs and local connection and move rough sleepers into accommodation. This is the only service we commission which is demand driven. There is no cap on the number of people the service works with. The current contract with St Mungos is in place until 30th September 2020.
- 1.3 This report was presented at Procurement Advisory Board on 14<sup>th</sup> October 2019, where approval was given for the paper to be referred to Housing Committee for a decision. Additional information requested by PAB has been included in the report.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee grants delegated authority to the Executive Director of Health & Adult Social Care (HASC) to take all necessary steps to:
  - (i) procure and award a contract for five (5) years for the provision of a street outreach service for rough sleepers to the value of £450,000 per annum,
  - (ii) with the potential for adding the staffing and management of severe weather provision for rough sleepers;
  - (ii) to approve an extension to the contract referred to in 2.1(i) for a period or periods of up to two years in total if it is deemed appropriate and subject to available budget.
  - (iii) to report back to Housing Committee the progress and outcomes of this service.

### 3. CONTEXT/ BACKGROUND INFORMATION

3.1 The number of people who are found rough sleeping in the city remains high despite greatly improved services for rough sleepers through the Ministry of Housing, Communities and Local Government (“MHCLG”). Rough Sleeping Initiative funding which has led to:

- A reduction in the average length of time that people remain sleeping on the streets once found by the outreach team.
- An increase in the number of people supported away from the streets.

3.2 The commissioned outreach service currently provides outreach shifts 6 days a week on the streets of Brighton & Hove. Sundays are excluded. The service works with all rough sleepers in the city to offer short term and sustainable solutions to their rough sleeping.

3.3 More than 50% of rough sleepers in Brighton & Hove are not local and therefore have no local connection, this limits their ability to access accommodation services. These people are supported by the outreach team to reconnect to other areas where they have family and friends.

Additional Grant Funding:

3.4 The contract for the outreach service is currently £325,000 pa. Additional grant funding has been provided through the Rough Sleeping Initiative and is laid out in the table below:

Year	2017-8	2018-9	2019-20
Block Contract	£325,000	£325,000	£325,000
Grant funding	0	£102,719 (part year)	£136,958
TOTAL	£325,000	£427,719	£461,959

3.5 Under the existing block contract, there are 6 outreach workers, 1 information worker and 1 manager. The additional MHCLG grant funding pays for 3 further outreach workers and this extra capacity is in place until the end of March 2020.

Other Areas:

3.6 Rough Sleeper Outreach Services are provided in cities across the UK and the table below shows the value of the contracts commissioned by some of our comparator local authorities.

Local Authority	Contract Value	Rough Sleeping Count November 2018
Westminster	£1,000,000	306
Camden	£900,000	141
Oxford	£350,000	45
Tower Hamlets	£326,000	10
Brighton & Hove	£325,000	64

## **Service Model Proposal**

- 3.1 Following feedback from service users and stakeholders, conversations with partners and analysis of the demand of the current service the following is proposed. This relates to the key aspects of addressing rough sleeping identified in the Governments Rough Sleeping Strategy (see background documents) which are Prevention, Intervention and Recovery.
- 3.2 The outreach service is a key intervention in the city's response to tackling rough sleeping and will continue their role of engaging with rough sleepers through regular street shifts to:
  - Move people new to rough sleeping into accommodation swiftly (no second night out).
  - Engage with people without a local connection to facilitate reconnections.
  - Engage with entrenched rough sleepers to plan how to move them into accommodation and work with them to sustain this accommodation, engaging with partners to ensure a sustainable support plan is in place.
- 3.3 Feedback has identified that support from the outreach team should continue when an individual has been placed in short term accommodation such as backpackers accommodation. The proposal includes this element in the new service specification with the aim of reducing the number of people abandoning their accommodation by maintaining the relationship they have developed with the outreach team and ensuring that they are given the best chance of managing in accommodation and recovering from homelessness.
- 3.4 The revised service specification being proposed will also ensure a close link to expanded health services for rough sleepers such as the enhanced primary care service, the homeless community nursing team, the mental health homeless team and substance misuse services.
- 3.5 In summary, we propose to retender a revised specification which will include:
  - Assertive outreach shifts
  - Identification of No Second Night Out rough sleepers
  - Casework
  - Reconnections for those with no local connection
  - Joint work with health service providers
  - Managing SWEP
  - Sustaining into short term accommodation
- 3.6 The MHCLG funding is short term. The additional capacity this has provided has been a key factor in moving people off the streets quickly and reducing staff caseloads from over 40 per worker to an average of 20. This enables staff to understand their clients' needs and work on a personalised accommodation and support plan.

By mainstreaming this additional resource, we are ensuring the capacity of the service is maintained throughout the life of the contract. If we do not do this, the street outreach team reduces to a smaller service, which cannot make such an impact on rough sleeping.

- 3.14 It is proposed that the outreach service operate with an increased budget of £450,000.00 for a period of 5 years and will mainstream the additional posts which are currently funded from the Rough Sleeping Initiative (MHCLG) to maintain the current service capacity.
- 3.15 The street outreach team are key to the delivery of severe weather provision for rough sleepers (SWEP) because they notify rough sleepers that SWEP has been activated and have been part of the SWEP staffing team in previous years. We propose to tender the management of SWEP either as part of the outreach contract or at the same time to allow for the contract to be linked and ensure we have a provider in place to manage this service. The SWEP budget is currently £90,000 in total but was significantly overspent in 2018/19. Payments to providers for staffing are related to the number of nights open.

### 3.16 Timetable for Commissioning

Stakeholder Consultation	Completed
PAB	Completed
Housing Committee	November 2019
Tender Release	January 2020
Tender Award	March 2020
Contract Start Date	1 <sup>st</sup> October 2020

## 4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 This service could be run in house if office space and a management infrastructure was put in place. Should this be the preferred route, we would need to identify space for staff.
- 4.2 TUPE would apply to the existing staff delivering the service. We would require a management structure which is not currently in place. As this route has not been undertaken before in relation to a rough sleeping commissioned service, the timescale to put this in place are unknown at this time. The city would require a service to be in place by the 1st October 2020.
- 4.3 The potential cost for running this service in house is £0.798m per annum. This cost would be an annual cost. There is a small, one off IT and equipment cost of £3000 but the other costs are ongoing.

The costs of the in-house service are above those proposed for external tender due to the following key factors:

- The council pension employer contribution is significantly higher than the average external organisation. The council contribution is 17.3% compared to an average of 7% for the current external provider.
- The council support service costs are higher than an external organisation at 14% where an external organisation would be less than 10%.
- There is no current management structure in place for these services so the cost of bringing this service in house includes an element of additional senior management resource.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Interviews were held with 10 rough sleepers, an online survey was issued to stakeholders and there were various interviews with key professionals. The overall feedback was that the service is required to ensure that there is early engagement with rough sleepers and to signpost them to appropriate services.
- 5.2 In total 41 survey responses were received. 94% of respondents were from workers or volunteers of a service working with people rough sleeping. The following summarises the feedback and comments made;
- Services valued the assertive outreach approach, especially for the 'hard to engage', the fast response to queries, working well with partners, support being tailored and flexible for clients.
  - There were several comments about caseloads being too high and how lower caseloads would mean staff could be more effective.
  - Expanding weekend working was raised by a few respondents, plus suggestions for an A&E post, women's workers, and a social worker in the team.
  - Several respondents said that access to accommodation was essential.
- 5.3 Other suggestions for developing the service included joint outreach with mental health and substance misuse services and other organisations, developing better partnership working, joint working protocols between housing options and outreach, co-location in the council, reducing begging, better transitioning into accommodation, increased mental health provision, alternative accommodation offers that were not supported accommodation, and to speed up access to supported accommodation.
- 5.4 Out of the 41 responses, 2 were negative about the service and 1 of those said the service was not needed at all.

## **6. CONCLUSION**

- 6.1 The proposed budget for re-tender is £450,000.00 per annum. This is an increase of £125,000.00 on the outreach block contract. This amount has been reallocated into the tender from a reduction in the floating support retender which is in the commissioning budget. There is no proposed savings on this re-tender.

- 6.2 The additional funding ensures there is sufficient outreach capacity for shifts to cover the city and engage with rough sleepers in the city quickly to ensure that appropriate accommodation options are explored swiftly.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The Street Outreach Service for Rough Sleepers is within the Health & Adult Social Care – Housing Related Support budget. These services have an overall budget of £5.8m for 2019/20.

The proposed funding for this contract going forward has been increased in light of the increased demand.

Any funding for 2020/21 is subject to agreement at budget council.

The potential costs for running this service in house is detailed in paragraph 4.3. Further financial modelling would need to be carried out to ascertain the full financial impact from providing this contract in-house.

*Finance Officer Consulted: Sophie Warburton*

*Date: 16/10/2019*

### Legal Implications:

- 7.3 The services required fall with Schedule 3 of the Public Contract Regulations 2015 ( PCR) and are therefore subject to the “light touch regime”. This means that there is flexibility as to the design of the procurement process providing that safeguards around equal treatment and transparency are observed and the process is advertised in accordance with PCR. An Ojeu notice is currently required for services valued in excess of £615,278.00 Contractual terms and conditions will be published with the procurement documents and will address any TUPE issues and also issues relating to the indemnity provisions for delivery of the SWEP. The council’s Contract Standing Orders (CSOs) will also apply.

*Lawyer Consulted: Judith Fisher*

*24/10/2019*

### Equalities Implications:

- 7.4 The tender and modelling of services aims to tackle equalities issues. Homeless people and people rough sleeping are some of the most marginalised and excluded within our city and the aim of the service is to improve services for these people and enable them to achieve their aspirations and play an active part in their community.

### Sustainability Implications:



- 7.5 Workers will travel about the City using public transport or carbon neutral transport.

## **SUPPORTING DOCUMENTATION**

### **Background Documents**

1. National Rough Sleeping Strategy (2018)  
<https://www.gov.uk/government/publications/the-rough-sleeping-strategy>
2. Standards for Outreach Teams produced by Homeless Link



Outreach Standards  
- quick guide.pdf

### **Crime & Disorder Implications:**

- 7.6 An assertive outreach service ensures that people living on the streets are engaged with and their support and accommodation needs. This contributes to the response

### **Public Health Implications:**

- 7.7 An assertive outreach team manages the welfare and wellbeing of rough sleepers in the city, this approach ensures early identification of health and support needs and contributes to reducing health inequalities. Data from the Office of National Statistics; the mean age at death of homeless people was 44 years for men, 42 years for women and 44 years for all persons between 2013 and 2017; in comparison, in the general population of England and Wales in 2017, the mean age at death was 76 years for men and 81 years for women.

### **Corporate / Citywide Implications:**

- 7.8 Tackling rough sleeping is a citywide and corporate priority.



<b>Subject:</b>	<b>Procurement of a 'No Second Night Out' service grant funded by the Ministry of Housing, Communities and Local Government</b>		
<b>Date of Meeting:</b>	<b>13<sup>th</sup> November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Health &amp; Adult Social Care</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jenny Knight</b>	<b>Tel: 01273 292960</b>
	<b>Email:</b>	<b>jenny.knight@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

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

- 1.1 This paper outlines a proposal to procure a provider to manage a No Second Night Out hub should grant funding be obtained externally to support such a service for a period which corresponds with the grant award or other identified funding.
- 1.2 The No Second Night Out service is an accommodation based service for people who are new to rough sleeping, who are identified by the street outreach team and referred to the service to move them off the streets swiftly.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee grants delegated authority to the Executive Director of Health & Adult Social Care (HASC) to take all necessary steps to
- 2.2 (i) procure and award a contract for 2 (2) years for the provision of a No Second Night Out Assessment Service for people new to rough sleeping to the value of £360,000 per annum,
- 2.3 (ii) to approve an extension to the contract referred to in 2.2(i) for a period or periods of up to two years in total if it is deemed appropriate and subject to available budget/grant funding.
- 2.4 The Committee is requested to note that this report was considered by the Procurement Advisory Board on 14<sup>th</sup> October 2019. The Board recommended that the paper is taken to Housing Committee for a decision
- 2.5 To report back to Housing Committee the progress and outcomes of this service.

**3. CONTEXT/ BACKGROUND INFORMATION**

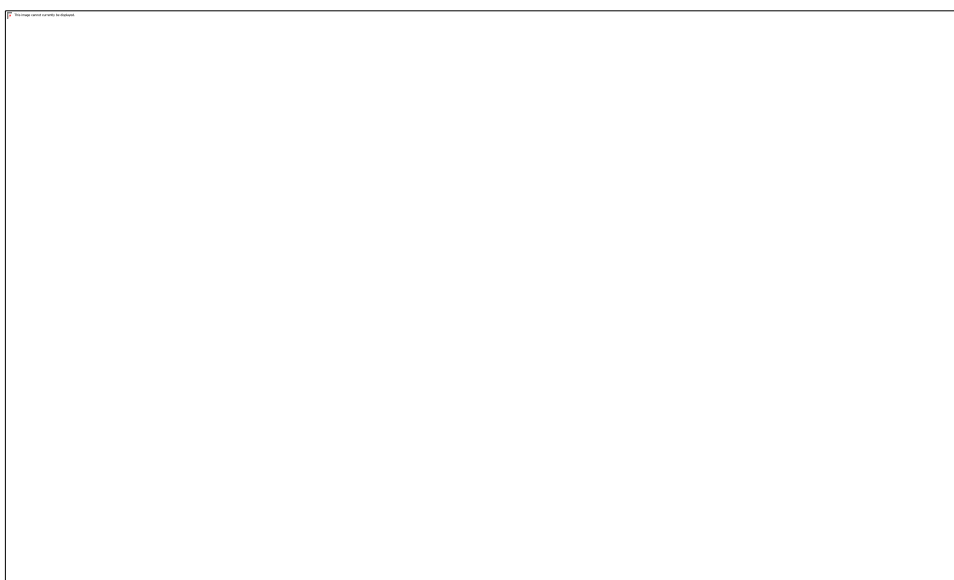
- 3.1 The No Second Night Out (NSNO) Service is part grant funded by the Ministry of Housing, Communities and Local Government (MHCLG) as part of funding

offered in conjunction with the government's rough sleeping strategy (in background documents).

- 3.2 The NSNO Hub opened in September 2018 as part of the first round of successful Rough Sleeping Initiative grant funding. This service responds to the estimated 10-15 new rough sleepers in the city each week and enables the outreach team to swiftly move people off the streets into shelter and work with them to move back into longer term accommodation.
- 3.3 The longer a person remains a rough sleeper the more complex their needs become and the more support they require to move off the streets. This service ensures that people new to the streets in the city do not become entrenched rough sleepers.

<b>Total number of people accessing the NSNO service September 2018- end of October 2019</b>	<b>192</b>
Number of people who had never rough slept before entering the hub	81
Number of people found rough sleeping before entering the hub	63
Number of people found rough sleeping before and after leaving the hub	32
Number of people found rough sleeping after entering the hub (not before)	16

- 3.4 Between April 2019 and September 2019 84 people accessed the hub service. 17 of these remained in the service past September but of those who moved on 40% had a positive accommodation outcome which included supported accommodation, reconnection to family and friends and temporary accommodation.
- 3.5 The profile of rough sleepers in the city as indicated by data below shows that we have a declining number of people being found by the outreach team numerous times, therefore a reducing the number of people becoming entrenched.



- 3.6 BHCC has been part funding the NSNO service and the council contribution is in place for 2020/21 if we are successful in being awarded further grant funding.

.Funding in the current year is as follows:

<b>Service</b>	<b>Grant funding for 2019/20</b>	<b>BHCC Funding 2019/20</b>	<b>Current Provider</b>
NSNO Hub	£ 180,000	£190,000	BHT

- 3.5 If approved by Housing Committee and confirmation of grant funding is secured, the tender of the service would commence in December 2019 with service award in March 2020 and service commencement on 1<sup>st</sup> April 2020.

### Timetable for commissioning:

Procurement Advisory Board	October 2019
Housing Committee	November 2019
Tender Release	December 2019
Tender Award	March 2020
Contract Start Date	1 <sup>st</sup> April 2020

## 4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The service could be run in house if an identified property was available and a management infrastructure was in place. Should this be the preferred route, we would need to seek an affordable building for the Council to lease which would allow the Council to operate the services. This would require the sourcing and acquisition of a building and the appointment of a management and staffing team. This presents an issue with the timescales for operation and would likely result in the service not being available for a period of time. This could put any grant funding at risk as the MHCLG want to ensure the funding is utilised promptly to maximum effect.
- 4.2 Identifying premises for the service to operate from is likely to prove challenging with the lack of appropriate accommodation available to the Council within the city within short timescales.

## 5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The service specification requires the service provider to conduct exit interviews with service users to ascertain their experiences of the service and to drive improvements within the service.

- 5.2 The service specification also requires the service provider to engage with the local community living and working in the vicinity of the service and ensure that they have a point of contact should they have issues with the service.

## **6. CONCLUSION**

- 6.1 This paper outlines a proposal to procure a provider to manage a No Second Night Out hub should grant funding be obtained externally to support such a service for a period which corresponds with the grant award or other identified funding.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 This service is within the Health & Adult Social Care – Housing Related Support budget. These services have an overall budget of £5.8m for 2019/20.
- 7.2 Any funding for 2020/21 is subject to agreement at budget council. The majority of funding for this service in 2019/20 is grant funding from MHCLG which is ceasing in March 2020. Ongoing funding has not been confirmed.
- 7.3 Detailed financial modelling would need to be carried out to ascertain the financial impact from providing this contract in-house.

*Finance Officer Consulted: Sophie Warburton*

*Date: 16/10/2019*

### Legal Implications:

- 7.3 The services required fall with Schedule 3 of the Public Contract Regulations 2015 and are therefore subject to the “light touch regime”. This means that there is flexibility as to the design of the procurement process providing that safeguards around equal treatment and transparency are observed and the process is advertised in accordance with PCR and as required by reference to the threshold value. An Ojeu notice is currently required for services valued in excess of £615,278.00. Contractual terms and conditions will be published with the procurement documents and will address any TUPE issues.
- 7.4 The council’s Contract Standing Orders (CSOs) will also apply.

*Lawyer Consulted:*

*Judith Fisher 25/10/2019*

### Equalities Implications:

- 7.5 Rough sleepers are a vulnerable group who suffer multiple inequalities; this service aims to tackle some of these issues by offering a quick exit away from the streets into a place of safety.

7.6 The service is open to all rough sleepers new to the streets or new to the city.

Sustainability Implications:

7.7 There are no sustainability implications.

Any Other Significant Implications:

7.8 There are no other significant implications.

## **SUPPORTING DOCUMENTATION**

### **Background Documents**

1. The Governments Rough Sleeping Strategy:  
<https://www.gov.uk/government/publications/the-rough-sleeping-strategy>

Public Health Implications:

7.9 A No Second Night Out service which takes referrals from the street outreach team, reduces the number of nights a person sleeps rough and prevents people becoming entrenched rough sleepers ensures early identification of health and support needs and contributes to reducing health inequalities. Data from the Office of National Statistics; the mean age at death of homeless people was 44 years for men, 42 years for women and 44 years for all persons between 2013 and 2017; in comparison, in the general population of England and Wales in 2017, the mean age at death was 76 years for men and 81 years for women.

Corporate / Citywide Implications:

7.10 Ending rough sleeping is a city wide priority.





<b>Subject:</b>	<b>Procurement for the provision of a “Somewhere Safe to Stay” service funded by grant by the Ministry of Housing Communities and Local Government</b>		
<b>Date of Meeting:</b>	<b>13<sup>th</sup> November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Health &amp; Adult Social Care</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jenny Knight</b>	<b>Tel: 01273 292960</b>
	<b>Email:</b>	<b>jenny.knight@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

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

- 1.1 The No First Night Out service “Somewhere Safe to Stay” opened in March 2019 following a successful grant application for this purpose to the Ministry of Housing Communities & Local Government.
- 1.2 The contract with the current provider St Mungos expires at the end of March 2020.
- 1.3 This report seeks authority to secure by way of competitive tender a provider to continue to deliver the No First Night Out Service which will assist those at risk of rough sleeping into accommodation.

**2. RECOMMENDATIONS:**

- 2.1 That Housing Committee:

Grant delegated authority to the Executive Director of Health & Adult Social Care (HASC) on confirmation of funding to take all necessary steps to:

(i) procure and award a contract for two (2) years to the value of £860,000 per annum or to the level of the available funding for the provision of a No First Night Out Service for adults at risk of rough sleeping.

(ii) to approve an extension to the contract referred to in 2.1(i) for a period or periods of up to two years in total if it is deemed appropriate and subject to available budget/grant funding.

(ii) to report back to Housing Committee the progress and outcomes of this service.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 A No First Night Out service is for people at risk of rough sleeping. Currently in Brighton this is called the Somewhere Safe to Stay service.
- 3.2 The Somewhere Safe to Stay service is based on the No First Night Out principle which is that people at risk of rough sleeping are offered accommodation, help and support before they end up rough sleeping. The majority of referrals into this service are from Housing Options and the service runs 24 hours a day with qualified assessment staff available at all times to welcome and assess clients any time of the day or night.
- 3.3 The city has high levels of homelessness and rough sleeping. A preventative approach ensures that people receive the support they need to recover from homelessness before they end up rough sleeping.
- 3.4 The service is funded by MHCLG grant funding which is currently in place until the end of March 2020.

The following data shows the number of people accessing the service. The key outcome for the service as monitored by the MHCLG is the number of people who end up rough sleeping following their time in the service.

Total number of people accessing the service between <b>March 2019 to end October 2019</b>	90
Number of people who had never rough slept before entering the service	80
Number of people found rough sleeping after leaving the service	7
Number of people who were found rough sleeping before entering the service	3

- 3.6 Funding:

<b>Service</b>	<b>Grant funding for 2019/20</b>	<b>BHCC Funding</b>	<b>Current Provider</b>
Somewhere Safe to Stay Service	£849,589	nil	St Mungos

The funding for somewhere safe to stay is provided by the MHCLG as part of the government's rough sleeping strategy.

- 3.7 If approved by Housing Committee and confirmation of grant funding is secured, the tender of the service would commence in December 2019 with service award in March 2020 and service commencement on 1st April 2020.

## Timetable for commissioning:

PAB	October 2019
Housing Committee	November 2019
Tender Release	December 2019
Tender Award	March 2020
Contract Start Date	1 <sup>st</sup> April 2020

## 4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The service could be run in house if a suitable property were available and a management infrastructure was in place. Should this be the preferred route, we would need to seek an affordable building for the Council to lease which would allow the Council to operate the service. This would require the sourcing and acquisition of a building and the appointment of a management and staffing team. This presents an issue with the timescales for operation and would likely result the service not being available for a period of time. This could put any grant funding at risk as the MHCLG want to ensure the funding is utilised to maximum effect.
- 4.2 Identifying premises for the service to operate from is likely to prove challenging with the lack of appropriate accommodation available to the Council within the city within short timescales.

## 5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The current provider has worked closely with the local community to address any concerns they have about the service. Engagement with the local community will be a requirement of the new service specification.
- 5.2 The provider will also be required to gain feedback from service users and stakeholders on their experience of the service and feed this into service improvements.

## 6. CONCLUSION

- 6.1 This paper is seeking delegated authority to tender and award a No First Night Out assessment service to ensure continuous delivery of a valuable service in the event grant funding is awarded from 2020/1
- 6.2 This service is one of many services in the city which address homelessness.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 This service is within the Health & Adult Social Care – Housing Related Support budget. These services have an overall budget of £5.8m for

2019/20.

- 7.2 Any funding for 2020/21 is subject to agreement at budget council.
- 7.3 The funding for these services in 2019/20 is grant funding from MHCLG which is ceasing in March 2020. Ongoing funding has not been confirmed.
- 7.4 Detailed financial modelling would need to be carried out to ascertain the financial impact from providing this contract in-house.

*Finance Officer Consulted: Sophie Warburton*

*Date: 25/10/2019*

Legal Implications:

- 7.5 The services required fall with Schedule 3 of the Public Contract Regulations 2015 and are therefore subject to the “light touch regime”. This means that there is flexibility as to the design of the procurement process providing that safeguards around equal treatment and transparency are observed and the process is advertised in accordance with PCR and as required by reference to the threshold value. The threshold is currently £615,000 therefore an Ojeu notice will be required as the overall value of the contract over 4 years exceeds this sum.
- 7.6 The council’s Contract Standing Orders (CSOs) will also apply.

*Lawyer Consulted: Judith Fisher 24.10.2019*

Equalities Implications:

- 7.7 This is a service to prevent homelessness and rough sleeping. Homeless people are some of the most marginalised and excluded within our city and the aim of the new service models is to improve services for people at risk of rough sleeping and to enable them to achieve their aspirations and play an active part in their community.


Any Other Significant Implications:

- 7.8 This service model fits with the Council’s Rough Sleeping and Homelessness Strategies to prevent people from ending up rough sleeping.

**SUPPORTING DOCUMENTATION**

**Background Documents**

- 1. National [Rough Sleeping Strategy \(2018\)](#)
- 2. Brighton & Hove Rough Sleeping Strategy

3. Brighton & Hove Rough Sleeping Strategy 2016 <https://www.brighton-hove.gov.uk/content/housing/homelessness-and-rough-sleepers/rough-sleeping-strategy>
4. <https://www.gov.uk/government/publications/rapid-rehousing-pathway-somewhere-safe-to-stay-early-adopters/rapid-rehousing-pathway-somewhere-safe-to-stay-early-adopters>
5. Rough Sleeping Strategy: Rapid Rehousing Pathway Prospectus  
  
RRP EOI Prospectus  
Final.pdf
6. Housing Committee Report – Somewhere Safe to Stay March 2019  
  
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Public Health Implications:

- 7.9 A No First Night Out service ensure that people at risk of rough sleeping have support to identify health and support needs and contributes to reducing health inequalities. Data from the Office of National Statistics; the mean age at death of homeless people was 44 years for men, 42 years for women and 44 years for all persons between 2013 and 2017; in comparison, in the general population of England and Wales in 2017, the mean age at death was 76 years for men and 81 years for women.

Corporate / Citywide Implications:

- 7.10 This service is part of the city's rough sleeping strategy to prevent people from ending up rough sleeping.

