

Report for:	Formal Shadow Executive
Meeting Date:	28 January 2020

Title of Report:	Private Sector Housing – A Proposed Single Housing Enforcement, Improvement Grants and Adaptations Approach for Buckinghamshire
Shadow Portfolio Holder	Isobel Darby
Responsible Officer	Nigel Dicker
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Recommendations:	<p>(i) A single Private Sector Housing Enforcement Policy is agreed by the Shadow Executive for the new Authority to be <u>adopted for vesting day</u> (in addition to the proposed overarching Regulatory Enforcement Policy) (see Appendix A)</p> <p>(ii) HMO licence fees and housing enforcement charges are agreed by the Shadow Executive for the new Authority to be <u>harmonised for vesting day</u> adopting the model currently used by Wycombe District Council (see Appendix B)</p> <p>(iii) A single Housing Improvement and Adaptations Policy is agreed by the Shadow Executive for the new Authority to be <u>adopted for vesting day</u> (see Appendix C)</p> <p>(iv) A decision is made and agreed by the Shadow Executive for the new Authority to remove the separate grant offerings currently provided by Chiltern District Council and South Bucks District Council for measures funded by them separately and outside of the proposed harmonised Housing Improvement and Adaptations Policy (see Appendix D).</p>
Corporate Implications:	Initial comments from Legal and Finance Officers were received at the Fees and Charges Workshop. Further views have been sought. Legal advice confirms the risk from delayed harmonisation would be considered high.
Options: (If any)	Harmonisation of enforcement policies and the adoption of a single Housing Improvement and Adaptations Policy could be delayed to 2022 as per Transitional Arrangements, but following legal advice this is NOT recommended.
Reason:	Delayed harmonisation would have the potential for an inconsistent approach, which may be subject to legal challenge and reputational risk.

	<p>Only minor amendments are required to harmonise the majority of the content and offering of existing policies, which is achievable within the proposed timescale.</p> <p>Delayed harmonisation of fees presents a high legal and reputational risk as per the legal advice received.</p> <p>Opting to remove CDC/SBDC grant offerings does present a small risk of being detrimental to certain groups as identified in the EIA scoping paper</p>
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1. Purpose of Report

- 1.1 This report summarises the current position in the four districts with regard to Private Sector Housing Enforcement, related housing fees and charges and Housing Grants Policy matters, and the options for harmonising these arrangements looking forward to vesting day and beyond. This report has previously been to CIG on 11th December 2019 and takes note of comments made.

2. Executive Summary

- 2.1 The enforcement of private sector housing standards and licensing of Houses in Multiple Occupation (HMOs) are Statutory Functions undertaken by the Local Housing Authority. These duties and powers enable interventions to be made across all tenures to protect the health and safety of occupiers; and the policies set out how each Authority aims to undertake these functions. Government guidance recognises the contribution responsible landlords and good quality rented accommodation make to the provision of affordable housing within strategic housing provision, but also provides tools and impetus to take firm enforcement action against criminal landlords where standards fall short.
- 2.2 There are different enforcement policies, housing grant policies and fee arrangements in place across the District Councils. This report highlights options and proposes that we adopt a new harmonised Private Sector Housing Enforcement Policy from vesting day that sits within the framework of an overarching Regulatory Enforcement Policy, with harmonisation of housing related fees and charges set to support this policy. A decision is needed to agree to harmonise these from vesting day.
- 2.3 A common housing grant (Housing Improvement and Adaptations) policy is required to ensure that wherever applicants live, there is parity in terms of the available grant assistance, and assistance is targeted to maximise preventative actions. A decision is needed to agree to harmonise these from vesting day

3. Content of Report

- 3.1 The report contains four appendices:
- Appendix A – the proposed new Private Sector Housing Enforcement Policy
 - Appendix B – the proposed harmonisation of Private Sector Housing Enforcement and HMO licence fees;



- Appendix C – the proposed new Housing Improvement and Adaptations Policy; and
- Appendix D – information relating to the current Housing Grant Policies (including Disabled Facilities Grants).

4. Financial Implications

- 4.1 All fees collected under the Housing Act functions of the Local Housing Authority through the HMO licensing scheme and Housing Enforcement Action must be ring fenced for use in housing enforcement matters.
- 4.2 Under HMO licensing provisions, the Authority sets the level of fee, which can take account of the total processing costs of licences including all overheads and costs of future enforcement activity involved in policing such a scheme (a two-part fee).
- 4.3 The identified numbers of HMOs is significant and disproportionately higher in Wycombe District (up to 2000) and therefore, any change in fee will disproportionately affect this area and the predicted budget income.
- 4.4 To harmonise fees, there will be a cost implication for the changes to software to CDC/SBDC to alter the fee level; and for software for AVDC to split fee collection in two parts (see Appendix B; point 6).
- 4.5 Currently, central government grant funding for the Disabled Facilities Grants (DFGs) is passed onto District councils as part of the Integrated Better Care fund settlement. In our current two tier system, allocations are paid to the County Council, but individual amounts are specified by MHCLG to be allocated and forwarded to each District Council. The exception to this requirement is where there is the express agreement of all parties that any money is to be used for other identified social care capital projects, which meet the terms of the fund. For financial year 2020/21 and onwards, a budget commitment is required for DFG allocation so that grant commitment already approved can be delivered and future demand can be met.
- 4.6 The harmonisation of housing grant policies ahead of vesting day does not have any direct financial implication for the authority but will provide applicants across the authority area with parity of grant funding wherever they live.

5. Legal Implications

- 5.1 After vesting day, a Private Sector Housing Enforcement Policy must be in place by 01/04/2022 (as per the Transitional Arrangements regulations). Legal advice provided is that a high risk is presented by delayed harmonisation.
- 5.2 Failure to properly carry out statutory housing functions or mandatory Improvement and Adaptations functions may lead to a risk of Judicial Review.

6. Other Key Risks

- 6.1 The new Authority may be subject to reputational risk if there is inconsistent enforcement activity or grants offered leading to a perceived 'postcode lottery'. Retaining current area policies could result in different grant allocations decisions being made on housing adaptations for children with disabilities because of where they live.

7. Dependencies

- 7.1 There is a dependency on the Regulatory work stream – the Private Sector Housing Enforcement Policy would sit within the framework of the proposed overarching Regulatory Enforcement Policy for the new Authority and would be subject to the Executive functions and Scheme of Delegation agreed by that work stream.
- 7.2 Housing grants work requires joint working with adults and children’s services as the Welfare Authority (particularly Occupational Therapists) and Health.

8. Consultation

- 8.1 Not applicable.

9. Communications Plan

- 9.1 If grant policies are harmonised, communications with Registered Providers of Social Housing, Occupational Therapists and organisations like the Citizens Advice Bureau will be required.

10. Equalities Implications

- 10.1 The harmonisation of existing housing grant policies will reduce inequalities between current District Council areas. Existing policies have been subject to the EIA process. An EIA screening questionnaire has been completed with guidance from the Equalities Working Group, and a full EIA is being prepared. Recommendation (iv) may hold a risk of being detrimental to some groups if grants are removed.

11. Data Privacy Implications

- 11.1 This is not required at this stage as the proposed changes do not generate any data privacy impacts.

12. Next Steps

- 12.1 A proposed Private Sector Housing Enforcement Policy and a Housing Improvement and Adaptations Policy will be prepared and presented to the Shadow Executive for formal approval.
- 12.2 A proposed schedule of Fees and Charges issued under the Housing Act provisions will be prepared and presented to the Shadow Executive for formal approval.

Background Papers	Appendix A - Harmonised Private Sector Enforcement Policy Appendix B - Harmonised fees Appendix C – Housing Improvement and Adaptations Policy Appendix D – Information on current Grant Policies
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