

# SHEFFIELD CITY COUNCIL

## POLICY COMMITTEE DECISION RECORD

The following decisions were taken on Thursday 21 March 2024 by the Housing Policy Committee.

### **Item No**

#### **8. CONDITIONS OF TENANCY**

- 8.1 Work is being undertaken to consider the Council's Tenancy Conditions, as set out in You and Your Home. This is to ensure they are clear, precise, and allow the Council to carry out its statutory duties effectively.

This report presents the proposed changes to the Tenancy Conditions to Committee (Appendix 1) for awareness and comment, outlines the reasons for change, and updates Committee on the steps required to enact this change.

Additionally, the report contains interim analysis of the Section 103 Preliminary Notice of Variation consultation. A verbal update was given by the Director of Housing summarising further responses (received after the publication of this report, to the closing date (20th March) of the consultation period).

- 8.2 **RESOLVED UNANIMOUSLY:** That the Housing Policy Committee:-

1. notes the proposed changes to the Tenancy Conditions (Appendix 1);
2. notes the interim analysis of the consultation responses returned to date (13th March) contained within the report, together with the supplementary update to the consultation to be provided at committee following the closing date of 20th March given at Committee by the Director of Housing;
3. notes that the Director of Housing is delegated to make the decision to approve the issue of the final notice of variation of conditions, in line with those set out in this report; and
4. requests that the Director of Housing, prior to the issuing of the final notice of variation, reviews:
  - a. condition 27 (using your home) and condition 29 (access) to be satisfied that they accommodate the obligations arising from considerations under the Equality Act 2010 (needs and expectations of diverse communities), and
  - b. condition 36a (maximum height of hedges, bushes and shrubbery) to be satisfied that it reasonably provides for discretion as to higher heights where specific contexts of garden/neighbour agreement allow.

- 8.3 **Reasons for Decision**

- 8.3.1 As noted above, it is vital that the Council complies with gas and fire safety requirements. The proposed changes to the existing tenancy agreement will assist with this. Primarily, this relates to Condition 29 (access). While we will always work with tenants to arrange for access with them, in cases where the tenant does not respond to our attempts to contact them, we must take steps to gain entry to the property. This is for the safety of tenants, neighbours, and officers.
- 8.3.2 Alongside this, the other changes either respond to policy developments, or to make useful clarifications where the current language used could be improved. This will ensure tenants, and the Council as landlord, are clear on respective responsibilities.
- 8.3.3 Finally, the consultation so far demonstrates a clear tenant voice in favour of implementing these changes, with a large majority of survey respondents in agreement. It is, however, important to note that this point will be updated following the publication of this paper, when the consultation has finished. Members will be given an overview of the final consultation at Committee, before a final consultation report is produced.
- 8.3.4 Following the completion, analysis and consideration of the consultation, the necessary steps to reach a formal decision will be taken in order to issue a Final Notice of Variation and bring the changes to the Tenancy Conditions into effect.

#### 8.4 **Alternatives Considered and Rejected**

- 8.4.1 *Do not alter the Tenancy Conditions:*  
Urgent changes are required to ensure the Council is fully compliant with regulator consumer standards, across all compliance areas, such as gas and fire safety. For this reason, it was not considered viable to leave the tenancy conditions unaltered.

### 9. **HOUSING REPAIRS POLICY**

- 9.1 This report seeks approval from the Housing Policy Committee to implement a new Housing Repairs Policy.

The Council's Tenancy Conditions set out in basic detail the types of repairs that the Council will be responsible for as the landlord of Sheffield City Council's housing stock. The Repairs Policy explains in more detail the types of repairs that Sheffield City Council will not be responsible for, and which we expect tenants to be responsible for.

- 9.2 **RESOLVED UNANIMOUSLY:** That the Housing Policy Committee:-

1. notes the outcomes of the consultation undertaken as part of the Repairs Policy Review, as described in this report;
2. approves the new Housing Repairs Policy as described in Appendix 3 of

this report;

3. notes that the Director of Operational Services, in consultation with the Chair of the Housing Policy Committee, will draft and publish a concise information sheet for tenants which is a more accessible summary of the information contained in the new Housing Repairs Policy and which clearly outlines both tenant and Council responsibilities;
4. notes that the Director of Operational Services, in consultation with the Chair of the Housing Policy Committee, will undertake a review of information available to tenants on our website to ensure that this is consistent with the new Housing Repairs Policy; and
5. notes that awareness training will be provided for officers in our housing and repairs service, and colleagues in the call centre, on the different responsibilities outlined in the new policy to ensure that tenants receive clear and correct advice on repairs.

### 9.3 **Reasons for Decision**

- 9.3.1 The proposed Housing Repairs Policy addresses issues with the current policy as explained in 1.3.
- 9.3.2 The proposed policy will benefit staff and tenants as it sets out clearly the responsibilities for conducting repairs in Sheffield City Council's housing stock.

### 9.4 **Alternatives Considered and Rejected**

- 9.4.1 The current Housing Repairs Policy could be maintained. However, as noted in 1.3 there are issues with the current policy that the proposed policy seeks to address.

## 10. **FINANCIAL IMPACT OF TEMPORARY NIGHTLY PAID ACCOMMODATION - B&B ON HOSTEL SUBSIDY LOSS**

- 10.1 The report sets out the financial impact of Temporary Nightly Paid Accommodation – Bed and Breakfast (B + B) on Hostel Subsidy Loss.

The report explains the escalating pressure on the budget, the background and context, the mitigations in place and the further priority actions that are recommended to address these.

### 10.2 **RESOLVED UNANIMOUSLY:** That the Housing Policy Committee:-

1. notes the issues raised in the report;
2. notes the mitigating actions that are already in place that will mitigate the financial pressures attributable to Nightly Paid Temporary Accommodation (TA) - B+B;

3. considers the recommended 4 Priority Actions that will have most impact on reducing the use of B+B and mitigating against the Hostel Subsidy Loss set out at section 2 of the report;
4. endorses the development of the business cases for the 3 Temporary Accommodation Sites; and
5. requests that an update on the financial impact of Temporary Nightly Paid Accommodation – Bed and Breakfast on Hostel Subsidy Loss be added to the Committees' Work Programme for future review.

### **10.3 Reasons for Decision**

- 10.3.1 The issues relating to Hostel Subsidy Loss must be addressed because it is unsustainable for this financial pressure to continue to grow.
- 10.3.2 Prioritising actions that will have the most impact on reducing the use of B+B will make the most difference to the financial position as demand for services continue to increase.
- 10.3.3 Tackling both demand by increasing successful homelessness prevention and supply by providing more cost-effective TA as quickly as possible must happen in tandem.
- 10.3.4 There will always be people who do need the safety net of TA and therefore it is critical to have a sufficient supply that is suitable to meet the statutory duties and cost effective.

### **10.4 Alternatives Considered and Rejected**

- 10.4.1 Continuing with the current arrangements and not develop alternatives for TA. This has been discounted because unchecked the use of B+B's could reach more than 1000 placements by 2028.
- 10.4.2 Allocating 240 more units of dispersed SCC properties for adult households to bring the use near to zero of B+B. This has been discounted because of the negative impact on rehousing and the community impact of instability created by short term lets.
- 10.4.3 Allocating a proportion of the Homelessness Prevention Grant or General Fund to off-set the pressure from 2024/25. This has been discounted as to release any funding would mean reducing the number of staff delivering the statutory homelessness service or overspending other budgets. This would lead to more and longer placements in B+B's. The level of grant from 2025/26 is not yet known. Even if the whole of the Housing General Fund and Grant were used for this purpose it would not cover the pressure going forward.
- 10.4.4 Reducing the number of properties available to people with waiting time from 1 in 4 properties to 1 in 10. Due to the very low number of properties available this

would almost end lettings to people with waiting time only. This has been discounted as changes to the Allocations Policy will be fully considered in the review in 2024/25. This will be a key decision and statutory consultation will be required prior to presenting for approval.

- 10.4.5 Seek to commission 700 units of accommodation from registered providers. This has been discounted at this stage as we need to test the market and over reliance on other providers may still result in SCC needing to provide TA for customers RPs will not support. Current intelligence indicates that RPs will not have capacity to fulfil this number of units.

## **11. PRIVATE HOUSING STANDARDS INTERVENTION AND ENFORCEMENT POLICY REVIEW**

- 11.1 Private Housing Standards is responsible for the regulation of properties in the private sector. The Intervention and Enforcement Policy gives the rationale and standards of enforcement that the service provides. It is a public document that sets out our approach and decision-making process.

The Policy was last reviewed in 2018 and it is important that Councils regularly review their policies to ensure they are fit for purpose. This review has resulted in the service identifying benefits by changing its approach.

This report seeks approval for the proposed changes to the Private Housing Standards Intervention and Enforcement Policy.

- 11.2 **RESOLVED UNANIMOUSLY:** That the Housing Policy Committee:-

1. approves the content of the revised Intervention and Enforcement Policy, which forms part of the Private Sector Housing Services Policy, in the form attached at Appendix 1, for implementation from 1st May 2024; and
2. grants delegated authority to the Director of Housing, in consultation with the Chair of the Housing Policy Committee, to make, where necessary, any minor amendments and updates to the policy that are required to reflect any organisational or legislative changes which take place prior to the policy being formally reviewed by the Housing Policy Committee.

### **11.3 Reasons for Decision**

- 11.3.1 By approving the proposed changes this will enable the Service to ensure dangerous properties are made legally compliant in a shorter timeframe, thereby, reducing the time period during which occupants are subjected hazardous living conditions.
- 11.3.2 The Service will become more streamlined in its delivery of service, as it will be able to dedicate more resources to targeting and sanctioning the worst landlords, while not penalising compliant landlords, resulting in a fairer system for all.

- 11.3.3 There is the potential for an increase in the number of criminal sanctions being brought against non-compliant landlords, due to the increased frequency of formal enforcement action being taken and the removal of the initial informal approach. Not only will this hopefully bring about a change in attitude in previously non-compliant landlords but will also bring about a potential for increased revenue for the Service through the imposition of financial penalties for certain breaches of housing law.
- 11.3.4 Security of tenure for residents in the private rented sector will be increased, as they will no longer feel threatened by the potential of retaliatory eviction and will be empowered to raise concerns relating to the conditions in the home. Not only will this bring about positive health effects and community cohesion, mentioned above, but may also result in a reduced burden on homelessness duty, placed upon the Council.

#### 11.4 **Alternatives Considered and Rejected**

##### 11.4.1 **Do Nothing**

This would mean the Service will continue to follow the current Intervention and Enforcement Policy which has been in place since 2018. This would result in the benefits outlined in this report not being achieved.

This will mean that the service is not compliant with the new HMO fee policy as approved by Housing Policy Committee on the 14th September 2023, as this contains plans for us to issue reduced term licences.

## 12. **ROUGH SLEEPING PROGRAMME- EXTENSION OF HEALTH INTERVENTIONS - GRANT FUNDING TO PRIMARY CARE SHEFFIELD**

- 12.1 In support of delivering the Government's strategy to End Rough Sleeping, Sheffield City Council was awarded £4,259,194 by the Department of Levelling up, Housing and Communities (DLUHC) to fund the Rough Sleeper Initiative's Programme 5 for a 3-year period (April 2022 – March 2025) An additional uplift to the grant of £429,000 was awarded by DLUHC and approved by Sheffield City Council in the sum of £429,000.

The programme was approved in November 2022 by the Finance Sub Committee. This included approval to spend grant allocation specifically on Health Interventions, in line with conditions and agreement with DLUHC.

This report proposes that £77,563 of the grant income funds an NHS Nurse post, specifically for the Rough Sleeper Cohort, in line with the agreed Health Interventions. This funding will ensure Primary Care Sheffield can continue providing the NHS Nurse provision for a further 12 months from July 2024.

- 12.2 **RESOLVED UNANIMOUSLY:** That the Housing Policy Committee approves the expenditure of £77,563 grant funding (from the Rough Sleeper Initiative grant funding) to Primary Care Sheffield to fund an NHS nurse to deliver outreach healthcare and treatment services to people rough sleeping in Sheffield for a further 12 months until July 2025.

### 12.3 **Reasons for Decision**

- 12.3.1 The preferred option is to agree to the suggested use of the funding available, as agreed by DLUHC, so that the Council can extend the NHS Nurse Street outreach treatment and healthcare services to people Rough Sleeping in Sheffield until July 2025. The current service provider is well placed to deliver the service, as the existing teams are already in place to continue this work.
- 12.3.2 Rough Sleeping is the most visible form of Homelessness, and this cohort of customers in the city are the most vulnerable. Our Homelessness Prevention and Rough Sleeping Strategy lists 'tackling Rough Sleeping' as a key priority. The Council is committed to working towards an end to Rough Sleeping and this repurposing proposal allows us to continue this work.

### 12.4 **Alternatives Considered and Rejected**

- 12.4.1 The options available to spend grant allocation are limited by the extremely short timescales involved in agreeing the purposing of the funds with DLUHC, and working through the legal, approval and potential procurement and contractual processes required. All processes must be complete, and funds paid for the proposed services by 31st March 2024. Failure to comply with the required timeline will result in the loss of funds (to be returned to DLUHC) and the associated services.
- 12.4.2 The option of returning the unspent grant to DLUHC was considered but was discounted, due to the reputational impact to the Council, loss of funds and loss of provision for the cohort.

## 13. **RESPONSE TO DLUHC CONSULTATION ON THE COMPETENCE AND CONDUCT STANDARD FOR SOCIAL HOUSING STAFF**

- 13.1 This report seeks approval from the Housing Policy Committee to submit a response to the government consultation on a draft Competence and Conduct Standard for social housing staff.

The government is consulting on its proposals to introduce a new, regulatory standard relating to the competence and conduct of social housing staff. This standard will require senior managers and executives to have, or be working towards, a relevant qualification. It will ensure that staff have up-to-date skills, knowledge, and experience, and that they exhibit the right behaviours to deliver a high quality, professional service and treat residents with respect.

- 13.2 **RESOLVED UNANIMOUSLY:** That the Housing Policy Committee:-

1. provides feedback on the draft response attached at Appendix A; and
2. approves the consultation response for submission to Government with the addition of a request that the Government ensures that it meets the full cost

of the staff development required as a result of the proposals.

### 13.3 **Reasons for Decision**

- 13.3.1 There are several financial and resource implications arising from the proposed implementation of a Competence and Conduct Standard for social housing. It is important for the Council to highlight these implications to government as part of this consultation.

### 13.4 **Alternatives Considered and Rejected**

- 13.4.1 The alternative option is not to provide a response to the consultation. However, on this occasion, given that there are implications for the Council, the recommendation is that a response is submitted.

## 14. **2023/24 Q3 BUDGET MONITORING REPORT**

- 14.1 This report brings the Committee up to date with the Council's General Fund and HRA revenue outturn position for 2023/24 as at quarter 3.

- 14.2 **RESOLVED UNANIMOUSLY:** That the Housing Policy Committee notes the updated information and management actions on the 2023/24 Revenue Budget and Housing Revenue Account Outturn as described in this report

### 14.3 **Reasons for Decision**

- 14.3.1 To record formally the changes to the Revenue Budget.

### 14.4 **Alternatives Considered and Rejected**

- 14.4.1 The Council is required to both set a balance budget and to ensure that in-year income and expenditure are balanced. No other alternatives were considered.

## 15. **HOUSING CAPITAL PROGRAMME - 2023/24 QUARTER 3 UPDATE**

- 15.1 The Housing Capital Programme brings together the 5-year Capital Investment and Housing Growth proposals for Council Housing, setting out the priorities for current and future investment. The purpose of these plans is to continue to deliver Decent Homes, tenants' priorities and improving the quality of homes and neighbourhoods.

The Housing Capital Programme is split into three distinct areas of activity; Council Housing Investment (existing stock and assets), the Council's Stock Increase Programme, funded from the Council's Housing Revenue Account, as described in the annual HRA Business Plan and the Non-HRA Capital Programme which includes programme management, Homes & Loans to private homes and investment in private homes. The table at item 2.1 show the overall Housing Capital Programme split between Council Housing Investment, Stock Increase and Non-HRA areas of the programme.

The purpose of this report is to provide a quarterly update on progress against the approved 2023/24 Housing Capital Programme. This report will focus on providing an update on expenditure and progress against the 2023/24 Housing Capital Programme position at the end of December 2023 (Quarter 3). The report also provides an update of the 5-year Housing Capital Programme (2023/24 – 2027/28).

**15.2 RESOLVED UNANIMOUSLY:** That the Housing Policy Committee:-

1. notes the 2023-24 Housing Capital Programme forecasting and budget position at the end of quarter 3; and
2. notes the update provided for the 5-year capital programme (2023/24 – 2027/28).

**15.3 Reasons for Decision**

15.3.1 This report is to provide the Housing Policy Committee members with an update on progress against the 5-year approved Capital programme at the end of quarter 3 2023/24.

**15.4 Alternatives Considered and Rejected**

15.4.1 No alternative options are considered as part of this update.

**16. RESPONSE TO DLUHC CONSULTATION ON AWAAB'S LAW**

16.1 This report provides the Housing Policy Committee with details of the consultation response submitted to the Department of Levelling Up Housing & Communities (DLUHC) in respect of Awaab's Law: Consultation on timescales for repairs in the social rented sector.

The consultation sought views on the specific requirements to be set and how these obligations will impact on residents and landlords. In particular, views were sought on the proposals for:

- timescales for initial investigations of potential hazards;
- requirements to be placed upon landlords to provide written summaries of investigation findings;
- timescales for beginning repair works, timescales for completing repair works;
- timescales for emergency repairs;
- the circumstances under which properties should be temporarily decanted to protect residents' health and safety; and
- requirements to be placed upon landlords to maintain adequate record keeping throughout repair works.

**16.2 RESOLVED UNANIMOUSLY:** That the Housing Policy Committee:

1. notes the contents of this report; and
2. notes and endorses the response submitted to Department of Levelling Up Housing & Communities (DLUHC) in respect of Awaab's Law: Consultation on timescales for repairs in the social rented sector.

### 16.3 **Reasons for Decision**

- 16.3.1 There are several implications arising from the proposed implementation of timescales for repairs in the social rented sector through Awaab's Law. It is important for the Council to highlight these implications to government as part of this consultation.

### 16.4 **Alternatives Considered and Rejected**

- 16.4.1 The alternative option is not to provide a response to the consultation. However, on this occasion, given that there are implications for the Council, the recommendation is that a response is submitted.

## 17. **HOUSING CLEARED SITES MAINTENANCE CONTRACT 2024-28**

- 17.1 This report explains Housing cleared sites, current issues they present and seeks the Housing Policy Committee's approval to commission services that will manage and maintain these sites under a four-year contract intended to commence before September 2024.

- 17.2 **RESOLVED UNANIMOUSLY:** That the Housing Policy Committee approves the commission of services to manage and maintain Housing cleared sites across the city under a contract for a 4-year term.

### 17.3 **Reasons for Decision**

- 17.3.1 The Cleared Sites Maintenance Contract serves as a proactive measure, mitigating risks by addressing potential hazards, promptly removing litter and fly-tipped materials, and bolstering site security. Its continuous execution is essential to upholding our duty to provide safe, secure, and aesthetically pleasing environments for our residents. A break in the provision of this vital service could result in a breach of our duty, exposing the council to legal and reputational consequences.

- 17.3.2 It is the recommendation of the report to reprocure the cleared site contract for the duration of 4 years to allow the Council to fulfil its duties. The contract will ensure a safe and aesthetically pleasing sites increasing the attractiveness to potential developers.

### 17.4 **Alternatives Considered and Rejected**

- 17.4.1 **Option to not relet the contract – Not Recommended**

While this option presents an immediate cost saving, it was promptly dismissed due to its potential for significant operational, reputational, and financial problems. Without proper maintenance the cleared sites would quickly become overgrown and prone to various issues such as littering, illegal dumping (fly tipping) and antisocial behaviour. Historic data indicates that poorly maintained sites not only attract undesirable activities but can also hinder the marketability and development potential of the land. Overgrown vegetation could conceal safety hazards such as discarded materials, drug paraphernalia, and broken glass which could endanger residents.

This option is not recommended due to the risk that a poorly maintained site could compromise public safety and diminish the long-term value of the cleared site, attracting less investment in the area.

#### **17.4.2 In-house service delivery model – Not Recommended**

After making enquiries with Parks & Countryside and Street Scene & Regulation services, the conclusion was that an inhouse service are not resourced to adequately deliver to the specification for desired outcomes. There would be limited flexibility inhouse to take on additional work or remove sites from the schedule of works at short notice, without implications for staff management.

There is a significant risk that implementing an in-house model at this time could lead to the provision not being fully met. It is anticipated that it would take longer to organise and implement frameworks internally to meet the requirements than going straight out to the market. This may result in potential safety issues for residents and deter investment from other parties in the area while this work is undertaken.

#### **17.4.3 Amendment to corporate contract to incorporate this work – Not Recommended**

The council's procurement team advised that of existing commercial contracts, the Amey contract seemed most closely aligned to possibly deliver works required for Housing cleared sites. This led to discussions with contract managers for the Amey contract to assess the feasibility of lawfully varying that contract to accommodate works required on Housing cleared sites. Discussions considered the possibility of unplanned issues such as Japanese knotweed which it was present on site, would have substantial cost consequence under the current contract so that this route did not offer best value for money.

Although there was scope for the Housing cleared sites Contract to be included under the existing contract this would be non-core work and managed outside of the main Amey contract, and there would be no formal Service Level Agreement for the Council to be able to manage the contract under. Additionally, this process would not be evaluated against other bids and therefore, it will not be proven to be the best bid both in terms of quality and financially. Not being core work, the cost of providing this work would be more expensive and not considered viable.