

Housing Policy Committee

Thursday 21 March 2024 at 10.00 am

Town Hall, Sheffield, S1 2HH

The Press and Public are Welcome to Attend

Membership

Councillor Douglas Johnson
Councillor Penny Baker
Councillor Nabeela Mowlana
Councillor Paul Wood
Councillor Mazher Iqbal
Councillor Alison Norris
Councillor Gail Smith
Councillor Paul Turpin
Councillor Alan Woodcock

PUBLIC ACCESS TO THE MEETING

The Housing Policy Committee discusses and takes decisions on Housing matters:

- Functions of the Council as Local Housing Authority, including
 - Public sector
 - Private sector
 - Homelessness
- Supported housing
- Relationships with other social housing providers
- Refugee resettlement programmes
- Gypsy and traveller sites

Meetings are chaired by Councillor Douglas Johnson.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda. Members of the public have the right to ask questions or submit petitions to Policy Committee meetings and recording is allowed under the direction of the Chair. Please see the [Council's Webpage](#) or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Policy Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last on the agenda.

Meetings of the Policy Committee have to be held as physical meetings. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing committee@sheffield.gov.uk, as this will assist with the management of attendance at the meeting. The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend.

Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the [website](#).

If you wish to attend a meeting and ask a question or present a petition, you must submit the question/petition in writing by 9.00 a.m. at least 2 clear working days in advance of the date of the meeting, by email to the following address: committee@sheffield.gov.uk.

In order to ensure safe access and to protect all attendees, you will be recommended to wear a face covering (unless you have an exemption) at all times within the venue. Please do not attend the meeting if you have COVID-19 symptoms.

It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting.

If you require any further information please email committee@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**HOUSING POLICY COMMITTEE AGENDA
21 MARCH 2024**

Order of Business

Welcome and Housekeeping

The Chair to welcome attendees to the meeting and outline basic housekeeping and fire safety arrangements.

1. Apologies for Absence

2. Exclusion of Press and Public

To identify items where resolutions may be moved to exclude the press and public

3. Declarations of Interest

Members to declare any interests they have in the business to be considered at the meeting

(Pages 7 - 10)

4. Minutes of Previous Meeting

To approve the minutes of the last meeting of the Committee held on 26 January 2024.

(Pages 11 - 18)

5. Public Questions and Petitions

To receive any questions or petitions from members of the public.

(NOTE: There is a time limit of up to 30 minutes for the above item of business. In accordance with the arrangements published on the Council's website, questions/petitions at the meeting are required to be submitted in writing, to committee@sheffield.gov.uk, by 9.00 a.m. on 19 March 2024).

6. Members' Questions

To receive any questions from Members of the committee on issues which are not already the subject of an item of business on the Committee agenda – Council Procedure Rule 16.8.

(NOTE: a period of up to 10 minutes shall be allocated for Members' supplementary questions - one supplemental question on each question may be asked by the Member who had submitted the original question).

7. Work Programme

Report of the Director of Policy and Democratic Engagement

(Pages 19 - 32)

Formal Decisions

- | | | |
|------------|--|-------------------|
| 8. | Conditions of Tenancy
Report of the Executive Director, Neighbourhood Services | (To Follow) |
| 9. | Housing Repairs Policy
Report of the Executive Director, Neighbourhood Services | (Pages 33 - 56) |
| 10. | Financial Impact of Temporary Nightly Paid Accommodation - B&B on Hostel Subsidy Loss
Report of the Executive Director, Neighbourhood Services | (Pages 57 - 86) |
| 11. | Private Housing Standards Intervention and Enforcement Policy Review
Report of the Executive Director, Neighbourhood Services | (Pages 87 - 132) |
| 12. | Rough Sleeping Programme- Extension of Health Interventions - Grant Funding to Primary Care Sheffield
Report of the Executive Director, Neighbourhood Services | (Pages 133 - 158) |
| 13. | Response to DLUHC Consultation on the Competence and Conduct Standard for Social Housing Staff
Report of the Executive Director, Neighbourhood Services | (Pages 159 - 180) |
| 14. | 2023/24 Q3 Budget Monitoring Report

Report of the Director of Finance and Commercial Services | (Pages 181 - 196) |
| 15. | Housing Capital Programme - 2023/24 Quarter 3 Update

Report of the Executive Director, Neighbourhood Services | (Pages 197 - 208) |
| 16. | Response to DLUHC Consultation on Awaab's Law

Report of the Executive Director, Neighbourhood Services | (Pages 209 - 222) |
| 17. | Housing Cleared Sites Maintenance Contract 2024-28

Report of Executive Director, Neighbourhood Services | (Pages 223 - 234) |

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its Policy Committees, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from David Hollis, General Counsel by emailing david.hollis@sheffield.gov.uk.

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Housing Policy Committee

Meeting held 26 January 2024

PRESENT: Councillors Douglas Johnson (Chair), Penny Baker (Deputy Chair), Nabeela Mowlana (Group Spokesperson), Barbara Masters, Paul Turpin, Alan Woodcock and Mary Lea

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillor Alison Norris, Councillor Paul Wood and Councillor Mazher Iqbal.

2. EXCLUSION OF PRESS AND PUBLIC

2.1 No items were identified where resolutions may be moved to exclude the press and public.

3. DECLARATIONS OF INTEREST

3.1 There were no formal declarations of interest made at this stage of the meeting.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the previous meeting held on **14 December 2023** were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 A range of questions were received from Gabrielle Bruckner who did not attend the meeting. The Chair promised that a written response would be sent and circulated amongst the Committee.

6. MEMBERS' QUESTIONS

6.1 No Members questions were received in advance of the meeting. Cllr Penny Baker asked if it would be possible for a progress update on the block of houses that had lost their roofs at Lowedges. The Chair accepted this as a late question and the Director of Neighbourhood services provided a response.

7. WORK PROGRAMME

7.1 The Principal Democratic Services Officer introduced the report which contained the Committee's work programme for consideration and discussion. The aim of the work programme was to show all known, substantive agenda items for forthcoming meetings of the

Committee, to enable this committee, other committees, officers, partners, and the public to plan their work with and for the committee.

7.2 Suggestions were made in regard to:

- a) Moving the Housing Subsidy Loss item to the work programme for March 2024.
- b) Adding the Improvement Plan for full Gas Regulation Compliance to the work programme for March 2024.
- c) Climate Statement action plan timelines.
- d) Resolutions made from Full Council and how they have been dealt with. It was agreed the Chair would liaise with the Director of Housing and Neighbourhood Services to see how this could be taken forwards.

The Chair reiterated that the Climate Statements referral would be dealt with as an item on the agenda.

7.3 **RESOLVED UNANIMOUSLY:** That:-

1. The Committee's work programme, as set out in Appendix 1 be agreed, including any additions and amendments identified in Part 1;
2. Consideration be given to the further additions or adjustments to the work programme presented at Part 2 of Appendix 1; and
3. Members give consideration to any further issues to be explored by officers for inclusion in Part 2 of Appendix 1 of the next work programme report, for potential addition to the work programme.

8. **TENANT AND LEASEHOLDER ENGAGEMENT STRATEGY**

8.1 The Director of Neighbourhood Services introduced the report which stated that the current Housing and Neighbourhoods Engagement Strategy was launched in 2021 and was written in close consultation with tenants and leaseholders, and a commitment was made to review it after 3 years. It was explained that the review had happened, again in consultation with tenants and leaseholders, and the Strategy had been updated based on their feedback. The Action Plan which underpins the Strategy and describes the intention of how implement it was also updated as part of the review. Since the introduction of the new Social Housing (Regulation) Act 2023, the importance of listening to, and acting on, tenant views has become ever more important. It was explained that the updated Tenant and Leaseholder Strategy would help meet those new regulatory requirements.

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

1. Note the outcomes of the consultation undertaken as part of the

Engagement Strategy Review, as described in this report.

2. Approves a) the updated Tenant and Leaseholder Engagement Strategy, and b) the updated Engagement Strategy Action Plan.

8.3 **Reasons for Decision**

8.3.1 Adopting the updated Tenant and Leaseholder Engagement Strategy will enable the Council to further improve how it engages with its tenants and leaseholders.

8.3.2 It will also support the Council in meeting the requirements of the new social housing regulatory framework.

8.4 **Alternatives Considered and Rejected**

8.4.1 The alternative to updating the strategy as proposed in this paper would be to continue with the current Engagement Strategy that has been in place since 2020. However, this would be contrary to our commitment to reviewing and updating the Strategy after 3 years.

9. **SELECTIVE LICENSING SCHEME CLOSURE REPORT**

9.1 The Team Manager of Private Housing Standards introduced the report which outlined findings from the recently concluded Selective Licensing designation which was in operation on parts of London Road, Abbeydale Road and Chesterfield Road as well as certain adjoining streets. It will give background information as to why the scheme was implemented and a summary of the actions taken by Private Housing Standards in ensuring all licensable properties within the scheme met the licence conditions. It includes information relating to the inspection programme, the enforcement actions taken and a general overview of results and findings.

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

1. Note the content of the report.

9.3 **Reasons for Decision**

9.3.1 No recommendation sought; the report gives an overview of the now completed selective licence designation.

9.4 **Alternatives Considered and Rejected**

9.4.1 N/A

10. **CLIMATE STATEMENT**

10.1 The Housing Decarbonisation Manager introduced the report which aimed to present the Council's Housing Policy Committee Climate Statement for consideration by the Housing Policy to ensure that the proposed actions are reflected in the work programme of the committee. The Housing Policy Committee climate statement seeks to:

1. Respond to the Annual Climate Progress Report 2022/23 in a timely manner.
2. Restate the cross-party council commitment to taking what action we can to address the climate emergency, adapt our city and council for a

changing climate and reduce emissions to achieve our ambition to be a net zero city and council by 2030.

3. Increase understanding of the impact climate change will have on committees, the opportunities that tackling climate change offers, and the contribution to climate and net zero action each committee is currently making and needs to make moving forward.

10.2 Following some discussion the Committee agreed to a different set of recommendations to reflect the ongoing work and intended future work.

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

1. Consider the Statement of Climate Commitments relevant to the Housing Policy Committee and note the contents of the report.
2. Note that the Statement of Climate Commitments should form a part of all decisions coming to the committee as part of its duty to consider the climate impact of individual decisions.
3. Request that a report is brought back to the June meeting on the progress of the delivery of the Statement of Climate Commitment's and a presentation of what additional items are required to meet the Statement of Climate Commitments.

10.4 **Reasons for Decision**

10.4.1 It is important that the response to the Annual Climate Progress Report is open and transparent in setting out the challenges which the local authority faces in making progress and clarifies future expectations on the part we all have to play in addressing climate change.

10.4.2 Committee do not currently have specific strategic goals for climate. The process required to develop these, and have the statements approved to be read at each committee meeting meant that option 5.2 was not feasible with the available resource and timeframe.

10.5 **Alternatives Considered and Rejected**

10.5.1 Not providing committee climate statements considered due to the resource required to collate.

10.5.2 Providing more detailed Committee Climate Statements that provided an overview of strategic climate goals, with each Chair then reading the committees statement publicly at their respective committee meeting following release of the report.

11. **ROAD MAP TO NET ZERO**

11.1 The Housing Decarbonisation Manager introduced the report which briefed members on the commission to RLB (Rider Levett Bucknall) to develop a roadmap to carbon net zero for the Council's housing stock.

The project directly supports Sheffield's strategies and ambitions centred on net zero carbon, tackling fuel poverty and providing affordable warmth.

11.2 After some discussion the Committee agreed to include an additional 2 limbs to the original set of recommendations outlined in the report (shown as 4 and 5 in 11.3).

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

1. Note the aspiration to integrate heat pump delivery into future housing stock activity, and the outline plans described in this report.
2. Note the funding shortfall and propose any alternative options for officer examination to meet that shortfall.
3. Note the ongoing retrofit delivery and build-capacity activity.
4. Look forward to the final report from the external experts.
5. Re-state the committee's endorsement of a fabric-first approach focussing on good quality insulation and ventilation.

11.4 **Reasons for Decision**

11.4.1 In order to tackle climate change and as part of meeting the Council's 2030 net zero ambitions it must take action to decarbonise its housing stock. Fundamentally, this involves the transition to low carbon heating solutions. Furthermore, it is essential to ensure the fabric of the buildings provides the appropriate level of thermal retention in relation to new heating technologies to ensure household energy costs are not increased.

11.5 **Alternatives Considered and Rejected**

11.5.1 The only alternative is to do nothing. This would involve not delivering focussed investment in the retrofit of homes, including improved energy efficiency measures and switch to low carbon heating. This would not meet the Council's own aims and ambitions to tackle climate change, and it is not sustainable in the long term as national policy transitions away from fossil fuels. To not act sooner creates a greater challenge and cost.

12. UPDATE ON HOUSING SUBSIDY LOSS

12.1 The Director of Neighbourhood Services and The Manager of Revenues and Benefits Policy and Support Team introduced the report which set out the financial position of Housing Benefit Subsidy on Temporary and Supported Exempt Accommodation.

12.2 The committee agreed to an additional limb of the recommendations outlined in the report (shown as 2 of 12.2).

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

1. Note the information described in the paper and the impact on the 2023/24 Revenue Budget Outturn.
2. Look forward to the further report in March 2024.

12.3 **Reasons for Decision**

12.3.1 To provide Members with information relating to the City Council's revenue budget position for 2023/24.

12.4 **Alternatives Considered and Rejected**

12.4.1 No other alternatives were considered.

13. RESPONSE TO PETITION ON VERDON STREET FLATS

13.1 The Director of Neighbourhood Services. referred to the report which was to provide the Committee with a position statement on action taken in response to a petition submitted on 27 October 2023 regarding pest infestation and reports of damp and mould from residents on Verdon Street. The petition was open until 12 December 2023 and was signed by 6 residents.

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

1. Note the progress on addressing concerns raised by residents at Verdon Street.

13.3 **Reasons for Decision**

13.3.1 Members are asked to note the remedial work taking place to address the concerns raised by residents on Verdon Street from the petition considered at Housing Policy Committee in December 2023 and, the ongoing work to respond to these and any further issues at Verdon Street.

13.4 **Alternatives Considered and Rejected**

13.4.1 No alternative options have been considered. We have a statutory duty to ensure the health and safety of our residents.

14. RESPONSE TO GOVERNMENT CONSULTATION ON SAFE AND LEGAL ROUTES CAP

14.1 The Director of Neighbourhood Services referred to the report which was to provide the Committee with a copy of the return made to the Home Office as part of the Safe and Legal Routes Cap Consultation.

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

1. Note the contents of the return and the authority's commitment to resettle 88 refugees in 2025.

14.3 **Reasons for Decision**

14.3.1 The Council now has over 15 years' experience of management and delivery of similar refugee resettlement programmes, the longest recent involvement of any local authority in the UK.

Committee is asked to note the consultation response made to the Home Office.

14.4 **Alternatives Considered and Rejected**

14.4.1 Due to the need to urgently respond to the consultation it was agreed to work with the existing city infrastructure and organisations that currently support the Council and our most vulnerable refugees. The response commits to resettle 88

refugees in 2025. The availability of accommodation and services will continue to be monitored.

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Report to Housing Committee

21st March 2024

Report of: Director of Policy and Democratic Engagement

Subject: Committee Work Programme

Author of Report: Rachel Marshall, Principal Democratic Services Officer

Summary:

The Committee's Work Programme is attached at Appendix 1 for the Committee's consideration and discussion. This aims to show all known, substantive agenda items for forthcoming meetings of the Committee, to enable this committee, other committees, officers, partners and the public to plan their work with and for the Committee.

Any changes since the Committee's last meeting, including any new items, have been made in consultation with the Chair, and the document is always considered at the regular pre-meetings to which all Group Spokespersons are invited.

The following potential sources of new items are included in this report, where applicable:

- Questions and petitions from the public, including those referred from Council
- References from Council or other committees (statements formally sent for this committee's attention)
- A list of issues, each with a short summary, which have been identified by the Committee or officers as potential items but which have not yet been scheduled (See Appendix 1)

The Work Programme will remain a live document and will be brought to each Committee meeting.

Recommendations:

1. That the Committee's work programme, as set out in Appendix 1 be agreed, including any additions and amendments identified in Part 1;
2. That consideration be given to the further additions or adjustments to the work programme presented at Part 2 of Appendix 1;
3. That Members give consideration to any further issues to be explored by officers for inclusion in Part 2 of Appendix 1 of the next work programme report, for potential addition to the work programme;

Background Papers: None

Category of Report: Open

COMMITTEE WORK PROGRAMME

1.0 Prioritisation

1.1 For practical reasons this committee has a limited amount of time each year in which to conduct its formal business. The Committee will need to prioritise firmly in order that formal meetings are used primarily for business requiring formal decisions, or which for other reasons it is felt must be conducted in a formal setting.

1.2 In order to ensure that prioritisation is effectively done, on the basis of evidence and informed advice, Members should usually avoid adding items to the work programme which do not already appear:

- In the draft work programme in Appendix 1 due to the discretion of the chair; or
- within the body of this report accompanied by a suitable amount of information

2.0 References from Council or other Committees

2.1 Any references sent to this Committee by Council, including any public questions, petitions and motions, or other committees since the last meeting are listed here, with commentary and a proposed course of action, as appropriate:

Issue 1	SHEFFIELD'S DIVERSE COMMUNITIES STANDING TOGETHER
Referred from	Full Council 6th December 2023
Details	Raise the alarm locally about the refugee homelessness crisis and request the Housing Policy Committee to engage with VCS, faith groups, universities and housing providers to urgently discuss this.
Commentary/ Action Proposed	Chair of the Committee to speak with Director of Neighbourhood Services to explore how this can be taken forwards.

3.0 Member engagement, learning and policy development outside of Committee

3.1 Subject to the capacity and availability of councillors and officers, there are a range of ways in which Members can explore subjects, monitor information and develop their ideas about forthcoming decisions outside of formal meetings. Appendix 2 is an example 'menu' of some of the ways this could be done. It is entirely appropriate that member development, exploration and policy development should in many cases take place in a private setting, to allow members to learn and formulate a position in a neutral space before bringing the issue into the public domain at a formal meeting.

2.2 Training & Skills Development - Induction programme for this committee.

Title	Description & Format	Date

Appendix 1 – Work Programme

Part 1: Proposed additions and amendments to the work programme since the last meeting:

Item	Proposed Date	Note
NEW: Response to the DLUHC consultation on the Competence and Conduct Standard for social housing staff	March 2024	Approval of the Council's response to DLUHC consultation
NEW: Rough Sleeping Health Interventions	March 2024	Added to the March agenda
NEW: Response to DLUHC Consultation on Awaab's Law	March 2024	Approval of the Council's response to DLUHC consultation
NEW: Housing Cleared Sites Maintenance Contract 2024-28	March 2024	Added to the March agenda
NEW: Neighbourhood Management Policy	June 2024	Added to the June Agenda
NEW: SCC submission to the Regulator and Housing Ombudsman	June 2024	Oversight of the Tenant Satisfaction Measure return to the RSH and the Complaint Handling Code response to the Ombudsman
NEW: Single Homelessness Accommodation Programme – Accept and Release Ring Fenced Funds	June 2024	Added to the June agenda
MOVED: Damp and Mould Update	Meeting 2 24/25	Update on the delivery of the Damp and Mould Action Plan and outcome of consultation on Awaab's Law.
REMOVED: Update on the development of an Asset Management Policy for council housing stock	N/A	Changed to Knowledge Briefing.
REMOVED: Re-affirming City of Sanctuary and reviewing the powers and resources to in place to protect migrants from discriminatory housing conditions	N/A	Changed to Knowledge Briefing.
REMOVED: HNS and Repairs Performance Reports	N/A	Removed from March agenda

Part 2: List of other potential items not yet included in the work programme

Issues that have recently been identified by the Committee, its Chair or officers as potential items but have not yet been added to the proposed work programme. If a Councillor raises an idea in a meeting and the committee agrees under recommendation 3 that this should be explored, it will appear either in the work programme or in this section of the report at the committee’s next meeting, at the discretion of the Chair.

Topic	
Description	
Lead Officer/s	
Item suggested by	<i>Officer, Member, Committee, partners, public question, petition etc</i>
Type of item	<i>Referral to decision-maker/Pre-decision (policy development/Post-decision (service performance/ monitoring)</i>
Prior member engagement/ development required <i>(with reference to options in Appendix 2)</i>	
Public Participation/ Engagement approach <i>(with reference to toolkit in Appendix 3)</i>	
Lead Officer Commentary/Proposed Action(s)	

Part 3: Agenda Items for Forthcoming Meetings

Meeting 6 2023	21 March 2024	Time				
Topic	Description	Lead Officer/s	Type of item <ul style="list-style-type: none"> • <i>Decision</i> • <i>Referral to decision-maker</i> • <i>Pre-decision (policy development)</i> • <i>Post-decision (service performance/ monitoring)</i> 	<i>(re: decisions)</i> Prior member engagement/ development required <i>(with reference to options in Appendix 2)</i>	<i>(re: decisions)</i> Public Participation/ Engagement approach <i>(with reference to toolkit in Appendix 3)</i>	Final decision-maker (& date) <ul style="list-style-type: none"> • This Cttee • Another Cttee (eg S&R) • Full Council • Officer
Standing items	<ul style="list-style-type: none"> • <i>Public Questions/ Petitions</i> • <i>Work Programme</i> • <i>National Policy and Regulation responses</i> • <i>[any other committee-specific standing items eg finance or service monitoring]</i> 					
2023/24 Q3 Budget Monitoring Report	Approval of Budget Monitoring Report	Jane Wilby	Post-decision (service performance/ monitoring)	N/A	N/A	N/A

Capital Finance Monitoring Report	Approval of Capital Finance Monitoring Report	Janet Sharpe	Post-decision (service performance/ monitoring)	N/A	N/A	N/A
Conditions of Tenancy	An update on minor changes to the current Conditions of Tenancy	Janet Sharpe	Decision	Prior work with Members through briefings	Through a range of tenant consultation	This Committee
Housing Repairs Policy	Approval of a revised Repairs Policy for council housing tenants	Tom Smith	Decision	Through Knowledge Briefings and LACs	Through a range of tenant consultation	This Committee
Housing Subsidy Loss	Report updating Members on proposals to fund the deficit in housing subsidy payments	Suzanne Allen Jane Wilby	Referral to decision-maker	Prior work with Members through briefings	N/A	Strategy and Resources Committee
Private Housing Standards Intervention and Enforcement Policy Review	Review of the Private Housing Standards Intervention and Enforcement Policy	Alun Whitaker / Catherine Hughes	Decision	Yes	N/A	This Committee
NEW: Rough Sleeping Health Interventions	Approval of grant expenditure to support health interventions for rough sleepers	Laura Costa	Decision		N/A	This Committee
NEW: Competence and Conduct Standard for social housing staff	Response to the DLUHC consultation on the Competence and Conduct Standard for social housing staff	Janet Sharpe	Decision	Yes	N/A	This Committee

NEW: Response to DLUHC Consultation on Awaab's Law	Response to the DLUHC consultation on changes to the law around damp and mould interventions	Janet Sharpe	Post-decision	Prior work with Members through briefings	N/A	This Committee
NEW: Housing Cleared Sites Maintenance Contract 2024-28	Seeks approval to commission services to manage and maintain Housing cleared sites under a four-year contract.	Luke Simpson	Decision			This Committee

Meeting 1	June? 2024	Time				
Topic	Description	Lead Officer/s	Type of item	(re: decisions) Prior member engagement/ development required (with reference to options in Appendix 2)	(re: decisions) Public Participation/ Engagement approach (with reference to toolkit in Appendix 3)	Final decision-maker (& date)
			<ul style="list-style-type: none"> Decision Referral to decision-maker Pre-decision (policy development) Post-decision (service performance/ monitoring) 			<ul style="list-style-type: none"> This Cttee Another Cttee (eg S&R) Full Council Officer
Standing items	<ul style="list-style-type: none"> Public Questions/ Petitions Work Programme 					

	<ul style="list-style-type: none"> • <i>National Policy and Regulation responses</i> • <i>[any other committee-specific standing items eg finance or service monitoring]</i> 					
2023/34 Q4 Budget Monitoring Report	Approval of Budget Monitoring Report	Jane Wilby	Post-decision (service performance/ monitoring)	N/A	N/A	N/A
Capital Finance Monitoring Report	Approval of Capital Finance Monitoring Report	Janet Sharpe	Post-decision (service performance/ monitoring)	N/A	N/A	N/A
Older Persons Independent Housing Living Strategy	5-year strategy setting out Sheffield's strategic approaches for helping our growing older population to live independently in their own homes across all housing tenures.	Suzanne Allen	Decision	Yes; written briefings, all member briefings	Creative use of online engagement channels; working with VCF networks; stakeholder reference groups; formal and informal discussion groups	This Committee
NEW: Council Housing Neighbourhood	Approval of policy setting out the overall approach to managing council	Dean Fearon	Decision	Prior work with Members through briefings	Through a range of tenant consultation	This Committee

Management Policy	housing tenancies and neighbourhoods					
NEW: SCC submission to the Regulator and Housing Ombudsman	Oversight of the Tenant Satisfaction Measure return to the RSH and the Complaint Handling Code response to the Ombudsman	Director	Post-decision (service performance/ monitoring)	Prior work with Members through briefings	Through a range of tenant consultation	This Committee
NEW: Single Homelessness Accommodation Programme – Accept and Release Ring Fenced Funds	Accept and release ring fenced funds from the Department of Levelling up	Laura Costa	Decision	Prior work with Members through briefings	N/A	This Committee

Meeting 2	Sept? 2024	Time				
Topic	Description	Lead Officer/s	Type of item <ul style="list-style-type: none"> • <i>Decision</i> • <i>Referral to decision-maker</i> • <i>Pre-decision (policy development)</i> • <i>Post-decision (service</i> 	<i>(re: decisions)</i> Prior member engagement/ development required <i>(with reference to options in Appendix 1)</i>	<i>(re: decisions)</i> Public Participation/ Engagement approach <i>(with reference to toolkit in Appendix 2)</i>	Final decision-maker (& date) <ul style="list-style-type: none"> • This Cttee • Another Cttee (eg S&R) • Full Council • Officer

			<i>performance/monitoring)</i>			
MOVED: Damp and Mould Action Plan	Update	Dean Butterworth	Pre-decision (policy development)	Deep Dive session for the whole committee on the 17 th January 2024.		This Committee

Items which the committee have agreed to add to an agenda, but for which no date is yet set.						
Topic	Description	Lead Officer/s	Type of item <ul style="list-style-type: none"> • <i>Decision</i> • <i>Referral to decision-maker</i> • <i>Pre-decision (policy development)</i> • <i>Post-decision (service performance/monitoring)</i> 	<i>(re: decisions)</i> Prior member engagement/development required <i>(with reference to options in Appendix 2)</i>	<i>(re: decisions)</i> Public Participation/Engagement approach <i>(with reference to toolkit in Appendix 3)</i>	Final decision-maker (& date) <ul style="list-style-type: none"> • This Cttee • Another Cttee (eg S&R) • Full Council • Officer
Approval of a new Housing Strategy for the City	Consideration of a new Housing Strategy for the City following significant	Georgina Parkin	Decision	Significant engagement with Members through Task and Finish	Creative use of online engagement channels; working with	This Committee

	consultation and policy development				VCF networks; stakeholder reference groups; formal and informal discussion groups	
Asset Management Strategy	Approval of the Council Housing Asset Management Strategy	Janet Sharpe	Through Knowledge Briefings and LACs	Through a range of tenant consultation	Yes - TBC	This Committee

Appendix 2 – Menu of options for member engagement, learning and development prior to formal Committee consideration

Members should give early consideration to the degree of pre-work needed before an item appears on a formal agenda.

All agenda items will anyway be supported by the following:

- Discussion well in advance as part of the work programme item at Pre-agenda meetings. These take place in advance of each formal meeting, before the agenda is published and they consider the full work programme, not just the immediate forthcoming meeting. They include the Chair, Vice Chair and all Group Spokespersons from the committee, with officers
- Discussion and, where required, briefing by officers at pre-committee meetings in advance of each formal meeting, after the agenda is published. These include the Chair, Vice Chair and all Group Spokespersons from the committee, with officers.
- Work Programming items on each formal agenda, as part of an annual and ongoing work programming exercise
- Full officer report on a public agenda, with time for a public discussion in committee
- Officer meetings with Chair & VC as representatives of the committee, to consider addition to the draft work programme, and later to inform the overall development of the issue and report, for the committee's consideration.

The following are examples of some of the optional ways in which the committee may wish to ensure that they are sufficiently engaged and informed prior to taking a public decision on a matter. In all cases the presumption is that these will take place in private, however some meetings could happen in public or eg be reported to the public committee at a later date.

These options are presented in approximately ascending order of the amount of resources needed to deliver them. Members must prioritise carefully, in consultation with officers, which items require what degree of involvement and information in advance of committee meetings, in order that this can be delivered within the officer capacity available.

The majority of items cannot be subject to the more involved options on this list, for reasons of officer capacity.

- Written briefing for the committee or all members (email)
- All-member newsletter (email)
- Requests for information from specific outside bodies etc.
- All-committee briefings (private or, in exceptional cases, in-committee)
- All-member briefing (virtual meeting)
- Facilitated policy development workshop (potential to invite external experts / public, see appendix 2)
- Site visits (including to services of the council)
- Task and Finish group (one at a time, one per cttee)

Furthermore, a range of public participation and engagement options are available to inform Councillors, see appendix 3.

Appendix 3 – Public engagement and participation toolkit

Public Engagement Toolkit

On 23 March 2022 Full Council agreed the following:

A toolkit to be developed for each committee to use when considering its ‘menu of options’ for ensuring the voice of the public has been central to their policy development work. Building on the developing advice from communities and Involve, committees should make sure they have a clear purpose for engagement; actively support diverse communities to engage; match methods to the audience and use a range of methods; build on what’s worked and existing intelligence (SCC and elsewhere); and be very clear to participants on the impact that engagement will have.

The list below builds on the experiences of Scrutiny Committees and latterly the Transitional Committees and will continue to develop. The toolkit includes (but is not be limited to):

- a. Public calls for evidence
- b. Issue-focused workshops with attendees from multiple backgrounds (sometimes known as ‘hackathons’) led by committees
- c. Creative use of online engagement channels
- d. Working with VCF networks (eg including the Sheffield Equality Partnership) to seek views of communities
- e. Co-design events on specific challenges or to support policy development
- f. Citizens assembly style activities
- g. Stakeholder reference groups (standing or one-off)
- h. Committee / small group visits to services
- i. Formal and informal discussion groups
- j. Facilitated communities of interest around each committee (eg a mailing list of self-identified stakeholders and interested parties with regular information about forthcoming decisions and requests for contributions or volunteers for temporary co-option)
- k. Facility for medium-term or issue-by-issue co-option from outside the Council onto Committees or Task and Finish Groups. Co-optees of this sort at Policy Committees would be non-voting.

This public engagement toolkit is intended to be a quick ‘how-to’ guide for Members and officers to use when undertaking participatory activity through committees.

It will provide an overview of the options available, including the above list, and cover:

- How to focus on purpose and who we are trying to reach
- When to use and when not to use different methods
- How to plan well and be clear to citizens what impact their voice will have
- How to manage costs, timescales, scale.

There is an expectation that Members and Officers will be giving strong consideration to the public participation and engagement options for each item on a committee’s work programme, with reference to the above list a-k.



Report to Policy Committee

Author/Lead Officer of Report: Tom Smith,
Director of Operational Services

Tel: 07471 332755

Report of: *Ajman Ali (Executive Director, Neighbourhood Services)*
Report to: *Housing Policy Committee*
Date of Decision: *21st March 2024*
Subject: *Housing Repairs Policy*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input checked="" type="checkbox"/>
Insert EIA reference number and attach EIA	2638	
Has appropriate consultation/engagement taken place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Does the report contain confidential or exempt information? Yes No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*“The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended).”*

Purpose of Report:

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.

Recommendations:

It is recommended that the Housing Policy Committee:

1. Note 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.

Background Papers:**Appendix 1 – Proposed Sheffield City Council Housing Repairs Policy**

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: Helen Damon
		Legal: Rebecca Lambert
		Equalities & Consultation: Bashir Khan
		Climate: N/A
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	SLB member who approved submission:	<i>Ajman Ali</i>
3	Committee Chair consulted:	<i>Cllr Douglas Johnson</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Tom Smith	Job Title: Director of Direct Services
	Date: 5 th March 2024	

1. PROPOSAL

- 1.1 The purpose of this paper is for Members to consider the implementation of a new Repairs Policy for Council Housing. Whilst the current Housing Repairs Policy remains largely fit for purpose, this review has been concerned with clarifying the types of repairs Sheffield City Council will be responsible for, and which types of repairs we expect tenants to be responsible for. This will be to the benefit of tenants and staff. The Committee will note that there is also a paper submitted in respect of the proposed Tenancy Condition Variation. The Committee's attention should be drawn to the proposed changes to the repairing obligations and responsibilities under conditions 7 and 9 of the Tenancy Conditions. These should be read in conjunction with the new Housing Repairs Policy.
- 1.2 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. A copy of the proposed policy is attached in Appendix 1.
- 1.3 The current policy has led to a lack of clarity in service delivery, and potential confusion for tenants and staff. Demand for our Repairs Service is increasing, and it is important that we provide clarity to tenants and staff on the responsibility for different types of repairs. Our benchmarking activities have shown that Sheffield City Council currently undertakes more minor repairs which in other comparator organisations would be a tenant responsibility. Our current policy has led to some confusion over responsibilities that this new policy now addresses.
- 1.4 An online consultation has been carried out with our tenants. Feedback from this consultation has helped to shape the proposed policy and some minor amendments and updates have been made to it. Much of what was already in the policy was supported by tenants. This is described in more detail in section 3.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The new Council Plan was approved by Full Council on 6th March 2024., "Together we get things done", in collaboration with our communities, partners, and stakeholders is a shared narrative that describes where we all want to be as a city. The Council plan sets out our City Goals, which will become a driving force to support our Council improvement journey and delivery planning. With the goals being developed collaboratively, a key aim is that this will promote a joined-up approach to delivering the goals.

One of the new Council Plan's goals is 'Great neighbourhoods that people are happy to call home', with a specific priority around increasing the availability, quality, and range of housing in our neighbourhoods.

All of the work carried out in our Repairs Service seeks to contribute to creating quality housing in Sheffield. As this policy seeks to help clarify repairs responsibilities and ensure that both the Council and tenants take responsibility for important repairs carried out on Sheffield City Council's housing stock, it will support the Council in creating quality housing in Sheffield, and contribute towards one of our City Goals.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 Consultation with tenants has been carried out as part of this proposal. An online survey was carried out on the Council's online engagement platform, Have Your Say Sheffield.
- 3.2 As part of the online consultation, we shared the draft policy, outlining what the proposed policy seeks to make clearer. The focus of the survey questions was the clarity of the policy. Tenants were asked if different parts of the policy were easy to understand, and whether the different repairs responsibilities of tenants and the Council (the landlord) were made clear in the policy.
- 3.3 Details of the online consultation can be [found here](#).
- 3.4 At the time of writing this report, the consultation is still live. The early indication from the responses so far is showing that feedback is generally positive on the clarity and readability of the proposed policy.
- 3.5 A full update on the consultation, and our response to the feedback will be presented to the Committee at March's meeting.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 Decisions need to consider the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:
 - eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The Equality Act 2010 identifies the following groups as a protected characteristic: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

- 4.1.2 A full Equality Impact Assessment has been carried out and recognises that some of our tenants have vulnerabilities that we may need to consider when enacting the Repairs Policy. As set out in section 7.1 of the policy, we will treat all vulnerabilities sensitively, and adapt our working practices where appropriate, to ensure tenants do not face any additional barriers when accessing our service.

Section 7.2 of the policy also details our Handyperson Service for tenants who are 60 years old or over, disabled, or suffer from severe health problems. The free service can support these tenants with some small repairs and jobs, as explained in more detail in the policy.

4.2 Financial and Commercial Implications

- 4.2.1 The changes to the repairs policy are primarily to provide clarification of the scope of repairs that the Council is responsible for. It is anticipated that this clarification will reduce the volume of smaller repairs that are taken on by the service and allow the service to deploy staff to other priority work.
- 4.2.2 The 2024/25 budget includes a saving of £400k for implementing these changes to the repairs policy.

4.3 Legal Implications

- 4.3.1 The Council as a Landlord has a legal obligation to carry out certain types of repairs in properties which it rents out. The Council's main statutory repairing obligations are contained under section 11 of the Landlord and Tenant Act 1985. The Landlord's repairing covenants set out in section 11 of the Landlord and Tenant Act 1985 are as follows:

(a) to keep in repair the structure and exterior of the dwelling-house,

(b) to keep in repair and proper working order the installations in the dwelling-house for the supply of water, gas and electricity and for sanitation, and

(c) to keep in repair and proper working order the installations in the dwelling-house for space heating and heating water.

- 4.3.2 The Council's Tenancy Conditions detailed in 'You and your Home' set out the Council's contractual obligations as Landlord. Condition 7 of the Tenancy Conditions sets out the Council's repairing obligations and

responsibilities. Condition 9 details things which are the Tenant's own responsibility and fall outside of the Council's repairing obligations.

- 4.3.3 The new Housing Repairs Policy aims to work in conjunction with the Tenancy Conditions to provide further detailed information regarding the specific types of repairs which are the Council's responsibility and those which are the responsibility of the Tenant. It is a matter of good practice that the repairing obligations contained within a tenancy agreement should reflect the wording of section 11 of the Landlord and Tenant Act 1985 in order to prevent any disparity between the Council's Statutory and Contractual obligations in respect of repairs. The proposed changes to Condition 7 of the Tenancy Condition under the Tenancy Condition Variation Proposals (explained in section 1.1 of this report) have been amended to reflect this best practice approach. In view of this the further information and detail provided in the new Housing Repairs Policy regarding specific repairs will help to ensure that Tenants have a clear understanding of where different obligations and responsibilities lie. The new Housing Repairs Policy also clearly explains how repairs will be assessed and categorised by the Council. It also details the Council's responsibilities under the Right to Repair Scheme which requires the Council to comply with its obligations under the Secure Tenants of Local Authorities (Right to Repair) Regulations 1994.
- 4.3.4 Although the Council's main statutory repairing obligations are contained within Section 11 of the Landlord and Tenant Act 1985 there are also a number of other statutory and regulatory provisions which form part of the Council's overall repairing responsibilities a number of these key provisions are detailed below.
- 4.3.5 Under section 9A of the Landlord and Tenant Act 1985 as amended by the Homes (Fitness for Human Habitation) Act 2018 all social and private landlords must ensure that their property, including any common parts of the building, is fit for human habitation at the beginning of the tenancy and throughout its duration. In order to achieve this the Council in its capacity as a social landlord will need to make sure that each Council Property is free of hazards which are so serious that the dwelling is not reasonably suitable for occupation in that condition. The criteria for determining whether a property is unfit for human habitation is set out in section 10 of the Landlord and Tenant Act 1985.
- 4.3.6 The Social Housing (Regulation) Act 2023 has under section 42 made further amendments to the Landlord and Tenant Act 1985 to include the additional provision S10A. This is the new 'Awaab's Law' provision which introduces the new 'Implied term as to remedying hazards.'
- 4.3.7 Section 4 of the Defective Premises Act 1972 imposes a duty of care on the Council as Landlord for defects in the state of the premises where the

Council has an obligation or right to remedy such a defect. This includes a duty of care to prevent personal injury or damage to property. The duty extends to all persons who might reasonably be expected to be affected by the defects.

4.3.8 All Local Authorities and Social Landlords must ensure the Housing they provide meets the minimum requirements of the Decent Home Standard as defined by Government's June 2006 guidance entitled 'A Decent Home: Definition and Guidance for implementation'. A Decent Home must meet the following 4 criteria:

- (a) It meets the current statutory minimum standard for housing - (To be a decent home a dwelling should be free of category 1 hazards under the Housing Health and Safety Rating System, and the existence of such hazards should be a trigger for remedial action unless practical steps cannot be taken without disproportionate expense or disruption)
- (b) It is in a reasonable state of repair
- (c) It has reasonably modern facilities and services
- (d) It provides a reasonable degree of thermal comfort

4.3.9 The general power of management of its housing is vested in the Council by virtue of section 21 of the Housing Act 1985. The Council can use the powers under this section, in conjunction with the other statutory and regulatory provisions detailed above, to approve the new Housing Repairs Policy. There is a duty under section 105 of the Housing Act 1985 and section 137(2) of the Housing Act 1996 to consult Secure and Introductory tenants who are likely to be substantially affected by a change in a matter of housing management.

4.4 Climate Implications

4.4.1 There are no direct climate implications arising from the policy.

4.4 Other Implications

4.4.1 There are no other implications arising from the policy.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 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.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The proposed Housing Repairs Policy addresses issues with the current policy as explained in 1.3.
- 6.2 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.

Sheffield City Council Housing Repairs Policy

Contents

1. Introduction
2. Scope and principles
3. Legislation and guidance
4. Policy key responsibilities and implementation
5. Quality control and monitoring
6. Legal Action
7. Providing additional support to our tenants
8. Review

1.0 Introduction

1.1 Sheffield City Council is committed to the delivery of a high quality, effective and timely repair service for our tenants. This policy sets out how we will deliver a responsive repairs service that meets the needs of our tenants and enables us to fulfil our statutory, regulatory, and contractual obligations.

1.2 Sheffield City Council's Tenancy Conditions, [You and Your Home](#) set out our contractual obligations as a landlord. This policy explains in more detail the repairs that Sheffield City Council will be responsible for. It also sets out the repairs we expect our tenants to undertake for themselves where we do not take responsibility as a landlord.

2.0 Scope and principles

2.1 The policy covers repairs within tenanted properties (including gardens and garages, subject to terms of the tenancy conditions), in communal areas, and to communal assets for example, shared gardens, shared spaces including lifts and corridors. The definition of a 'repair' for the purpose of this policy is 'work that arises from damage or wear and tear to tenanted properties, communal areas and common parts.'

2.2 In-addition to repair work, Sheffield City Council has responsibilities in relation to several other legal duties including gas safety, electrical and asbestos inspections. These responsibilities are covered by separate policies.

2.3 Sheffield City Council will operate according to the following principles:

- We will ensure we meet our repairing obligations so that Sheffield City Council homes are well maintained throughout the duration of the tenancy at least to the existing lettable standard

- We will ensure our homes comply with all legislative, regulatory, and contractual (including tenancy) obligations
- We will deliver quality work which has the objective of completing repairs at the first visit wherever possible
- We will always communicate effectively to our tenants in relation to the delivery of our responsive repairs service and enable them to communicate effectively with us
- We will respond to the needs of individual tenants and deliver our services with fairness and respect
- We will offer our tenants suitable and convenient choice in booking appointments for repairs

3.0 Legislation and guidance

3.1 Sheffield City Council will meet its obligations under the following legislation and guidance:

- Building Safety Act 2022
- Defective Premises Act 1972
- Landlord and Tenant Act 1985
- Housing Act 1988
- Environmental Protection Act 1990
- Fire Safety Act 2021
- Gas Safety (installations and use) Regulations 1998
- Health and Social Care Act 2008
- Housing Act 2004
- Equality Act 2010
- Construction (Design & Management) Regulations 2015
- Home Standard, Regulator of Social Housing, 2015
- Homes (Fitness for Human Habitation) Act 2018

4.0 Policy key responsibilities and implementation

4.1 Carrying out repairs is one of the most important services we deliver to our tenants. We want Sheffield City Council homes to be maintained in an affordable manner and ensure all our homes provide our tenants with a safe, warm, and dry home, where the structure, fixtures and fittings are in working order.

4.2 Condition 7 of the Tenancy Conditions sets out what Sheffield City Council will be responsible for repairing and maintaining as a landlord. It is the tenant's responsibility to tell us about a repair we are responsible for as soon as possible. This policy covers all the repair obligations set out in that condition. Sheffield City Council's repairing obligations under condition 7 will include us being responsible for repairing:

- a) The structure and outside of the building, including shared parts, (roof, outside walls, balconies, permanent outhouses, outside doors (including handles, locks, and latches), windows (including window and door glazing, windowsills and frames), chimneys and chimney stacks, drains, gutters and outside pipes,) and communal areas (such as corridors stairways entrances and lighting) and other shared facilities such as entry phones, rubbish chutes and lifts
- b) Inside walls, plastering (except as specified in section 4.3 iv of this policy), skirting boards, doors, door frames (including handles, locks, and latches) floors and ceilings
- c) Electric wiring, sockets, light fittings and gas and water pipes, sanitation (and the equipment that has been installed to deliver these services). Where Fluorescent fittings have been installed in properties these will be replaced when they come to the end of their lifespan with new LED fittings as and when required. We will only connect appliances when they are supplied as part of Furnished Accommodation
- d) Heating equipment and hot water installations such as boilers, immersion heaters, radiators, storage radiators and fires. Where a fire is no longer required to adequately heat the property they may be disconnected, removed or replaced with a suitable alternative.
- e) Bathroom fixtures (sinks, basins, baths, showers, and toilets). Repairs to bathroom fixtures will only be undertaken if they are broken or not functioning correctly. Fixtures will not be replaced merely because of their age or for cosmetic reasons. The Council will endeavour to make sure that any fixture or fitting matches with what you already have. However, if an exact match cannot be found, the nearest possible match will be provided. A whole bathroom suite will not be replaced just because a match can't be found
- f) Kitchen fixtures and fittings. Repairs to kitchen fixtures and fitting will only be undertaken if they are broken not functioning correctly. Fixtures will not be replaced merely because of their age or for cosmetic reasons. The Council will endeavour to make sure that any fixture or fitting matches with what you already have. However, if an exact match cannot be found, the nearest possible match will be provided. Kitchen units will not be replaced just because a match can't be found
- g) Pathways and steps which are the main means of getting to your home
- h) Shared television aerial or shared satellite dish we have provided

- i) Supporting or retaining walls, and boundary walls and metal railings to the property
- j) Trees in the boundary of your tenancy where they are causing a danger or damage
- k) Decoration of the outside and any shared parts of the building
- l) Furniture and fittings we have provided
- m) Repairing and replacing smoke alarms and carbon monoxide alarms once informed they are faulty

4.3 Condition 9 of the Tenancy Conditions sets out the repairs that tenants are responsible for. We will not normally undertake repairs which, under the tenancy conditions, are the tenant's responsibility. Repairs and maintenance we expect our tenants to take responsibility for include but are not limited to the following:

- i. Small kitchen and bathroom repairs such as plugs and chains to baths, basins, and sinks; repairing or replacing shower curtains; re-fixing or replacing toilet seats, blockages caused by the tenant to any waste system
- ii. Repairs to white goods such as washing machine, fridge/freezer unless supplied by Sheffield City Council as part of furnished accommodation
- iii. General internal maintenance such as resetting fuse or trip switch; light bulbs (including LED), fluorescent tubes and replacing starters (excluding lights in communal areas); batteries to smoke and carbon monoxide detectors and testing them (unless they are faulty or in need of repair in which case the tenant should report it to the Council); individual TV aerial or satellite dish (unless it is a hazard to neighbours); telephone extension points and cables; plumbing in and connecting appliances unless supplied by us as part of furnished accommodation
- iv. Other small internal repairs such as plastering or filling small holes or cracks less than 5mm wide in walls or ceilings, glazing if damaged
- v. General external maintenance (except for communal areas) such as clothes post/washing lines, clearing blocked ground level gullies of rubbish and leaves, doorbells, door nameplates and numbers
- vi. Clearing your items and possessions to allow repairs and maintenance to take place – including lifting and replacing carpets, flooring. Assistance can be provided in instances where the tenant is unable to undertake such a clearance

- vii. Decorating the inside of your home includes preparatory work for redecoration such as door adjustment to fit carpets, fixtures, and fittings such as coat hooks, curtain rails and curtain battens; any repairs after DIY/improvement works
- viii. We will not normally undertake repairs to fixtures and fittings installed by our tenants. If we do attend a tenant's home and it is found to be a tenant's own installed component, we reserve the right to recover the cost of the repair from the tenant. If we cannot repair, then we will replace it with a component from the Sheffield City Council specification
- ix. You are responsible for making sure that your gardens, yards, hedges, fences and gates, garages and other outbuildings at your home are maintained in a good and tidy condition and are kept free from refuse or unwanted items. This is specified further in condition 36 of the tenancy conditions. When notified we will consider actions to make safe any damaged or dangerous fencing, gates, and boundary / retaining walls where a health and safety risk has been identified

4.4 Tenants will be responsible if damage is caused to the property either by their own actions or by their visitors; and also if damage is caused justifiably by the police forcing entry to the home (if the Police have been in error, then it is expected that they will reimburse any costs). We will expect the tenant to rectify it and put things right. If the tenant does not do so, or does not do so to the required standard, we may carry out the repair and recover the cost of doing so from the tenant.

4.5 Tenants are responsible for the safe keeping of keys and fobs that have been provided for the property, including door, window, and communal access locks. We will charge tenants the cost of any replacements or lock change, unless if keys have been stolen and a police crime number can be provided.

4.6 Tenants should try to maintain an ambient temperature throughout their home and where ventilation units are provided, they should be switched on to reduce the possibility of condensation and mould occurring. Tenants are advised to clear mould spots as soon as they appear using an antifungal cleaning product to reduce the impacts of damp, mould, and condensation. Where tenants have attempted to clean the area and it continues to come back, then they should be reported to the Council so that we can arrange for it be inspected and assess the underlying cause and what further action we need to take.

4.7 Sheffield City Council will categorise repair requests depending on all the following:

- the repair being requested
- the inconvenience to the tenant
- our general health and safety obligations
- the risk of further damage to the property

Responsive Repair Priority	Examples	Response time
<p>Emergency Action is required to prevent a serious risk to health and safety, major damage to the structure of the property or results in the property being insecure. When reported detailed questions will be asked to ensure the repair is a genuine emergency.</p>	<ul style="list-style-type: none"> • total electrical failure • uncontrollable leaks • boarding up a broken window • total loss of heating or hot water • communal door entry (door entry fob system) 	<p>Attended within four hours. Appointments will not be made, and our expectation is that an adult will remain in the property until we can attend and make safe. Wherever, possible, the completion of out-of-hours repairs will be deferred to the next working day.</p>
<p>Urgent Priority Repairs which seriously affect a tenants' comfort or cause damage to the property.</p>	<ul style="list-style-type: none"> • plumbing and drainage faults • partial loss of heating or hot water 	<p>We attend to urgent repairs within 24 hours and do not make appointments. You will be informed of the approximate time of arrival</p>
<p>Routine Other repairs that need to be done to the home</p>	<ul style="list-style-type: none"> • small external repairs • fixing cupboards or units 	<p>Routine repairs can take up to 25 working days (5 weeks) but will be completed as soon as possible. We will seek to offer our tenants reasonable choice in making a repairs appointment.</p>
<p>Planned Including items that require manufacturing</p>	<ul style="list-style-type: none"> • external doors • large areas of plastering 	<p>Can take between 25 to 55 working days (11 weeks).</p>

4.8 Tenants will be offered morning, afternoon, all day, and outside of "school run" hours appointment slots. Some evening and weekend appointments where this is feasible. If we need to change agreed arrangements, we will contact the tenant as far in advance as possible to advise them. Tenants will need to ensure that they are

home for their appointment. If there is no one at home, then the repair will be cancelled, and the tenant will need to re-report this to arrange an appointment.

4.9 Sheffield City Council will operate an Out of Hours service to respond to emergency situations. In addition, where possible subject to staff availability a limited number of evening and weekend appointments will be offered for non-emergency repairs.

4.10 Our staff and contractors will treat our tenants with dignity and respect. They will be polite and courteous and will always carry and offer an identity card before entering a tenant's home. We will monitor the quality of our contractor's work and how they behave in our tenants' homes. We also expect our tenants to always treat our employees and contractors with respect. For example, not distracting contractors and employees and not smoking while they are in the property.

4.11 Tenants have access to the right to repair scheme. For certain types of repairs the tenant can arrange to have the work carried out if:

- They have ordered a repair
- The repair has not been completed in the time promised
- The value of the repair is less than £250
- The repair is completed by a contractor on the Council's approved list
- Tenant must complete a notice of claim form and send this to us for reimbursement

5.0 Quality control and monitoring

5.1 We will hold accurate information and performance data on our repairs service and its activities to ensure that we have quality control and monitoring in place. The performance of our repairs service is regularly monitored by senior managers through an internal scrutiny board. Performance is also regularly reported to tenant representatives. Each quarter the Housing Policy Committee receives a report detailing the performance of the repairs service to monitor and highlight any issues of concern. This report is also published and open to external scrutiny.

6.0 Gaining Access and Legal Action

6.1 Our tenancy conditions require our tenants to allow us (including appointed contractors) access to their home to carry out repairs at the agreed appointment time. Sheffield City Council will pursue legal action to enter Council owned properties where necessary.

6.2 If we are unable to gain access to carry out the repairs and maintain the integrity of the property, its fabric and/or the safety of the tenant or those in the vicinity of the property is compromised, we will take appropriate action to gain access to carry out the repair. This may include, but is not limited to, obtaining an injunction for access. If we are required to gain access this way, we will consider taking both immediate and retrospective action against the tenant for the breach of their tenancy conditions. We will always pass on to the tenant the costs incurred by us taking this action.

6.3 The specific legal measures taken by the Council will vary depending on individual circumstances of each case, including but not limited to: -

- Warrant application
- Injunction application
- EPA application (Environmental Protection Act)
- Possession proceedings

7.0 Providing additional support to our tenants

7.1 Sheffield City Council will make every effort to support tenants who may have difficulties in managing their property and sustaining a successful tenancy. We will treat all vulnerabilities sensitively, and adapt our working practices where appropriate, to ensure tenants do not face any additional barriers when accessing our service. We will record relevant support needs on our systems and use this information to ensure we tailor our service to the individual needs of our tenants.

7.2 We will offer a Handyperson Service for tenants who are 60 years old or over, disabled, or suffer from severe health problems. This free Handyperson service will help with jobs such as:

- fixing curtain rails
- fitting shelves
- checking and fitting battery-operated smoke alarms
- fitting additional door locks or chains
- hanging pictures, mirrors, clocks and so on
- changing light bulbs
- fitting wireless solar security lights
- moving furniture within your home
- securing carpets or trailing wires
- assembling small pieces of flat pack furniture

8.0 Review

8.1 This policy will be reviewed every two years. We will ensure the policy is available on the Council's website. Paper copies can be provided on request.

PART A - Initial Impact Assessment

Proposal Name: Repairs Policy

EIA ID: 2638

EIA Author: Jenna Riley

Proposal Outline: We have undertaken a review of the Council's Housing Repairs Policy. The Repairs Policy sets out the types of repairs that Sheffield City Council will be responsible for, and the types of repairs we expect tenants to be responsible for. We are currently carrying out consultation on the policy with tenants, and will incorporate feedback in the final version of the policy and review/ update the EIA as required. The policy will be taken for approval at Housing Policy Committee on 21st March 2024.

Proposal Type: Non-Budget

Year Of Proposal: 24/25

Lead Director for proposal: Tom Smith

Service Area: Repairs and Maintenance Service

EIA Start Date: 01/03/2024

Lead Equality Objective: Break the cycle and improve life chances

Equality Lead Officer: Bashir Khan

Committees:

Policy Committees

- Housing

Portfolio

Primary Portfolio:

Neighbourhood Services

EIA is cross portfolio:

No

EIA is joint with another organisation:

No

Overview of Impact

Overview Summery:

The main concern of the Repairs Policy review was clarifying the types of repairs Sheffield City Council will be responsible for, and which types of repairs we expect tenants to be responsible for. As it reinforces the types of repairs we expect tenants to be responsible for, it may result in a slightly higher volume of smaller repairs being carried out by tenants themselves. It is possible that some tenants may need extra support in navigating the policy. There is potential for negative impact on some groups. For example, with tenants whose first language is not English, extra provisions may need to be put in place to ensure that they are able to understand the responsibilities that the Council has, and the responsibility that they themselves have as set out in the Repairs Policy. Also, we may need to provide extra support and signposting to tenants who are struggling financially to ensure that they are able to carry out the necessary repairs which the Council is not responsible for. Disabled tenants, tenants with severe health conditions, and who are 60 years old or over may need some extra support in carrying out repairs which the Council is not responsible for. Our Handyperson Service is a free service which can support these groups with some small repairs and jobs. Whilst this change applies to all tenants, it's important that we take steps to make sure that vulnerable tenants do not face any additional barriers when accessing our service

and having repairs carried out. We will treat all vulnerabilities sensitively and adapt our working practices where appropriate.

Impacted characteristics:

- Age
- Disability
- Health
- Poverty & Financial Inclusion
- Race

Consultation and other engagement

Cumulative Impact

Does the proposal have a cumulative impact: No

Impact areas:

Initial Sign-Off

Full impact assessment required: Yes

Review Date: 18/03/2024

PART B - Full Impact Assessment

Health

Staff Impacted:

Customers Impacted: Yes

Description of Impact: Whilst we do not routinely collect information about our tenant's health (other than information related to disabilities), we know that many of our tenants have health conditions. Some of these tenants may need some extra support in carrying out necessary repairs which the Council is not responsible for. Our Handyperson Service is a free service offered to tenants living with severe health conditions. This free Handyperson service can help with jobs such as: • fixing curtain rails • fitting shelves • checking and fitting battery-operated smoke alarms • fitting additional door locks or chains • hanging pictures, mirrors, clocks and so on • changing light bulbs • fitting wireless solar security lights • moving furniture within your home • securing carpets or trailing wires • assembling small pieces of flat pack furniture We will also offer advice and support to tenants who are not eligible for our handyperson service to navigate the Repairs Policy and ensure that necessary repairs are carried out in their home.

Name of Lead Health Officer:

Comprehensive Assessment Being Completed: No

Public Health Lead signed off health impact(s):

Age

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: The current Sheffield council housing tenant age profile is wide ranging – from ages 17 to over 100. The highest number of tenants fall into the age bracket of 51-60 (19.2%), with the next highest age bracket being 31-40 (18.9%) Tenants aged 61+ make up to around 34% of our current tenant profile, with under 30's being 10%. The proposed Repairs Policy may have a disproportionate impact on the 34% of our tenants

who fall into the 61+ age bracket. This is the group that is most likely to need extra support in carrying out the necessary repairs which the Council is not responsible for. Our Handyperson Service is a free service offered to tenants aged 60 and over. This free Handyperson service can help with jobs such as: • fixing curtain rails • fitting shelves • checking and fitting battery-operated smoke alarms • fitting additional door locks or chains • hanging pictures, mirrors, clocks and so on • changing light bulbs • fitting wireless solar security lights • moving furniture within your home • securing carpets or trailing wires • assembling small pieces of flat pack furniture

Disability

Staff Impacted:

No

Customers Impacted:

Yes

Description of Impact:

The latest tenant profile information shows that around 26% of tenants classify themselves as having a disability. Census data from 2021 shows just under 20% of people in Sheffield are classed as disabled under the Equality Act: day-to-day activities limited. The number of our tenants having a disability is higher than the overall figure for Sheffield which indicates an over representation in this area for council tenants compared to the general population. Some of these tenants may need some extra support in carrying out necessary repairs which the Council is not responsible for, and navigating other areas of the Repairs Policy. Our Handyperson Service is a free service offered to tenants living with severe health conditions. This free Handyperson service can help with jobs such as: • fixing curtain rails • fitting shelves • checking and fitting battery-operated smoke alarms • fitting additional door locks or chains • hanging pictures, mirrors, clocks and so on • changing light bulbs • fitting wireless solar security lights • moving furniture within your home • securing carpets or trailing wires • assembling small pieces of flat pack furniture We will also offer advice and support to tenants to navigate the Repairs Policy. For example, some tenants may need support from us to ensure that they are able to understand the contents of the Repairs Policy.

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: Whilst we do not collect financial data from our tenants, we know that many of our tenants are lower income, with many experiencing financial hardship linked to the cost-of-living crisis. There is a risk that this tenant cohort could struggle with the cost associated with some smaller repairs which are the tenant's own responsibility. Our Income and Financial Inclusion Team (IMFIT) offer help and support to any tenant who is need of this, and should a tenant in financial hardship be struggling with the cost of repairs related activity, we can offer support and advice to help them navigate this.

Race

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: Over 21% of council tenants are from a BAME background. This is in line with the latest census data from 2021. A higher proportion of BAME tenants may be digitally excluded or not have English as a first language. Interpreting services are available to tenants who require it, and free digital skills and computer lessons are offered to all tenants through partners. We will ensure that where required, we support tenants to make sure that they are able to understand the contents of the Repairs Policy including the responsibilities of the Council, and the responsibilities of tenants.

Action Plan & Supporting Evidence

Outline of action plan: The reviewed Repairs Policy proposes very minimal changes: vulnerabilities who might require mitigations, we have a rare Handyperson Service for tenants who are 60 years old or over with mobility problems. We will treat all vulnerabilities sensitively and address any barriers tenants do not face any additional barriers when acc

Action plan evidence:

Housing and Neighbourhoods Service Information Dashboard
(<https://app.powerbi.com/Redirect?action=OpenReport&ap...a9612782f5f3&reportObjectId=1c0c0e4a-ab17-4cdc-9213-7770245ad4a9&reportPage=ReportSection8247d86094c30...cdb5-4258-b0a1-732cc0988844> - if link doesn't work you can contact the Housing and Involvement Team)

Changes made as a result of action plan:

Mitigation

Significant risk after mitigation measures: No

Outline of impact and risks:

Review Date

Review Date: 18/03/2024

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Report to Housing Policy Committee

Author/Lead Officer of Report: Suzanne Allen
Head of Citywide Housing

Tel: +44 114 474 1438

Report of: Janet Sharpe, Director of Housing, Philip Gregory
Director for Finance and Commercial Services
Report to: Housing Policy Committee
Date of Decision: 21st March 2024
Subject: Financial Impact of Temporary Nightly Paid
Accommodation – B+B on Hostel Subsidy Loss

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 2546				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>				

Purpose of Report:

The report is to set out the financial impact of Temporary Nightly Paid Accommodation – 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.

Recommendations:

The Housing Policy Committee is recommended to:

- i. Note the issues raised in the report;

- ii. Note the mitigating actions that are already in place that will mitigate the financial pressures attributable to Nightly Paid Temporary Accommodation - B+B;
- iii. Consider the recommended 5 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; and,
- iv. Endorse the development of the business cases for the 3 Temporary Accommodation Sites.

Background Papers:

Lead Officer to complete: -	
1	<p>I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.</p> <p>Finance: <i>Helen Damon, Finance Business Partner</i></p> <p>Legal: <i>Sarah Bennett, Assistant Director, Legal and Governance</i></p> <p>Equalities & Consultation: <i>Adele Robinson, Equalities and Engagement Manager, Policy, and Performance.</i></p> <p>Climate: n/a</p>
<p><i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i></p>	
2	<p>SLB member who approved submission:</p> <p><i>Ajman Ali, Executive Director, Neighbourhoods</i></p>
3	<p>Committee Chair consulted:</p> <p><i>Cllr Douglas Johnson, Chair of the Housing Policy Committee</i></p>
4	<p>I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.</p>
	<p>Lead Officer Name: <i>Suzanne Allen</i></p> <p>Job Title: <i>Head of Citywide Housing Services</i></p>
<p>Date: 13th March 2024</p>	

1. PROPOSAL

1.1. Background & Summary

1.1.1. Summary and Background

The Housing Policy Committee received a report in January 2024 that explained the Housing Benefit (HB) regulations in relation to unregulated Supported Exempt Accommodation and Hotels/Bed and Breakfast (B+Bs) used to provide Temporary Accommodation (TA).

It was agreed that a further report on TA would be presented to the Housing Policy Committee providing more information about the impact, mitigations in place and further action that is recommended should be considered and prioritised. This is nightly paid accommodation used to fulfil the homelessness duties to provide interim accommodation to people the Council has reason to believe may be eligible, homeless and in priority need under s188 of the Housing Act 1996. In Sheffield the only type of nightly paid accommodation used for TA is Hotels/B+B and so hereafter in the report it is referred to as B+B.

As stated in the previous report in February 2024, the amount of Housing Benefit Subsidy loss incurred by the Council has grown rapidly and is on an upward trend to reach over £8m in 2023/24 as illustrated by Figure 1. The pressure relating to B+B has not been shown in the Housing General Fund Budget for Temporary Accommodation or reported to the Housing and Policy Committee until this financial year, 23/24. The budget pressures have become too large to be offset as part of the overall Housing Benefit budget going forward. In addition to the Housing Benefit Subsidy Loss the Housing General Fund has a budget of £961,073 for B+B costs that are not eligible for Housing Benefit.

1.1.2. Figure 1 – Breakdown

Housing Benefit Subsidy Loss		
	2022/23	2023/24 (projected)
Nightly Paid Temporary Accommodation – B+B (SCC Housing) – Referred to in this report as Hostel Subsidy Loss	£2.8m	£4.9m
Supported Exempt Accommodation (SEA)	£3.1m	£3.5m
Total	£5.9m	£8.4m

1.1.3. National and local context

Housing Benefit Subsidy Loss is a complex national issue affecting all Local Authorities in the country that needs to be tackled strategically by the Council so that long-term solutions can be identified to mitigate future risk. Senior Officers have made representations to government departments about the impact these regulations are having on LA finances but to date no additional funding or changes in HB regulations have been announced.

Whilst the financial pressures relating to B+B and SEA are both caused by Housing Benefit regulations, there are two different issues that need to be dealt with. This report focusses on B+B and a separate report will be tabled in relation to SEA and the Supported Housing (Regulatory Order) Act 2023 at a future meeting.

Nationally there are now more than 100,000 households in TA which is the highest figure for 20 years. The Government figures for 2022/23 stated Councils spent £1.74bn on TA. Many Councils reporting that they are struggling to provide suitable and cost-effective provision and are in a worse situation than Sheffield regarding the number of placements. To avoid reaching similar financial pressures it is critical for Sheffield to act now. If we continue at the current rate of increased usage of B+B by 2028 the costs could be more than £15m.

As well as the financial cost to the Council the use of B+B for anything other than emergency has a negative impact on the household who are placed there. In Sheffield 340 households were in B+B in February 2024, and 66 were families with children. The statutory guidance not to place families for more than 42 days was breached on 58 occasions from April-December 2023. This is reported to DLUHC and discussed regularly with our specialist Government Adviser.

The reasons for an increased use of B+B are explained, the financial impact and benchmarking information with other Core Cities is included. The actions that have been taken to date are summarised. Locally, successful prevention work has increased by 14% this year to 39% of those who present at this stage, but this is still too low to counterbalance the number of people presenting when they are already homeless.

Our existing Homelessness Prevention Strategy Action Plan and Service Performance Improvement Plan will deliver longer term benefits over the next 5 years and beyond. However, it is critical to accelerate the pace of improvement of prevention and alternative TA to arrest and reduce the growth in the use of B+B.

The issue of increased homelessness and the impact on the Council's financial position has been discussed by the Performance and Delivery Board and the Strategic Leadership Board. It is proposed that 4 priority actions are taken urgently that will have the most impact on reducing the use of B+B and mitigating against the financial pressure. These are set out at section 2 of the report for Members to consider. The actions would require investment that would be offset by the resulting saving in reducing the Hostel Subsidy Loss and the Housing General Fund expenditure on B+B if they are fully realised. Individual Business Cases will be developed as appropriate.

1.1.4. **Increase in Homelessness Demand**

Homelessness presentations have increased from 1,319 in 2016/17 to 3,964 in 2022/23. It is projected these will reach 4000 in 2023/24.

The Homelessness Reduction Act in 2018 put in place new duties and the length of time the service should work with people to resolve their housing issue increased from 28 days to 56 days before homelessness was likely to occur, and for a further 56 days if the applicant became homeless. The intention was that this would lead to more homelessness prevention. However, the new burdens funding received by the Council has been insufficient to enable this.

The sharpest increases in presentations occurred during the pandemic and cost of living crisis.

-
- Main reasons for homelessness are being asked to leave by friends and family (24%), domestic abuse (19%) and loss of private rented accommodation (11%).
 - In the last 6 months, 14% of presentations were from people leaving Home Office provided accommodation following decisions on their asylum applications. 750 people in Sheffield were awaiting decisions and included in the streamlined process.
 - Homelessness Acceptances have increased, and the latest published figures (January-March 2023) show Sheffield is now above the national quarterly average of acceptances at 1.0 per 1000 households compared to 0.6 nationally.
 - Prevention opportunities are missed and move on is delayed as backlogs and caseloads have built up. 50% of households in TA are overdue a decision on the main housing duty.
 - DLUHC advise 40 is a manageable case load and our staff have an average caseload of 61. Our legacy backlog of cases which built up through the Covid-19 pandemic initially had a total of 870 cases with no current officer allocated. Through the additional temporary resource allocated to this, all these cases have now been allocated to officers. 329 of the backlog cases are awaiting a decision and we expect to have completed these decisions by the end of March 2024 when the temporary resource is due to end.
 - In addition to the above, since the additional resources were allocated the number of new cases has continued to outstrip capacity to meet them within the service. Therefore, there are currently 882 cases have not been allocated to an officer and if they were, the average case load per officer would rise to 101, over double DLUHC's recommended number. We currently have 9 vacancies in the service that are all advertised under rolling recruitment. Pending the recruitment, we intend to extend the contracts of the staff on the back-log team to cover some of the new work that has not been allocated.
 - Rough sleeping has increased from 15 individuals found on the official count in 2022 to 31 in 2023. The majority of people found in this situation have a history of sleeping out rather than being new to the streets.
-

1.1.5. Impact on Customers

Experiencing homelessness has a significant impact on customers including the following:

- There is a negative impact on mental and physical health and overall wellbeing. The main reported support need for people who apply as homeless is for mental health and many people have experienced trauma associated with why they have lost their home.
 - There are additional costs for households placed in hotels because they will have limited access to facilities including for cooking and laundries. This can delay being able to deal with barriers to rehousing including agreeing payment plans for former tenant arrears.
 - Contact with support networks and engagement with scheduled health or other treatment programmes can be affected or delayed until a settled address is secured.
 - The impact on families is particularly acute including disruption to schooling and the practical difficulties of sharing a room. Children who experience
-

homelessness are more likely to experience stress and anxiety. There may be greater expense and travel time involved in getting to school or college that affects attendance and has a lasting impact on attainment.

- Attending college, training and work can be more difficult and this impacts on well-being and the financial situation of households.
- Developing independent living skills is hard to facilitate in temporary accommodation particularly in a hotel setting which is not suitable for providing one to one or group support. This has a negative impact on potential move on options for individuals who are not ready to manage a tenancy.
- Extensive periods in TA can also de-skill people and affect their confidence to live independently and impact on how they settle into a new home and community.
- Additional pressure being placed on Neighbourhood Teams in our local neighbourhoods managing disbursed accommodation and, supporting individuals and families in short-term accommodation, integration into existing communities.

1.1.6. **Increased Demand for TA**

- 66% of presentations are made when homelessness has already occurred and 33% of household placed in TA. The average length of stay has risen to 6 months for an adult household, and 5 months for families with children.
- Sheffield's use of TA in 2017 was at 0.33 compared to the national figure of 3.1 per 1000 households. By March 2023 this had moved to 1.99 in Sheffield and 4.35 nationally.
- In 2019 there were 69 households in TA and of these 26 were in hotels. This now stands at 714 households of which 363 are in hotels.
- The proportion that are families with children has increased from 27% to 45%. In 2019 there were no families in B+B in hotels and there are now 84.
- 39% of households in TA are waiting for move on accommodation following acceptance of the main housing duty. There are limited move on options available as we rely on social housing for this. The Housing Register stands at 24,013, and 1018 have a priority for rehousing. An average of 45 properties are advertised weekly with 150 bids on each property.

1.1.7. **Figure 2 Temporary Accommodation Occupancy 2019- Feb 2024**

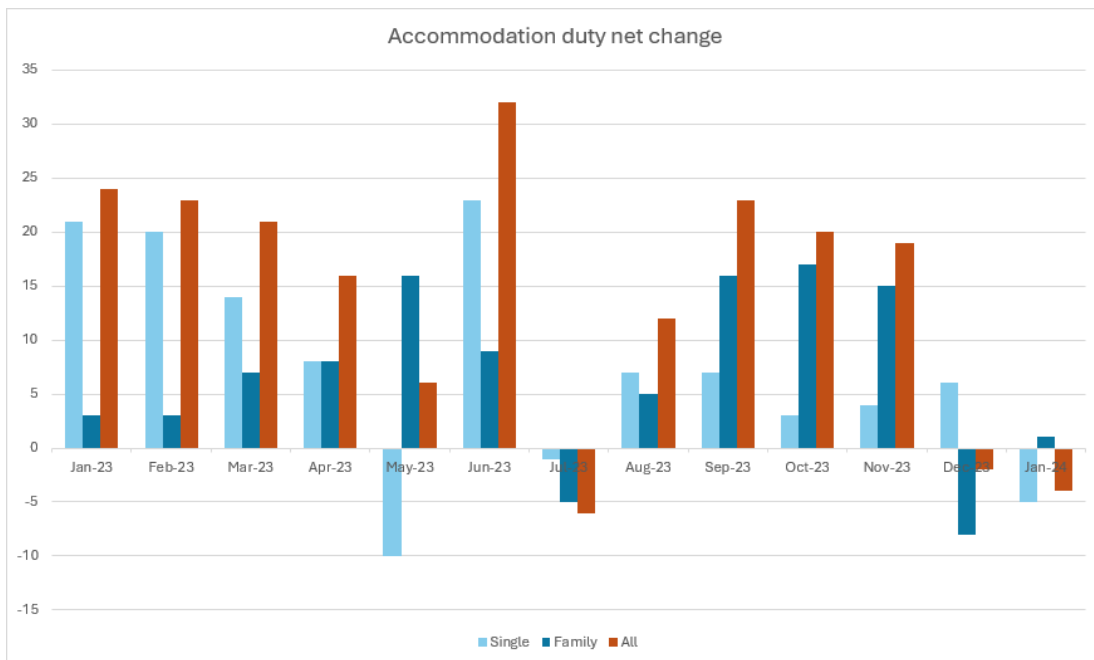


1.1.8. **Placements**

The number of households in TA is monitored by daily reports and the monthly information for 2023 illustrates this has continued to increase.

- More accommodation duties were commenced in every month in 2023, except for June and December when the numbers were almost equal.
- On average TA duty for 70 single households and 38 family households are ended every month (the highest figures on record), but still not keeping up with demand (average 78 single and 45 family TA duty starts per month)

Figure 3



Accommodation Net Change Jan 2023-Jan 2024

Figure 4

Date	In	Out	Net
------	----	-----	-----

	Single	Family	Single	Family	Single	Family	All
Jan-23	85	43	64	40	+21	+3	+24
Feb-23	88	37	68	34	+20	+3	+23
Mar-23	116	45	102	38	+14	+7	+21
Apr-23	66	36	58	28	+8	+8	+16
May-23	77	49	87	33	-10	+16	+6
Jun-23	94	57	71	48	+23	+9	+32
Jul-23	74	44	75	49	-1	-5	-6
Aug-23	75	41	68	36	+7	+5	+12
Sep-23	80	52	73	36	+7	+16	+23
Oct-23	71	50	68	33	+3	+17	+20
Nov-23	63	49	59	34	+4	+15	+19
Dec-23	54	29	48	37	+6	-8	-2
Jan-24	70	48	75	47	-5	+1	-4

1.1.9. Future Demand 2024-2028

Predicting future demand accurately is difficult because of the exceptional national circumstances in the past 3 years. Therefore, we are using 2 methodologies to inform our projections.

- Method One** SCC are completing a Specialist Housing Needs Assessment including the requirement for TA and Supported Housing for homeless customers. A gap analysis has been undertaken of the current and projected demand for TA and the supply of TA that is available. We are also developing a tool to model the cost benefits of reduced use of B+B and utilising different options to meet needs. To date this has been tested on the option of securing accommodation from registered housing providers but cannot be fully used until we have more accurate information from soft market testing about the cost and viability of securing units at the volume required.

Four possible scenarios have been modelled from worst to best cases of absolute numbers in TA annually to 2028. Likely numbers in B+B for each scenario have been projected if we do not secure alternative provision. In the worst case this could be more than 1000 households which would potentially see Hostel Subsidy Loss at over £15m by 2028.

Figure 5 Projected Demand 2029 (SCC Modelling)

Scenarios For TA Occupancy	Total Numbers in TA December 2028	Number in B+B
Same rate of growth as past 18mths	1320	700
Same rate of growth 12 mths	1689	1000
Increases until sept 2024 followed by reduction	530	occasional
Stabilises end Sept 2024 in line with post covid and pre-cost of living	670	50

-
- **Method Two** - SCC is working with Local Partnerships which is an organisation jointly owned by the Local Government Association, HM Treasury and the Welsh Government which provides expert advice and practical resources to enable public services to thrive. We are intending to apply the model they have developed to analyse TA requirements and the cost benefits of the different options for fulfilling needs. The model was developed for Manchester Council and is now available for other Councils to use. When this analysis is applied to the Sheffield data we will compare the two approaches for accuracy against actual usage.
-

1.1.10. **Supply**

As demand for TA has increased, the Council has increasingly relied on B+Bs and dispersed units of Council general needs housing.

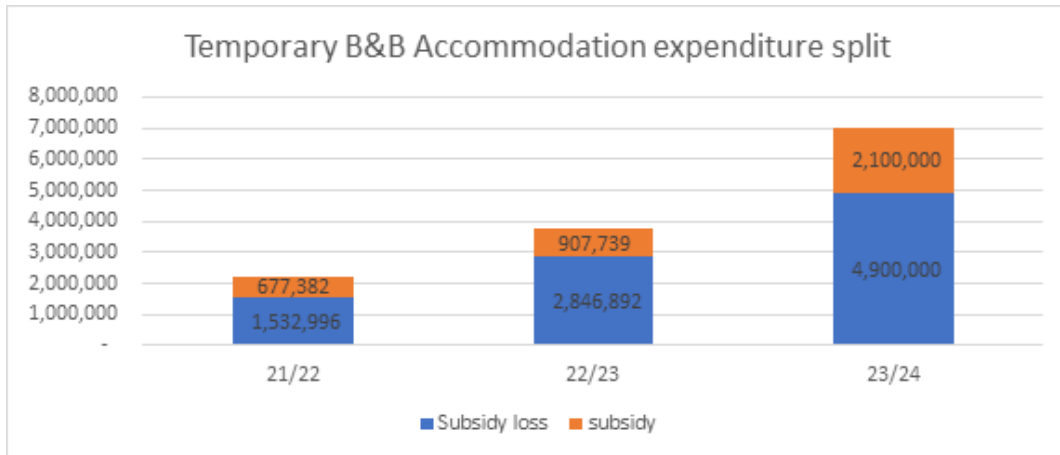
- 21% of placements are on schemes, 44% in dispersed general needs housing, 35% in B+B at any one time.
 - SCC has 108 units available on schemes and utilises up to 460 general needs units for dispersed TA. The dispersed accommodation is spread across the City.
 - It is now usual that households will be placed in a B+B until a TA unit is available. Under Statutory Guidance hotels should only be used in an emergency and for no more than 42 days for families.
 - 30 units of commissioned TA and 36 units of supported housing for complex needs were ended in 2021. This did not incur Hostel Subsidy Loss. The client group are now placed in B+Bs when they present as homeless.
-

1.1.11. **Financial Impact of TA on Housing General Fund and Hostel Subsidy Loss**

- When using our own stock for TA, the housing costs are fully recoverable from Housing Benefit Subsidy.
 - When using B+B the amount of benefit that the Council can reclaim from the DWP is restricted to the subsidy cap of £98 per week even though the average cost of a placement is £500 per week.
 - Expenditure increased from £190k in 2018/19 to £4.5m in 2022/23.
 - An unfunded shortfall of £1.2m was reported in the Housing General Fund outturn position attributable to the use of B+B. This was not the full scale of the financial gap, but the amount that could not be covered through historic provisions.
 - In 2023/24 it is projected Hostel Subsidy loss attributable to use of B+B will increase to £4.9m.
 - The Housing General Fund budget for TA has been overspent in the last 3 years and to mitigate this there has been a drive to improve Housing Benefit recovery to over 80%. However, this has contributed to the growth in Hostel Subsidy Loss.
 - There has been no uplift on the funding of the Housing General fund for TA of £961,073 to reflect the increase in demand or the Hostel Subsidy Loss. There is no budgetary allocation to the Revenue and Benefits Service either to offset this
-

pressure. This however, has been identified as a significant risk on SCC Risk Register given the financial risk to SCC finances.

Figure 4



1.1.12. Benchmarking – Core Cities

Regular meetings to share learning and good practice are held with other Core Cities and our DLUHC Homelessness, Rough Sleeping and Youth Homelessness Specialist Advisers. It is evident there is significant variation and approaches taken to meeting the TA needs of local areas which are affected for example by the historic rates of homelessness, the budget allocations to fund services and the availability of different types of housing. The latest published data was for January-March 2023. It should be noted that all areas have experienced further increases in demand since then. Detailed information is contained at Appendix 1 but key points to note when considering the Hostel Subsidy Loss are:

- Whilst the numbers in TA have grown significantly Sheffield, at 1.99 per 1000 households this is well below the Core Cities average of 4.93. Manchester is the highest (13.02) and Newcastle (1.04) the lowest.
- 495 households were in TA in Sheffield with the highest being Birmingham at 4,327 and the lowest being Newcastle at 130.
- The lowest use of B+B were Newcastle (rarely) and Nottingham (6%), and the highest were Sheffield (35%), Liverpool (30%) and Leeds (32%)
- The only significant use of self-contained nightly paid private accommodation was by Bristol at 39% and is subject to the same Hostel Subsidy Loss as B+B.
- Only Manchester makes extensive use of leased private sector properties (55%) and placements in other local authority areas for 25% of households. They currently have over 980 households placed in another local authority area.
- Sheffield does not use any hostels or schemes commissioned from Registered Providers (RPs). By contrast Newcastle (62%), Liverpool (51%) and Nottingham (44%) do utilise hostels extensively.
- Newcastle recorded the highest level of successful homelessness preventions at 3.34 per 1000 households and the lowest rate of people in any kind of TA. Sheffield was below the Core Cities average of 1.41 at 1.04.

-
- Direct cost comparisons and financial pressures are hard to make as this data is not published routinely and there is no standardisation of homelessness services. We also do not have the details of what other monies are being allocated on alternative provision such as commissioning TA or for private sector leasing. The information we do have indicates that most Core Cities are challenged by the Hostel Subsidy Loss or other benefit restrictions. For example, Bristol has a net cost of £11.2m per year and Manchester of £16m for TA. Liverpool have reported a net cost of £19.4m on B+B this year and state this could increase to £26m in 2024/25.
 - The amount and proportion of Homelessness Prevention Grant used to support costs of TA is gathered by DLUHC but is not published data. The amount of grant awarded to each council varies enormously based on a formula ranging from £695,981 to Newcastle and £7,381,564 in Birmingham. Sheffield received £1,465,855.
-

1.1.13.

Actions In Place to Mitigate Financial Impact of B+B on Hostel Subsidy Loss

A number of actions are already in place or planned that will mitigate against the increasing financial pressure. These are contained in the table at Appendix 2. Key activity to highlight include:

Reducing Demand

- A new case work procedure incorporating best practice from areas that achieve higher prevention rates was implemented in the Housing Solutions Service in January 2024.
- A Homelessness Prevention Team has been appointed and this will be increased when the full review of the service is implemented from April 2024.
- A weekly TA performance clinic is chaired by the Head of Service to support the team to address individual issues and move cases forward.
- A revised performance management framework will be implemented in March 2024 that includes new measure that are necessary to understand factors that impact on the requirements for TA including caseloads and throughput as well as the outcomes that are currently measured.
- The Changing Futures Programme has identified systemic issues that are being addressed with partners for example risk management and access to mental health services which can be a barrier to housing.
- Discussion is underway with the Royal Foundation to accelerate the benefits of the Homewards Programme in Sheffield to improve prevention and reduce the number of families experiencing a housing crisis.
- Rough Sleeping is increasing, and the people affected are most likely to spend long periods in B+B and TA. Agencies who worked together on Everyone In with Government Advisers, SYMCA, and Homewards will reconvene in April 2024 to discuss how we can address this.

Minimising Placement Duration

- All use of TA is now agreed by a Service Manager to ensure the placement is required. Actively managing each case is being improved including minimising delays in moving people from B+Bs to SCC properties.
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- Move on issues are being addressed for people who have been in B+B, TA or commissioned Supported Housing for excessive periods. This is usually because of complex and multiple needs and a history of previous tenancy failure.
 - A Backlog Team has been appointed and are prioritising people in TA. They have the original backlogs from 870 to 329 cases.
 - A bid has been submitted to the Single Homeless Accommodation Programme for 46 new homes for people who have experienced Rough Sleeping. This has resulted in 31 units being agreed that will be delivered by 3 registered housing providers by March 2025.
 - Work is underway to reduce the void times for designated TA units which will help to reduce the time spent in B+B.
 - Performance improvement work is being undertaken with Registered Housing Providers to increase the number of lettings to homeless households.
 - A review of the Allocations Policy is proposed in 2024/25 and this will include ensuring social housing is being effectively used and prioritised for households owed homelessness duties and other groups who must be given reasonable preference as defined by the Housing Act.

Increasing Supply of Cost-Effective Alternatives to B+B

- Whilst we continue to rely on B+B we are ensuring we use the lowest cost option and are negotiating nightly rates.
- A small number of acquisitions have been made as part of the Stock Increase Programme in previous years, the 2024/25 HRA Business Plan includes funding for a further 437 general acquisitions up to 2029. Acquisitions of general needs housing continue to be pursued to increase the supply of affordable social housing and if any opportunities arise to purchase properties that would significantly reduce the hostel subsidy loss specific business cases would be prepared for approval.
- Building 100 new TA units was included in the Stock Increase Programme but has been delayed since 2018. This was initially due to identifying suitable sites, which have now been agreed. The 3 new TA sites are not currently included in the approved 2024/25 Stock Increase Programme in the HRA Business Plan. Further work is required to ensure that these new TA sites are affordable within the HRA Business Plan. It is assumed that these sites will be funded using external grant funding (Homes England) and HRA borrowing. Work to secure the grant funding for these proposals is ongoing and work on the feasibility of these sites is being developed. Once the viable business cases have been completed for the 3 sites, these will be brought forward, as a variation to the 2024/25 HRA Housing Investment Programme, to Finance Committee for approval and endorsement by Housing Policy Committee.
- If the business cases are agreed, this would make a significant impact on Hostel Subsidy Loss from 2026, at the earliest, assuming a minimum of 2 years delivery time. A fast-track procurement process could be developed to go to market with all 3 sites, once the business cases have been agreed.

New Temporary Accommodation Strategy

- A needs analysis has been completed that identifies requirements for the next 5 years. This shows even on a best-case scenario of greater prevention and an easing of pressures on households, a minimum of 530 TA placements are likely to be made in 2028 at any one time.
- The in-house assessment is being further checked by working with Local Partnerships consultancy to use the tool they have developed to project demand and analyse the financial impact of alternative accommodation.
- The current approach of relying on expanding the number of in-house schemes to eliminate use of B+B and reduce use of dispersed is not adequate to meet this need. The new Temporary Accommodation Strategy will address funding requirements as any new provision will require investment of revenue and/or capital funding.
- An officer Temporary Accommodation Strategy and Development Board has been established and the draft Strategy will be presented to the Housing Policy Committee for decision in September 2024.

Use Unallocated Grants to offset the costs of B+B 2023/24

Some Councils now use part of their ring-fenced Homelessness Prevention Grant (HPG) allocation to offset the Hostel Subsidy Loss as costs have increased. This is permitted within the conditions of the grant.

The grant for Sheffield is

- £1,465,855 for 2023/24.
- £1,546,352 for 2024/25.

This is all allocated in the service Spending Plan and due to reductions in budgets is relied on to protect frontline posts in the statutory service. The Housing General Fund currently now stands at £3.977m for the City-Wide Housing Service. In the last 2 years City Wide Housing Services has been required to achieve £569k in savings including £100k from staff. For 2024/25, a pressure of £300k has been included in business planning, to increase the budget in City Wide Housing Services, which includes £150k increase in demand for homeless services and £150k undeliverable saving for 2023/24. This has been partially offset by a saving proposal of £285k in staff savings in City Wide Housing Services by holding vacancies in the service.

However, as well as the main award additional one-off HPG grant has been allocated in-year with inadequate lead time to spend. There are also held in balances legacy grants for rough sleeping and refugee contracts. This totals £1.7m which is included in the financial forecast to be used to offset the Hostel Subsidy Loss as a one-off in 2023/24. The use of funding in this way would not have any impact on the planned service delivery in 2023/24 or 2024/25. This is broken down as follows:

Grant	Amount
Homelessness Prevention Grant – additional in-year allocation 2023/24	582,000
Refugee Contract – historic Administration Oncosts non-ring fenced	500,000
Legacy Rough Sleeper Initiative income – non ring fenced	618,000
TOTAL	1,700,000

2. Recommended Priority Actions to Reduce the Use of B+B

The actions that are already in place will take some time to implement and have any significant impact. This means there is clearly a need to prioritise key actions that will have the greatest impact on reducing use of B+B and therefore the Hostel Subsidy Loss more rapidly. This will improve the customer experience, minimise the reputational risk to the Council and deal with the financial issue before it reaches the scale that other authorities are facing. These would begin to have an impact over the next 2 years and the plan will include the timelines for each action.

Members are therefore invited to comment on the following 4 priority actions that have been identified to achieve this. The alternatives to TA are the most common ones used by other cities facing similar challenges to Sheffield. If agreed they will be drawn up into a Temporary Accommodation Plan. This will require identification of revenue funding and invest to save business cases will be developed as appropriate. A high-level indicative delivery plan is attached at Appendix 3.

At this stage we are unable to accurately project the potential cost benefits of the different options. This would also need to take in to account other necessary expenditure required for example in project management, commissioning and contract management for external provision. It should be noted that the service is currently delivering a Budget saving for 2024/25 and therefore undertaking the work to implement the priority actions will need additional temporary resources which could be funded from SCC Transformation funding on an invest to save basis if this was prioritised.

All of the options would be more cost effective than continuing to utilise high numbers of hotel/B+B placements. Because of the potential 12-month lead in time for commissioning, savings would begin to be realised in 2025 and increase as more units are mobilised.

We require more accurate information on the actual costs and deliverability and would undertake soft market testing of the recommended commissioned activity. The results would then be analysed using SCC and Local Partnership methodology to assess the likely impact on Hostel Subsidy Loss of the different options. It is most likely that a combination of the different options will be used alongside our in-house provision as it is unlikely that one single option will deliver on all of our requirements.

Following soft market testing, business cases will be developed for the different options and if approved, a commissioning plan will be developed. The businesses cases will clearly set out the potential savings and following implementation progress in achieving these will be monitored and reported quarterly to the Housing Policy Committee.

It will be critical in taking forward the priority actions to understand when the in-house new build of 100 units will be delivered as this will affect the numbers and range of alternative units that we would seek to commission and the impact on the hostel subsidy loss. Therefore, members are also asked to consider if they support the business case being developed to bring forward as a variation to the Housing Investment Programme.

2.1.1. **Priority Action 1: Targeted Homelessness Prevention Work in Areas with Highest Numbers of Temporary Accommodation Placements.**

The Housing Solutions Service is focussed on crisis management and inevitably prevention work is not prioritised above people who are roofless. The service needs time to reduce the large caseloads and backlogs whilst transitioning to a prevention focussed service by implementing a new structure, performance management framework and streamlined ways of working over the next 2 years. The commitment made in the Homelessness Prevention Strategy to provide community-based prevention services cannot be implemented at this time within existing resources. There is an overall shortage of free housing advice as voluntary services are also experiencing high demand.

Creating additional capacity to deliver community-based housing advice in areas of the City with the highest numbers of placements in TA would enable more people to avoid becoming homeless. Over 50% of all homelessness presentations and TA placements are from 3 Housing Market Areas. An invest to save business case will be produced either for direct provision or commissioning of this service for up to 2 years. A Housing Advice Team of 8 officers and a manager would cost approximately £380,000 annually.

Alongside this there will be more targeting and promotion of practical help e.g. the Homelessness Prevention Fund, Discretionary Housing Payments, and Cost of Living Funds. Options for funding this will be explored and could include applying to the SCC Transformation Funding and utilising the additional Homelessness Prevention Grant funding that has recently been announced for Sheffield as a one-off in 2024/25 of £587,000.

This action could take 6 months to a year dependent on route taken to deliver.

2.1.2. **Priority Action 2: Expand Access to Private Rented Properties to Prevent Homelessness**

The most comparable big city with the lowest use of TA and more successful homelessness prevention is Leeds. It has a bigger pool of private rented properties to offer as a prevention measure. It is urgent that we increase access to this sector. This would require more resources to be allocated both for staffing, support to tenants and to provide the incentives to landlords. The package we offer is considerably more cost effective than a B+B placement and tenancy sustainment is very high. Supporting 100 tenancies would cost in the region of £190,000 annually including topping up the gap between the Local Housing Allowance and the rent charged by the landlord and additional staffing of the in-house scheme.

This may be a more affordable option with the unfreezing of the Local Housing Allowance from April 2024 and the Private Renters Reform Bill if it is passed into legislation ending no fault evictions. Through our in-house scheme we only work with landlords who are fit and proper and the properties are checked by the Private Sector Housing Team. We could also consider expanding partnership work in supporting private rented tenancies for single people in shared accommodation. Implementation can be immediate if we have the resources to invest but impact depends on number of landlords/properties we are able to secure.

2.1.3. **Priority Action 3: Commission More Supported Housing From Registered Housing Providers**

It is urgent to secure more cost-effective accommodation alternatives in advance of any new build schemes being available which have a lead time of 2/3 years. Commissioning more supported housing from RPs for vulnerable homeless/at risk households would reduce the number of placements in B+B. This could meet the

definition of being exempt accommodation if HB was awarded, 100% subsidy could be claimed. It is estimated this would cost in the region of £1.5 m per year for 300 units which is considerably less than using B+B. This is based on the current costs of commissioning supported housing for homeless households and will be refined as a specification is developed and informed by soft market testing.

Options could include commissioning hostels for single people, and not applying the Nationally Described Space Standards to TA. Larger hostels were of concern to residents in our Supported Housing Review and can have a negative community impact. However, in the current financial climate and shortage of housing, smaller hostels with appropriate management and support are a better option than B+Bs.

Consideration could be given to commissioning a small number of Move On units of supported housing for those who are not ready for their own independent tenancy. This would compensate for the reduction of supported housing for this group that has taken place and begin to address the gaps for complex needs identified in the Supported Housing Review. This could be scheme based or on a Housing First basis.

There is a risk that providers would be unwilling to accommodate people who are considered challenging for example due to previous tenancy failure or offending history. This would need to be addressed in specifications and contract management.

Until we undertake soft market testing, we do not know what capacity there is in the local market but any units would reduce the Hostel Subsidy Loss and improve the customer experience. Commissioning would take approximately 12 months.

2.1.4. **Priority Action 4: Develop a Private Sector Leasing Option for TA**

It is unlikely that commissioning TA will result in 300 units being available in the local market and not all people need support for the period before they move to permanent housing. The new TA Strategy will set these needs out and what type of accommodation is needed for different groups. In the meantime, Sheffield could follow the example of other areas that have put in place a private sector leasing scheme.

Discussions are taking place with other Councils who are already operating schemes and this includes the costs, models and risks at a time when a number of landlords are withdrawing from the sector. Soft market testing will establish the potential and we will encourage innovative models including ones that utilise empty properties. This is more cost effective than using B+B and more rapidly available than new builds or acquisitions. The Private Rented Solutions Scheme leases a small number of properties that is funded by the Rough Sleeper Accommodation Programme. This is not cost neutral but is more cost effective and suitable than the use of B+Bs. This could take up to 12 months to develop and procure.

3. RECOMMENDATIONS

- 3.1.
- i. Members note the issues raised in the report
 - ii. Members note the mitigating actions that are already in place that will mitigate the financial pressures attributable to Nightly Paid Temporary Accommodation - B+B.
 - iii. Members consider the recommended 5 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.
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- iv. Members endorse the development of the business cases for the 3 Temporary Accommodation Sites.
-

4. HOW DOES THIS DECISION CONTRIBUTE?

The recommendations in this report will help the Council to manage the budget pressures arising from Hostel Subsidy Loss incurred due to government rules in both the short and longer term. The decision will enable the council accelerate progress on achieving agreed actions in the Homelessness Prevention Strategy Action Plan. It will put in place and prioritise actions that will have the greatest impacts on reducing the uses of B+B. It will improve the experience and outcomes for residents who are at risk of or experience homelessness.

5. HAS THERE BEEN ANY CONSULTATION?

There has been no consultation on this report but the proposals for improving homelessness prevention, ending the use of B+B and providing better quality and more cost-effective alternatives were consulted upon widely when the Homelessness Prevention Strategy was developed.

6. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

6.1 Equality Implications

A full EIA has been completed and is appended to the report. Providing more suitable TA and improving prevention should have a positive impact on vulnerable people who are owed housing duties and minoritized communities who are overrepresented in TA.

6.2 Financial and Commercial Implications

The financial implications for the Council of the pressures caused by Hostel Subsidy loss in relation to B+B are unsustainable. These are projected to reach £4.9m by March 2024. These will continue to increase if no mitigating actions are taken unless the government change the rules in relation to this and pay full subsidy for this type of accommodation.

Financial resources that are being deployed to fund B+B could be better deployed to put in place more suitable cost-effective alternatives. Some of the proposed priority actions can be managed within the services' current existing budgets. However, some of the proposed actions will require additional resources and will cause the service to overspend against their current revenue budgets. Business cases for these actions will be developed to identify the investment required and the savings that will be delivered.

Any decisions with regard to the commissioning of new services to provide TA or a community-based prevention service will be compliant with the procurement policies of the Council. Business cases will be produced as appropriate and will be subject to the agreed decision-making process.

The business cases for the 3 new temporary accommodation sites will be developed, once the usual feasibility work for these investments has been completed and the required grant funding secured, to ensure that these schemes are financially viable.

6.3 Legal Implications

The Council is required to meet its duties to provide TA as set out in section 188 of the Housing Act 1996 where it has reason to believe an applicant is eligible, homeless and in priority need. The accommodation must be suitable for the applicant and their household. Hotels should only be used in an emergency and for families with children for no longer than 42 days.

The Council is at risk of legal challenge on the suitability of TA and being in breach of statutory guidance on the use of hotels. The Ombudsman has made finding against several Councils on these issues.

The Council is obliged to award and make payments of Housing Benefit in line with the Housing Benefit Regulations (2006).

6.4 Climate Implications

There are no direct climate implications arising from this report. It is expected that individual Committees will consider climate implications as they develop their budget proposals in due course.

6.5 Other Implications

NONE

7. **ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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.

8 REASONS FOR RECOMMENDATIONS

The issues relating to Hostel Subsidy Loss must be addressed because it is unsustainable for this financial pressure to continue to grow.

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.

Tackling both demand by increasing successful homelessness prevention and supply by providing more cost-effective TA as quickly as possible must happen in tandem.

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.

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PART A - Initial Impact Assessment

Proposal Name: Financial Impact of Temporary Nightly Paid Accommodation

EIA ID: 2546

EIA Author: Danielle Simmonite

Proposal Outline: The report is to set out the financial impact of Temporary Nightly Paid Accommodation – B+B on Hostel Subsidy Loss. The report explains the background context to the current situation, including the escalating pressures on the budget. It outlines the current mitigations in place and the impacts on people's wellbeing. It also recommends five key priority actions to tackle the issue: -Targeted Homelessness Prevention Work in Areas with Highest Numbers of Temporary Accommodation Placements -Expand Access to Private Rented Properties to Prevent Homelessness -Commission More Supported Housing from Registered Housing Providers -Develop a Private Sector Leasing Option for TA -Use Unallocated Grants to offset the costs of B+B 2023/24

Proposal Type: Budget

Entered on QTier: No

QTier Ref: #

Year Of Proposal: 23/24

Lead Director for proposal: Janet Sharpe (HSG)

Service Area: housing solutions

EIA Start Date: 22/01/2024

Lead Equality Objective:

Understanding Communities

Equality Lead Officer:

Adele Robinson

Decision Type

Committees:

Policy Committees

- Housing

Portfolio

Primary Portfolio:

Operational Services

EIA is cross portfolio:

No

EIA is joint with another organisation:

No

Overview of Impact

Overview Summary:

The proposal will improve the outcomes for vulnerable people who have lost their homes by reducing the amount of time spent in B and B. The improved prevention will reduce the number of people who require TA and the improved accommodation options will provide a better experience. All five priority actions will improve outcomes and have a positive effect on the customer outcomes. As part of the TA strategy additional work is being done to look at the customer profile of those entering TA. This will show which groups are more likely to need TA and who will most benefit from an improved system. This information will be used to inform the TA strategy and an additional EIA will be done to support this. We know that the profile is similar to that of the overall cohort and therefore the work and EIA done as part of the Homelessness Prevention Strategy remains relevant. Those people who require TA are those whom we think

are likely to have a vulnerability which would give them a priority need. The impacts of this report will therefore likely have string positive impacts on those with vulnerabilities.

Impacted characteristics:

- Age
- Armed Forces
- Care Experienced
- Carers
- Disability
- Health
- Partners
- Poverty & Financial Inclusion
- Pregnancy/Maternity
- Race
- Sex
- Sexual Orientation

Consultation and other engagement

Cumulative Impact

Does the proposal have a cumulative impact: No

Impact areas:

Initial Sign-Off

Full impact assessment required: Yes

Review Date: 22/01/2024

Health

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: Losing your home or being threatened with homelessness causes stress, anxiety and poor health. This proposal will bring a positive impact to people who face homelessness/ rough sleeping as priority one focuses on prevention in the worst affected areas therefore reducing the number of people losing their home. Many people experiencing rough sleeping / homeless people suffer with physical and mental health. Creating additional capacity to deliver community-based housing advice in areas of the City with the highest numbers of placements in TA would enable more people to avoid becoming homeless. Preventing them from becoming homeless will have positive impacts on their health and wellbeing. Improving the options for TA will also provide a more stable environment which can positively impact on wellbeing.

Name of Lead Health Officer:

Comprehensive Assessment Being Completed: No

Public Health Lead signed off health impact(s):

Age

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: The Equalities impact assessment and other work done of the development of Homelessness Prevention Strategy identified this group as being at

risk of homelessness. Priority action one within this report focuses on prevention in areas worst affected which will reduce homelessness. The impact of this action will have a positive impact on those at risk of losing their home. The other actions improve the accommodation options to improve the outcomes if homelessness does occur.

Armed Forces

Staff Impacted:

No

Customers Impacted:

Yes

Description of Impact:

The Equalities impact assessment and other work done as part of the development of Homelessness Prevention Strategy identified this group as being at risk of homelessness. Priority action one within this report focuses on prevention in areas worst affected which will reduce homelessness. The impact of this action will have a positive impact on those at risk of losing their home. The other actions improve the accommodation options to improve the outcomes if homelessness does occur. This group are likely to require TA due to the likelihood of their characteristics meaning they would be in priority need.

Carers

Staff Impacted:

No

Customers Impacted:

Yes

Description of Impact:

The Equalities impact assessment and other work done as part of the development of Homelessness Prevention Strategy identified this group as being at risk of homelessness. Priority action one within this report focuses on prevention in areas worst affected which will reduce homelessness. The impact of this action will have a positive impact on those at risk of losing their home. The other actions improve the accommodation options to improve the outcomes if homelessness does occur. This group are likely to require TA due to the likelihood of their characteristics meaning they would be in priority need.

Care Experienced

Staff Impacted:	No
Customers Impacted:	Yes
Description of Impact:	The Equalities impact assessment and other work done as part of the development of Homelessness Prevention Strategy identified this group as being at risk of homelessness. Priority action one within this report focuses on prevention in areas worst affected which will reduce homelessness. The impact of this action will have a positive impact on those at risk of losing their home. The other actions improve the accommodation options to improve the outcomes if homelessness does occur. This group are likely to require TA due to the likelihood of their characteristics meaning they would be in priority need. This proposal will have a positive impact on this group.

Disability

Staff Impacted:	No
Customers Impacted:	Yes
Description of Impact:	The Equalities impact assessment and other work done as part of the development of Homelessness Prevention Strategy identified this group as being at risk of homelessness. Priority action one within this report focuses on prevention in areas worst affected which will reduce homelessness. The impact of this action will have a positive impact on those at risk of losing their home. The other actions improve the accommodation options to improve the outcomes if homelessness does occur. This group are likely to require TA due to the likelihood of their characteristics meaning they would be in priority need. This proposal will have a positive impact on this group.

Partners

Staff Impacted:

Customers Impacted: Yes

Description of Impact: Priority Actions one to four will include working with our partners. The impacts will be positive both on partners and the customers we all work with.

Poverty & Financial Inclusion

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: The priority action one aims to prevent homelessness in the areas most effected. This will include work to reduce poverty and improve financial inclusion.

Pregnancy / Maternity

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: The Equalities impact assessment and other work done as part of the development of Homelessness Prevention Strategy identified this group as being at risk of homelessness. Priority action one within this report focuses on prevention in areas worst affected which will reduce homelessness. The impact of this action will have a positive impact on those at risk of losing their home. The other actions improve the accommodation options to improve the outcomes if homelessness does occur. This group are likely to require TA due to the likelihood of their characteristics meaning they would be in priority need. This proposal will have a positive impact on pregnant women and families with children.

Race

Staff Impacted:

No
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Customers Impacted:

Yes

Description of Impact:

The Equalities impact assessment and other work done as part of the development of Homelessness Prevention Strategy identified this group as being at risk of homelessness. Priority action one within this report focuses on prevention in areas worst affected which will reduce homelessness. The impact of this action will have a positive impact on those at risk of losing their home. The other actions improve the accommodation options to improve the outcomes if homelessness does occur. It is difficult to say whether certain ethnic minorities are overrepresented or not as ethnicity was not recorded for 13% of customers who entered TA. The quality of case recording will need improvement.

Sexual Orientation

Staff Impacted:

No

Customers Impacted:

Yes

Description of Impact:

The Equalities impact assessment and other work done as part of the development of Homelessness Prevention Strategy identified this group as being at risk of homelessness. Priority action one within this report focuses on prevention in areas worst affected which will reduce homelessness. The impact of this action will have a positive impact on those at risk of losing their home. The other actions improve the accommodation options to improve the outcomes if homelessness does occur. It is difficult to say whether certain sexual orientation is linked to a requirement for TA as 9% of customers preferred not to give this information.

Action Plan & Supporting Evidence

Outline of action plan:

Following the Committee work will begin on drafting a temporary accommodation strategy to implement the priority actions. EIA will be undertaken then including actions.

Action plan evidence:

The EIA relies on the information gathered as part of the Homelessness Prevention Strategy. The strategy, committee and supporting documents including EIA are available here:

Changes made as a result of action plan:

Mitigation

Significant risk after mitigation measures: No

Outline of impact and risks:

Review Date

Review Date: 22/01/2024

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Report to Policy Committee

Author/Lead Officer of Report: Catherine Hughes, Service Manager, Private Housing Standards

Tel: (07867 152647)

Report of: Janet Sharpe, Director of Housing Services

Report to: Housing Policy Committee

Date of Decision: 21st March 2024

Subject: Review of Private Housing Standards Intervention and Enforcement Policy

Type of Equality Impact Assessment (EIA) undertaken	Initial <input checked="" type="checkbox"/>	Full <input type="checkbox"/>
Insert EIA reference number and attach EIA	2418	
Has appropriate consultation/engagement taken place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Does the report contain confidential or exempt information? Yes No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*“The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended).”*

Purpose of Report:

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.

Recommendations:

It is recommended that the Housing Policy Committee:

- *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, and that it is implemented from 1st May 2024; and*
- *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 required, in order to reflect any organisational or legislative changes which take place prior to the policy being formally reviewed by the Housing Policy Committee.*

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: <i>Helen Damon</i>
		Legal: <i>Meurig Tiley</i>
		Equalities & Consultation: <i>Louise Nunn</i>
		Climate: <i>Darryl Smedley</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	<i>Ajman Ali, Executive Director, Neighbourhood Services Directorate</i>
3	Committee Chair consulted:	<i>Councillor Douglas Johnson</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Catherine Hughes</i>	Job Title: <i>Service Manager, Private Housing Standards</i>
	Date: <i>21st March 2024</i>	

1. PROPOSAL

Background

- 1.1 The Private Housing Standards Service is responsible for the regulation of properties in the private sector. The principal piece of legislation used by the Private Sector Housing team is the Housing Act 2004 (referred to as “the Act”), along with, The Housing Health and Safety Rating System (HHSRS) which forms part of the Housing Act 2004. It is a risk-based assessment system used by local authorities in order to assess the severity of 29 health and safety hazards and the likelihood they have of causing harm to both the property and those living in it.
- 1.2 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.
- 1.3 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.
- 1.4 The current Policy sets out that an informal approach will be taken in the first instance unless the circumstances were so severe that immediate formal enforcement should be taken. You can view the current Intervention and Enforcement Policy here [Private Housing Standards: Intervention and Enforcement Policy \(sheffield.gov.uk\)](https://www.sheffield.gov.uk/private-housing-standards-intervention-and-enforcement-policy)
- 1.5 The Service proposes to move away from an informal approach to enforcement, in the majority of situations, to immediate use of formal enforcement powers, in line with the statutory requirements.
- 1.6 Currently, in almost all circumstances, the service takes an informal approach to encourage landlords to work positively with us to remove identified hazards. Should this not happen, only then does the service undertake formal enforcement.
- 1.7 Under the current Intervention and Enforcement Policy, when the Service takes formal action, we recover our costs. In order to ensure that compliant landlords aren't unfairly penalised by the change to move straight to formal action the Policy proposes to waiver the Service's enforcement costs when landlords comply. However, we will seek to recover costs from those who fail to comply with their statutory requirements.
- 1.8 The proposed changes will ensure that following a complaint from a tenant relating to disrepair at their property, the service will swiftly move to the undertaking of formal enforcement action. This affords them absolute protection for the proceeding 6-months against the service of a 'no fault eviction notice'. Providing them much needed security of tenure

and alleviate the fear from the threat of retaliatory eviction.

- 1.9 The Service is also proposing to issue reduced term House in Multiple Occupation (HMO) licenses to certain landlords / properties, determined on a case-by-case basis, so that we can ensure licence holders are responsible and provide decent accommodation. Currently all HMO licenses which are granted by the Service are for the maximum 5-year period.

The new draft Intervention and Enforcement Policy is attached as Appendix 1.

1.10 Proposed Changes to the Intervention and Enforcement Policy

1.10.1 Appropriate Enforcement Action

- 1.10.2 It is proposed that following the identification of actionable hazards the service will, in the majority of circumstances, proceed straight to the service of formal enforcement action. Circumstances where informal action may still be taken include:

- Where a property is found to have only a small number of low scoring category 2 hazards.
- Where, upon request, advice is provided to a landlord, who strives to go beyond their legal obligations.
- Where a small number of minor breaches of licensing conditions or HMO management regulations are identified and the landlord has a good history of compliance.
- Owner occupied properties, where the issues are not adversely affecting other properties, land, or members of the public or where there are no lodgers present at the property.
- Properties which are members of the Snug accreditation scheme.
- Properties which have been put forward or are already part of the Private Rented Solutions Scheme.
- Registered Social Landlords (RSL) – in the first instance the Service will seek to undertake a joint inspection, with RSL representatives and proceed to informal action with strict timeframes. If this approach fails to resolve the issue, then we will proceed to formal enforcement action.

- 1.10.3 This proposal complies with the requirements detailed in section 5 of the Housing Act 2004 (the Act).

1.11 Duration of HMO licenses

1.11.1 Most licence applications will be granted for a 5-year term. However, the Council reserves the right to issue licenses for a shorter period, appropriate and proportionate to the individual circumstances of the case. Certain factors which may be taken into account include:

- Where the Planning status for use of the property as an HMO is unconfirmed.
- Where the Council has reasonable grounds to believe that the property has already been operating without a licence.
- Where, notwithstanding that an individual has been found to be a fit and proper person, concerns exist regarding past compliance with the relevant HMO property standards, or the tenancy management practices of the licence holder or manager.
- Where the Council is not satisfied with the current management practices.
- Where the Council is not satisfied that the proposed management practices will be satisfactory.
- Where there has been a history of non-compliance with previous licenses.
- Any other factor which the Council deems appropriate to have regard to.

1.11.2 The issuing of reduced term HMO licenses will result in a significant increased financial burden on non-compliant landlords, as they will be subject to the HMO licence fee at a significantly increased frequency.

1.11.3 The Service is legally required to inspect HMOs during the licence period, to ensure compliance with the conditions of such licence. Reduced term licenses will result in those HMOs being inspected at a significantly increased frequency. This will ensure that those properties are brought up to standard in a significantly reduced period of time, with the prospect of criminal sanctions, on the landlord, if they fail to do so.

1.11.4 Poorly managed HMOs and the landlords who own them, take up a considerable proportion of resources, particularly in comparison to those HMOs which are well managed. Therefore, it is only fair and proportionate that those landlords should pay a higher proportion of the overall cost of the licensing regime, which must be a cost neutral service.

1.12 Time Frame for Compliance

- 1.12.1 There are no ramifications for non-compliance with informal action and so there is no incentive for landlords to comply with such notifications of works.
- 1.12.2 When informal action is taken, the Service must allow for a reasonable period of time, which is quite often a number of months, for the landlord to undertake the necessary works. If no action is taken, then the occupant is exposed to poor living standards for a substantial period of time before the Service can proceed to the undertaking of formal enforcement action.
- 1.12.3 Currently only following informal action can the Department take formal enforcement action. When taking formal enforcement action, the Service is legally obligated to provide the landlord with a reasonable period of time to comply with the necessary remedial works. Failure to do so would result in the formal enforcement action being liable to a successful appeal. The fact that the landlord has already had a substantial period of time to undertake the work, on an informal basis, cannot be taken into consideration.
- 1.12.4 A person upon whom formal enforcement action is taken has a legal right of appeal against the taking of such action. The appeal period is 28 days. The Service cannot require any works or restrictions to commence until after the appeal period has expired, which further increases the period of time which an occupier is subjected to potentially dangerous living conditions.

1.13 Potential Ramifications for Non-compliance

- 1.13.1 It is a criminal offence to fail to comply with any of the various formal enforcement options. There are significant sanctions which can be levied against such offenders, which will act as a strong deterrence against an individual offending in the first instance and certainly from repeat offending. The various possible sanctions are detailed below:
- **Financial Penalty** – For certain offences the Service can serve a financial penalty of up to a maximum of £30,000.
 - **Criminal Prosecution** – The Service can seek to prosecute an individual through the Magistrates Court and upon summary conviction could be served with an unlimited fine.
 - **Works in Default** – In addition to either the service of a financial penalty or criminal prosecution, the Service may also choose to undertake the necessary repair work, in default of the notice. The Service will seek to recover all costs incurred in the undertaking of any such works, as well as the administrative costs involved in the organising and overseeing of such works. As a result, these costs can be significantly higher than if the landlord had

undertaken the works themselves.

- **Banning Orders** – The Service may, where an individual has been repeatedly subject to one of the above sanctions, apply to the First-Tier Residential Property Tribunal (RPT), for a Banning Order. This will prevent this individual from being involved in the letting or managing of residential properties, for the fixed term of the Banning Order.
- **Rent Repayment Orders (RRO)** – Where a landlord has been subject to one of the sanctions above an application for an RRO can be made to the RPT by either the tenant, or the Service (if the rent has been paid via Housing Benefit). An RRO can be made in respect of up to 12 months of rental payments.

1.14 Security of Tenure

- 1.14.1 There is significant anecdotal evidence, reported by officers of the Service that, following a complaint being made by tenants, relating to housing conditions, landlords of those tenants make verbal or written threats of eviction, to either the tenants themselves or officers.
- 1.14.2 Over the last 3 years 1,100 cases of disrepair were actioned by the Service. Of those 319 (29%) resulted in simultaneous Tenancy Relations Officer involvement due to the serving of eviction notices, threats of eviction or allegations of illegal eviction. However, as it is likely that the vast majority of evictions / threats of eviction are not reported to the, it is likely that this figure is a significant understatement.
- 1.14.3 The fear of threats of, or actual, retaliatory eviction can in many cases act as a barrier to the reporting of disrepair, to either a landlord or the Service and so this further supports the likelihood that the amount of retaliatory eviction, of which the Service becomes aware, is far lower than the true figure.
- 1.14.4 Central Government is clearly aware of the scale of the problem caused by the fear of retaliatory eviction as they passed into law the Deregulation Act 2015. This Act afforded individuals protection from retaliatory eviction for 6 months, provided a Local Authority had taken formal enforcement action, in respect of the reported issues of disrepair present in their home. However, these powers failed to provide sufficient protection to renters as they were afforded no protection unless a Local Authority had taken such action. Informal action does not surpass the threshold to instigate such protective measures.
- 1.14.5 In July 2022 the Government issued its White Paper – ‘A fairer private rented sector’. This report further emphasised the issues tenants face over security of tenure:
- Over a fifth (22%) of private renters who moved in 2019 to 2020

did not end their tenancy by choice.

- The prospect of being evicted without reason at 2 months' notice (so called 'no fault' Section 21 evictions) can leave tenants feeling anxious and reluctant to challenge poor practice.
- In 2019 to 2020, 22% of tenants who wished to complain to their landlord did not do so.
- In 2018, Citizens Advice found that if a tenant complained to their local Council, they were 5 times more likely to be evicted using Section 21 than those who stayed silent.

1.14.6 Under the Intervention and Enforcement Policy, following a complaint from a tenant relating to disrepair at their property, the Service would move straight to undertaking formal enforcement action, which would afford them absolute protection for the proceeding 6-months against the service of a 'no fault eviction notice'. Providing them much needed security of tenure and alleviate the fear from the threat of retaliatory eviction.

1.15 Recovery of Costs from Formal Enforcement Action

1.15.1 It is proposed that the Service will only seek to recover our reasonable costs incurred during the undertaking of formal enforcement action from landlords who fail to comply within the required timeframes.

1.15.2 The person, upon whom formal enforcement action is being taken, will be informed from the outset of the costs which the Service will be seeking to recover. However, they will also be informed at this stage of the Service's intention to waiver these costs, should compliance be achieved within the required timeframes.

1.15.3 Refraining from pursuing this debt recovery process, until a landlord has failed to comply with the formal enforcement action, will incentivise landlords to undertake the necessary remedial works within the required timeframes, as it will result in this debt being waived.

1.15.4 Landlords are therefore more likely to comply with their legal duties, resulting in tenant's homes being made safe.

1.15.5 By incentivising landlords to comply, this will reduce the financial burden on the Service through officer time, allowing increased resources to be utilised on targeting the worst of offenders.

1.15.6 Pursuing the debt from those landlords who fail to comply with their statutory duties, will punish those offenders, increasing the financial burden on those individuals and therefore levelling the playing field and ensuring crime does not pay.

2. HOW DOES THIS DECISION CONTRIBUTE?

2.1 The proposed changes to the Intervention and Enforcement Policy will reduce inequalities by ensuring that where hazards are identified legally binding timescales are provided to landlords and agents to complete works, thereby ensuring tenants in the private rented sector live in safer, well managed homes.

2.2 Links to the City-wide objectives in SCC's Corporate Plan 2022 23 can be illustrated as follows:

- ***Fair, inclusive and empowered communities*** – the Intervention and Enforcement Policy sets out how we will work with landlords and tenants to ensure that their homes are safe and well managed. The proposals to change the policy by moving straight to formal action in all cases will ensure that tenants have 6 months protection against the serving of a 'no fault eviction notice' therefore removing the threat of retaliatory eviction and so empowering them to uphold their statutory rights;
- ***Strong and connected neighbourhoods*** – By ensuring that homes in the private sector are safe and well managed this reduces the impact this can have on neighbouring properties and those within the neighbourhoods. Also, by empowering tenants to uphold their statutory rights to a safe home and preventing the threat of and actual retaliatory eviction, it is highly likely that this will result in more stability of tenure for private renters. This will result in tenants being confident to develop more secure roots in their community and area, leading to stronger and better connected neighbourhoods;
- ***Tackling inequalities and supporting people through the cost of living crisis*** - The availability of good quality housing in the private sector is a vital contributor to the diversity of Sheffield's housing stock. Private renters are more likely to sit within the lower socio-economic classes and so are more vulnerable to the increased financial burdens which can result from living in cold and damp homes and from the sudden need to move homes. By empowering tenants to seek improvements to the thermal efficiency of their homes while also preventing the threat of retaliatory eviction, the Service seeks to tackle this inequality experienced by people living in private rented properties.
- ***Healthy lives*** – Disrepair in homes directly impacts on the health and wellbeing of tenants, such as damp and mould and inadequate heating so will be detected and addressed;
- ***Clean economic growth*** – Common deficiencies, identified by officers, in private rented properties directly relate to damp and

cold homes. The improvements specified in respect of these will result in the housing stock becoming more thermally efficient and environmentally friendly. Similarly making tenant's homes safer, will directly correlate to a reduction in injuries and illnesses related to poor housing, and therefore decrease the number of working days lost, through such attributable absences, which will have a positive impact on economic growth.

- ***Happy young people, safe and opportunities to reach potential*** – Young people are statistically more likely to be living in private rented accommodation as opposed to owner occupied homes. By ensuring homes in the private sector are safe and well managed we can support young people to live in homes that do not damage their health and that where there is disrepair ensure the landlord or agent takes immediate action to remedy the hazard and improve housing conditions

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 There is no statutory duty to consult on the review of the Intervention and Enforcement Policy. However, it is good practice and so the Service carried out consultation with internal and external partners throughout November and December 2023.
- 3.2 **National Residential Landlords Association (NRLA)** – this was undertaken at a regional meeting on the 7th November 2023. The proposed changes were presented to those that attended the meeting and was also circulated to their wider membership. Overall feedback was positive and effective enforcement against non-compliant landlords was welcomed. A link was also shared with members to the Have Your Say page which launched on 8th November.
- 3.3 **Have Your Say** – this was launched on 8th of November and was open until the 8th December. The proposed changes were set out, alongside the current working practices as well as a 'real life' example so that consultees could understand what the proposed changes would mean to them if they were a tenant or landlord / agent.
- 3.4 To ensure that the consultation exercise could reach as many parties as possible, a link to this page was circulated to the following persons / organisations:
- All officers with the service, with a view to them circulating to landlords and tenants encountered during the time period of the exercise.
 - Internal services – Housing Solutions, Private Rented Solutions.
 - Landlord advocacy groups – NRLA.

- Tenancy advocacy groups – Shelter and Citizens Advice Bureau (CAB).
- Members of the Snug partnership group – The University of Sheffield, Hallam University, Student Unions’ and landlord representatives.

3.5 Unfortunately, despite promoting the consultation as set out above the response rate was low with 76 people viewing the page but only 5 visitors submitting formal feedback.

3.6 100% of responders were in favour of the proposed changes and 40% of those described themselves as being landlords or landlord agents.

3.7 Although the response rate was low positive comments were received such as;

- *‘The proposed changes are fair, sensible, and should be welcomed by all responsible landlords.’*
- *‘Excellent proposals. Landlords should be held to account for defective properties. This will hopefully warn landlords that it is unacceptable and they will take action to remedy the defects as soon as they are highlighted or hopefully before a tenant moves in. It is wholly unfair that a tenant be issued with an eviction notice because they have complained about the defects, sometimes where the property is uninhabitable. Tenants shouldn’t have to pay rent in these circumstances.’*

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

4.1.1 An Equality Impact Assessment has been approved, reference number 2418.

The proposed changes to the Intervention and Enforcement Policy will result in a positive impact on all protected characteristic groups. This is due to the fact that it will result in a swifter and more formal enforcement driven approach to ensuring the private rented housing stock in Sheffield is made safer for all occupiers of residential properties.

4.2 Financial and Commercial Implications

4.2.1 The changes to the Intervention and Enforcement Policy are not anticipated to increase the costs of the service, therefore these changes can be managed within the existing resources of the service.

4.3 Legal Implications

- 4.3.1 Local authorities have an obligation under the Housing Act 2004 to keep housing conditions in their area under review for all tenures, including private sector housing. Part 1 of the Act sets out the formal enforcement action that can be taken by a Local Authority, following the identification of a Category 1 hazard.

The Intervention and Enforcement policy is drawn up in line with the principles of good enforcement outlined in the Enforcement Concordat and with specific regard to the Regulator's Code 2014, under the Legislative and Regulatory Reform Act 2006.

4.4 Climate Implications

- 4.4.1 There are no climate implications

4.4 Other Implications

Health

- 4.4.1 Living in poor quality housing can not only result in immediate injuries and health implications, but can also contribute to more long-standing issues, such as chronic disease, like asthma and circulatory complications as well as having detrimental impacts on an individual's mental health.
- 4.4.2 Unresolved disrepair / deficiencies within the home environment can result in people seeking alternative accommodation at an increased frequency than would otherwise be observed. This prevents individuals from being able to set down roots in an area and force them to move away from established support networks. This in turn prevents the development of community cohesion and people taking pride in the area in which they live, to the detriment of the area.

4.4.3 **Cost of Living**

There are significantly increased financial burdens placed upon people, when they are forced to move homes in an attempt to find safer and better accommodation. This is particularly relevant due to the current financial climate, with a significant increase in the cost of living, placing further strain on people's already stretched budgets. This will likely result in savings being found elsewhere, which may be a reduced intake, or quality of food, which will have a knock-on effect on health and wellbeing. Similarly, it may also result in a decrease in the ability to undertake extracurricular activities, depriving people of opportunities, which in turn may also adversely affect their mental health.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 *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.

6. REASONS FOR RECOMMENDATIONS

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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 to positive health effects and community cohesion, mentioned above, but may also result in a reduced burden on homelessness duty, placed upon the Council.



**Private Housing
Standards Department -
Intervention and
Enforcement Policy
For the Regulation of Housing
Standards**

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1. Introduction and Scope

- i. Sheffield City Council (the Council) are committed to improving standards in Sheffield's private rented stock.
- ii. This policy identifies how the Council will manage deficiencies identified in residential premises which relate to the health and safety of occupiers and members of the public, amenity standards within premises and statutory nuisances resulting from property condition; and how it will address the poor management of private rented properties.
- iii. To ensure adequate regulation of the private rented stock in Sheffield, Council officers will carry out re-active and pro-active inspections, process licence applications, request information and promote good practice by providing guidance and advice to landlords, property agents, tenants, property owners and the general public.
- iv. Allegations of possible offences relating to landlord and tenant law will be thoroughly investigated and where appropriate, cases will be prosecuted through the criminal courts system. or financial penalties will be issued.
- v. The Council will take appropriate enforcement action against all landlords and property agents who flout their legal obligations and seek to profiteer through non-compliance.
- vi. To achieve this the Council will utilise the full suite of statutory implements at their disposal and where necessary escalate cases through to the criminal courts and / Residential Property Tribunals (RPT).
- vii. When deciding what enforcement action is appropriate, the Council will have regard to all relevant codes of practise and guidance.
- viii. This policy shall be read in conjunction with the associated appendices:
 - Financial Penalties Policy;
 - Smoke and Carbon Monoxide Regulations Policy;
 - Electrical Regulation Policy;
 - Banning Orders and Procedures;
 - Redress Scheme Policy;
 - Fees and Charging Policy for the Licensing of Houses in Multiple Occupation.

2. Purpose of the Policy

- I. The purpose of this policy is to provide guidance for Council officers, landlords and members of the public on the principles and processes, which will apply when enforcement action is considered or taken in cases being investigated in the private rented sector in Sheffield. It also provides a background to the legislation and guidance on which the policy is based.
- II. It is important for the Council to have an enforcement policy to ensure consistency of approach among Council officers and to assist members of the public in their expectations of the service. An enforcement policy also provides clarity if the Council takes legal proceedings or enforcement action is appealed.
- III. The Council's aim is to raise standards in the private rented sector in Sheffield. To this end we will endeavour to do this by raising awareness of the applicable legislative standards. However, we will take robust enforcement action when it is appropriate to do so.

3. The Council's Objectives

Council officers will undertake the necessary enforcement action to ensure that:

- I. The Council fulfils its statutory duty in respect of identified category 1 hazards under the Housing Health and Safety Rating System (HHSRS)¹, using proportionate enforcement action as detailed in the Housing Act 2004
- II. All premises which are subject to Mandatory, Selective or Additional licensing schemes hold the appropriate licence and the conditions of those licenses are adhered to.
- III. All houses in multiple occupation (HMOs) are safe, well-managed and appropriate, in relation to structure, design and planning permission, to be occupied as an HMO and that they comply with all the requirements of the applicable HMO management regulations².
- IV. Private premises, including land, is not causing a statutory nuisance³ to other premises or land, by presenting an unacceptable risk to the health of members of the public.
- V. Private rented premises adhere to the legal requirements in relation to the electrical safety regulations⁴.
- VI. Private rented premises adhere to the legal requirements in relation to the smoke and carbon monoxide regulations⁵.
- VII. Property management and letting agents in Sheffield are registered with one of three approved Government Ombudsman Schemes where they are required to be⁶.

1.	https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance
2.	The Management of Houses in Multiple Occupation (England) Regulations 2006
3.	The Environmental Protection Act 1990
4.	The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
5.	The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (as amended)
6.	The Address Scheme for Lettings Agency Work and Property Management Work (Requirements to Belong to a Scheme etc)(England) Order 2014

- VIII. Empty properties are tackled with the aim of addressing security, visual amenity and statutory nuisance issues and also returning them back into occupation.
- IX. Landlords and agents are deterred from causing tenants and licencees from being made to leave their homes unlawfully.
- X. Private rented properties in the city are safe and well managed.

4. Work with other agencies (or partners)

Inter-departmental Working

- I. To ensure the most appropriate action is taken, with the aim of making the best use of resources to achieve the most beneficial outcome, it may be appropriate and beneficial for the Private Housing Standards department to work together with other Council departments. This will allow where appropriate, information sharing and shared targeted enforcement. Such departments may include but not necessarily limited to:
 - Planning Enforcement
 - Building Control
 - Council Tax
 - Housing Benefits
 - Housing Solutions
 - Social Services

Multi-agency Working

- II. Due to the range and scope of matters dealt with by the Council, it may on occasion be beneficial to work collaboratively with other external enforcement agencies.
 - Where formal enforcement action is required in relation to a fire safety hazard identified in an HMO and common areas of blocks of flats, it will be necessary to consult with the local fire authority (SYFS). In the case of an emergency situation, this consultation will be undertaken as far as is reasonably practicable.
 - When brought to the Council's attention that another Local Authority is investigating allegations of criminal offences, this department will, subject to any legal, financial and resource constraints, assist with the gathering / sharing of evidence and production of witness statements.
 - Where matters are identified, which fall within the remit of another partner agency, these matters will be referred to the appropriate enforcing authority.
 - To assist in the undertaking of our statutory duty, the Council may undertake joint inspections with officers from other agencies, such as South Yorkshire Fire and Rescue Service (SYFS), the police, Trading Standards, the Gangmasters and Labour Abuse Authority (GLAA) and the Health and Safety Executive (HSE).

5. Authorisation of Officers

- I. Only officers who are competent by training, qualification and/or experience will be authorised to undertake enforcement action. The Council's Private Housing Standards Department Scheme of Delegation sets out delegated powers given to officers and under what legislation.

6. Equality statement

- I. The Council is committed to treating all customers fairly and all enforcement decisions will be fair, independent and objective. A priority for the private housing standards department is to improve standards in private rented accommodation that is occupied by the most disadvantaged persons living in this sector.

7. Property Inspections

- I. The Council has a general duty to keep housing conditions under review in Sheffield in order to identify any action that may need to be taken under the Housing Act 2004⁷. Resources will generally be concentrated in the areas that need them the most and on the properties in the worst condition.

Re-active Inspections

- II. Where The Council considers that enforcement action may be appropriate as a result of a complaint in relation to unsafe or substandard conditions in their privately rented accommodation, we will respond by undertaking a formal inspection⁸. Inspections will be prioritised based on seriousness and risk of harm to the public. Following on from this inspection one of the enforcement actions detailed below in [Section 12 – Enforcement Options](#), of this policy will be carried out.

Licensing Compliance Inspections

- III. The Council will undertake at least 1 compliance inspection per licensing period, for every property subject to Mandatory and Additional licensing, to ensure that these properties comply with any associated licensing conditions, any applicable HMO management regulations and Part 1 of the Housing Act 2004.

Pro-active Inspections

- IV. The Council will, where appropriate, carry out targeted pro-active formal inspections⁸, following an intelligence led and risk-based approach to ensure that properties identified as posing the most significant risk to the health and safety of the community are tackled. This may involve:
 - Properties that are owned or managed by landlords / agents with a known record of poor compliance;
 - Properties which are required to be licensed, but are not so licensed;
 - Area based surveys to actively seek out compliance with licensing;

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Housing Act 2004, Section 3
Housing Act 2004, Section 239

- Surveys of areas of the city identified as priority areas to support strategic goals of the city.

8. Different Tenures

- I. The investigative and enforcement powers which relate to private housing are applicable to all private residential premises, regardless of tenure. However, the Council approach to enforcement may vary depending on tenure for the reasons set out below:

Owner Occupied Properties

- II. As owners of their property this group of tenure are in greater control over their property and usually have access to greater financial support, as such they are usually in a position to make informed decisions about maintenance or safety issues in their own homes.
- III. For this reason, authorised officers will usually limit our involvement to the provision of appropriate advice / recommendations, or the service of a Hazard Awareness Notice⁹.
- IV. Formal enforcement action against this type of tenure will likely be limited to exceptional circumstances which may include the following:
 - where the issue is adversely affecting neighbouring properties, land or other members of the public, such as drainage issues or leaks;
 - where there is a severe risk to the health and safety of the occupiers or other members of the public;
 - where there are other occupiers of the subject property who are not the owners, such as lodgers;
 - where the occupiers are particularly vulnerable, such as in cases of extreme hoarding. However, in such a situation all other possible avenues of remediation would have been thoroughly explored.

Private Tenants and Landlords

- V. Tenants in private rented accommodation are not afforded the level of control over the properties they live in as individuals who own the properties they occupy. As a result, they are totally reliant on their landlords / agent to undertake the necessary repairs / maintenance / improvements to comply with legislative requirements.
- VI. As a result, the Council will take the necessary formal enforcement action, as specified in [Section 12 – Enforcement Options](#), against landlords / agents, who flout their legal obligations by subjecting their tenants to conditions which pose a significant risk to their health and safety or allow their properties to adversely affect adjacent premises.
- VII. Prior to taking any action the Council would normally expect a tenant of a private rented property to have informed their landlord / agent of the issue to afford them a reasonable time to remedy the problem, where it is reasonable for the tenant to do so.

9. Housing Act 2004, Section 28 & 29

- VIII. Tenants should also consider seeking independent legal advice about their own individual powers to resolve any dispute with the landlord, as a tenant may want to take their own civil legal action against the landlord.

Registered Social Landlords (RSLs)

- IX. RSLs are usually non-profit making organisations that aim to provide low-cost social housing, which is suitable and properly maintained for people in need. Their performance is scrutinised by the Regulator of Social Housing and the Housing Ombudsman. RSL's have written arrangements for reporting problems and clear response times for addressing these issues, in addition to having systems for registering any complaints about service failure.
- X. On that basis, following receipt of a complaint from a tenant of a RSL property, the Council will contact the RSL to arrange a joint inspection of the property and will seek in the first instance to proceed enforcement action on an informal basis.
- XI. Should this approach not resolve the matters within reasonable timeframes then the Council will resort to the undertaking of formal enforcement.

9. Powers of Entry

- I. In most circumstances where officers are undertaking duties under Part 1 of the Housing Act 2004, either pro-actively or re-actively, inspections will be carried out on a formal basis utilising the powers of entry in accordance with the relevant legislation.¹⁰
- II. Prior to undertaking a formal inspection both owners and occupiers of a premises will be provided at least 24 hours notice of an officer's intention to carry out a formal inspection. Notice will usually be given in writing or by email, but can in some circumstances be given verbally, depending on the relevant statutory provision.
- III. In certain circumstances pro-active or re-active inspections will be undertaken without providing any notice to owners or occupiers, such situations include:
- where investigations are being undertaken in respect of HMO licencing offences¹¹;
 - where investigations are being undertaken in relation to licensing offences relating to Selective licencing schemes¹²;
 - where investigations are being undertaken in respect of breaches of the HMO management regulations¹³;
 - Where complaints have been raised which pose an imminent risk of serious harm to the occupiers or the general public;
 - where investigations are being undertaken in respect of duties under, other delegated enforcement legislation.

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Housing Act 2004, Section 239

Housing Act 2004, Section 72

Housing Act 2004, Section 95

Housing Act 2004, Section 234

- IV. The powers of entry referred to above, can be enacted through a warrant of entry¹⁴, issued through the courts. When executing a warrant of entry, it is likely that members South Yorkshire Police will accompany authorised officers.
- V. When undertaking powers of entry authorised officers will carry with them, identification, warrant cards (detailing their powers of entry) and a copy of a warrant if applicable.
- VI. It is an offence to obstruct an authorised officer from undertaking their powers of entry.

10. Licensing of Private Rented Sector Properties

Mandatory HMO Licensing

- I. A mandatory HMO licence is required for properties which are occupied by five or more persons living in two or more households sharing some facilities, such as a kitchen or bathroom.

Discretionary licensing

- II. Under parts 2 and 3 of the Housing Act 2004, the Council has the discretion to bring into force licensing of other residential accommodation and require landlords of some privately rented properties to apply for a licence. There are two types of discretionary licensing:
 - **Additional licensing** may be appropriate where a large number of HMOs in an area are not being managed effectively and causing particular problems for the people who live in these HMOs or members of the public.
 - **Selective licensing** may be appropriate where that the area contains a high proportion of properties in the private rented sector and there are issues in relation to; housing condition, migration, deprivation, or crime.

Operating an Unlicensed Property

- III. It is an offence to be in control of or managing a property, that should be licensed but is not licenced and no valid licence application has been submitted.
- IV. The Council will use all available means at its disposal to identify unlicensed properties and then take the most appropriate enforcement action in respect of that offence. Unless there are exceptional circumstances, this action will likely be:
 - Prosecution action through the Magistrates Court, where unlimited fines may be levied against an offender, if found to be guilty of the offence.
 - The service of a financial penalty of up to a maximum of £30,000, per offence, in accordance with the Council's [Financial Penalty Policy](#).
- V. The Council also has the power to apply to the First Tier Residential Property Tribunal Service for a [Rent Repayment Order](#). This enables the Council to claim back up to a maximum of 12 months' of Housing Benefit or equivalent paid in the form of rent, whilst the property was unlicensed.
- VI. The Council may also provide information, advice and assistance to tenants on how and when they can apply to The First Tier Tribunal Service, for a Rent Repayment Order, to claim back the rent they paid whilst the property was unlicensed.

Duration of Licences

- VII. The Housing Act 2004¹⁵ provides that a licence may be granted for a maximum 5-year period. Most licence applications will be granted for a 5-year term. However, the Council reserves the right to issues licenses for a shorter period, appropriate and proportionate to the individual circumstances of the case. Certain factors which may be taken into account:
- where the Planning status for use of the property as an HMO is unconfirmed;
 - where the Council has reasonable grounds to believe that the property has already been operating without a licence;
 - where notwithstanding that an individual has been found to be a fit and proper person, concerns exist regarding past compliance with the relevant HMO property standards, or the tenancy management practices of the licence holder or manager;
 - where the Council is not satisfied with the current management practices;
 - where the Council is not satisfied that the proposed management practices will be satisfactory;
 - where there has been a history of compliance issues with previous licenses;
 - any other factor which the Council deems appropriate to have regard to.

Breach of licence requirements

- VIII. Licences may include limitations on the number of persons or households that are permitted to occupy a property as well as licence conditions, which may require works with regard to the physical condition of the property or in relation to the management of the property.
- IX. Failing to meet the requirements of the licence conditions and / or knowingly permitting the property to be occupied by numbers exceeding those specified in the licence is a criminal offence.
- X. Where the Council deems there is sufficient evidence to prove such an offence it will likely take one of the following actions:
- Prosecution action through the Magistrates Court, where unlimited fines may be levied against an offender, if found to be guilty of the offence.
 - The service of a financial penalty of up to a maximum of £30,000, per offence, in accordance with the Council [Financial Penalty Policy](#).

Fit and Proper Person and Satisfactory Management Arrangements

- XI. The Council takes a rigorous approach to assessing whether landlords and agents named on a licence are Fit and Proper, and whether their management arrangements are satisfactory.
- XII. Under the Housing Act 2004¹⁶, where a property is required to be licensed under either the mandatory HMO licensing scheme, an additional licensing scheme or a selective licensing scheme, the Council must be satisfied that the Licence Holder and any other person involved in the management of the property, are a

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Housing Act 2004, Section 68
Housing Act 2004, Section 66

fit and proper person to be the licence holder or to be the manager of the property.

- XIII. In addition, the Council must be satisfied that the management arrangements are satisfactory, including that persons involved in the management of the property are fit and proper persons to be so involved, and have a sufficient level of competence, and that the management structure and funding arrangements are suitable.
- XIV. This includes considering factors such as whether managers or Licence Holders have a criminal record or have contravened landlord and tenant law. Other factors would include having been declared bankrupt, and also, any evidence we have about the competence of the individual or company in relation to the role it is proposed they have in managing the property.
- XV. We will also consider these factors in relation to landlords and managers for other schemes where we are approving the use of a private rented property; for example, when discharging the Council's homelessness duty into the private rented sector or considering whether to accept a membership application for the student housing scheme, Snug.
- XVI. Where we are assessing management arrangements in relation to Snug, we expect a particularly high standard of management and competence to be met.
- XVII. Where we are concerned that the management arrangements proposed for a property are not satisfactory, we may make further enquiries including, for example, asking a manager to attend an interview to discuss their role in managing the property to help us decide whether they have the competence to perform that role.
- XVIII. All standards and criteria relating to our different schemes can be found on our web pages at www.sheffield.gov.uk/phs

Granting, Refusing, Revoking and Varying of a Licence

- XIX. Decisions in relation to licensing applications will be based on the following:
- The information declared on the application;
 - The previous record of the proposed or current licence holder and/or manager;
 - Any further information gathered from enquiries made to check the validity of the information submitted with the application.

Granting of a Licence

- XX. In most cases licences will be granted with standard conditions together with a schedule of any works required to ensure the property meets the minimum standards adopted by the Council. Where the Council has concerns about the ability of a licence holder or manager to discharge their duties under licensing further enquiries may be made. The Council's minimum standards for licensable HMOs can be found on the Council website: [Apply for a Houses in Multiple Occupation \(HMO\) licence | Sheffield City Council](http://www.sheffield.gov.uk/phs)

Refusing to Grant a Licence

XXI. Under the Housing Act 2004¹⁷ the Council may refuse to issue a licence to the applicant or proposed manager of a residential premises if:

- the proposed licence holder or manager is not a fit and proper person;
- the proposed licence holder is not the most appropriate person to be the licence holder;
- the proposed management arrangements for the house are not satisfactory; the property is not capable of being operated as a licensable HMO or other licensable property.

Revoking a Licence

XXII. Under the Housing Act 2004¹⁸ the Council may revoke a licence for a number of reasons relating to either the licence holder or manager or the property.

In relation to the licence holder or manager, this may be because:

- the licence holder agrees for the licence to be revoked.
- the licence holder or manager are no longer considered to be fit and proper persons.
- the licence holder or manager has committed serious or repeated breaches of the licence conditions in respect of the licence.
- the licence holder is subject to a Banning Order¹⁹.

In relation to the property, this may be because:

- the property ceases to be an HMO;
- the structure of the HMO has substantially changed since the granting of the licence, that were an application for a licence to be submitted now, the Council would not grant a licence.

Varying a Licence

XXIII. Under the Housing Act 2004²⁰ the Council may vary a licence for a number of reasons:

- the licence holder agrees for the licence to be varied;
- the Council consider that there has been a change of circumstances since the time when the licence was granted.

Interim Management Orders

XXIV. Under the Housing Act 2004²¹, the Council has the power to make an Interim Management Order, in relation to, a property, which requires a licence but is not so licensed. These powers will be used as a last resort where other attempts to ensure that the property is licensed have failed and where the following criteria are met:

- the Council is satisfied that there is no reasonable prospect of a licence being granted (with appropriate conditions) in the near future;
- it is necessary to protect the health, safety or welfare of the occupiers of the property or properties in the vicinity.

17. Housing Act 2004, Section 64

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21. Housing Act 2004, Section 102

Housing Act 2004, Section 70

Housing and Planning Act 2016, Section 16

Housing Act 2004, Section 92

- XXV. Following the making of such an order, the Council may take on the management of the property or may delegate the management to another agent or partner agency.
- XXVI. An Interim Management Order allows the Council to manage the property with many of the rights of a landlord, including the right to collect the rent and to use that rent to pay for work to the property.
- XXVII. An Interim Management Order will be in force for 12 months or until an HMO / Selective licence is granted if this happens within the 12 months.
- XXVIII. There are provisions within the Housing Act 2004²² to vary, revoke and appeal against an Interim Management Order.

Final Management Order

- XXIX. Under the Housing Act 2004²³, if the Council is satisfied (upon the expiry of an Interim Management Order) that the property still requires a licence, but it is still not able to grant an HMO / Selective licence, it must make a Final Management Order.
- XXX. A Final Management Order will be in force for 5 years.
- XXXI. A Final Management Order is similar to an Interim Management Order in that:
- the Council may delegate the management of the property to another agency or partner agency;
 - there are provisions to vary, revoke and appeal against the Final Management Order.

11. Rent Repayment Orders

- I. A Rent Repayment Order²⁴ is an order made by the First Tier Tribunal (Property Division) requiring a landlord to repay a specified amount of rent either to the tenant or the Council. An application for a Rent Repayment Order can be made by the Council or the tenant, depending on how the rent was paid. If the tenant paid their rent themselves, then the rent must be repaid to the tenant. If rent was paid through Housing Benefit or through the housing element of Universal Credit, then the rent must be paid to the Council.
- II. Rent Repayment Orders can be applied for when a range of various offences have been committed relating to the management of properties, whether or not there has been a conviction.
- III. Where the Council is aware that a landlord has been convicted of any of the offences for which a Rent Repayment Order can be made, and the breach was committed in Sheffield, we will always consider applying for a Rent Repayment Order.
- IV. The Council may apply for a Rent Repayment Order following conviction for an offence where we consider that there is sufficient merit with regard to factors including but not limited to:
 - whether the offender could reasonably have been expected to know that they were in breach of their legal responsibilities;
 - the likelihood of further offending by the offender;

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Housing Act 2004, Schedule 6

Housing Act 2004, Section 113

Housing Act 2004, Section 73

- the deterrent to others who may commit similar offences;
 - the financial circumstances of the offender;
 - the removal of any financial benefit the offender may have obtained as a result of committing the offence.
- V. The Council may also decide to apply for a Rent Repayment Order where there has not been a conviction, but we are satisfied that an offence, for which a Rent Repayment Order can be made, has taken place and there is a reasonable prospect of the Council satisfying the tribunal beyond reasonable doubt that the offence was committed.
- VI. In these cases, when deciding whether to apply for a Rent Repayment Order where there has not been a conviction, and when deciding how much rent we should seek to recover, our considerations will include, but not be limited to, factors such as:
- the financial circumstances of the offender;
 - any previous action taken against the offender;
 - whether the offender could reasonably have been expected to know that they were in breach of their legal responsibilities;
 - the likelihood of further offending by the offender;
 - the deterrent of the order to others who may commit similar offences;
 - the removal of any financial benefit the offender may have obtained as a result of committing the offence;
 - any other aggravating factors;
 - the conduct of the offender and the occupier.
- VII. Where there has been a conviction and the tenants have the right to pursue a rent re-payment order, the Council will consider offering them support in any application made to the Tribunal service where we consider that an application has merit, having regard to such factors as: the harm caused to the tenant, the deterrent value to the offender, and removing any financial value the offender may have obtained in committing the offence.
- VIII. We will have regard to the statutory guidance issued to local authorities on applying for Rent Repayment Orders²⁵ and any other relevant Council policy when deciding whether to apply for such an order.
- IX. Income received from a Rent Repayment Order can be retained by the Council to further the Council's statutory functions in relation to our enforcement functions covering the private rented sector²⁶.

12. Enforcement Options (property condition and licencing)

- I. Based on the individual circumstances of each case, there are a number of possible actions which authorised officers of the Council can take, following on from a formal inspection of a property.

No Action

- II. Where a property is found to be safe, not causing a statutory nuisance and not contravening any applicable licensing requirements or HMO management regulations, no action will be taken.

25. 2016: Guidance for Local Authorities

Rent Repayment Orders under the Housing and Planning Act

26. Recovered)(England) Regulations 2017

The Rent Repayment Orders and Financial Penalties (Amounts

Informal Action

- III. Where a property is found to have only a small number of low scoring Category 2 hazards.
- IV. Where, upon request, advice is provided to a landlord, who strives to go beyond his legal obligations.
- V. Where a small number of minor breaches of licensing conditions or HMO management regulations are identified and the landlord has a good history of compliance, informal action will be taken in the first instance.
- VI. Where the property is accredited under the Snug partnership scheme
- VII. Where the property is a part of the Private Rented Solutions partnership scheme
- VIII. Possible forms of informal action may include:
 - The offer of advice or the suggestion of recommendations, either verbally or in writing;
 - The provision of a written schedule of works, which must be adhered to within strict timeframes.

Formal Enforcement Action

- IX. Where it is found that there are significant hazards, statutory nuisance, breaches of licence conditions or HMO management regulations following an inspection, then in the majority of cases, except in the few instances detailed above, formal enforcement action will be the first course of action.
- X. The Council have a statutory duty to act in the case of Category 1 hazards and a power to act in the case of Category 2 hazards.
- XI. The Council will exercise its power to deal with Category 2 hazards for those hazards that it considers to be significant. These will usually include Category 2 hazards banded D and E, as defined under the Housing Health and Safety Rating System (HHSRS). However, there may well be instances, when hazards falling outside of this scope will be addressed.
- XII. Factors which will be taken into account when determining whether formal action should be taken in relation to Category 2 hazards, which score below Band E include:
 - whether there are multiple hazards within the property;
 - whether there is a vulnerable individual or group in occupation or likely to be in occupation;
 - whether or not it is reasonable to assume the conditions are likely to deteriorate in the next 12 months.

Different options for formal enforcement action

- XIII. Possible forms of formal enforcement action, as designated under the Housing Act 2004, are as follows.

Service of a Hazard Awareness Notice, under [Sections 28 & 29](#)

- XIV. This course of action may be used when dealing with hazards scored in Bands F – J. Hazard Awareness Notices may also be served when notifying an

owner occupier of a hazard in their property, which is not causing a significant risk to members of the public, or a statutory nuisance.

Service of an Improvement Notice, under [Sections 11 & 12](#)

- XV. This course of action will be most likely taken in respect of private rented premises, where there are Category 1 hazards or significant hazards, as specified in paragraph 12.9 above, and where the repairs / improvements necessary can feasibly be undertaken.

Service of a Suspended Improvement Notice, under [Section 14](#)

- XVI. Improvement Notices may be suspended, in exceptional circumstances. The decision as to whether an Improvement Notice should be suspended, will be determined on a case-by-case basis.

Making of a Prohibition Order, under [Sections 20 & 21](#)

- XVII. The making of a Prohibition Order will result in restrictions or prohibitions to the use of all or part of a property. Prohibition Orders will only be made when there are significant hazards, likely to result in serious injury over the next 12 months and the remedial works required are not practical, feasible or are prohibitively expensive. Prohibition Orders may also be used to resolve issues of serious overcrowding in a property, which is resulting in a significant and detrimental impact of health and safety. The Council will actively support individuals, whose home is subject to a Prohibition Order, in their application for re-housing.

Making of a Suspended Prohibition Order, under [Section 23](#)

- XVIII. Prohibition Orders may be suspended if there are exceptional circumstances for doing so and this will be determined on a case-by-case basis. A Prohibition Order may be suspended, when dealing with an overcrowded property, to allow sufficient time for the proper legal process to be followed by the owner the regain possession of the property and for the occupiers to find alternative accommodation.

Taking of Emergency Remedial Action, under [Section 40](#)

- XIX. Emergency Remedial Action will be taken when it has been assessed that there is a hazard that poses an imminent risk of serious harm. The Council will arrange for appropriate remedial work to be undertaken which will remove the imminent risk of serious harm, and this will be carried out at the cost of the owner / landlord / agent. Where the circumstances of the case allow, prior to undertaking the Emergency Remedial Action, authorised officers will attempt to contact the owner / landlord / agent of the property to provide them with the opportunity to carry out the works promptly.

Making of an Emergency Prohibition Order, under [Section 43](#)

- XX. An Emergency Prohibition Order will be made, where an imminent risk of serious harm has been assessed and the remedial works required are too expensive and / or not practicable, given the circumstances of the case to undertake. This action will result in the all or part of the property being subject to restrictions / prohibition with immediate effect. The Council will actively support individuals, whose home is subject to an Emergency Prohibition Order, in their application for re-housing.

Making a Demolition Order under section 265 ([Housing Act 1985 as amended by section 46 Housing Act 2004](#))

- XXI. The making of a Demolition Order would only be considered in the most serious of situations and only when out of all other possible enforcement options available is considered to be the most appropriate. For a Demolition Order to be appropriate most of the following factors would need to be met:
- at least 1 serious category 1 hazard;
 - if the property is not a detached property and there is no building line separating it from other properties, then it must be possible to make adjacent properties stable and weather-proof;
 - the property is located in a potentially unsustainable area, due to such factors as very low housing demand, high crime and anti-social behaviour;
 - the costs of repairing the property far exceed the value of the property, even after the works have been undertaken;
 - the property is having a significant negative impact on the amenity of the local area;
 - the property is not listed or of other historical interest.

Declaring a Clearance Area under section 289 ([Housing Act 1985 as amended by section 47 Housing Act 2004](#))

- XXII. The designation of a Clearance Area would only be considered if the area in question met similar criteria to those required for the making of a Demolition Order. The exception being that in the making of a Clearance Area, the Council would be seeking to acquire the land for the following reasons:
- re-development by the Council;
 - sale of the land for re-development by a private company;
 - following the making of a Clearance Area, the Council will seek a compulsory purchase order or voluntary acquisition.

Other formal enforcement powers

- XXIII. There are a number of other pieces of legislation for which the Council has delegated authority to implement, to enforce necessary works to be undertaken. Whether or not the Council chooses to use these powers will be determined by assessing the individual circumstances of the case. These powers include:
- [Public Health Act 1936](#),
 - [Prevention of Damage by Pests Act 1949](#)
 - [Local Government \(Miscellaneous Provisions\) Act 1976](#)
 - [Protection of Eviction Act 1977](#)
 - [South Yorkshire Act 1980](#)
 - [Local Government \(Miscellaneous Provisions\) Act 1982](#)
 - [Building Act 1984](#)
 - [Housing Act 1985](#)
 - [Environmental Protection Act 1990](#)
 - [Deregulation Act 2015](#)
 - [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)
 - [Electrical Safety Standards in the Private Rented Sector \(England\) 2020](#)

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

- XXIV. Under the above regulations the Council has the power to enforce the requirement for privately rented residential premises to have the necessary smoke alarms and carbon monoxide alarms.
- XXV. Where following a notification from the Council, a landlord fails to comply, the Council has the powers to install the necessary alarms and serve financial penalties for failing to comply with the requirements of these regulations.
- XXVI. For a more detailed explanation as to how the Council enact the powers under these regulations, then reference should be made to [Appendix 3](#) to this policy.

13. Power to Charge for Enforcement Notices

- I. Under the Housing Act²⁷, the Council has the power to make a reasonable charge to recover certain administrative and other associated expenses, which have been reasonably incurred during the undertaking of certain enforcement action, such as serving an Improvement Notice, making a Prohibition Order, serving a Hazard Awareness Notice, taking emergency Remedial Action and making an Emergency Prohibition Order
- II. These costs will include:
- the full costs of all officer's time, including overheads, time spent gaining entry to the premises, visiting and inspecting the premises to determine the appropriate course of action and the preparation and service of the notices or making of the orders;
 - the costs incurred when enlisting the services of qualified specialists, or other such contractors;
 - the costs incurred preparing any expert reports, as necessary;
 - the costs incurred applying and obtaining a warrant of entry, if applicable.
- III. When the charge demand becomes operative, the sum recoverable is, until recovered, a charge on the premises concerned. The charge takes effect at that time as a legal charge which is a Local Land Charge.
- IV. The Council will vigorously pursue all debts owed. In some cases, we may force the sale of a property to recover our costs. We will only do so if we have the power to and it is reasonable and proportionate to do so in the circumstances of that case.
- V. Should a person, upon whom a charge demand is served, undertake the necessary works required, within the timeframes specified, the Council may revoke the charge demand notice and waver the debt. This will be determined on a case-by-case basis

14. Undertaking Works in Default

- I. When there is a failure to fully comply with the requirements of a statutory notice that requires works to be carried out, then the Council is afforded powers under the Housing Act 2004²⁸ and other legislation to carry out works in in the owner's default.
- II. If a Notice has not been complied with the Council will consider whether works in default are appropriate. The Council is not obliged to carry out works and reserves the right not to do so where:
 - the cost of the works is likely to be very high;
 - where it would be very difficult or impractical to carry out works in default;
 - there are likely to be difficulties in recovering the costs;
 - Any other circumstances where the Council deems that it would not be appropriate to undertake the works in default.
- III. In most circumstances, where the Council has decided that carrying out works in default is appropriate, a notice of the Council's intention to carry out works in default, will be given to the relevant parties.
- IV. Once the work has started it is an offence to obstruct the Council or any of its contractors that have been employed to carry out the works²⁹.
- V. The cost incurred by the Council in carrying out the works will be recovered in accordance with the relevant statutory provisions.
- VI. It should be noted that carrying out works in default does not prevent the Council from undertaking further enforcement activities such as undertaking [prosecution](#) proceedings or the service of [financial penalties](#), which may also be appropriate.

15. Powers to Require Documents or Information to be Provided

- I. The Council has powers to require certain information and documentation to be provided, under section 235 of the Housing Act 2004 and section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- II. Failure to comply with formal requests for information under the specified legislation above is a criminal offence and enforcement action can be taken, such as a [prosecution](#).
- III. The Council also has powers under section 237 of the Housing Act 2004 to use information obtained by the Council from Housing Benefit and Council Tax information to carry out its functions or investigate the commission of an offence in relation to Parts 1-4 of the same Act.

16. Empty Properties

- I. The Council systematically identifies long term empty properties and will work with the owner to them bring back into use.
- II. This action will be tailored to match housing need, nuisance issues and length of time the property has been empty.
- III. Where necessary, we will take appropriate enforcement action to deal with the symptoms that arise when a property is left empty.

28. Housing Act 2004, Section 31 & Schedule 3

29. Housing Act 2004, Section 241

- IV. The overall aim is to provide more accommodation of the type required in Sheffield. Therefore, we will take action on empty properties within a procedure that could ultimately lead to the use of Compulsory Purchase Orders³⁰ to bring a property into use.

17. Intervention where there is Harassment, Illegal Eviction and Poor Tenancy Management

- I. In Sheffield we have high expectations about the management of tenants and tenancies. We expect landlords and agents to behave in a professional and respectful way towards their tenants.
- II. If a resident claims that they have been made to leave without the proper legal procedures being followed, so as to give reason to suspect that an offence may have been committed under the Protection from Eviction Act 1977, then we will investigate with a view to:
- informing the resident of their rights and where appropriate
 - [prosecuting](#) offences where there is enough evidence for there to be a reasonable prospect of conviction and where it is in the [public interest](#) to do so.
- III. We take offences under the Protection from Eviction Act very seriously as we have a strong commitment to:
- protecting the interests of vulnerable people
 - promoting respect for the individual's home
 - preventing homelessness
 - promoting the health and well-being of people living in private rented accommodation.

Other than in exceptional circumstances, there will usually therefore be a strong public interest in prosecuting these offences.

- IV. We will:
- ensure information is available to landlords to make them aware of the relevant legal provisions for getting an occupier to leave where appropriate;
 - respond promptly to complaints relating to offences under the Protection from Eviction Act or where there is particular reason to suspect that an offence may be committed in the future.
 - Where we seek to prevent an offence from taking place, we may contact a landlord to make them aware of the relevant law. We will usually seek the occupier's agreement to do this, but where this cannot be obtained, it may be necessary to contact the landlord without this agreement where the commission of an offence appears imminent.
- V. We will liaise with our colleagues in the department that deals with homelessness and advising about housing options to assess all cases where private rented tenants have been asked to leave, in order to ensure that occupiers are aware of their rights and to make sure we identify any illegal or poor management practices in private rented properties.

18. Additional Enforcement Powers introduced by Renters Reform Act

- I. The additional enforcement powers and duties given to local authorities when the Renters Reform Act is enacted (This is anticipated to be in October 2024), will be utilised in accordance with the principles and priorities set out elsewhere in this policy, in order to protect tenants' rights and ensure that landlords and agents are meeting their legal obligations and managing their properties lawfully.
- II. In utilising these powers, all due regard will be had to government guidance relating to the powers.

19. Requirement for Lettings and Property Management Agents to belong in a Redress Scheme etc.

- I. [The Redress Scheme for Lettings Agency Work and Property Management \(Requirement to Belong to a Redress Scheme etc.\) \(England\) Order 2014](#) came into force on the 1st October 2014.³¹
- II. Details as to how the Council enforces this order are contained within [Appendix 4](#) to this policy.

20. Other landlord and tenant offences

- I. The Landlord and Tenant Acts 1985 and 1987, the Rent Act 1977 and Housing Act 1988 set out other offences relating to the rights of tenants, most relating to tenants' rights to information about their tenancy or their landlord.
- II. Where complaints are made to Private Housing Standards, they will be recorded and in most circumstances, contact will be made with the landlord or agent to remind them of their responsibilities. Consideration will also be given to the prosecution of these offences but it may not be possible to prosecute every offence, due to financial constraints. Where it is considered that there is sufficient evidence to prosecute, in relation to these offences and there are sufficient resources available, consideration will be given to factors such as:
 - the suspect's response co-operation with Private Housing Standards and evidence of contrition;
 - any mitigating factors which have been raised;
 - whether previous similar complaints have been received;
 - whether previous warnings have been issued;
 - whether previous complaints have been received regarding other aspects of tenancy management;
 - any aggravating factors;
 - whether information to which a tenant is entitled has been provided, albeit outside the required timescale;
 - any attempts to comply;

- whether the tenant is resident in the property about which the complaint relates?
- whether the tenant is resident in Sheffield.

This is not an exhaustive list and consideration may be given to other factors relevant to the particular case.

21. Simple Cautions

- I. A simple caution is a formal warning which is given to a person aged over 18 years old, who admits the commission of an offence.
- II. This type of action is usually a means to deal with less serious, mainly first-time types of offending, where we have decided not to prosecute or issue a financial penalty on the basis of factors described elsewhere in this policy.
- III. For the Council to offer a simple caution for an offence, there must first be sufficient evidence to prove the commission of the offence beyond reasonable doubt (the criminal standard of proof) if the offence were to be prosecuted through the courts. In assessing this, the Council can take account of any clear and reliable verbal or written admissions by the offender to committing the offence being considered.
- IV. A caution can only be offered in cases where the offender has made an admission of guilt in relation to an offence(s) and this has been recorded. An offender would also need to formally accept the conditions set out in the caution by signing the caution form. Those offenders who are offered a caution and do not accept this will usually be prosecuted or a financial penalty imposed.
- V. Whether an offender will be offered a simple caution is a matter for the Council to consider, on a case-by-case basis, having considered all the facts and circumstances of the offence in relation to this intervention and enforcement policy.
- VI. A simple caution may be cited in later court proceedings and the Council may use this information to influence decisions going forward in relation to enforcement action and/or licence applications.
- VII. Consideration of offering a simple caution will be initially considered by the investigating officer and a manager. Advice and guidance may be sought from the Council's Legal Services.

22. Prosecution Proceedings

- I. When determining whether or not to undertake prosecution proceedings, the Council must be satisfied of the following:
 - there is sufficient admissible and reliable evidence that an offence has been committed.
 - the offender is an identifiable individual(s) or company.
 - That there is a realistic prospect of conviction.
- II. In determining whether there is sufficient evidence to secure a conviction, the Council will have consideration of the 'Crown Prosecution Service Code for Crown Prosecutors'³²

Evidential Test

- III. In accordance with this Policy, the Council will carry out an objective assessment of the evidence, including the impact of any defence and any other information that the offender has put forward or on which he or she might rely.
- IV. The Council will only prosecute where it is satisfied that the required burden of proof has been met and that an objective, impartial and reasonable bench of magistrates, or a judge hearing the case alone, properly directed and acting in accordance with the law, would be sure that the individual(s) or company is guilty of the offence alleged.
- V. When determining if there is a realistic prospect of conviction, the Council will have regard to the following factors:
 - whether there is enough evidence to prove each element which makes up an offence (points to prove);
 - whether the offender can make out any statutory defence or is likely to have a reasonable excuse to put before the court;
 - whether the evidence is admissible in court and the importance of that evidence to the case as a whole, for example evidence which might be excluded because it breaches the rules of hearsay;
 - whether there is evidence to suggest a witnesses' background, credibility, age, intelligence or level of understanding is likely to weaken the Council's case in relation to the accuracy or the integrity, for example does the witness have a motive that may affect their attitude to the case, or relevant previous conviction?
- VI. Evidence will not be ignored because the Council is not sure that it can be used or that it may be unreliable; however, it should be closely considered when assessing whether there is a realistic prospect of conviction.

32. <https://www.cps.gov.uk/publications/code>

Public Interest Test

- VII. In every case where there is sufficient evidence to meet the evidential test outlined above, the Council must then go on to consider whether a prosecution is in the public interest.
- VIII. When considering the public interest test we will have particular regard to the Council's aims and objectives, especially those to do with promoting health, safety and well-being.
- IX. The more serious the offence is, in relation to the Court's sentencing powers for the offence, then the more likely it is that a prosecution will be appropriate, but we may also choose to prosecute less serious offences where we consider that it helps achieve the strategic goals of the Council or the aims and values set out elsewhere in this policy.
- X. We may also take account of the offender's culpability in terms of such factors as any vulnerabilities they may have, and evidence of previous offending or poor management.
- XI. Where a financial penalty is provided for as well as a criminal prosecution, we will have regard to the considerations in Appendix 1 in deciding whether to prosecute or issue a financial penalty.
- XII. The Council will also have regard as to whether the offender has had financial penalties imposed on them previously, which they have not paid, resulting in County Court action.
- XIII. In deciding whether it is in the public interest to prosecute a case we will also have regard to any relevant and appropriate guidance.
- XIV. The Council acknowledge that media reporting of convictions of criminal offences acts as a deterrent to others, and has the potential for reducing offending, deterring rogue landlords and improving the management and safety standards of private rented housing. To this strategic end, where we consider it appropriate, we will inform local, and where relevant national, media, of enforcement action taken within this policy.
- XV. We will encourage and assist media representation at court hearings and actively publicise convictions where we consider it may deter similar behaviour or offences from being committed.

23. Financial Penalties

- I. The Council has the power to impose financial penalties in respect of certain specified housing offences, for up to £30,000 per offence.³³ Our detailed policy in relation to financial penalties can be found as [Appendix 1](#) to this policy.
- II. The same standard of criminal proof is required for a financial penalty as for a prosecution. This means the evidence should indicate beyond reasonable doubt that an offence has been committed.
- III. The Council will consider the imposition of a financial penalty as an available enforcement option, where they can be legally imposed for an offence.
- IV. Offences will be assessed on a case-by-case basis to determine if the imposition of a financial penalty is the most appropriate course of action for the offence, as opposed to the issuing of a simple caution or the instigation of prosecution proceedings.
- V. Any decision to impose a financial penalty will be fully considered at a case conference attended by the appropriate authorised officers. In addition to this advice and guidance may be sought from the Council's Legal Services.
- VI. In deciding the level of financial penalty that will be applied in relation to each offence, the Council will have regard to [Appendix 1](#) of this Policy, using the calculation matrix to determine the financial penalty.
- VII. The Council will also have regard to the statutory guidance³⁴ and overall will ensure that the financial penalty imposed removes any financial benefit the offender may have obtained by the commission of the offence. The guiding principle will be to ensure that the offender does not benefit as a result of committing the offence, for example, it should not be cheaper to offend than ensure that a property is well maintained and properly managed.
- VIII. A financial penalty is a significant matter. The sanction, as well as imposing a financial penalty, highlights a failure to comply with the relevant legislation and is a matter the Council may have regard to when deciding whether to instigate criminal proceedings in future cases.
- IX. In addition, we may also have regard to the imposition of a financial penalty when deciding whether a person is a [fit and proper person](#), and a competent person for the purposes of awarding a licence under the Housing Act 2004 or any other scheme where the relevant person is required to be a fit and proper person and where the suitability of management arrangements must be considered.

33.

34.

Guidance for Local Authorities (issued April 2017)

Housing Act 2004, Section 249A

Civil Penalties under the Housing and Planning Act 2016-

24. Banning Orders

- I. The Housing and Planning Act 2016³⁵ provides for Councils in England to apply for a Banning Order against a person who has been convicted of a Banning Order offence.
- II. The application is to the First-Tier Residential Property Tribunal, who will decide, based on the evidence of the case whether to grant a Banning Order.
- III. We will pursue a Banning Order for the most serious offenders and the decision will be made on a case-by-case basis with regard to the more detailed policy at [Appendix 2](#):

25. Complaints about our service

- I. We are committed to providing an excellent service. But we understand that sometimes things may not go to plan. If someone is dissatisfied by how we have dealt with their case, they should contact us straight away.
- II. Our aim is to listen to their concerns and resolve the issue, as soon as possible. We aim to put things right informally.
- III. However, if we cannot do that, a complaint may be made and considered under [Sheffield City Council's corporate complaint procedure](#).

26. Publicity

- I. We acknowledge that media reporting of convictions of criminal offences acts as a deterrent to others, and has the potential for reducing offending, deterring rogue landlords and improving the management and safety standards of private rented housing. To this strategic end, where we consider it appropriate, we will inform local, and where relevant national, media, of enforcement action taken within this policy.
- II. We will encourage and assist media representation at court hearings and actively publicise convictions where we consider it may deter similar behaviour or offences from being committed.

27. Policy Review

- I. This policy will be kept under review and may be the subject of revision. This ensures that it continues to be effective and relevant in line with changes in legislation, Government statutory guidance and Council Policy.

28. How to contact us

- I. We encourage people to get in touch with us. If you have any questions about our work, or about this policy, you can contact us in the following ways:
 - By post at: Private Housing Standards, Solpro Business Park, Floor 2, Windsor Street, Sheffield, S4 7WB
 - By telephone: 0114 273 4680
 - By e-mail: phs@sheffield.gov.uk

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PART A - Initial Impact Assessment

Proposal Name:	Private Housing Standards Intervention and Enforcement Policy Review
EIA ID:	2418
EIA Author:	Alun Whitaker (NCC)

Proposal Outline:	<p>The changes to how the department will operate are detailed below: The first form of action taken by the department's officers when faced with significant hazards in privately rented residential properties would be formal enforcement action, via the service of legal notices and orders, as opposed to an informal letter. This will result in health and safety issues identified in property being remedied faster and tougher sanctions being imposed on those landlords who flout their legal obligations. The Council has the power to recover costs, reasonably incurred through the taking of formal enforcement action, from the individual upon whom the action has been taken against, and has previously done this on all occasions. The Council will now only seek to recover those cost from individuals who fail to comply with the requirements of the notice / order within the timescales specified. This will result in their being no detrimental impact on persons who comply with their legal requirements and seek to punish those who do not. Currently where properties are required to have a licence, whether through mandatory, discretionary or selective licensing schemes, the department will issue a 5-year licence. Now the intention is to issue reduced term licenses for properties, that have been found to be operating without a licence or where the proposed licence holder has a history of failing to comply with their legal obligations under the applicable housing or landlord and tenant law.</p>
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Proposal Type:	Non-Budget
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Year Of Proposal:	23/24
Lead Director for proposal:	Alun Whitaker (NCC)
Service Area:	Place
EIA Start Date:	24/10/2023
Lead Equality Objective:	Understanding Communities

Equality Lead Officer: Louise Nunn

Decision Type

Committees: Policy Committees
 Housing

Portfolio

Primary Portfolio:

EIA is cross portfolio:	No
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EIA is joint with another organisation: No

Overview of Impact

Overview Summery: The proposed changes to the Intervention and Enforcement Policy will result in a positive impact on all protected characteristic groups. This is due to the fact that it will result in a swifter and more enforcement driven approach to ensuring the private rented housing stock in Sheffield is made safer for all occupiers of residential properties. In doing this the Council will also likely be increasing the number of sanctions imposed, whether by criminal prosecution or the imposition of financial penalties, on

landlords who contravene their legal obligations. This will also likely, in the medium to long term, lead to a change in approach and a general improvement to the private rented housing stock and those who own, manage and let them.

Impacted characteristics:

Consultation and other engagement

Is consultation or other engagement required: No

There is no legal obligation to consult on these proposals, and advice on this matter has been sought and provided by Legal Services. However, we have already consulted with members within the department who will be undertaking the changes. We have arranged to deliver our proposals to a National Residential Landlord Association regional meeting on the 7th November 2023. We are in the process of setting up a page on the 'Have Your Say' tab on Sheffield City Council's website, which will explain our proposed changes and encourage members of the public to provide their feedback.

Cumulative Impact

Does the proposal have a cumulative impact: Yes

Impact areas: Year on Year

Initial Sign-Off

Full impact assessment required: No

Review Date: 24/10/2023

Action Plan & Supporting Evidence

Outline of action plan:

Action plan evidence:

**Changes made as a result of
action plan:**

Mitigation

**Significant risk after
mitigation measures:**

Outline of impact and risks:

Review Date

Review Date: 24/10/2023



Report to Policy Committee

Author/Lead Officer of Report:

Laura Costa

**Commissioning and Partnerships Service
Manager**

Tel: 0114 293 0368

Report of: Director of Housing Janet Sharpe

Report to: Housing Policy Committee

Date of Decision: 21st March 2024

Subject: Rough Sleeping Programme- Extension of Health Interventions – Grant funding to Primary Care Sheffield

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 2631				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>				

Purpose of Report:

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.

Recommendations:

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.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

[Finance Sub-Committee Report, 07/11/2022 14:00](#)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Helen Damon
		Legal: Richard Marik
		Equalities & Consultation: Ed Sexton
		Climate: N/A
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	Executive Director- as per initial report in 2022
3	Committee Chair consulted:	Councillor Bryan Lodge- as per initial report in 2022
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Laura Costa	Job Title: Commissioning and Partnerships Service Manager
	Date: 21st March 2024	

1. PROPOSAL

- 1.1 The proposal is to approve spending of £77,563 from the Rough Sleeper Programme Grant. This allocation will come from the 2023/2024 grant budget and will be paid by the Council to Primary Care Sheffield to enable Primary Care Sheffield to continue providing the NHS Nurse Post and deliver outreach healthcare and treatment services to people rough sleeping in Sheffield for a further 12 months until July 2025.
- 1.2 The current NHS Nurse Post is provided by Primary Care Sheffield under a grant agreement and there is no funding currently allocated to fund the outreach healthcare and treatment service beyond this arrangement.
- 1.3 Research and Government policy, including those detailed in section 2 below, and feedback regarding the current service, inform us that extending the funding of the NHS Nurse post, will improve access to health services, address health inequalities and support positive outcomes for people sleeping rough.

1.4 Background

- 1.4.1 The Rough Sleeper Initiative grant was allocated to the Council by DLUHC in 2022, following a successful bid to fund the Rough Sleeper Programme. The purpose of this programme is to provide resources and support to people sleeping rough, or at risk of sleeping rough, in line with the Governments Ending Rough Sleeping Strategy. The Council commission and work in partnership with a variety of services to deliver the programme. This includes Health Services, Framework Housing Association, Roundabout Homeless Charity and the Department for Work and Pensions.
- 1.4.2 The grant, of £4,259,194, was awarded to fund the Rough Sleeper Initiative 5 programme for a 3-year period (April 2022 – March 2025). The original allocation of £4,259,194 allows the Council to plan for a long-term strategic approach to end rough sleeping. The project focuses on prevention, intervention, and recovery work, alongside improved joined-up systems, and was allocated as below:

Year 1 (2022-2023)	Year 2 (2023-2024)	Year 3 (2024-2025)	TOTAL (2022-2025)
£1,476,626	£1,413,900	£1,368,668	£4,259,194

- 1.4.3 This was agreed by the Finance Sub-committee on Monday 7th November 2022. The grant is ringfenced for delivery of the Rough Sleeping Initiative programme, with the aim to intervene in, prevent or reduce Rough Sleeping from 2022-2025. The grant allows for a continuation of already successful initiatives, such as the Council's Rough Sleeper Initiative team, the innovative Housing First team and a range of accommodation options for people who have slept rough. It also allows for an expansion of multi-agency work with colleagues in external

agencies such as Salvation Army, Roundabout Homeless charity, NHS colleagues, and the Department for Work and Pensions. Services provided include employment support, flexible surge accommodation, outreach and in-reach and health interventions.

1.4.4 An additional uplift to the 2022-2025 grant was awarded by DLUHC in September 2023 in the sum of £429,000. The initial Rough Sleeper Programme terms and conditions for spending and delivery applies to the uplift.

1.5 **Proposed grant funding to Primary Care Sheffield**

1.5.1 An underspend of the 2023-2024 grant is forecasted for approximately £240,228. The underspend is predominantly due to problems encountered in recruiting additional staffing resources, which has now been resolved. However, Sheffield City Council are required to submit a proposal to DLUHC to advise of how underspend can be repurposed to fund activity in line with the Rough Sleeper Programme. The proposal to repurpose funding for £240,228 was approved by DLUHC in February 2024. This includes the proposal to use £77,563 to fund the NHS Nurse post. for a further 12 months until July 2025.

1.5.2 The 2023-2024 grant budget must be spent by the end of March 2024. Failure to do so will result in the loss of unspent grant, in line with the grant terms and conditions. This will subsequently result in the loss of services, to the detriment of the Rough Sleeper cohort in Sheffield. Should the proposal be refused, it is highly likely that there will be a grant loss of £77,563.

1.5.3 The Council is not legally obliged to commission activity from the grant income, however in doing so it supports the delivery of the Rough Sleeper Programme and enabling a range of specialist provision to people rough sleeping.

1.5.4 It is therefore proposed that the Council pay £77,563 of the Rough Sleeping Initiative Grant in the form of grant funding to Primary Care Sheffield to continue the NHS Nurse post and provide street outreach treatment and healthcare services to people rough sleeping in Sheffield for a further 12 months. This will contribute to the Government's vision and the Council's commitment to end Rough Sleeping in line with the Sheffield Homelessness Prevention and Rough Sleeping Strategy 2023-28.

1.5.5 Subject to the approval of this proposal, the Council will enter into a grant agreement with Primary Care Sheffield to govern the grant funding arrangements.

2. **HOW DOES THIS DECISION CONTRIBUTE ?**

2.1 The proposal will have a positive impact for our customers and the city, and will contribute to the ambitions of the city, within the one-year delivery plan, in the following ways:

2.2 **Communities and Neighbourhoods and Education, health and care**

2.2.1 The NHS Nurse will help to support our local communities and neighbourhoods by supporting this very vulnerable group of people with access to healthcare, helping to reduce health inequalities and enhance health and wellbeing for people who sleep rough in Sheffield.

2.3 **Climate change, economy and development**

2.3.1 The NHS Nurse role is outreach based, largely on foot with little, or close to zero carbon contribution. In the absence of the role, it is likely that rough sleepers will attend emergency services, including Accident and Emergency departments in hospitals, and are more likely to be admitted to hospitals as medical conditions progress. This will not only create an additional draw on the resources in the city, but it would also increase the carbon emissions associated with treatment and attending follow up appointments. The role therefore aids the ambition to be a net zero carbon city by 2030.

2.3.2 The role also creates employment for a skilled worker in the city, which would not occur in the absence of the proposed funding. No alternative funding is available for the role.

2.3.3 Impacts of funding of the NHS Nurse on the city's Rough Sleeping cohort are expanded on below:

2.4 **Rough Sleeping Engagement**

2.4.1 The NHS Nurse post is a valuable starting point of engagement for many Rough Sleepers, who can have a distrust of any form of establishment. The NHS Nurse will engage with people Sleeping Rough in a place and environment where they feel more comfortable, on the streets and at community outreach centres, such as The Archer Project, and Ben's Centre. Feedback from the current service informs us that interacting with and receiving healthcare in this less formal environment promotes trust, encourages openness, and creates conduits to engagement and other essential rough sleeping services.

2.5 **Access to Health Care**

2.5.1 Research confirms that "Access to health care for this population is different to that of the general population, with one-third of people who

experience rough sleeping not being registered with a GP. Those who are registered may choose not to access the service.”¹ and “People who sleep rough face a range of barriers to accessing health and care, so services need to reach out proactively to find and engage them.”² Providing access to immediate care needs and signposting to specialist healthcare services will be a key element of the NHS Nurse’s street outreach treatment service, which is tailored to the needs of these vulnerable customers.

2.5.2 The NHS Nurse will provide invaluable access to basic physical health treatment and advice for some of the most vulnerable citizens of Sheffield, who often suffer multiple disadvantages, including mental and physical disabilities, substance abuse and domestic violence. Rough Sleepers often lack the organisational and prioritisation skills, as well as the self-awareness to manage their own health needs via traditional primary care pathways. The NHS Nurse will engage with people Sleeping Rough, on outreach, across the city centre to conduct basic health screening and minor illness / injury management, assist with the citywide GP registration for people Rough Sleeping and advise and signpost to harm reduction and other healthcare services.

2.6 Healthcare Outcomes and Homelessness

2.6.1 People who Sleep Rough experience some of the most severe health inequalities and report much poorer health than the general population. Many have co-occurring mental ill health and substance misuse needs, physical health needs, and have experienced significant trauma in their lives. The DLUHC strategy document, Ending Rough Sleeping for Good³, focuses on prevention, intervention, and recovery as core strategies to tackle Rough Sleeping. The link between meeting healthcare needs and reducing homelessness is also noted by the Local Government Association, “Where good practices are introduced though it makes a difference. People on the streets are being engaged and given vital treatment and care, which in turn is helping them transform their lives and get off the streets. If Rough Sleeping is going to be eradicated, addressing basic health needs will be an essential part of that.”⁴ By creating customer focused access to basic health services and facilitating routes to more specialised health services, the NHS Nurse’s Street outreach treatment service will help to reduce inequalities for this very

¹ Guidance - Health matters: rough sleeping, Public Health England, Updated 11 February 2020.

² Delivering health and care for people who sleep rough, Cream et al, February 2020.

³ Ending Rough Sleeping For Good, Department of Levelling Up Housing and Communities, September 2022.

⁴ Supporting the health needs of those who are experiencing rough sleeping, Local Government Association,

vulnerable group of people and contribute to improving rough sleeper's homelessness outcomes.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 The Council is not required to consult on this funding and spending proposal, but through good relationships with providers across the city and our internal teams, we understand the challenges that people Sleeping Rough experience. From this insight and feedback, we can confidently propose spend for this provision. The proposal has been discussed and approved by the DLUHC specialist Rough Sleeping adviser as being in line with the purposes of the grant.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

4.1.1 There are no direct equality impacts on any protected groups with protected characteristics. Improving services and outcomes for people who are Rough Sleeping will positively impact on people with mental and physical health concerns and disabilities.

4.2 Financial and Commercial Implications

4.2.1 The 2023-2024 grant allocation must be spent by the end of March 2024. Failure to do so will result in the loss of unspent grant, in line with the grant terms and conditions and the grant returned to DLUHC.

4.2.2 An underspend of the 2023-2024 grant was forecasted totalling around £240,228. The underspend is mainly due to problems encountered in recruiting additional staffing resources, which have now been resolved.

4.2.3 Sheffield City Council have submitted a proposal to DLUHC to advise of how this underspend can be repurposed to fund activity in line with the Rough Sleeper Programme. The proposal to repurpose funding for £240,228 was approved by DLUHC in February 2024.

4.2.4 The agreed repurposing proposal included using £77,563 to fund the NHS Nurse post. for a further 12 months until July 2025. It is therefore proposed that the Council pay £77,563 of the Rough Sleeping Initiative Grant, in the form of grant funding, to Primary Care Sheffield to continue the NHS Nurse post and provide street outreach treatment and healthcare services to people rough sleeping in Sheffield for a further 12 months.

4.2.5 Should the proposal not be agreed, it is highly likely that there will be a

grant loss of £77,563 for 2023/24 and the grant clawed back by DLUHC.

4.2.6 Subject to the approval of this proposal, the Council will enter into a grant agreement with Primary Care Sheffield to govern the grant funding arrangements.

4.2.7 The remaining underspend on the 2023/24 grant will be spent as agreed with DLUHC, in the repurposing proposal by the end of the financial year, on internal resources within the Council and will reduce the risk of grant clawback.

4.3 **Legal Implications**

4.3.1 The Council has a variety of powers and duties under the Housing Act 1996 to address, prevent and relieve homelessness in the City. Under the Care Act 2014 the Council also has a duty to:

- promote the individual wellbeing of its constituents;
- provide or arrange for the provision of services, facilities or resources, or take other steps to prevent needs for care and support;
- promote integration of care and support with health services.

4.3.2 The Council has a general power under Section 1 of the Localism Act 2011 to do anything that an individual may generally do provided it is not prohibited by other legislation and the power is exercised in accordance with the limitations specified in the Act which enables the Council to allocate the grant funding as set out in this report via grant agreements.

4.3.3 The Council also has the power under s111 Local Government Act 1972 to pay the grant funding where it is calculated to facilitate, or is conducive or incidental to, the discharge of any of its duties above.

4.3.4 There are no subsidy control implications arising from the expenditure of grant funding to the recipient in this report – there is no “economic activity” for the purposes of the Subsidy Control Act 2022.

4.3.5 The Council must ensure that it enters into back-to-back arrangements with the recipient to ensure that its acts or omissions do not put the Council in breach of its grant agreement with DLUHC.

4.4 **Climate Implications**

4.4.1 N/A other than as detailed at paragraph 2.3.1

4.4 **Other Implications**

4.4.1 N/A

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 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.
- 5.2 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.

6. REASONS FOR RECOMMENDATIONS

- 6.1 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.
- 6.2 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.

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Appendix 1

Report to Finance Sub Committee – November 2022

Finance Sub-Committee

Monday 7 November 2022 at 2.00 pm

To be held in the Town Hall,
Pinstone Street, Sheffield, S1 2HH

The Press and Public are Welcome to Attend

Membership

Councillor Bryan Lodge
Councillor Zahira Naz
Councillor Mike Levery
Councillor Maroof Raouf
Councillor Mike Chaplin
Councillor Marianne Elliot
Councillor Mary Lea
Councillor Shaffaq Mohammed
Councillor Joe Otten



Agenda Item 10



Report to Finance Sub-Committee

Author/Lead Officer of Report:

Suzanne Allen, Head of Citywide Housing Services

Tel: 0114 2734326

Report of: Janet Sharpe, Director of Housing Services
Report to: Finance Sub Committee
Date of Decision: 10/11/2022
Subject: Rough sleeper Initiative Programme 5

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given?	No	1280		
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken? <small>Not required please see comments 4.4</small>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."

Purpose of Report:

The purpose of this report sets out a proposal to accept the funding for the Rough Sleeper Initiative 5 Programme which will allow the Council to progress and build on the current Rough Sleeper Initiatives programme of works and to support the Government's aim to end rough sleeping.

A total of £4,259,194 has been awarded for the proposal for a 3-year period.

Recommendations:

1. That the Council accepts the grant funding of £4,259,194 from The Department of Levelling Up, Housing and Communities (DLUHC) for the Rough Sleeper Initiative Programme, as detailed and set out in this report, and in doing so agrees to be the Accountable Body for the funding.

Background Papers:

[Councils given further £200 million in next stage of successful rough sleeping programme - GOV.UK \(www.gov.uk\)](#)

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: <i>(Insert name of officer consulted)</i> Sonya Oates
	Legal: <i>(Insert name of officer consulted)</i> Henry Watmough-Cownie
	Equalities & Consultation: Louise Nunn
	Climate: <i>(Insert name of officer consulted)</i> Jessica Rick
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>
2	SLB member who approved submission: Executive Director Operational Services
3	Committee Chair consulted: Cllr Bryan Lodge
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	Lead Officer Name: Suzanne Allen
	Job Title: Head of Citywide Housing Services
	Date: October 2022

1. PROPOSAL

- 1.1 The proposal is to accept a 3-year grant funding plan totalling £4,259,194 from the Department of Levelling Up, Housing and Communities (DLUHC) Rough Sleeper Initiative Programme.

This funding has been allocated to ensure that people sleeping rough are helped off the streets and into safe accommodation, working towards an ultimate aim to end rough sleeping. This programme will be delivered by Sheffield City Council working in partnership with a number of external agencies. These include Health Services, Framework Housing Association, Roundabout Homeless Charity and the Department for Work and Pensions.

- 1.2 The Government has an aim to end rough sleeping and has published a Policy paper, setting out a cross-government strategy.
[Ending rough sleeping for good - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/ending-rough-sleeping-for-good)

As part of the overall strategy funding has been awarded to Sheffield City Council to deliver this work. The funding allows the Council to plan for a long-term strategic approach to end rough sleeping. The project will focus on prevention, intervention and recovery work, alongside improved joined-up systems.

The funding allows for a continuation of already successful initiatives such as the Council's Rough Sleeper Initiative team, the innovative Housing First team and a range of accommodation options for people who have slept rough. It also allows for an expansion of multi-agency work with colleagues in external agencies such as Salvation Army, Roundabout Homeless charity, NHS colleagues, and the Department for Work and Pensions. Further to this there will be a range of new initiatives that will focus on key areas of prevention and recovery.

- 1.3 Although the Council is not legally required to accept this funding, we strongly recommend that we continue to work towards the Governments vision to end rough sleeping. This funding will also allow the Council to continue its current Rough Sleeper Programme.

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 The funding proposal will have a positive impact for our customers and the city, and will contribute to the ambitions within the one-year plan in the following ways;

Communities and Neighbourhoods

The funding will help to support our local communities and neighbourhoods by supporting people with routes out of homelessness, helping to reduce inequalities for this very vulnerable group of people. The funding will increase emergency and temporary accommodation options for people who sleep rough in Sheffield.

Education, Health and Care

The funding will contribute to a range of Education, Health and Care aims by reducing exclusion and working in a trauma informed way with people who are street homeless. One of the aims in the plan is to 'Enable adults to live the life that they want to live' and this is at the heart of working with people sleeping rough to support them to find appropriate housing solutions and sustain them.

Our Housing First and Rough Sleeper Initiative teams work with customers to help them access health care services, and our funding includes partnership work with NHS services including dedicated health roles within the teams.

We are working with the Department for Work and Pensions, and other related services to enable people who have slept rough to link into training and employment opportunities in a way that is meaningful to their unique needs, goals and aspirations.

Climate Change, Economy and Development

The funding contributes to the plans aims for Sheffield to be a flourishing, sustainable and inclusive city economy by working with the city's most vulnerable citizens and helping them to become fully integrated with their communities. We will work to help people to find sustainable homes contributing to safe and attractive neighbourhoods. Our funding allows for linking customers to training and employment opportunities, so that people can be part of a successful city economy.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 The Council is not required to consult on this funding proposal, but as good practice, a small consultation exercise took place with external partner agencies to complete a self-assessment on our current Rough Sleeping Programme. This helped to inform the bid proposal that the Council submitted.
- The consultation was useful in highlighting the successes of our current rough sleeper programme, and the areas that will benefit from increased focus and funding.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 There are no direct equality impacts on any protected Characteristic groups.

4.2 Financial and Commercial Implications

- 4.2.1 The Rough Sleeping Initiative (RSI) grant 2022-25 is funded by the Department for Levelling Up, Housing and Communities (DLUHC) and is for up to £4,259,194 over three years. Key features of the grant terms and conditions (not exclusive) are highlighted below.

The grant is ringfenced for providing services Rough Sleeping Initiative services to intervene in, prevent or reduce rough sleeping in 2022/23 to 2024/25 as approved by DLUHC.

Funding has been agreed for the following services as set out in Annex A of the grant letter:

	Year 1	Year 2	Year 3	Total	Staff Funded 22/23	Staff Funded 23/24	Staff Funded 24/25
Sheffield City Council	£1,476,626	£1,413,900	£1,368,668	£4,259,194	29.00	27.00	26.00
Employment Support	£18,377	£42,134	£42,777	£103,288	1.00	1.00	1.00
Year-round Flexible Surge Accommodation	£323,591	£267,938	£238,564	£830,093	2.00	2.00	2.00
Health Interventions	£53,563	£0	£0	£53,563	1.00	0.00	0.00
Housing First	£484,816	£499,360	£514,343	£1,498,517	11.00	13.00	13.00
Non-UK National Support	£76,000	£76,000	£76,000	£228,000	0.00	0.00	0.00
Outreach and In-reach	£232,216	£232,216	£199,042	£663,474	7.00	7.00	6.00
Personalisation Fund & Assistive Technologies	£58,000	£308,000	£108,000	£274,000	0.00	0.00	0.00
Rapid Refousing	£82,934	£84,993	£86,285	£254,212	2.00	2.00	2.00
Strategic Leadership/Partnership Management and Coordination of Services	£148,129	£103,659	£103,659	£355,447	3.00	2.00	2.00

The year-round flexible surge accommodation funding from year 2 onwards is contingent on a review following the conclusion of the Local Authority's planned review of emergency accommodation. This is a potential reduction of £506,502 of the funding if not completed.

Any changes to the agreed services must be approved in writing by the funder.

The personalisation fund and assistive technologies funding is contingent on the review of plans and the impact of the intervention. This is a potential reduction of £216,000 of the funding.

RSI funding is governed on the principles of guidance issued in November 2021 and set out at Annex B of the grant letter.

Payment is to be made in six tranches; in Spring and Summer of 2022, 2023 and 2024. Any underspend declared from the 2021-22 tranche of funding (RSI4) will be deducted from tranche 1 of the 2022-23 fund. From tranche 2 onwards the amount of funding paid is dependent on delivery of services, engagement with monitoring processes as set out at Annex C of the grant letter, and a completed statement of expenditure.

The Chief Executive, Section 151 Officer or Chief Internal Auditor must sign and return a declaration in advance of tranche payments as per Annex D. condition 2 of the grant letter.

Where alternative funding is available that meets RSI outcomes, Local Authorities are expected to pursue these funding opportunities. DLUHC may review the RSI funding if more appropriate funding is available.

DLUHC may reduce, suspend, withhold or claw back RSI funding if any of the conditions

are not met.

All public sector procurement is governed by UK national law. In addition, all procurement in Sheffield City Council must comply with its own Procurement Policy, and Contracts Standing Orders.

The Project Manager will need to read, understand and comply with all of the grant terms and conditions and the [Code of Conduct for Grant Recipients](#).

4.3 [Legal Implications](#)

4.3.1

The grant is subject to conditions determined by DLUHC. The Council has a duty under Part VII of the Housing Act 1996 to ensure that advice and information about homelessness and the prevention of homelessness is available to persons in its district. Utilising the grant money for the purposes as described in this report will be in accordance with these powers and allow the Council to develop and expand existing support where gaps in current service provision have been identified.

The Homelessness Reduction Act 2017 imposes additional duties on local authorities to provide new homelessness services to a wider homeless group than those who are protected under existing legislation, including providing assistance and support to eligible people to help them to secure accommodation. The grant will assist the Council in meeting these statutory duties.

4.4 [Climate Implications](#)

4.4.1 For the purpose of this programme, we have consulted Jessica Rick (SCC Sustainability Programme Officer) and the Climate Change Team for guidance on how to deliver the Rough Sleeper Initiative Programme that will have the least impact on the climate.

Our top priority is to eliminate rough sleeping in Sheffield, but we will endeavour to deliver this service in an eco-friendly way. Sheffield City Council actively encourage officers to use public transport and walk wherever possible.

The programme will fund a variety of accommodation options, this could be hotel accommodation, private rented or use of existing council properties. We will work with accommodation providers to work towards our commitments that properties are insulated well, furnished with sustainable furniture, and that heating sources within the accommodation are highly efficient.

Sheffield City Council works in partnership with a number of external services as part of this funding programme, and we have consulted with them to determine their commitment to zero impact on the climate.

Health services have provided the Council with the following information:

" NHS South Yorkshire ICB have developed a sustainability and green plan with partners

and colleagues working in and with the NHS across South Yorkshire.

Our vision is: "To work with patients and partners to improve the health of our population and respond to the urgent threat of the climate crises by putting sustainability and net zero at the heart of everything we do and collaborating to deliver a greener and more sustainable NHS South Yorkshire".

Our Principles are:

- To prioritise and promote prevention of illness through increasing awareness of the health impacts of climate change
- To embed sustainability and net zero into everyday actions, business planning and decision making
- To implement changes to reduce the environmental impact of current models of care within the healthcare organisations
- To avoid unintended consequences or inequalities arising out of actions to promote sustainability"

Framework Housing Association have provided the Council with the following information:

Framework have actually just started the process of looking at our emissions and how green we are as a charity overall. Luckily, Sheffield being a city makes this much easier. I would say 80% of our role is done on foot so the majority of our job is green and a number of staff use either bikes/walk or public transport. I would also add if we need to get clients to appointments/housing we provide bus passes over taxis – again being green"

Roundabout Limited have provided the Council with the following information:

Roundabout are committed to reducing emissions and working to be environmentally friendly. We encourage our staff to use public transport, walk or cycle wherever possible and ensure the properties are appropriately insulated. We are actively working with the young people we support to not waste energy for example introducing booster buttons on boilers so heating systems are not left on and using automatic lights in our properties. We have also taken steps to buy more sustainable furniture reducing disposable waste.

4.4 Other Implications

4.4.1 N/A

5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 The alternative would be to not accept the funding. Without accepting the funding the programme would not be deliverable therefore this option has been discounted.

There are no other viable funding options from other agencies or from Council budgets. If the funding was not accepted it would mean that the council would need to cease the majority of targeted work with people who are rough sleeping or have previously been rough sleeping, and the risk of higher numbers of people sleeping

rough would be high.

The funding proposal allows the Council to continue its current work and expand further on this.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The preferred option is to accept the funding so that the Council can continue the current work and planned future work on the Rough Sleeper Initiative strategy.

The Housing Solutions service is well placed to accept and deliver the funding, as the existing teams are already in place to continue this work, and the service has the expertise to develop the future aims of the overall programme.

Rough sleeping is the most visible form of homelessness, and this cohort of customers in the city are the most vulnerable. Our Homelessness Prevention strategy lists 'tackling Rough Sleeping' as a key priority. The Council is committed to working towards an end to rough sleeping and this funding opportunity allows us to continue this work.

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PART A - Initial Impact Assessment

Proposal Name: Using RSI funds to extend NHS Nurse street outreach service

EIA ID: 2633

EIA Author: Barry Tickell

Proposal Outline: This assessment is to accompany a Committee Report requesting agreement to spend £77,563 of funding from the Rough Sleeper Initiative Programme to allow the Council to extend the NHS Nurse street outreach service provided by Primary Care Sheffield for a further 12 months. Sheffield City Council was awarded funds from the Department of Levelling-Up, Housing and Communities as part of the current Rough Sleeper Initiative's programme of works, supporting the Government's aim to end rough sleeping. An underspend of the 2023-2024 funds has occurred which must be re-appropriated and spent by the end of March 2024.

Proposal Type: Budget

Entered on QTier: Yes

QTier Ref: # 00140586490208490000

Year Of Proposal: 23/24

Lead Director for proposal: Janet Sharpe (HSG)

Service Area: Housing Services

EIA Start Date: 2/28/2024

Lead Equality Objective: Page 155 **Link to cycle and improve life chances**

Equality Lead Officer:

Ed Sexton

Decision Type

Committees:

Policy Committees

- Housing

Portfolio

Primary Portfolio:

Neighbourhood Services

EIA is cross portfolio:

No

EIA is joint with another organisation:

No

Overview of Impact

Overview Summary:

If the proposal is accepted, there are no direct equality impacts on any protected groups with protected characteristics. Acceptance of the proposal will continue to improve services and outcomes for people who are rough sleeping will positively impact on people with mental and physical health concerns and disabilities. It will advance equality of opportunity to access health care and services for rough sleepers, who often find access to care via traditional routes more challenging. It will also foster good relations between these vulnerable people and public services. Rejection of the proposal will mean that the above benefits will not be realised as the Street Outreach Nurse service funding will cease and the service will cease along with the funding.

Impacted characteristics:

- Health

Consultation and other engagement

Cumulative Impact

Does the proposal have a cumulative impact: No

Impact areas:

Initial Sign-Off

Full impact assessment required: No

Review Date: 2/28/2024

Action Plan & Supporting Evidence

Outline of action plan:

Action plan evidence:

Changes made as a result of action plan:

Mitigation

Significant risk after mitigation measures:

Outline of impact and risks:

Review Date

Review Date:

2/28/2024



Report to Policy Committee

Author/Lead Officer of Report: Janet Sharpe,
Director of Housing Services

Tel: 0114 2735493

Report of: *Ajman Ali (Executive Director, Neighbourhood Services)*

Report to: *Housing Policy Committee*

Date of Decision: *21st March 2024*

Subject: *Consultation on the Competence and Conduct Standard*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input type="checkbox"/>
Insert EIA reference number and attach EIA		
Has appropriate consultation/engagement taken place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Purpose of Report:

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.

Recommendations:

That the Housing Policy Committee:

1. Provides feedback on the draft response attached at Appendix A.
2. Approves the consultation response for submission to government.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Appendix 1 – Proposed response to the government consultation on Competence and Conduct for social housing staff.

Lead Officer to complete:-									
1	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.</td> <td style="width: 50%; vertical-align: top;">Finance: <i>Helen Damon</i></td> </tr> <tr> <td></td> <td style="vertical-align: top;">Legal: Rebecca Lambert</td> </tr> <tr> <td></td> <td style="vertical-align: top;">Equalities & Consultation: <i>N/A</i></td> </tr> <tr> <td></td> <td style="vertical-align: top;">Climate: <i>N/A</i></td> </tr> </table>	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: <i>Helen Damon</i>		Legal: Rebecca Lambert		Equalities & Consultation: <i>N/A</i>		Climate: <i>N/A</i>
I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: <i>Helen Damon</i>								
	Legal: Rebecca Lambert								
	Equalities & Consultation: <i>N/A</i>								
	Climate: <i>N/A</i>								
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>								
2	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">SLB member who approved submission:</td> <td style="width: 50%;"><i>Ajman Ali</i></td> </tr> </table>	SLB member who approved submission:	<i>Ajman Ali</i>						
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3	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Committee Chair consulted:</td> <td style="width: 50%;"><i>Cllr Douglas Johnson</i></td> </tr> </table>	Committee Chair consulted:	<i>Cllr Douglas Johnson</i>						
Committee Chair consulted:	<i>Cllr Douglas Johnson</i>								
4	<table border="1" style="width: 100%;"> <tr> <td colspan="2">I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.</td> </tr> <tr> <td style="width: 50%;">Lead Officer Name: Janet Sharpe</td> <td style="width: 50%;">Job Title: Director of Housing Services</td> </tr> <tr> <td colspan="2">Date: 8th March 2024</td> </tr> </table>	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.		Lead Officer Name: Janet Sharpe	Job Title: Director of Housing Services	Date: 8 th March 2024			
I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.									
Lead Officer Name: Janet Sharpe	Job Title: Director of Housing Services								
Date: 8 th March 2024									

1. PROPOSAL

- 1.1 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.
- 1.2 This consultation ([Consultation on a direction to the Regulator of Social Housing to set a Competence and Conduct Standard for social housing - GOV.UK \(www.gov.uk\)](#)) sets out proposals for a new Competence and Conduct Standard relating to staff in the social rented sector, including qualification requirements for senior housing managers and executives. The proposals address the significant concerns which were raised following the Grenfell tragedy about the professionalism of staff working in social housing. The evidence from the Grenfell Tower Inquiry indicated that tenants living in the tower had not been listened to when they raised concerns and that some staff behaved unprofessionally, treated tenants with a lack of respect, and did not have the skills and knowledge they needed to carry out their roles effectively.
- 1.3 The consultation, which closes on 2nd April 2024, proposes that the Standard will require registered providers to:
- have an up-to-date written policy setting out their approach to managing and developing the skills, knowledge, experience and conduct of those of their staff who are relevant individual; and
 - adopt or develop an appropriate code of conduct for those of their staff who are relevant individuals and to ensure this is embedded within their organisation.
- 1.4 The proposed direction will also require the Regulator of Social Housing to include in their Standard a requirement for registered providers to comply with the government's policy statement on Qualifications Requirements for Social Housing. The draft policy statement sets out detailed information about the roles and qualifications in scope, time limits for staff to begin working towards qualifications, a transition period before requirements come fully into force, and a small number of flexibilities and exemptions which will apply in limited circumstances.
- 1.5 The proposals will require 'senior housing managers' to hold a Level 4 housing qualification (equivalent to a HNC or NVQ 4) and for 'senior housing executives' to have a Level 5 housing qualification (equivalent to a HND, NVQ 5 or foundation degree). These qualification requirements will apply to managers who provide services to council housing tenants. The current definition would include customer services and complaints managers in addition to housing management and maintenance

managers. It excludes managers in support services for example, HR and Finance.

- 1.6 Appendix A provides a draft response to the government consultation for members of this Committee to consider. The draft response broadly welcomes the direction of the proposals in promoting 'housing' as a profession alongside other services delivered by the Council such as social care and environmental health.
- 1.7 The draft response does highlight the challenges and financial cost to the Council of implementing these changes in the 2-year transition period. It would require 50% of Service Managers, Heads of Service and above to hold or be working towards a Level 4 or 5 qualification by 2026. All managers would need to be qualified by 2027. The broad definition of social housing means that colleagues in related services (Customer Services and Complaints) outside of the housing service extends that impact. This will undoubtedly be a challenge for the Council and the wider housing sector.
- 1.8 It is difficult to assess the overall impact on the service in the short-term as it will require qualification providers to review and update their training offer. However, it will mean additional cost to the Housing Revenue Account and a reduction in management capacity whilst managers undertake the required qualifications. The draft response attempts to balance this note of caution against the potential benefit of the proposed approach.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The new Council Plan was approved by Full Council on 6th March 2024, "Together we get things done", in collaboration with our communities, partners, and stakeholders is a shared narrative that describes where we all want to be as a city. The Council plan sets out our City Goals, which will become a driving force to support our Council improvement journey and delivery planning. With the goals being developed collaboratively, a key aim is that this will promote a joined-up approach to delivering the goals.

One of the new Council Plan's strategic outcomes is 'Great neighbourhoods that people are happy to call home', with a specific priority around increasing the availability, quality, and range of housing in our neighbourhoods.

If adopted, these proposals would demonstrate to tenants the importance of having trained and qualified staff supporting the management of their homes and support the Council in creating quality housing in Sheffield.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 Consultation has taken place internally within the Council to develop our draft response to the proposals. The government in developing its proposals has consulted widely with tenants and social landlords across the country.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 There are no direct equality implications arising from this consultation. If the government decides to proceed with implementing a new standard, then it is likely that there will be implications for the Council in the provision of additional training for staff. Access to this training and the training routes available to staff will be further considered from an equality's perspective at that time.

4.2 Financial and Commercial Implications

- 4.2.1 There are no direct financial implications arising from this consultation. If the government decides to proceed with implementing a new standard, then it is likely that there will be additional financial costs for the Council. These costs have been anticipated and a limited provision for additional training has been included in the Housing Revenue Account Business Plan for 24/25 and 25/26.

4.3 Legal Implications

- 4.3.1 In September 2023 section 21(1) of the Social Housing (Regulation) Act 2023 came into force. It amended the Housing and Regeneration Act 2008 to include a new section 194A covering standards relating to competence and conduct. The new Section 194A of the Housing and Regeneration Act 2008 gives the regulator of Social Housing the power to set standards for registered providers in matters relating to the competence of individuals involved in the provision of services in connection with the management of social housing.
- 4.3.2 Section 24 of the Social Housing (Regulation) Act 2023, which also came into force in September 2023, amends section 197 of the Housing and Regeneration Act 2008 to introduce a new section 197(2A) which extends the directions that can be made by the Secretary of State to the Regulator of Social Housing to cover powers under S194A of the Housing and Regeneration Act 2008 as detailed in section 4.3.1 above.
- 4.3.3 Before the Secretary of State makes a direction under section 197(2A) the Government wishes to consult on what this should include. This consultation seeks views on a proposed draft direction from the Secretary of State to the Regulator of Social Housing using the abovementioned powers under section 197 of the Housing and Regeneration Act 2008 (amended by the Social Housing (Regulation) Act 2023). The purpose of this direction will be to set a standard for

registered providers in matters relating to the competence and conduct of individuals involved in the provision of services connected with the management of social housing.

- 4.3.4 The decision to agree the Council's response to this consultation is reserved to the Housing Policy Committee in accordance with part 3.3 of the Council's Constitution.

4.4 Climate Implications

- 4.4.1 There are no direct climate implications arising from this consultation.

4.5 Other Implications

- 4.5.1 There are no other implications arising from this consultation.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 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.

6. REASONS FOR RECOMMENDATIONS

- 6.1 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.

Consultation - RSH - Competence and Conduct Standard for social housing

Section 1: The broad Standard relating to the competence and conduct of all social housing staff					
Prop No	Proposal	Question No	Responder	Question	Response
1	Our approach to the broad Standard relating to the competence and conduct of all social housing staff	1	All	Do you agree with the content of the direction (Annex A) to setting the broad Standard relating to the competence and conduct of all social housing staff?	- Yes
Section 2: Who is in scope of the qualification element of the Competence and Conduct Standard					
Prop No	Proposal	Question No	Responder	Question	Response
2	A Relevant Person and a Relevant SP Manager will be a person who has a substantive role in managing delivery of housing management services to the registered provider's social housing tenants	2	All	As set out in paragraphs 15a and 46b of the policy statement, do you agree that only individuals who have a substantive role in managing delivery of housing management services should be in scope of the qualification requirements?	- Yes
2	A Relevant Person and a Relevant SP Manager will be a person who has a substantive role in managing delivery of housing management services to the registered provider's social housing tenants	3	All	Do you agree with the guidance on the scope of housing management services (paragraphs 1-3 of Annex B1)?	- Yes Although we have responded yes - We are concerned about the breadth of the scope of housing management services as defined in Annex B1. The inclusion of 'customer services' and 'complaints management' is a complication for a large multi-discipline local authority where contact centre and complaints management services are delivered across the whole authority. Housing management will be one aspect of the

					operational responsibilities for Senior Managers and Executives. The location of these services in the 'corporate centre' – away from front-line housing management means it is, in our opinion, that further consideration of whether these management posts to be in scope. Managers in these roles will often have other professional qualifications, for example HR or customer services, and requiring an additional housing qualification is not reasonable. We believe it would be more appropriate for this to be considered as part of the guidance rather than relying on applying the 'significant proportion' definition.
3	Guidance on the key responsibilities and functions usually delivered by senior housing managers and senior housing executives of registered providers and their services providers	4	Registered providers and services providers	In addition to the definitions provided within legislation, does the guidance at Annex B1 of the policy statement on which functions will be in scope provide sufficient clarity to enable you to assess which individuals within your organisation will need to gain a qualification?	- Yes
3	Guidance on the key responsibilities and functions usually delivered by senior housing managers and senior housing executives of registered providers and their services providers	5	All	Do you think that there are any other functions not listed above which should be in scope?	- No
3	Guidance on the key responsibilities and functions usually delivered by	6	All	Are there any functions listed above that you think should not be in scope?	- Yes, please state which functions and specify whether

senior housing managers and senior housing executives of registered providers and their services providers

your answer relates to a senior housing manager, senior housing executive, or both.

We are concerned about the breadth of the scope of housing management services as defined in Annex B1. The inclusion of 'customer services' and 'complaints management' is a complication for a large multi-discipline local authority where contact centre and complaints management services are delivered across the whole authority. Housing management will be one aspect of the operational responsibilities for Senior Managers and Executives. The location of these services in the 'corporate centre' – away from front-line housing management means it is, in our opinion, not reasonable for these management posts to be in scope. Managers in these roles will often have other professional qualifications, for example HR or customer services, and requiring an additional housing qualification is not reasonable. We believe it would be more appropriate for this to be considered as part of the guidance rather than relying on applying the 'significant proportion' definition.

4	Guidance on the roles deemed not to be in scope and on exemptions	7	Registered providers and services providers	Does Chapter 5 and section 6.5 of the policy statement relating to exemptions and paragraphs 18 – 21 of Annex B1 of the policy statement provide sufficient clarity to help you to assess which individuals within your organisation will not be in scope of the qualification requirement?	- Yes
5	Individuals become Relevant Persons or Relevant SP Managers once they have been in their current role for more than 6 months (except where there is a probation period applicable to the role in which case different rules apply – see proposal 6)	8	All	Do you agree with the proposal outlined above that individuals must have been in their role for more than 6 months to be classed as a Relevant Person or Relevant SP Manager (except where they are subject to a probationary period) as detailed in paragraph 15c, 46d and 46e of the policy statement?	<p>- No, the threshold should be above 6 months (please explain why and specify how long)</p> <p>It would allow more time for staff to prepare for and complete the qualifications, which may vary in length and difficulty depending on the level and provider.</p> <p>It would reduce the risk of staff leaving the organisation due to the stress of obtaining the qualifications, which may affect the recruitment and retention of diverse and talented staff.</p> <p>It would enable the organisation to plan and implement the changes more effectively, considering the availability and accessibility of the qualifications and the impact on the service delivery and quality.</p> <p>A practical alternative period could be 12 months, which may strike a balance between the urgency of raising standards and the feasibility of achieving the qualifications. However,</p>

					<p>this may depend on various factors, such as the number and role of the staff required to access the qualification, and the specific requirements of the qualifications. Therefore, some flexibility and discretion may be needed to accommodate different circumstances and needs.</p>
6	<p>Where there is a probation period applicable to a person's role, they will need to have, or be working towards, a relevant qualification within 9 months from the point at which they take up their role</p>	9	All	<p>Do you agree with the proposal that those staff who have a probation period should have, or be working towards, a qualification within 9 months from the point at which they take up their role as detailed in paragraph 15d and 46f of the policy statement?</p>	<ul style="list-style-type: none"> - No, please explain why and your alternative suggestion. <p>A 12-month period may be a more appropriate alternative to balance the need for raising standards and the practicality of attaining the qualifications. However, this may vary depending on a range of factors, such as the number and role of the staff who need to access the qualification, and the specific requirements of the qualifications. Therefore, some adaptability and judgement may be required to suit different situations and needs. The proposal may place an unreasonable and unequal demand on staff, who may not be able to achieve or work towards the qualification within the 9-month period. It may also discourage staff from entering or remaining in the organisation and diminish the diversity and flexibility of the workforce. The Standard does not</p>

					provide clear guidance on how to deal with staff in temporary positions or agency staff, which also has implications for our budget and resources. We also seek more information on the expected timescales for staff who fail to achieve a qualification or who need reasonable adjustments due to their disability or difficulty. These aspects require additional guidance in our opinion.
7	Unpaid volunteers will not be in scope of the requirement	10	All	Do you agree with our proposal that unpaid volunteers should not be required to gain a relevant qualification as detailed at paragraphs 15b and 46c?	- Yes
7	Unpaid volunteers will not be in scope of the requirement	11	Registered providers and services providers	Do you assess that any of your unpaid volunteers undertake roles which meet the criteria set out above in Chapter 2 and the guidance in Annex B1 of the policy statement?	- No

Section 3: Criteria that qualifications must meet

Prop No	Proposal	Question No	Responder	Question	Response
8	Qualifications should be of a required level, or higher	12	All	As outlined in section 3.1 of the policy statement, do you agree that a level 4 qualification is the correct level for a senior housing manager and individual who is a services provider?	- Yes
8	Qualifications should be of a required level, or higher	13	All	As outlined in section 3.1 of the policy statement, do you agree that a level 5 qualification or a foundation degree is the correct level for a senior housing executive?	- Yes

9	Qualifications can be regulated by an equivalent body to Ofqual or a predecessor body	14	All	Do you agree with our proposals outlined above and in section 3.4 of the policy statement that qualifications can be regulated by an equivalent body to Ofqual or a predecessor body?	- Yes
10	Relevant qualifications must meet specific criteria relating to course content	15	All	Do you agree that the criteria that qualifications must meet as set out in section 3.2 of the policy statement is appropriate for ensuring senior housing managers and senior housing executives gain the skills, knowledge, experience and behaviours they need to deliver high quality and professional services to tenants?	- Yes
10 Page 171	Relevant qualifications must meet specific criteria relating to course content	16	Registered providers and services providers	Does section 3.2 of the policy statement provide sufficient information to allow you to identify which qualifications would meet the requirements for a senior housing manager and senior housing executive?	- Yes

Section 4: What constitutes 'working towards a qualification for the staff of both registered providers and services providers

Prop No	Proposal	Question No	Responder	Question	Response
11	Circumstances under which a senior housing manager and a senior housing executive of both a registered provider or a services provider is deemed to be working towards a qualification	17	All	Do you agree with our approach to defining what it means to be 'working towards a relevant qualification as outlined in the policy statement?	- Yes
11	Circumstances under which a senior housing manager and a senior housing executive of both a registered provider	18	Registered providers	Does the information provided above and within Chapter 1 and Chapter 6 paragraph 44b of the policy statement	- Yes

	or a services provider is deemed to be working towards a qualification		and services providers	provide sufficient clarity to help you understand the circumstances in which individuals in scope will be deemed to be 'working towards a qualification?	
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Section 5: Transition period

Prop No	Proposal	Question No	Responder	Question	Response
12	There will be a transition period within which registered providers and services providers must ensure their senior housing managers and executives have, or are working towards, a relevant qualification	19	All	Considering the costs and benefits outlined within the impact assessment, do you agree that all existing staff within the sector should have, or should begin working towards a relevant qualification within 24 months as outlined in section 4.1 of the policy statement?	<ul style="list-style-type: none"> - No, please specify the length of transition period that you think would be necessary in months. <p>Some organisations may need more time and support to ensure that senior housing managers and executives have or are working towards a Level 4 or 5 Certificate Therefore, a suitable transition period for a large organisation may need to be longer than two years, depending on the number and proportion of staff who need to gain or start working towards a relevant qualification. The requirement to have half of all relevant persons undertaking a relevant qualification within the first 12 months of the transition period (Annexe B1 4.1 (38)) will be a significant challenge. Adding this additional requirement reduces the flexibility of providers to manage the transition in a staged way and will increase the pressure on training</p>

					providers and organisations. We would prefer if this requirement was removed, and providers were given the freedom to manage the transition.
12	There will be a transition period within which registered providers and services providers must ensure their senior housing managers and executives have, or are working towards, a relevant qualification	20	All	Do you have any additional comments or evidence about the potential impact of the policy proposals as assessed in our impact assessment (Annex C)?	<p>- Yes – please explain.</p> <p>As a large organisation with possibly few qualified staff concerns would be around</p> <ul style="list-style-type: none"> - availability and suitability of the relevant qualifications and training providers, especially for senior executives who would need a foundation degree or a Level 5 Diploma in Housing. These are not widely accessible. - effect of the standard on staff retention, recruitment, morale, and motivation. The standard may create pressure and insecurity for existing staff who may feel undervalued or unrecognised and may deter potential applicants who may not have or want the required qualifications. - Key assumptions from Annex C state - Most providers have training budgets and some training and development for staff to support service quality. This is a concern as we are a large organisation therefore the financial impact would be much higher for us than a smaller organisation as an initial cost at the start of the standard. We do not

					<p>currently have the levels of training budget that would be required to affect the transition over a 24-month period. We have identified additional training funds for future years however, given the ring-fenced nature of the HRA, this is at the detriment of direct service provision to our tenants.</p> <p>We would also question the assumptions in Annexe C around the proportion of relevant persons requiring qualifications. 15% for Local Authorities, is in our opinion a significant underestimate of the scale. 8 hours per week per relevant person for a large organisation could more realistically reduce the management capacity by 25 – 50% which is an unsustainable reduction in capacity for the transitional period.</p>
12	There will be a transition period within which registered providers and services providers must ensure their senior housing managers and executives have, or are working towards, a relevant qualification	21	Registered providers and services providers	Does the information provided above and in section 4.1 of the policy statement provide sufficient clarity on the time limits within which individuals will need to hold or be working towards a relevant qualification within the transition period?	- Yes
12	There will be a transition period within which registered providers and services providers must ensure their senior housing managers and executives have,	22	qualifications providers	Considering the total number of staff in the sector that will need to enrol on qualifications within the transition period as outlined in the impact assessment (Annex C), and noting that	N/A

	or are working towards, a relevant qualification			our intention is for the Standard to come into force in April 2025, do you believe that you can meet the demand for enrolling learners on qualifications within the 24- month transition period?	
13	There will be an adjusted transition period for small, registered providers who provide fewer than 50 units of stock, which will also apply in relation to their services providers	23	All	Do you agree with the proposal that an adjusted transition period (twice the amount of time) should apply to registered providers which provide fewer than 50 units of stock, and will also apply in relation to their services providers?	<ul style="list-style-type: none"> - No, I disagree that the adjusted transition period should be twice the amount of time (please explain why and if you have an alternative suggestion) <p>It creates an uneven playing field and a two-tier system within the social housing sector, where tenants of smaller providers receive lower or different standard than larger ones. It undermines the consistency and clarity of the new standard, and the expectations and rights of tenants and service users across the sector. It delays the benefits and outcomes of the new standard for smaller providers and their tenants and may discourage them from investing in staff development and training.</p>

Section 6: Transitional arrangements for partially compliant qualifications and apprenticeships

Prop No	Proposal	Question No	Responder	Question	Response
14	Transitional arrangements will apply to registered providers and in relation to	24	All	Do you agree with our proposal as outlined above and described in section 3.6 of the Policy Statement	- Yes

	services providers for partially compliant qualifications			that there should be transitional arrangements in place for those with partially relevant qualifications (which meet or exceed the requirements in section 3.1 of the policy statement, but do not meet all the course content criteria in section 3.2)	
14	Transitional arrangements will apply to registered providers and in relation to services providers for partially compliant qualifications	25	Qualification providers	Where your course does not cover all the criteria listed above, do you plan to update your qualifications to ensure that you cover the proposed course content requirements?	N/A
15	There will be transitional arrangements for apprenticeship programmes undertaken without a qualification element	26	All	Do you agree with our proposal as outlined above and described in section 3.7 of the policy statement that there should be transitional arrangements in place for those who have completed an apprenticeship programme without a qualification element provided, they meet other criteria (as above)?	- Yes

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Section 7: Requirements for registered providers in respect of the relevant managers of services providers

Prop No	Proposal	Question No	Responder	Question	Response
16	Requirements which apply to registered providers in respect of the staff of services providers	27	Registered providers	Having read the information provided above and in Chapter 6 of the policy statement, are you clear on what your responsibilities are in relation to Relevant SP Managers?	- Yes
16	Requirements which apply to registered providers in respect of the staff of services providers	28	Registered providers	Based on the information provided in section 6.1 and Annex B2 of the policy statement, are you clear on what would classify someone as a Relevant SP Manager?	- Yes

17	Guidance on the implications of the Act for services providers	29	Services providers	Does the guidance in Annex B2 of the policy statement enable you to understand what the implications of these requirements are for your organisation and your obligations under the terms implied by section 217A of the Housing and Regeneration Act 2008?	- Yes
17	Guidance on the implications of the Act for services providers	30	Services providers	Does the information provided in Chapter 6 of the policy statement enable you to understand the requirements placed on registered providers in relation to services providers?	- Yes
17	Guidance on the implications of the Act for services providers	31	All	Are there any other bodies representing the interests of services providers that you think the Secretary of State should nominate as a body with which the Regulator must consult on the regulatory Standard in relation to these requirements, other than the National Federation of ALMOS and the National Federations of TMOs?	Yes, we would recommend consultation with Association of Retained Council Housing (ARCH) and the Local Government Association (LGA)
17	Guidance on the implications of the Act for services providers	32	All	Are there any other issues you want to raise, or anything you believe has not been considered in relation to proposals 16 and 17?	Consideration needs to be given where the Council commissions other services through third parties, contractors as this will need embedding on those contracts if this is a requirement.

Responder	Question No	Question	Response
For registered providers and services providers	33	In paragraph 64 of the impact assessment, we have set out our assumptions around the familiarisation / implementation costs to registered providers and services providers for the implementation of the full Competence and Conduct Standard including the qualification element of the Standard? Do you agree with these assumptions?	- Yes
Competence and Conduct Standard only (not including the qualification element)	34	How many people have you identified as being in scope of the full Competence and Conduct Standard (not just the qualification element of the Standard)? This would be all individuals involved in the provision of services in connection with the management of social housing.	- Approximately 1,500
Qualification requirement only	35	Based on the information provided in the policy statement and associated guidance, how many individuals within your organisation have you assessed to be in scope of the qualification requirements?	- Approximately 40
Qualification requirement only	36	How many of those individuals have you assessed to be senior housing managers?	- Approximately 30
Qualification requirement only	37	How many of those individuals have you assessed to be senior housing executives?	- Approximately 10
Qualification requirement only	38	Having read the requirements set out in Chapter 3 of the policy statement, how many and what percentage of your existing in-scope staff already possess a qualification which is deemed to be a relevant qualification?	- We are currently undertaking an audit of staff qualifications
Qualification requirement only	39	How many individuals within your organisation that you assess to be in scope currently have a partially relevant qualification (which meets or exceeds the requirements in 3.1 but does not meet all the course content criteria at 3.2) and would be in a position to undertake accredited training / CPD to meet the remaining criteria?	- We are currently undertaking an audit of staff qualifications
Qualification requirement only	40	Please specify whether you pay the apprenticeship levy	- Yes

Qualification requirement only	41	How many, and what proportion, of those you have assessed to be in scope of the requirements and who need to gain relevant qualification plan to meet these requirements by completing an apprenticeship programme with a qualification element?	- We have not yet assessed this
For registered providers only	42	How many services providers do you have a direct agreement with for managing the delivery of housing management services to your tenants? What size are your services - micro (less than 10 employees), small (less than 50 employees, medium (less than 250 employees) or large organisation (250 or more employees) and what types of services do they deliver?	- We have not yet assessed this
For services providers only	43	Where you manage delivery of housing management services on behalf of a registered provider, do you contract out aspects of the management of these services to other providers? If yes, please could you provide details of the number of sub-contractors used, types of services delivered and the size of these sub-contractor organisations (please note this question only applies to the management of the delivery of services, rather than to the delivery of services)	- N/A
For qualifications providers only	44	We have made an assumption that where people undertake a qualification (not as part of an apprenticeship programme), this will require a commitment from the learner of 8 hours per week over approximately 12 months for both level 4 and 5. This will amount to around 320 hours of study for senior housing executives and 360 hours of study for senior housing managers in total. Do you agree with this assumption?	- N/A

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Report to Policy Committee

Author/Lead Officer of Report: Philip Gregory,
Director of Finance and Commercial Services

Tel: +44 114 474 1438

Report of: *Philip Gregory, Director of Finance & Commercial Services*

Report to: *Housing Policy Committee*

Date of Decision: *21st March 2024*

Subject: *2023-24 Q3 Budget Monitoring Report*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

Purpose of Report:

This report brings the Committee up to date with the Council's General Fund and HRA revenue outturn position for 2023/24 as at Q3.

Recommendations:

The Committee is recommended to:

Note the updated information and management actions on the 2023/24 Revenue Budget & Housing Revenue Account Outturn as described in this report.

Background Papers:
[2023/24 Revenue Budget](#)

Lead Officer to complete: -			
1	<p>I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.</p> <p>Finance: Philip Gregory, <i>Director of Finance and Commercial Services</i></p> <p>Legal: Sarah Bennett, <i>Assistant Director, Legal Services</i></p> <p>Equalities & Consultation: Adele Robinson, <i>Equalities and Engagement Manager, Policy, and Performance.</i></p> <p>Climate: n/a</p>		
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	<p>SLB member who approved submission:</p> <p><i>Philip Gregory, Director of Finance and Commercial Services</i></p>		
3	<p>Committee Chair consulted:</p> <p><i>Cllr Zahira Naz, Chair of the Finance Committee</i></p>		
4	<p>I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.</p>		
	<table border="1"> <tr> <td> <p>Lead Officer Name: <i>Philip Gregory</i> <i>Jane Wilby</i></p> </td> <td> <p>Job Title: <i>Director of Finance and Commercial Services</i> <i>Head of Accounting</i></p> </td> </tr> </table>	<p>Lead Officer Name: <i>Philip Gregory</i> <i>Jane Wilby</i></p>	<p>Job Title: <i>Director of Finance and Commercial Services</i> <i>Head of Accounting</i></p>
<p>Lead Officer Name: <i>Philip Gregory</i> <i>Jane Wilby</i></p>	<p>Job Title: <i>Director of Finance and Commercial Services</i> <i>Head of Accounting</i></p>		
	<p>Date: 1st March 2024</p>		

1. PROPOSAL

1.1. This report provides an update on the current outturn position for Sheffield City Council's revenue budget for 2023/24.

2023-24 Q3 Financial Position by Directorate

1.2. At the end of the third quarter of 2023-24, the Council's revenue budget shows a forecast overspend of £16.7m. This was an improvement of £700k from the previous quarter's outturn position.

Full Year £m	Q3 Outturn	Budget	Q3 Variance	Q2 Variance	Move ment
Neighbourhood Services	148.9	146.8	2.1	3.3	(1.2)
Adults	146.7	144.2	2.6	3.4	(0.8)
Children's	142.5	131.3	11.2	8.8	2.4
City Futures	49.2	48.8	0.4	1.0	(0.6)
Strategic Support	15.0	10.6	4.5	4.4	0.0
Public Health & Integrated Commissioning	12.8	11.2	1.6	1.8	(0.2)
Corporate	(498.4)	(492.9)	(5.5)	(5.2)	(0.3)
Total	16.7	(0.0)	16.7	17.4	(0.7)

1.3. This overspend is due to a combination of factors. Agreed Budget Implementation Plans ("BIPs") are not forecast to fully deliver within the year. There are underlying cost and demand pressures faced by services that are partially offset by one-off items. These "one-offs" consist of grant income, draws from specific reserves or provisions and income from central government or external sources.

Full Year Variance £m	One-off	BIPs	Trend	Total Variance
Neighbourhood Services	(4.7)	2.9	3.9	2.1
Adults	(11.2)	3.5	10.3	2.6
Children's	(5.0)	4.0	12.2	11.2
City Futures	(0.1)	0.4	0.1	0.4
Strategic Support	(1.1)	0.1	5.5	4.5
Public Health & Integrated Commissioning	(0.5)	0.0	2.0	1.6
Corporate	0.0	0.0	(5.5)	(5.5)
Total	(22.7)	10.9	28.5	16.7

1.4. In 2021/22, the Council set aside £70m of reserves to manage the financial risks associated with delivering a balanced budget position. Overspends against general fund budgets in 2021/22 and 2022/23 have meant we have drawn almost £40m from this reserve to date. Current overspends of £16.7m would deplete this reserve to just £14m for budget overspends for 24/25 and beyond. Given this challenging position and likely requirement in the next few years to draw on this reserve, a further £12.5m has been identified from a one-off surplus from our collection fund. This is subject to approval at full council on 6th March.

1.5. 2023-24 Q3 Financial Position by Committee

1.5.1. The major budget risk areas are in Childrens & Adults Social Care and in Homelessness services:

Full Year £m	Q3 Outturn	Budget	Q3 Variance	Q2 Variance	Movement
Adult Health & Social Care	154.6	152.5	2.1	3.1	(1.0)
Communities Parks and Leisure	46.8	47.1	(0.4)	0.8	(1.2)
Economic Development & Skills	11.1	11.1	0.0	(0.0)	0.1
Education, Children & Families	145.6	132.4	13.2	10.9	2.3
Housing	11.1	8.2	2.9	3.2	(0.3)
Strategy & Resources	(462.7)	(462.5)	(0.2)	0.6	(0.8)
Transport, Regeneration & Climate	43.6	43.6	(0.0)	(0.0)	0.0
Waste & Street Scene	66.6	67.6	(1.0)	(1.1)	0.1
Total	16.7	(0.0)	16.7	17.4	(0.7)

1.5.2. In 22/23, the Council's overspend improved by over £14m from the first quarter's forecasts to final outturn. This was mainly due to additional income received rather than underlying improvements in budgets and cost reductions. Whilst there is a likelihood we may receive some additional government funding in the final quarter of 2023/24, it is unlikely we will see an improvement on this scale.

Many underlying budget issues in social care services still remain and this is reflected in the current forecast position.

1.5.3. Most of the overspend is due to underlying cost and demand pressures in services. We estimate that £28.5m is embedded in the baseline costs but is somewhat mitigated by one-off income:

Full Year Variance £m	One-off	BIPs	Trend	Total Variance
Adult Health & Social Care	(11.5)	3.5	10.1	2.1
Communities Parks and Leisure	(0.2)	0.1	(0.2)	(0.4)
Economic Development & Skills	0.1	0.0	(0.1)	0.0
Education, Children & Families	(5.2)	4.0	14.4	13.2
Housing	(1.7)	0.2	4.4	2.9
Strategy & Resources	(3.6)	2.8	0.6	(0.2)
Transport, Regeneration & Climate	0.0	0.1	(0.2)	(0.0)
Waste & Street Scene	(0.6)	0.3	(0.7)	(1.0)
Total	(22.7)	10.9	28.5	16.7

1.5.4. Balancing the General Fund 2023/24 budget was only possible because the Council identified £47.7m of savings:

General Fund Budget Implementation Plans (in £m)

Committee	Total Savings	Financial Savings Deliverable in Year	In Year Gap	Financial Savings Deliverable Next Year (Slippage)	Undeliverable Savings
Adult Health & Social Care	31.6	28.0	3.5	3.5	0.0
Comm, Parks & Leisure	2.0	1.9	0.1		0.1
Economic Dev & Skills	0.5	0.5	0.0		0.0
Ed, Children & Families	6.9	2.9	4.0	0.3	3.6
Housing	0.6	0.5	0.2		0.2
Strategy & Resources	4.1	1.4	2.7	2.5	0.2
Transport, Regen & Climate	0.8	0.7	0.1		0.1
Waste & Street Scene	1.1	0.8	0.3		0.3
Grand Total	47.7	36.8	10.9	6.4	4.5

The current forecasts show £10.9m savings plans are undeliverable this year. This represents a delivery rate of 77% against target with a further 14% set to be delivered in the following year.

In 22/23, less than 65% of savings targets were delivered. Whilst we are improving upon overall delivery performance, we are still falling short of targets meaning further draws could be required from our reserves to meet these overspends if they are not managed and mitigated. Delivering in year budgets must be a key focus for all services for the Council to retain financial sustainability.

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- 1.5.5. Inflation is continuing to fall; from April 2023 CPI at 7.8% to 4.2% in December (month 9). Whilst we are seeing some stabilisation in the cost base, the fall in inflation does not mean that our costs will now reduce, higher costs are now embedded in baseline expenditure. There is an increased demand for services alongside cost pressures in social care, home to school transport and homelessness services.

1.6. Key Committee Overspends:

- 1.6.1. **Adult Health and Social Care are forecast to overspend by £2.1m** The main area of overspend in the service sits in staffing budgets. The high cost of packages of care put in place during covid increased our baseline costs and this carries into 23/24. Work to review packages of care has continued throughout 23/24 which has helped to reduce baseline costs in Homecare. This work and one-off funding has mitigated the position again this year leaving a £0.5m overspend in the purchasing budgets. However, there remains an underlying pressure of around £10m, a significant aspect of which is within Learning Disabilities, plus £3.5m savings undelivered in 23/24 which will need to be resolved through the Recovery Plan for 2024/25. This was presented to Committee 31 January 2024 detailing how underlying issues, which are estimated at around £17m including additional staff pressures, will be addressed. Action owners and responsible Assistant Directors are currently working through implementation plans to ensure the requisite staff capacity and any additional resources are made available.

- 1.6.2. **Education, Children and** The key overspends in the service relate to placements with external residential placements a particular issue which are

Families are forecast to overspend by £13.2m

forecast to overspend by £6.7m. The average placement cost has increased to £5,800 per week but due to a limited number of places in the city, placements for the most complex children can cost much more. Actions are being taken to ensure that costs for placements are being met by all elements including education and where possible health. High-cost placements are also being reviewed.

The savings proposal for £1.6m to increase fostering placements this year is forecast to not be delivered. Marketing is taking place, but our number of foster carers remains static. Nationally this has been an issue since the pandemic as older foster carers decided to exit the market and there has not been the like for like recruitment to new foster carers. Overall looked after children numbers have remained stable with increased demand being met, where possible, through family based placements.

Further demand in home to school transport costs are forecast to create a £3.6m overspend against budgets this year. Since the start of the new school year, the overspend has increased due to a further 180 children now requiring transportation to school. Sheffield City Council are now supporting over 2,365 children with transportation to school, this has increased by almost 1,000 children in 4 years, and demand is forecast to continue to increase. An overarching SEND review, including Home to School Transport, is currently underway. Outcomes from the review will bring about longer-term changes to reduce pressures but the underlying cost base will be difficult to reduce due to the rising demand for the service.

Integrated Commissioning budgets are forecast to overspend by £2m in recognition of the unachieved saving from 2022/23 relating to leveraging additional funding from Health partners.

1.6.3. Homelessness support in temporary and exempt accommodation is forecast to cost the Council £8.4m

The Government does not fully subsidise all housing benefit payments made by the Council even though it sets the rules that determine the amount the Council has to pay. In 2022/23, the Council incurred a loss of £5.9m as a result of the legislation relating to temporary homelessness and supported accommodation. The Council is essentially bridging the gap between the amount the accommodation costs to procure and the amount we are able to recover via housing benefits.

In 2023-24, this is forecast to cost the Council £4.5m for temporary accommodation and £3.5m for supported accommodation. The shortfalls are split between the Housing General Fund and Strategy and Resources budgets respectively.

The Budget Implementation Group

1.6.4. A working group is in place to drive

A senior officer working group has been established to help drive delivery of the budget. The purpose of the Budget Implementation Group (BIG) is to improve the delivery of the

improvements in budget delivery	Council's annual Revenue Budget (both General Fund and Housing Revenue Account), challenge and drive delivery of the Budget Implementation Plans (BIPs) and make recommendations for the allocation of transformation funding. It will look to facilitate Council wide learning. The group is jointly chaired by the Director of Finance and Commercial Services and the Chief Operating Officer. The group has a nominated core member from each Directorate.
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Transformation Funding

1.6.5. The Council identified £4m to support transformation activity	As part of 2023-24 budget setting, the Council identified a £4m fund that would be used to support programmes of transformational change in the organisation, expedite the delivery of savings plans or support where delivery of savings has become "stuck". The "BIG" group has provided advice, challenge, and recommendations for allocation of the transformation funding to the Council's Performance and Delivery Board.
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In August 2023, the Performance & Delivery board approved bids to support delivery of programmes in Adult Social Care, Housing, Children's services, ICT, HR, and Organisational Strategy to build upon the Future Sheffield programme. These key projects are working to stabilise the organisation and bring budgets back to a steady footing for the future. Each programme of work is being monitored, and progress reported to the Council's Performance & Delivery board to ensure activity remains on track. Overall performance will be reported to the finance committee as part of in-year budget monitoring briefings, with relevant policy committees overseeing progress on programmes in their areas.

Medium Term Financial Analysis (MTFA) & 2024/25 Budget

1.6.6. By law, the council must set a balanced budget	The Council is facing a challenging financial position. The Strategy and Resources Committee on 5 th September received the Council's Medium-Term Financial analysis, highlighted the financial pressures facing the Council over the coming 4 years and the potential gap of £61.2m in resources.
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Each Committee has worked to reach savings targets to achieve a balanced budget for 2024/25. On February 21st 2024, the Strategy and Resources committee recommended the budget to full Council on 6th March.

For 2024/25 we are forecasting pressures of £79m for Committees budgets. These pressures result from rising demand for services but also significant increases in contract and price inflation due to the current economic backdrop. Approximately £49m of these pressures relate to Social Care Services. Through our 2024/25 Business Planning Process, Committees managed to identify £8m of savings to help deliver the balanced budget. Delivery of these savings will require steadfast commitment, and targeted resources from the Council to be successful.

In addition to these savings, increases in Business Rates income and associated grants, uplifts to sales fees and charges where appropriate, additional funding from government (mainly ringfenced to social care) along with the difficult decision to increase Council Tax by 4.99%, means we are able to set a balanced budget for 2024/25.

23-24 Q3 Committee Budget Outturn Position

1.7. Housing Committee - General Fund Overspend of £2.9m & Housing Revenue Account overspend of £4.8m

1.7.1.	The Housing General Fund is forecast to overspend by £2.9m against budget.	Full Year £m	Outturn	Budget	Variance
		Housing General Fund	11.0	8.0	2.9
		Regeneration And Development (Housing Growth - General)	0.1	0.2	(0.1)
		Total	11.1	8.2	2.9
		The majority of the overspend in the Housing General Fund relates to homeless temporary accommodation and the loss the Council incurs as a result of Government subsidy rules.			
1.7.2.	An increase in demand for Supported Accommodation & Housing Benefit Regulations have created a budget problem for the Council	<p>The Government does not fully subsidise all housing benefit payments made by the Council even though it sets the rules that determine the amount the Council has to pay.</p> <p>In 2022/23, the Council incurred a loss of £2.8m as a result of the legislation relating to temporary homelessness accommodation. The Council is essentially bridging the gap between the amount the accommodation costs, in this case using hotels and B&Bs, and the amount we are able to recover via housing benefits from DWP, "subsidy loss".</p> <p>In 2023/24 based on current demand and costs, the forecast subsidy loss is expected to reach £4.5m. There is no budget to support this. The in-year position has been mitigated by the use of prior year Homelessness grants totalling £1.7m, the team are working through the detail to ensure we are maximising use of grant funding towards the issue and clarifying eligibility on a number of other funding streams. Use of this funding could create pressures on staffing budgets in the next 2 years, but teams are looking for ways to resolve this. This particular mitigation is a one-off and is not an option for future years. Urgent action must be taken to reduce the loss incurred by the Council in this area.</p>			
1.7.3.	The Housing Solutions team are developing short- and long-term strategies to deal with the problems	<p>Ultimately, we need to stop using hotels and B&Bs as Temporary Accommodation for a variety of reasons, not just because of the financial cost. The service is developing a Temporary Accommodation strategy that will set out our approach, and options including commissioning models or recommendations for policy decisions.</p> <p>The situation has arisen post lockdown and following the introduction of the Homelessness Reduction Act in 2017 coupled with the shortage of affordable housing in the city and a limited range of options, our use of hotel and B&B accommodation has reached an unsustainable and unaffordable level. The increase in Homelessness is a national issue and there are now more than 100,000 households in</p>			

Temporary Accommodation which is the highest level for 20 years.

Some of the immediate measures in place to contain the problem include:

- **Voids** – working with the recently established team in housing to ensure we are utilising our stock to maximum effectiveness,
- Investigating **private sector** capacity and alternative delivery models to better use private sector rental as interim housing options
- Introduction of temporary **new management** resource in the housing solutions team focussing on strengthening process and challenge
- Recruiting **additional temporary staff** to deal with backlogs of cases and increasing the number of staff in the prevention team,
- Encouraging **partnering** of exempt supported accommodation providers with registered providers and social landlords to maximise claim eligibility.
- Commissioned end-to-end independent **process reviews** of placements to ensure rapid re-housing is taking place and challenging the robustness process and placement decisions,
- Reviewing, and moving on, **longer term placements in temporary and supported accommodation** to provide more cost-effective options to those at immediate risk of hotel accommodation,
- Developing business cases to strengthen the bolster resource in the **claims review team**,
- Working with **other Authorities** to understand potential localised solutions within the sub-region.

In the longer term, other actions are also underway:

- Current construction costs have made planned new TA schemes unaffordable in their current form. **Value engineering** work on capital investment opportunities for Temporary Accommodation are underway to find ways to make investments financially viable.
- Becoming more **creative** with our acquisition approach including repurposing alternative accommodation or leasing opportunities
- Working with **partner organisations**, including the South Yorkshire Housing Partnership to expand housing that is available
- Focus towards improving earlier **prevention** levels and focus on prevention activities including supporting residents to maintain tenancies and better targeted support.
- Our work with the **Royal Foundation** offers greater opportunities and access to resources with the aspiration to eliminate family homelessness.

- 1.7.4. **There is further demand risk to Housing General Fund budgets** The Home Office are accelerating decisions on backlogs of asylum cases, and this is likely to start being felt in the next month. This will mean more people will be presenting as homeless following positive decisions in addition to the usual flow. This would result in a higher than usual number of people who have No Recourse to Public Funds (NRPF) with negative decisions. Partner organisations are signposting to Supported Exempt Accommodation (SEA). Both are likely to add pressures to the use of hotels and SEA. We are working with Migration Yorkshire and Home Office to try and understand the scale of the issue and what the impact will be and looking for any alternative options.

- 1.7.5. The Housing Revenue Account is forecast to overspent by £4.8m

Full Year £m	Outturn	Budget	Q3 Variance	Q2 Variance	Movement
Net Income – Dwellings	(160.7)	(161.6)	0.8	1.4	(0.6)
Other income	(7.8)	(7.4)	(0.4)	(0.8)	0.4
Repairs & Maintenance - Responsive repairs	53.0	47.4	5.7	3.3	2.4
Repairs & Maintenance - Other	1.4	1.9	(0.5)	(0.6)	0.1
Depreciation	25.0	25.0	0.0	0.0	0.0
Tenant Services					
-Council Tax	1.9	1.9	0.0	0.0	0.0
-Disrepairs	4.9	4.0	0.9	0.7	0.2
-Other	54.8	55.9	(1.1)	(1.5)	0.3
Interest on borrowing	13.0	13.6	(0.7)	(0.7)	0.0
Contribution to Capital Programme	14.5	19.3	(4.8)	(1.9)	(2.9)
Total	(0.0)	0.0	(0.0)	0.0	(0.0)

The account position worsened by £2.9m from Q2 outturn to Q3. This is explained mainly by poor performance in repairs and maintenance and increases in disrepair costs.

- 1.7.6. **The key variance is rent loss of £1.3m from vacant properties** £1.3m of the variance relates rent loss from vacant properties including an undelivered BIP saving to implement measures to improve void rent loss. A multi-functional voids team is now in place to address this. This is offset by (£698k) lower bad debt provision than budget.
- 1.7.7. **Other income is (£0.4m) higher than anticipated** The service has benefitted from additional interest of £468k due to prevailing interest rates, partially offset by garage rent loss due to vacancies.
- 1.7.8. **Repairs and maintenance costs are £5.7m over budget** There are overspends in responsive repairs of over £5.7m. Key variances include overspends of £5.9m in subcontractor costs due to workflow increases in voids and working at height, £2.0m on equipment and materials, £2.0m agency costs partially offset by £0.9m underspend on employees, offset by (£3.9m) forecast capital income recharges mainly relating to firestopping, voids and working at height. The total overspend is compounded by the unachieved BIP shown in 1.11.12. Increased expenditure in the service has prevented any progress against delivery of this BIP. New leadership in the service is in place with a keen focus on investigating root cause analysis of expenditure trends and activity drivers impacting teams and costs. The analysis work is

closely aligned with support and advice from finance colleagues. The forecast outturn position for Q3 accounts for activity and costs to be maintained for the final quarter of the year; we do not expect to see a further increase in the next few months.

- 1.7.9. **Tenant Services is forecast to underspend by (£1.1m)** There are a variety of overspends in tenant services largely offset by lower recharges. Estate & Environment (tipping and transport) £454k and Furnished Accommodation £244k, offset by (£346k) additional capital management fee income, (£234k) lower than anticipated recharges, plus significant staffing underspends in Fire Safety (£360k), Housing Employability Project (£339k) and Asset Management Programme (£199k).
- 1.7.10. **Disrepair claims are continuing to cause overspends** Legal fees on disrepair cases are still high and creating overspends to budget partly due to an unachieved BIP. An improvement plan is in place to reduce claims and further cost escalations.
- 1.7.11. **Capital financing costs are lower than budget** HRA capital financing costs i.e., the interest payable on debt are lower than budget by (£700k) due to a delayed need for borrowing to finance the housing capital programme.

1.7.12. **Budget Savings (BIPS) £m**

Service	Financial RAG	Total Savings	Savings Deliverable in Year	In Year Gap	Savings Deliverable Next Year	Undeliverable Savings
HOUSING GENERAL FUND	Red	0.2		0.2		0.2
	Green	0.3	0.3	0.0		0.0
HOUSING GENERAL FUND Total		0.4	0.3	0.2		0.2
REGENERATION & DEVELOP	Green	0.2	0.2	0.0		0.0
REGENERATION AND DEVELOPMENT Total		0.2	0.2	0.2	0.0	
HOUSING REVENUE ACCOUNT	Red	5.6	1.4	4.2	1.0	3.2
	Green	17.2	17.2	0.0	0.0	0.0
HOUSING REVENUE ACC Total		22.8	18.6	4.2	1.0	3.2
Grand Total		23.5	19.1	4.4	1.0	3.3

Of the £23.5m savings targets in place for 2023/24, £19.1m are forecast to be delivered. The £0.2m saving in the Housing General Fund relates to temporary accommodation which given the context of current budget pressures is not achievable this year.

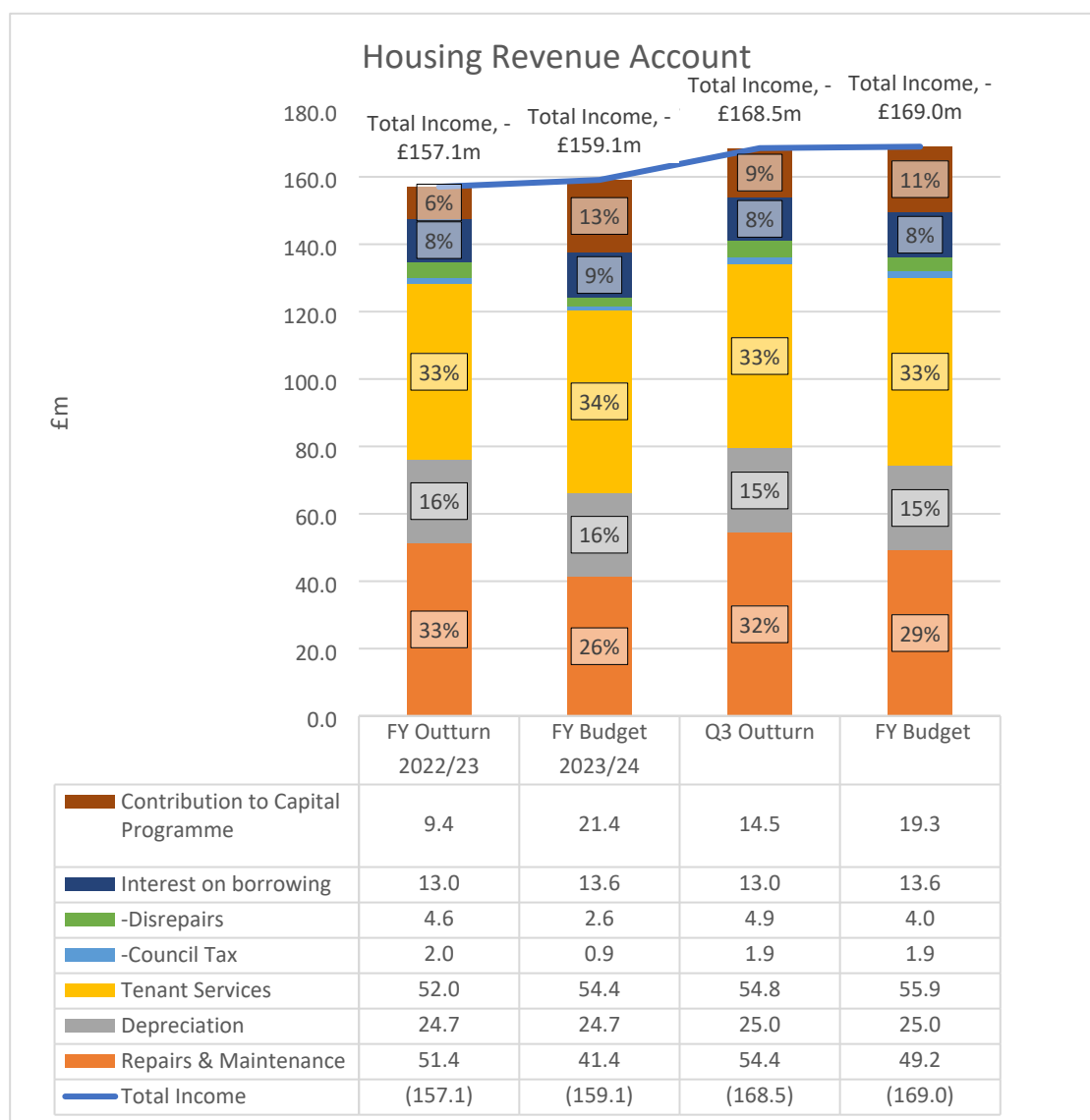
Other red rated savings relate to the HRA, the main shortfall with repairs & maintenance:

Description	Total Savings	Savings Deliverable in Year	In Year Gap
Improvement in disrepair management	1.2	0.9	0.3
Improvement in void rent loss	1.8	0.1	1.6
Introduce recharges to tenants for a range of repairs caused by loss, misuse or damage.	0.3	0.1	0.2

Reduction in sub-contractor usage and a review of overheads in RMS	1.5		1.5
Reductions in staff through VER/VS	0.6	0.2	0.4
Review of Community Buildings	0.2		0.2
TOTAL RED HRA BIPS	5.6	1.4	4.2

1.7.13. The below chart shows the breakdown of the HRA in comparison to the prior year.

Uplifts to budgets in disrepairs, council tax, tenant services and most significantly repairs and maintenance should make contributing to the capital programme more achievable this financial year.



1.7.14.

Community heating account underspent by £0.4m

Full Year £m	Outturn	Budget	Variance
Income	(4.7)	(4.4)	(0.3)
Expenditure	4.2	4.3	(0.0)
Total	(0.4)	(0.1)	(0.3)

There have been adjustments in forecast income and expenditure over the last 3 months to more closely reflect

actuals seen to date and expected consumption for the rest of the year.

1.7.15.	Overspends in the HRA impact the capital programme	The forecast outturn position results in a reduced contribution to the future programme. A sustained improvement in revenue budgets in 2023/24 must be delivered to ensure the long-term capital programme and HRA business plan remains affordable.
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2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The recommendations in this report are that the committee notes their 2023/24 budget forecast position and takes action on overspends.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 There has been no consultation on this report, however, it is anticipated that the budget process itself will involve significant consultation as the Policy Committees develop their budget proposals

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 There are no direct equality implications arising from this report. It is expected that individual Committees will use equality impact analyses as a basis for the development of their budget proposals in due course.

4.2 Financial and Commercial Implications

- 4.2.1 The primary purpose of this report is to provide Members with information on the City Council's revenue budget monitoring position for 2023/24.

4.3 Legal Implications

- 4.3.1 Under section 25 of the Local Government Act 2003, the Chief Finance Officer of an authority is required to report on the following matters:

- the robustness of the estimates made for the purposes of determining its budget requirement for the forthcoming year; and
- the adequacy of the proposed financial reserves.

- 4.3.2 There is also a requirement for the authority to have regard to the report of the Chief Finance Officer when making decisions on its budget requirement and level of financial reserves.

- 4.3.3 By the law, the Council must set and deliver a balanced budget, which is a financial plan based on sound assumptions which shows how income will equal spend over the short- and medium-term. This can take into account deliverable cost savings and/or local income growth strategies as well as useable reserves. However, a budget will not be balanced where it reduces reserves to unacceptably low levels and regard must be had to any report of the Chief Finance Officer on the required level of reserves under section 25 of the Local Government Act 2003, which sets obligations of adequacy on controlled reserves.

4.4 Climate Implications

- 4.4.1 There are no direct climate implications arising from this report. It is expected that individual Committees will consider climate implications as they develop their budget proposals in due course.

- 4.4 Other Implications
- 4.4.1 No direct implication

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 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.

6. REASONS FOR RECOMMENDATIONS

- 6.1 To record formally changes to the Revenue Budget.



Report to Policy Committee

Author/Lead Officer of Report: Nesreen Lowson

Tel: 0114 474 1241

Report of: Executive Director – Operational Services

Report to: Housing Policy Committee

Date of Decision: 21 March 2024

Subject: Housing Capital Programme – 2023/24 Quarter 3 update on the approved 5 Year Programme

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Purpose of Report:

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).

Recommendations:

The Housing Policy Committee members are recommended to:

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

Background Papers:

Appendix 1 – Approved 5-year Housing Capital Programme (2023/24 – 2027/28)

Lead Officer to complete: -		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Damian Watkinson</i>
		Legal: <i>Meurig Tiley</i>
		Equalities & Consultation: <i>N/A</i>
		Climate: <i>N/A</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission:	Ajman Ali
3	Committee Chair consulted:	Douglas Johnson
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Janet Sharpe	Job Title: Director of Housing, Housing and Neighbourhood Services
	Date: 11th March, 2024	

1.0 Background

- 1.1 The Housing Capital Programme was approved in February 2023 as part of the Housing Revenue Account (HRA) Business Plan and included in the Council's Corporate Capital Programme that brings together all Sheffield City Council's Capital Programmes for formal approval.
- 1.2 The Housing Capital Programme is a rolling 5-year programme which is part of the Housing Revenue Account (HRA) 30-year Business Plan. The proposals contained within the Investment Programme are subjected to tenant consultation and Member and officer scrutiny to ensure that investment is targeted to achieve key priorities of well maintained, decent, safe and warm homes.
- 1.3 The Housing Investment focuses on a 'fabric first' approach to protect council housing assets, to reduce ongoing and long-term repairs and maintenance obligations and increase tenants' satisfactions with their homes. During 2023, and as part of the refresh work of the investment needs identification for capital works, an area-based investment focus was undertaken, to reflect local priorities that are important to residents and tenants. In addition to this, close working arrangements with the Repairs and Maintenance Service are ongoing to align capital and revenue investment in the council housing stock.
- 1.4 Appendix 1 is a summary of the Q3 position against the approved 5 Year Housing Capital Programme.
- 1.5 The refresh of the 5-year Housing Capital programme is undertaken annually with periodic reviews during the course of the financial year.
- 1.6 The full HRA Business Plan including the Capital Programme was approved at Full Council on 20th February 2023. A total 5-year programme of £556.478m including a programme of £106.935m in 2023-24.
- 1.7 At the point of writing this committee update, the refreshed 5-year HRA capital programme (2024/25 – 2028/29) is awaiting full council approval. Progress reporting against the refreshed programme will commence at the end of quarter 1 of 2024/25.

2.0 HRA Capital Programme Position at the end of Quarter 3 2023/24

- 2.1 Variations to the programme have been approved since February 2023, following detailed reviews on the HRA capital finance budget available for the 5-year approved capital programme to reflect current market conditions and progress of individual projects contained within the programme. The overall variations have since resulted in a total revised approved Housing Capital Programme of £73.456m and Investment Programme of £42.064m. Details of this are shown in the table below which also indicates the variances in reporting the position at Quarter 3 of 2023/24.

2.2

HRA Capital Programme Position - Period 9

HRA Programme Position	2023/24 Full	2023/24 Full	2023/24 Full	2023/24 Full
	Year	Year	Year	Year
	Q1	Q2	Q3	VARIANCE
HEATING, ENERGY & CARBON REDUCTION TOTAL	£27,382,732	£17,376,725	£14,808,331	£(2,568,394)
H & S ESSENTIAL WORK TOTAL	£11,525,627	£10,570,330	£10,729,356	£159,026
ADAPTATIONS & ACCESS TOTAL	£2,950,871	£2,950,871	£2,950,871	£0
HRA PROGRAMME MANAGEMENT TOTAL	£3,100,000	£3,100,000	£3,100,000	£0
WASTE MANAGEMENT & ESTATE ENV TOTAL	£805,127	£100,000	£100,000	£0
ENVELOPING & EXTERNAL WORK TOTAL	£12,344,900	£1,583,900	£1,583,900	£0
COMMUNAL AREA INVESTMENT TOTAL	£500,000	£50,000	£50,000	£0
INTERNAL WORKS TOTAL	£3,835,995	£3,835,995	£5,435,995	£1,600,000
OTHER PLANNED ELEMENTALS TOTAL	£1,581,642	£931,642	£2,868,131	£1,936,489
GARAGES & OUTHOUSES TOTAL	£132,627	£132,627	£132,627	£0
IT UPGRADE TOTAL	£0	£0	£0	£0
GV MASTERPLAN DELIVERY TOTAL	£249,417	£304,919	£304,919	£(0)
HRA INVESTMENT NEED 2027/28				£0
COUNCIL HOUSING INVESTMENT TOTAL	£64,408,938	£40,937,010	£42,064,130	£1,127,120

Stock Increase Programme Position	2023/24 Full	2023/24 Full	2023/24 Full	2023/24 Full
	Year	Year	Year	Year
	Q1	Q2	Q3	VARIANCE
ASSET MANAGEMENT DELIVERY TOTAL	£10,899,644	£9,000,803	£7,562,029	£(1,438,774)
HOUSING GROWTH DELIVERY TOTAL	£45,746,389	£49,186,674	£20,214,507	£(28,972,167)
STOCK INCREASE PROGRAMME TOTAL	£56,646,032	£58,187,477	£27,776,536	£(30,410,941)

Non HRA Programme Position	2023/24 Full	2023/24 Full	2023/24 Full	2023/24 Full
	Year	Year	Year	Year
	Q1	Q2	Q3	VARIANCE
Non-HRA REGENERATION TOTAL	£18,000	£18,000	£18,000	£0
Non-HRA PROGRAMME MANAGEMENT TOTAL	£377,000	£377,000	£377,000	£0
HOMES & LOANS TOTAL	£534,758	£639,860	£792,680	£152,820
PRIVATE HOUSING STANDARDS TOTAL	£0	£0	£0	£0
OTHER CAPITAL WORKS TOTAL	£2,388,915	£2,388,915	£2,427,545	£38,630
NON-HRA SUMMARY TOTAL	£3,318,673	£3,423,775	£3,615,225	£105,102
GRAND TOTAL	£124,373,644	£102,548,262	£73,455,891	£(29,092,373)

The HRA Programme total variances shown above between Q2 and Q3 are a combination of new approved projects and re profiling budget allocations into future years, some including approved slippage.

- Heating Carbon & Energy variance is related to both EW1 2 & 3 projects, approval to reprofile slippage from 23/24 into future years.
- During the third quarter of 23/24 a number of budget variation requests were approved within the Health & Safety theme including Single Staircase Tower Blocks, Capitalised Repairs and Manor House Older Peoples Independent Living Fire Risk Assessment projects.
- A new approved project - Capitalised Repairs/Voids with an approved budget of £1.6m sits within the Internal Works theme.
- Other Planned Elementals theme accounts for the approved budget variation for Capitalised Repairs.
- Variances shown within the Stock Increase Programme are part of the approved reprofiling slippage requests to existing projects.
- The Homes & Loans theme variance relates to two schemes where a budget increase was approved.

2.3

At the end of Q3 2023-24, the Housing Capital Programme position is shown in the table below:

2023-24 Housing Capital Programme Position	Approved	Changes	Proposed
HRA Investment in Council Housing (Themes)	42.064	0.00	42.064
HRA Stock Increase Programme	27.777	0.00	27.777
HRA Programme Subtotal	69.841	0.00	69.841
Non-HRA Programme	3.615	0.00	3.615
TOTAL Housing Capital Investment Programme	73.456	0.00	73.456

2.4 At the end of Q3, 2023/24, the total approved budget for the 2023/24 Housing Investment Programme was £42.064m. The table below identifies the expenditure by level of commitment at Theme level. The levels of commitments illustrate the different stages of delivery for each of the theme programmes at the end of Q3 and set out the total amounts that are currently allocated within the approved housing capital programme.

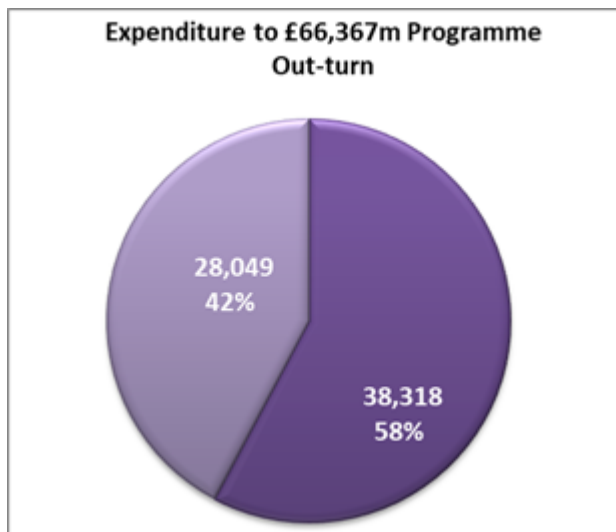
HRA PROGRAMME POSITION - PERIOD 9 APPROVED BUDGET £42.064m	STAGES OF HRA FULL YEAR 23/24 PROGRAMME			
	Planning/Survey/Feasibility	Design/Procurement	Contract Award/Delivery	Other/Q Number
HEATING, ENERGY & CARBON REDUCTION TOTAL	£0	£1,797,794	£12,704,031	£306,506
H & S ESSENTIAL WORK TOTAL	£314,465	£467,182	£9,509,897	£240,000
ADAPTATIONS & ACCESS TOTAL	£0	£0	£2,946,501	£4,370
HRA PROGRAMME MANAGEMENT TOTAL	£0	£0	£0	£3,100,000
WASTE MANAGEMENT & ESTATE ENV TOTAL	£0	£0	£0	£100,000
ENVELOPING & EXTERNAL WORK TOTAL	£0	£239,000	£1,344,900	£0
COMMUNAL AREA INVESTMENT TOTAL	£0	£0	£0	£50,000
INTERNAL WORKS TOTAL	£0	£0	£5,435,995	£0
OTHER ESSENTIAL WORK TOTAL	£0	£0	£2,636,080	£232,051
GARAGES & OUTHOUSES TOTAL	£0	£0	£197,812	£132,627
IT UPGRADE TOTAL	£0	£0	£0	£0
GV MASTERPLAN DELIVERY TOTAL	£0	£0	£304,919	£0
GRAND TOTAL	£314,465	£2,503,976	£35,080,135	£4,165,554

2.5 The following 'pipeline' projects are currently under development and fall within the Housing Investment Programme and project business cases have yet to be submitted, however are anticipated to be during 2024. Funding provision for these projects is contained within the Themes set out in the tables above.

- **Edward Street Flats External Refurbishment:** This project aims to address the ongoing issues with the condition of the roof, gutters, concrete repairs to the communal areas, fire safe flat doors, and window replacement. Energy efficiency and decarbonisation measures are currently being explored to incorporate potential options and solutions into the project scope.
- **Damp and Mould;** work is currently ongoing with the Repairs and Maintenance Service to develop a programme of works to address properties that are the most vulnerable to damp and mould due to construction types, condition of external fabric, insulation and energy efficiency status.
- **Waste Management and Pest Control Prevention Programme;** A number of our low-rise blocks in the city centre region are currently experiencing problems with excessive exposure to vermin and pests. This programme will support measures to address improved waste management measures including chutes closures and the provision of modern waste and recycling facilities.
- **Ranch Styles flats at Stannington;** this project will look to address damp and mould concerns reported by local residents in these flats.
- **Fire safety doors to flats;** work has commenced on developing a planned approach for the replacement of fire safety doors for all flats and maisonettes doors that are not to current required fire safety standards.

3.0 Expenditure Position at the end of Quarter 3 2023/24

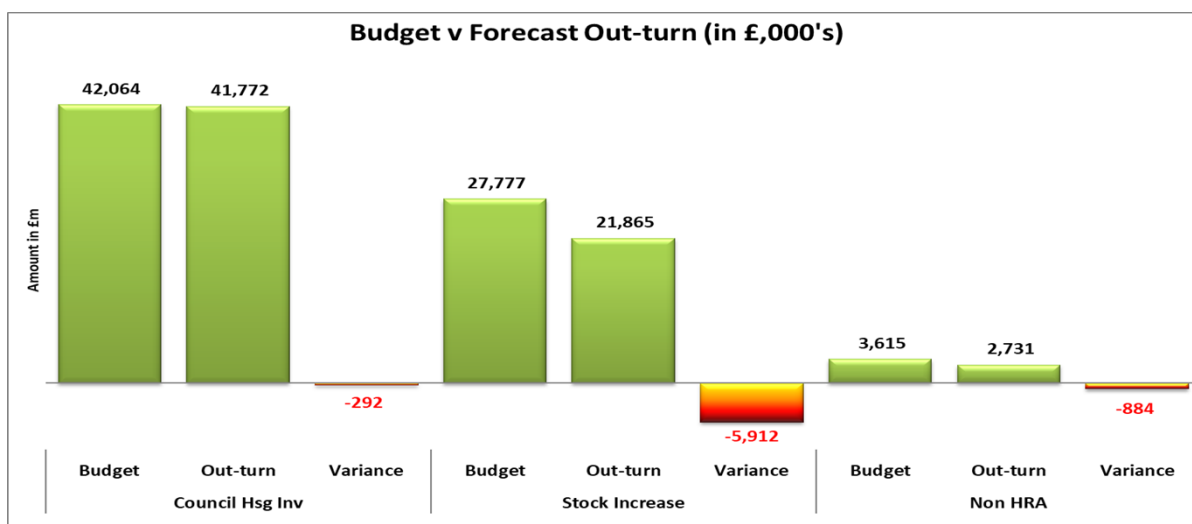
3.1 The total 2023-24 Housing Capital Programme expenditure to the end of December was £38,318m. This represented 58% of the total forecasted programme out-turn of £66.367m. The chart below illustrates this representation.



3.2 Forecast Out-turn Position at the end of Quarter 3 23/24

3.3 The Housing Capital Programme forecasted out-turn position at the end of December 2023 was £56.978m £66.367m. This is (£7.088m) under the proposed programme budget of £73.456m.

The table below illustrates the forecasted outturn against the approved budget at the end of Q3 for each of the Council Housing Investment, Stock Increase and Non-HRA areas of the programme.



3.4 The variances for each section of the programme are a combination of procurement (tender savings), programme changes, slippage and updated financial spend profiles.

3.5 The total within Council Housing Investment, the forecast variance is (£0.292m) and mostly related to EWI Non-Traditional (Airey Properties) Phase 2, Demolition Programme, Fire Suppression Systems and Lift Replacements which have experienced project changes and delays.

3.6 The forecasted variance for the Stock Increase programme (£5.912m) is mainly in relation to Corker Bottom Acquisitions General Needs where there have been a number of delays finalising the acquisition and therefore all payments are now reprofiled into future year 2024/25.

3.7 The forecasted variance for the Non HRA Programme is currently at (£0.884m)

3.8 **Update on the Stock Increase Programme (SIP)**

3.9 The 5 Year SIP has now been agreed by the Strategy and Resources Committee. The revised SIP, profile and priorities are as following.

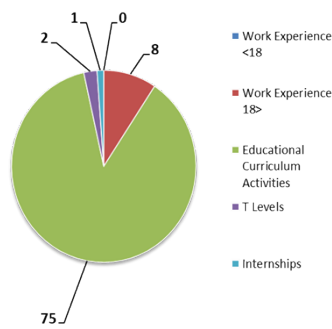
- Delivery of over 180 units on the Bolehills, Newstead General Needs and Newstead OPIL sites.
- The delivery of a further 437 general acquisitions up to 2029.
- The SIP delivery of an additional anticipated almost 300 units before 2029 across other sites.
- Expedite delivery of the Housing Strategy, OPIL Strategy, TA Strategy and Specialist Accommodation Review – involving wider stakeholders - so we have a clear basis upon which to base our priorities and decisions.
- Continue to work with DLUHC to resolve the issue of SHC acquisitions definition to avoid being part of the RTB141 cap which is underway to seek any possible opportunities for re-classification.
- All schemes are planned to ensure the programme and costs can be contained within the overall budget provision estimated as part of the 5-year revised budget profile and, will be subject to ongoing viability and, robust monitoring of costs by the Housing Policy Committee.

The provision of new Temporary Accommodation will come forward as a new Business Case as part of the work taking place with SLB and as part of a wider programme to increase supply for supporting the significant increase in Homelessness and loss of Housing Subsidy in the City (March 2024).

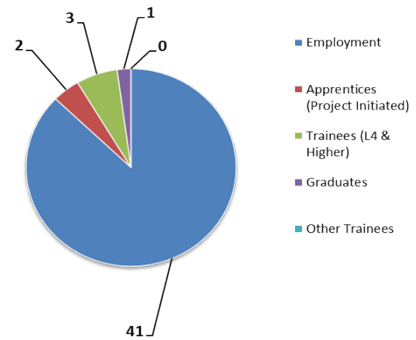
4.0 **Employment and Social Value**

4.1 The Housing Investment Programme achieves significant wider social value in addition to improvements to the council housing stock. This information is captured by the Council and published periodically. As part of the procurement of the capital programme contracts, a set of requirements are included during the procurement and contract stages for delivering against social value requirements which include supporting local employment and upskilling opportunities (through work experience and apprenticeships). The charts below report on these for Quarters 1, 2 and 3.

Educational Activities

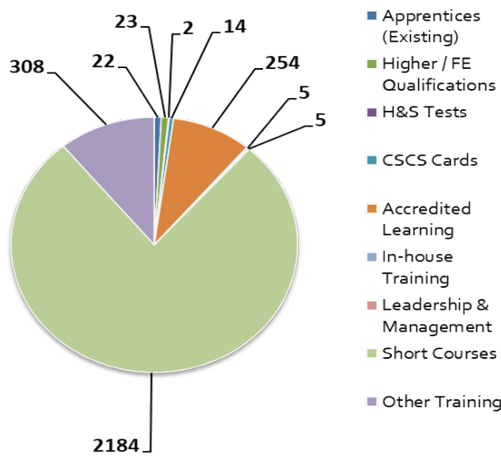


New Employment



To date during 2023/24, the chart below illustrates local employment upskilling opportunities within the Sheffield area.

Upskilling



5.0 Customer Engagement

- 5.1 The Housing Investment Programme (Capital) includes investment to ensure compliance with regulations, works that will protect the life of our assets and make our housing estates great places to live. Consulting on and planning the capital programme with tenants is a priority for the Housing and Neighbourhoods Service. Scrutiny on the delivery of the Housing Investment Programme is managed through tenant governance boards and performance reports.
- 5.2 Engagement with key stakeholders, including relevant consultation with residents and local members, takes place as part of developing each project proposal contained within the programme through written communication, workshops, and consultations events throughout the lifetime of the projects and programme.
- 5.3 Meetings are taking place annually with each of the individual Neighbourhood Teams to identify local priorities within each neighbourhood area. We will report updates on this to Housing Policy Committee as part of the annual the HRA business planning process.

6.0 Improvements to properties Summary outputs to be achieved during

2023/24.

- 6.1 The definition of outputs, include (but not limited to) the following:
- the number of surveys completed, kitchens, bathrooms, windows, doors installation to a property.
 - Adaptations carried out to any particular property may include building of extensions, installation of level access showers, stairlifts, ramps, and/ or any other adapted alterations to a property.
 - Roofing works completed per property or block of flats / maisonettes.
 - Any enhancement works that lead to the energy efficiency of a home.
 - Installation of fire doors, misting units, fire safety remedial works and surveys.
- 6.2 By the end of December 2023, the following outputs were achieved:
- 1577 Asbestos Surveys undertaken to various council properties across the city.
 - 2234 homes received electrical upgrades and are now compliant with the Electrical Safety regulations.
 - 342 adaptations were delivered and 69 installations of stairlifts to properties with vulnerable customers.
 - 17 Laundry facility upgrades to Older Persons Independent Living schemes.
 - 34 sites have now received CCTV refurbishment and new installation, work will continue until July/August 2024.
 - High rise reroofing work completed on the blocks at Cornhill, Crawshaw, Wentworth, Adelphi, Martin, Burlington and Bond. Work is currently underway at Albion and Oxford blocks and work to the Gleadless Valley high rise blocks is due to commence upon completion of the Albion and Oxford sites, this is likely to be towards the end of February.
- 6.3 Further ongoing projects that will yield further outputs during 2023/24 and, are as follows:
- The elementals programme had a slow start due to unforeseen contractor performance. A number of positions within the contractor's structure have changed and a new management team has taken over to improve performance. The scheme will deliver new kitchens, bathrooms, and electrical upgrades to hundreds of properties.
 - Fire Safety works to the 4 high rise blocks at Stannington and Hanover were completed by the end of December 2023.
 - The external wall insulation phase 2 (EWI 2 Airey repair and insulation) is now on site. It is anticipated that the first round of outputs of the project will be reported at the end of Quarter 4 of 2023/24.
 - The external wall insulation phase 3 (EWI 3 – system build properties) commenced on site during June 2023. This is anticipated to complete on site in June 2024 delivering 267 improved and insulated properties to PAS 2035 standards.
- 6.4 The Gleadless Valley masterplan recently launched with circa £90m of investment to be delivered including 221 new homes, 72 homes remodelled and the remaining stock on the estate being refurbished over the next 10 years as part of a comprehensive programme of regeneration improvements. The Gleadless Valley project team is currently reviewing the overall delivery programme and any significant changes will be subject to further member and tenant scrutiny. This will be reported separately.

7.0. HOW DOES THIS DECISION CONTRIBUTE?

7.1 The Housing Policy Committee is to note and provide comment on the progress made within Q3 of 2023/24 against the approved position on the Housing Investment Programme.

8.0 HAS THERE BEEN ANY CONSULTATION?

8.1 There has been no consultation on this report other than tenant scrutiny performance reporting. The budget approval process itself for each project/programme contained within the Housing Investment Programme involve significant consultation and engagement with tenants, residents, local members and key stakeholders.

9.0 RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

9.1 Equality Implications

9.1.1 There are no direct equality implications arising from this report. It is expected that each individual project will undertake a full Equality Impact Assessment as part of the basis for the development of project details, scope and budget proposals.

9.2 Financial and Commercial Implications

9.2.1 The report provides and update on the current position and at the end of Q3 for the Housing Capital Programme.

9.3 Legal Implications

9.3.1 Section 28 of the Local Government Act 2003 imposes a duty on the Council to monitor its budgets throughout the financial year, this report is a financial update report that sets out the position of the Housing Capital Programme. There are no new or additional legal implications arising from the report for consideration. Individual reports on of the three component parts of the Housing Capital Programme being (1) Council Housing Investment, (2) Stock Increase Programme and (3) the Non-HRA Capital Programme should set out any relevant legal implications.

9.4 Climate Implications

9.4.1 There are no direct climate implications arising from this report. It is expected that individual projects will consider climate implications as project and budget proposals are developed in due course.

9.5 Other Implications

9.5.1 *There are no other implications to consider*

10.0 ALTERNATIVE OPTIONS CONSIDERED

10.1 *No alternative options are considered as part of this update report.*

11.0 REASONS FOR RECOMMENDATIONS

11.1 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 Q3 2023/24.

Appendix 1 – Approved 5-year Housing Capital Programme

HRA Capital Programme Position - Position at Period 9

HRA Programme Position	2023/24 Full Year	2024-2028 Programme					5 Year Total FY Budget
	2023/24 FY Budget	2024/25 FY Budget	2025/26 FY Budget	2026/27 FY Budget	2027/28 FY Budget		
HEATING, ENERGY & CARBON REDUCTION TOTAL	£14,808,331	£19,152,178	£11,414,785	£13,450,000	£0	£58,825,293	
H & S ESSENTIAL WORK TOTAL	£10,729,356	£17,946,731	£21,880,321	£18,240,654	£0	£68,797,062	
ADAPTATIONS & ACCESS TOTAL	£2,950,871	£3,304,730	£5,455,879	£682,553	£0	£12,394,033	
HRA PROGRAMME MANAGEMENT TOTAL	£3,100,000	£3,150,000	£3,200,000	£3,250,000	£0	£12,700,000	
WASTE MANAGEMENT & ESTATE ENV TOTAL	£100,000	£3,475,127	£3,365,000	£3,515,000	£0	£10,455,127	
ENVELOPING & EXTERNAL WORK TOTAL	£1,583,900	£9,553,244	£10,694,757	£11,246,118	£9,714,000	£42,792,019	
COMMUNAL AREA INVESTMENT TOTAL	£50,000	£2,950,000	£2,500,000	£2,927,200	£0	£8,427,200	
INTERNAL WORKS TOTAL	£5,435,995	£3,733,747	£3,144,646	£5,192,931	£0	£17,007,319	
OTHER PLANNED ELEMENTALS TOTAL	£2,868,131	£1,982,000	£1,332,000	£1,482,000	£0	£7,664,131	
GARAGES & OUTHOUSES TOTAL	£132,627	£250,000	£250,000	£250,000	£0	£882,627	
IT UPGRADE TOTAL	£0	£0	£0	£0	£0	£0	
GV MASTERPLAN DELIVERY TOTAL	£304,919	£8,970,992	£10,963,000	£20,162,399	£0	£40,401,310	
HRA INVESTMENT NEED 2027/28	£0	£0	£0	£0	£33,525,000	£33,525,000	
COUNCIL HOUSING INVESTMENT TOTAL	£42,064,130	£73,968,748	£74,200,388	£80,398,855	£43,239,000	£313,871,121	
Stock Increase Programme Position	2023/24 Full Year	2024-28 Programme					5 Year Total FY Budget
	2023/24 FY Budget	2024/25 FY Budget	2025/26 FY Budget	2026/27 FY Budget	2027/28 FY Budget		
ASSET MANAGEMENT DELIVERY TOTAL	£7,562,029	£3,525,955	£3,260,456	£2,637,829	£2,743,616	£19,729,885	
HOUSING GROWTH DELIVERY TOTAL	£20,214,507	£39,781,350	£49,558,945	£54,132,968	£22,339,559	£186,027,329	
STOCK INCREASE PROGRAMME TOTAL	£27,776,536	£43,307,305	£52,819,401	£56,770,797	£25,083,175	£205,757,214	
Non HRA Programme Position	2023/24 Full Year	2024-28 Programme					5 Year Total FY Budget
	2023/24 FY Budget	2024/25 FY Budget	2025/26 FY Budget	2026/27 FY Budget	2027/28 FY Budget		
Non-HRA REGENERATION TOTAL	£18,000	£18,000	£18,000	£18,000	£18,000	£90,000	
Non-HRA PROGRAMME MANAGEMENT TOTAL	£377,000	£377,000	£377,000	£377,000	£377,000	£1,885,000	
HOMES & LOANS TOTAL	£792,680	£0	£0	£0	£0	£792,680	
PRIVATE HOUSING STANDARDS TOTAL	£0	£0	£0	£0	£0	£0	
OTHER CAPITAL WORKS TOTAL	£2,427,545	£2,308,625	£0	£0	£0	£4,736,170	
NON-HRA SUMMARY TOTAL	£3,615,225	£2,703,625	£395,000	£395,000	£395,000	£7,503,850	
GRAND TOTAL	£73,455,891	£119,979,679	£127,414,789	£137,564,652	£68,717,175	£527,132,185	

*Please note the £33.525m identified as "HRA Investment Need 27/28" is not yet part of formally approved program in the Finance System



Report to Policy Committee

Author/Lead Officer of Report: Janet Sharpe,
Director of Housing Services

Tel: 0114 2735493

Report of: *Ajman Ali (Executive Director, Neighbourhood Services)*

Report to: *Housing Policy Committee*

Date of Decision: *21 March 2024*

Subject: *Response to DLUHC Consultation on Awaab's Law*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input type="checkbox"/>
Insert EIA reference number and attach EIA		
Has appropriate consultation/engagement taken place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Purpose of Report:

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
- requirements to be placed upon landlords to maintain adequate record keeping throughout repair works.

Recommendations:

That the Housing Policy Committee:

1. *Note the contents of this report.*
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.*

Background Papers:

Appendix A – *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.*

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: <i>Helen Damon</i>
		Legal: <i>Rebecca Lambert</i>
		Equalities & Consultation: <i>N/A</i>
		Climate: <i>N/A</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	SLB member who approved submission:	<i>Ajman Ali</i>
3	Committee Chair consulted:	<i>Cllr Douglas Johnson</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Janet Sharpe	Job Title: Director of Housing Services
	Date: 8th March 2024	

1. PROPOSAL

- 1.1 On 20 July 2023, Awaab's Law entered the statute book through section 42 of the Social Housing (Regulation) Act 2023. Awaab's Law came into force on 20 September 2023. Section 42 of the Social Housing (Regulation) Act 2023 amends section 10 of the Landlord and Tenant Act 1985 by introducing new sections 10A and 10B to this Act. Awaab's Law effectively inserts into social housing tenancy agreements a term (called an implied term) that will require landlords to comply with new requirements, to be set in detail through secondary legislation. This means all registered providers of social housing (also referred to as 'social landlords') will have to meet these requirements and, if they fail to do so, tenants will be able to hold their landlords to account by taking legal action through the courts for a breach of contract.
- 1.2 Awaab's Law requires landlords to investigate and fix reported health hazards within specified timeframes. The primary purpose of the consultation was to set out those timeframes and seek views from across the 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
- requirements to be placed upon landlords to maintain adequate record keeping throughout repair works

- 1.3 The consultation, which closed on 6 March 2024, set out the proposed approach to defining hazards within scope of Awaab's Law as well as that of timescales. It proposed that Awaab's Law should take into account the 29 health and safety hazards set out by the Housing Health and Safety Rating System (HHSRS). It is proposed that defining hazards in scope of Awaab's Law as those that pose a significant risk to the health or safety of the actual resident of the dwelling. This means that a hazard does not have to be at category 1 level in order to be in scope of Awaab's Law. This is because there may be instances where a particular resident is at a greater risk from hazardous conditions, for example a resident with asthma may be at greater risk from a home affected by damp and mould.
- 1.4 The consultation set out the following Proposals:

Proposal 1. Initial investigations of potential hazards

If a registered provider is made aware of a potential hazard in a social home, they must investigate within 14 calendar days to ascertain if there is a hazard.

Proposal 2. Written summaries of investigation findings

Within 14 calendar days of being made aware that there is a potential hazard in a social home, the registered provider must provide a written summary of findings to the resident that includes details of any hazard identified and (if applicable) next steps, including an anticipated timeline for repair and a schedule of works.

Proposal 3. Beginning repair works

If the investigation indicates that a reported hazard poses a significant risk to the health or safety of the resident, the registered provider must begin repair works within 7 calendar days of the written summary being issued.

Proposal 4. Completing repair works

The registered provider must satisfactorily complete repair works within a reasonable time period. The resident should be informed of this time period and their needs should be considered.

Proposal 5. Timescales for emergency repairs

The registered provider must action emergency repairs as soon as practicable and, in any event, within 24 hours.

Proposal 6. Decanting if the property cannot be made safe immediately

In the event that the investigation finds a hazard that poses a significant, or a significant and imminent, risk of harm or danger, and the property cannot be made safe within the specified timescales for Awaab's Law, the registered provider must offer to arrange for the occupant(s) to stay in suitable alternative accommodation until it is safe to return.

Proposal 7. Record-keeping

The registered provider will be expected to keep clear records of all attempts to comply with the proposals, including records of all correspondence with the resident(s) and any contractors. If the registered provider makes all reasonable attempts to comply with the timescales but is unable to for reasons genuinely beyond their control, they will be expected to provide a record of the reasons that prevented them from doing so.

In addition, an impact assessment to estimate the costs and benefits of the proposals for Awaab's Law including familiarisation costs and costs associated with meeting the requirements of each of the 7 Proposals is considered within the consultation. Full detail of these proposals can be

found at [Awaab's Law: Consultation on timescales for repairs in the social rented sector - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/awaab-law-consultation-on-timescales-for-repairs-in-the-social-rented-sector)

- 1.5 We know that once any new legal requirement is enacted, any set timescales will be implied into tenancy agreements, so it is important that we take steps to prepare.

In preparation we will:

- continue to assess our teams capacity to meet the timescales proposed, and make plans to meet these timescales if they are not currently achievable.
- consider any gaps in skills, expertise and familiarisation of HHSRS. We will ensure that staff members are sufficiently skilled and experienced and where we identify gaps will build this into our workforce planning.
- review our approach to record keeping and take advantage of new and emerging technologies to support this.

- 1.6 Everyone deserves to live in a home that is decent, safe and secure and the proposed legislation will take steps to ensuring this. Our response welcomes the proposals and provides answers to each question. It provides additional context and views around our approach and challenges we face such as our ability to consistently secure specialist contractors. In addition, it provides views on potential risks and unintended consequences of introducing these proposals.

Appendix A provides the full consultation response submitted to DLUHC for members of this Committee to note. Due to short length of the consultation period and the committee meeting schedule it was not possible for approval of this consultation response to be agreed by the Housing Policy Committee before it's submission.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The new Council Plan was approved by Full Council on 6th March 2024, "Together we get things done", in collaboration with our communities, partners, and stakeholders is a shared narrative that describes where we all want to be as a city. The Council plan sets out our City Goals, which will become a driving force to support our Council improvement journey and delivery planning. With the goals being developed collaboratively, a key aim is that this will promote a joined-up approach to delivering the goals.

One of the new Council Plan strategic outcomes is 'Great neighbourhoods that people are happy to call home', with a specific priority around increasing the availability, quality, and range of housing in our neighbourhoods.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 Consultation has taken place internally within the Council to develop our response to the proposals. The government in developing its proposals has consulted widely with tenants and social landlords across the country.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 There are no direct equality implications arising from responding to this consultation.

4.2 Financial and Commercial Implications

- 4.2.1 There are no direct financial implications arising from responding to this consultation. However, if the proposals are taken forward then the cost of meeting our obligations will need to be costed and delivered within the Housing Revenue Account Business Plan.

4.3 Legal Implications

- 4.3.1 On the 16th November 2022, following the conclusion of the inquest into the death of Awaab Ishak in Rochdale, the Senior Coroner of the Coroner Area of Manchester North issued a Regulation 28 Report to Prevent Future Deaths under paragraph 7, Schedule 5, of the Coroner's and Justice Act 2009 and Regulation 28 and 29 of the Coroner's (Investigations) Regulations 2013. This Regulation 28 Report was sent to the Secretary of State for the Department for Levelling Up, Housing and Communities (DLUHC) and the Secretary of State for Health stating that they each have the power to prevent future deaths and asking for their response and a plan of action. Following the conclusion of the inquest Manchester Evening News and Shelter led a campaign with the support of the Ishak family for 'Awaab's Law'. The Secretary of State for DLUHC gave his backing to the campaigners' call for the introduction of 'Awaab's Law.'
- 4.3.2 Section 42 of the Social Housing (Regulation) Act 2023 is the statutory provision which introduces 'Awaab's Law'. This statutory provision came into force on 20 September 2023. Section 42 of the Social Housing (Regulation) Act 2023 amends Section 10 of the Landlord and Tenant Act 1985 to introduce new sections 10A and 10B which create a new implied term as to remedying hazards. Section 10A deals with the Remedying of hazards occurring in dwellings let on relevant social housing leases.

Section 10A (2) states that:

'There is implied in the lease a covenant by the lessor that the lessor will comply with all prescribed requirements that are applicable to that lease.'

Section 10A (3) goes on to state that:

'The Secretary of State must make regulations which require the lessor under a lease to which this section applies to take action, in relation to prescribed hazards which affect or may affect the leased dwelling, within the period or periods specified in the regulations.'

These Section 10A provisions require social landlords to comply with new requirements which will be set out in detail through regulations and other secondary legislation. This consultation sought views on the specific requirements and timescales to be included in secondary legislation when implementing 'Awaab's Law' and how these will impact on residents and landlords.

4.4 Climate Implications

4.4.1 There are no direct climate implications arising from this consultation.

4.5 Other Implications

4.5.1 There are no other implications arising from this consultation.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 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.

6. REASONS FOR RECOMMENDATIONS

6.1 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.

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Submitted to Awaab's Law: Consultation on timescales for repairs in the social rented sector
Submitted on 2024-03-05 18:05:22

Demographic Questions

1 In which capacity are you completing these questions?

Local authority registered provider

If other, please specify: :

2 If responding on behalf of an organisation, please specify which organisation:

If responding on behalf of an organisation, please specify which organisation::

Sheffield City Council

3 Social landlords only: where are the properties you manage primarily based?

Yorkshire and the Humber

4 Social landlords only: How many rental properties do you manage?

20,000-49,999

Scope of Awaab's Law: Hazards

5 Do you agree that Awaab's Law should apply to all HHSRS hazards, not just damp and mould?

Yes

6 Do you agree the right threshold for hazards in scope of Awaab's Law are those that could pose a significant risk to the health or safety of the resident?

Yes

7 If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q5

Yes - Damp and mould poses a significant and unacceptable risk to our tenants and their families. We welcome and support this approach and are committed to ensuring that tenants and their families live in homes that are decent, safe and secure.

Although dealing with the immediate signs of damp and mould is imperative, the application of HHSRS hazards within Awaab's Law will provide greater consistency and assurance across the sector that landlords are dealing with the causal issues of damp and mould in a consistent way which will in turn drive up long term, sustainable levels of decency.

Supplementary Context for Q6

Yes - We are committed as a social landlord to understanding the diverse needs of our tenants to ensure that the services we deliver are fair and equitable. The proposal that hazards that could pose a significant risk to the health and safety of resident adds greater weight to a person centred, differentiated approach and will provide clarity to landlords in respect of their responsibilities. It will ensure that we are supporting the most vulnerable of our tenants and mitigating and/or removing the risks to them in a timely manner.

However, we believe this will likely be at additional cost and put pressure on the HRA Business Plan. In this respect we would urge Government to consider funding this additional activity.

Proposal 1: Initial investigations of potential hazards

8 Do you agree with the proposal that social landlords should have 14 calendar days to investigate hazards?

Yes

9 Do you agree that medical evidence should not be required for an investigation?

Yes

10 If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

?:

Supplementary Context for Q8

Yes – The introduction of a consistent timescale for landlords will ensure that tenants and their families are less likely to be exposed to risks for a prolonged period of time. Early investigation is critical in ensuring that hazards are identified and risks to the health or safety of residents and their families are established to enable the adequate and appropriate actions to mitigate and/or remove hazards are investigated promptly and sufficiently. We welcome the definition of the 'Investigation' under Paragraph 66 and the acknowledgement that a landlord should use good judgement in determining the best way of conducting an investigation. In addition, the need of the sector to utilise modern technology to facilitate remote investigations when deemed appropriate. However, this may cause some resource challenges where tenants request a physical investigation which we have determined could adequately be delivered as described above. The impact of this is that resources are stretched, and potentially average investigation times increase.

We do anticipate a level of challenge in up-skilling the current workforce to sufficiently undertake investigation within these timescales but will implement plans to prepare. We believe this will likely be at additional resource and training cost that will put pressure on the HRA Business Plan. In this respect we would urge Government to consider funding this additional activity.

Supplementary Context for Q9

Yes – Conducting an investigation should not require medical evidence as this could extend exposure to a significant risk to the health or safety of residents. We agree that this would put undue pressure on primary care with little benefit in this instance. Undertaking the investigation to establish appropriate actions promptly should remain the primary focus.

Proposal 2: Written summaries of investigation findings

11 Do you agree with the proposal for registered providers to provide a written summary to residents of the investigation findings?

Yes

12 Do you agree with the minimum requirements for information to be contained in the written report?

Yes

13 Do you agree registered providers should have 48 hours to issue the written summary?

Yes

14 If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q11 -Providing a written summary (including all forms of electronic) to residents including the differentiation of temporary repairs and mitigation and actions to permanently rectify problems will provide greater consistency across the sector and provide greater transparency and accountability. We do acknowledge that this will increase reporting expectations on frontline staff which will require changes to ours of working and potentially require upskilling of the current workforce to sufficiently meet these requirements. We will implement plans to prepare for these changes, however, we would urge Government to consider funding this additional activity.

Supplementary Context for Q12 - This approach will provide greater clarity, defining a minimum summary (as set out in Paragraph 75) ensures greater transparency and accountability to tenants and across the sector. Which will in turn build trust and confidence and provide a more personalised service which in turn will relieve other service demands such 'chasers' from tenants. We welcome the approach set out in Paragraph 77 that social landlords will not be required to provide a written summary ahead of completing repair works when addressing emergency hazards. We would welcome further consideration on a consistent streamlined approach to providing a written summary where a hazard does not pose a significant risk to a resident or no hazard was identified to avoid unintended bureaucracy that will tie up resource that could be better deployed supporting tenants that need us the most.

Supplementary Context for Q13 - However, taking into consideration points made in Question 8 relating instances where a hazard does not pose a significant risk to a resident or no hazard was identified. We welcome the approach set out in Paragraph 81 - If, within 48 hours of the investigation, the registered provider is not able to set out full details of wider repair works, and only the immediate steps they are taking (i.e. temporary repairs), they should inform the resident of when they can expect a full schedule of works. We do acknowledge that this will increase reporting expectations on frontline staff which will require exploration of the use of modern technology and systems to facilitate this. We will implement plans to prepare for these changes, however, we would urge Government to consider funding this additional activity.

Proposal 3: Beginning repair works

15 Do you agree with the proposal that if an investigation finds a hazard that poses significant risk to the health or safety of the resident, the registered provider must begin to repair the hazard within seven days of the report concluding?

Yes

16 Do you agree that in instances of damp and mould, the registered provider should take action to remove the mould spores as soon as possible?

Yes

17 Do you agree with the proposed interpretation of 'begin' repair works?

Yes

18 If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q15

Yes - Acknowledging that by definition this will be detailed within the post investigation written summary report as temporary repairs that are needed to make the property safe until the problem can be permanently rectified, or commencement of works to permanently rectify the problem.

It is likely that there will be instances where a resident will deem that a hazard poses significant risk to the health or safety but this is not aligned with our assessment and this will likely be a challenge that we will need to overcome to ensure that we are able to support the most vulnerable residents.

Supplementary Context for Q16

Yes - Removing mould spores promptly is critically important as it mitigates the health risk to residents in our homes. Taking this approach provides confidence that risk has been reduced in the short term to allow identification of underlying causes of damp and mould, including building deficiencies and inadequate ventilation.

Supplementary Context for Q17

Yes - The definition of a 'worker being on site physically starting to repair and rectify a hazard' as set out in Paragraph 87 is clear. Effective communication with residents aided by the proposal set out in respect of providing a written summary report of actions and timescales will manage expectations. It is noted that this may include a phased approach to more complex remediation works as defined in Paragraph 89. That 'temporary works to remove the mould spores to mitigate the health risk, with wider repair works to follow' is appropriate. It will be critically important that we communicate clearly with residents to ensure that we avoid any misconception between the requirement to 'begin' work and their expectation that we will commence permanently rectifying hazards (which could include a scheme of works or capital programme) within the proposed timescales.

Proposal 4: Completing repair works

19 Do you agree that the registered provider must satisfactorily complete repair works within a reasonable time period, and that the resident should be informed of this time period and their needs considered?

Yes

20 If you have answered 'no' to the question in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to the question in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q19

Yes - It is critically important that repairs are completed within a reasonable time period to avoid exposure to risk over a prolonged period of time. We recognise that where planned works are delayed the need to assess the ongoing risk to residents must be reviewed and is not a one of exercise as their health and/or circumstances may have changed over time.

We do acknowledge that there is a challenge in this sector particularly in sourcing specialist contractors when demand is at an all time high. In turn, this will likely drive-up costs of procuring competent and reliable specialist contractors which will likely be at additional cost and put pressure on the HRA Business Plan. In this respect we would urge Government to consider funding this additional activity.

Proposal 5: Timescales for emergency repairs

21 Do you agree that timescales for emergency repairs should be set out in legislation?

No

22 Do you agree that social landlords should be required by law to action emergency repairs as soon as practicable and, in any event, within 24 hours?

No

23 If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q21 & 22

No – We operate an Out of Hours service to respond to emergency repairs requests. The purpose is to prevent any serious risk to health and safety, major damage to the structure of the property which may result in it becoming insecure. When receiving a report, detailed questions are asked to ensure the repair is a genuine emergency. Our response time is to attend within 4 hours to deal with the repair. It is felt that social landlords already prioritise emergency repairs and that additional regulation is not legislation at this time.

Proposal 6: Decanting if the property cannot be made safe immediately

24 Do you agree that landlords should arrange for residents to stay in temporary accommodation (at the landlord's expense) if the property can't be made safe within the specified timescales?

Yes

25 If you have answered 'no' to the question in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q24

Yes – Our Decant Procedure sets out our approach to temporarily rehousing tenants in emergency situations. This is when a property has been inspected and deemed uninhabitable and includes as the category damp, mould and condensation.

Proposal 7: Record keeping

26 Do you agree that Awaab's Law regulations should include provisions for a defence if landlords have taken all reasonable steps to comply with timeframes, but it has not been possible for reasons beyond their control?

Yes

27 If you have answered 'no' to the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion

If you have answered 'no' to the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion:

Supplementary Context for Q26

Yes – This is seen as a key as in some cases we do have issues with no access to the property which means we are not always able to take action at the pace we would like to resolve issues for tenants. It is felt that there is a greater risk of creating more pop-up 'claims handlers' in a way similar to disrepair which will detract resources from resolving issues in our homes and keeping people safe.

Impact Assessment - assessing the costs and benefits of Awaab's Law

28 Do you agree with the assessment that proposals 1, 3, 4, 5, 6 and 7 will create small net additional costs to the sector?

No

29 If not, please can you provide additional information?

If not, please can you provide additional information?:

Supplementary Context for Q28

No – At this stage the ability to define a 'small net additional cost to the sector' to deliver the proposals seems unlikely and the actual cost implication may be wide ranging, dependant on a number of variable factors including stock size and make up. It is felt that costs associated with implementation of Proposals 1,3,4,5,6 and 7 could be significant and put additional pressure on the HRA Business Plans viability.

In that respect of Proposals 3, 4, and 6:

- It is anticipated there will be a greater additional cost to upskill and recruit the right skills to meet demand in the short/medium term. It is important that we understand the skills gap and the cost of upskilling, maintaining and developing skills in our workforce which is for longer than the one-year period defined.
- Proposal 3 – Beginning Repairs Work , Proposal 4 – Completing Repair Works are likely to lead to greater demand on sub-contractors and specialists which in turn will push up costs and impact on availability of reliable, competent tradespersons resulting inflated costs of remediation.
- Proposal 6 - Decanting if the property cannot be made safe immediately could increase once greater public knowledge in respect of Awaab's Law especially linked to impact on health which means less properties for decant and for general needs allocation which may adversely impact homelessness.

30 Do you agree with the assessment of the net additional costs of proposal 2?

No

31 If not, please can you provide additional information?

If not, please can you provide additional information?:

Supplementary Context for Q30

No – The additional staffing resource and technology requirements to simplify and ensure effective record keeping to meet the defined timescales is likely to be greater.

32 Do you agree with the assumptions we have made to reach these estimates?

Yes

33 If not, please can you provide additional information?

If not, please can you provide additional information?:

The assumptions section provides context of the data limitations. We note that there are limitations as data is made up of some landlords and that in instances estimates have been made which means there will likely be a varying impact on providers.

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Report to Policy Committee

Author of Report: *(Luke Simpson, Operations & Development Manager)*

Tel: 0114 29300000

Report of: *Director of Housing Services*

Report to: *Housing Committee*

Date of Decision: *21st of March 2024*

Subject: *Housing Cleared Sites Maintenance Contract 2024-28*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input checked="" type="checkbox"/>
Insert EIA reference number and attach EIA	2492	
Has appropriate consultation/engagement taken place?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below: -		
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>		

Purpose of Report:

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.

Recommendations:

It is recommended 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.

Background Papers:

Nil

Lead Officer to complete: -		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: Helen Damon (22/12/2023)
		Legal: Rebecca Lambert and Marcia McFarlane (12/03/2024)
		Equalities & Consultation: Ed Saxon (22/12/2023)
		Climate: Nathan Robinson (08/01/2024)
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	Ajman Ali
3	Committee Chair consulted:	Councillor Douglas Johnson
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Dean Butterworth</i>	Job Title: Head of Investment Services
	Date: 15/01/2024	

1. PROPOSAL

- 1.1 Sheffield City Council Housing Services have Housing cleared sites across the city. Housing cleared sites are Council owned land, that have either been acquired in a cleared state, or had buildings (which may include non-council housing) that have been demolished, leaving sites vacant. They also include sites acquired for redevelopment that became vacant following demolition. There are currently 34 Housing cleared sites across the city, these numbers may increase or decrease depending on developments. Housing cleared sites vary in size and location and remain vacant while waiting to be disposed of through either sale or redevelopment.
- 1.2 The Council's 'Homes for All' Delivery Plan sets out how the Council will provide new housing stock in the city to support strong neighbourhoods, boost regeneration, and help people feel safe, warm and well. In line with the 'Homes for All' Delivery Plan, a number of these Housing cleared sites are expected to be developed for new housing in the coming years. Until these sites are developed, the Housing Service will have to arrange ongoing clearance and maintenance.
- 1.3 Sites left unattended are at an increased risk of being used for antisocial behaviour, causing possible adverse impact on the environment from burning rubbish including tyres and disposal of toxic material that could be harmful to soil and animals. Fly tipping may also contribute to increased risk to health because of corrosive material, gas canisters and other hazardous substances not being disposed of appropriately including sharps, body and other waste and contaminants. Some of these cleared sites are near housing including housing estates, and the condition of these sites can impact on their local area.
- 1.4 The Council would therefore want to ensure cleanliness, safety, and security of its Housing cleared sites. This is critical to delivering the Council's commitment to looking after the well-being of the community. If these sites are neglected, the aesthetics of public spaces could be compromised with possible threat to public safety .
- 1.5 The Housing Service are responsible for the management of these vacant cleared sites. In 2018 the Council commissioned a third-party (Green Estates) to manage and maintain the Housing cleared sites under a 4-year *Housing Cleared Site Maintenance Contract*. The Housing Service uses a third-party contractor to manage and maintain its cleared Council owned sites across the city.
- 1.6 The contract with Green Estates commenced on 1 August 2018 and ended 31 July 2022, however the Housing services has continued to use the contractor and the previous contract provision to date. The Council needs to promptly competitively tender for the contract to

ensure compliance with the relevant law. Failure to adhere to this may result in reputational damage and legal implications.

- 1.7 The new contract would deliver the management and maintenance of the Housing cleared sites across the city. Sites will be kept tidy and safe in order to not have a detrimental impact on the residents and other users in the vicinity. This report seeks approval to commission a new contract for a 4-year term. Alternative options were considered on how the service could be delivered detailed in section 5 (Alternative Option Considered).
- 1.8 The most viable option is to commission an external contractor. This allows other contractors the possibility of competing for the contract. The contract will ensure that sites are kept well maintained, tidy and safe and will not have a detrimental impact on the residents and other users in the vicinity of the area. This process is in line with the Public Contracts Regulations 2015 and Council Standing Orders and therefore, significantly reduces the risk of challenge.
- 1.9 In appropriate cases, biodiversity assessment and similar considerations would form part of the wider strategy for managing these sites. Where the land lends itself to naturalisation, it may be considered for advancing biodiversity where possible and feasible.
- 1.10 In general, the Council will require the contractor to provide some or all the following services across the sites:
- Litter picking (including needle picking) and appropriate disposal.
 - Patrolling sites to check for fly tipping.
 - Removal and responsible disposal of fly tipped materials.
 - Making safe exposed manholes/service covers or other Health and Safety issues as directed.
 - Forming of perimeter bunds/other work to increase site security if requested.
 - Disposal of material (both hazardous and non-hazardous) – Must hold or only use Contractors who have, current waste transfer and disposal permits/licences and documentation, where applicable.
 - Grass maintenance – cutting, flailing, rolling/spiking turf, applying herbicides, hand-weeding, etc.
 - Maintenance of hard-landscaped areas.
 - Applying surface treatments such as herbicide, fungicide, fertiliser, etc.
 - Identification of invasive species such as Japanese Knotweed
 - Maintaining various trees, hedges, and plants (shrubs, climbers, ground cover plants, bulbs, etc.)
 - Liaison with stakeholders (site neighbours, residents, Police/Community Support Officers, Council officers, etc.) as required.

- 1.11 The new Housing Cleared Site Maintenance contract will facilitate monitoring, timely removal of fly tipping and the maintenance of safety standards. This service encompasses dedicated monitoring of the cleared site areas to promptly identify and address any health and safety concerns, ensure swift actions removing litter, fly tipping and maintain the safety and security of the Housing cleared sites.

2. HOW DOES THIS DECISION CONTRIBUTE

2.1 Thriving neighbourhoods and stronger communities

The appointment of a cleared site maintenance contractor will enable the Housing service to provide the careful upkeep of the cleared sites across the city. The contract will support the maintenance of these spaces ensuring sites are kept to a high standard until their eventual disposal or redevelopment. Sustained maintenance will prevent overgrowth, unmanageability, the attraction of fly tipping and other anti-social behaviours. The commitment to a cleared site contract will ensure that the sites across the city remain aesthetically pleasing, providing a disturbance free environment for its neighbouring residents and businesses. This contract will ensure that sites remain clean, safe, and secure providing an environment in which the neighbourhood is able to thrive in.

2.2 Better health and well-being

The implementation of a cleared site maintenance contract for the sites across the city is pivotal in mitigating litter and fly tipping which may attract vermin. The appointment of a contractor would minimise the presence of these issues in and around residential neighbourhoods, averting potential health hazards for residents. Vigilant monitoring and management of the cleared sites are essential to maintaining the health and well-being of our communities.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 While no formal consultation has been conducted it remains an integral component of the ongoing maintenance and support framework to ensure that sites are kept safe and orderly until sold or earmarked for new housing developments. The transition of these sites from vacant land to development status triggers any necessary public consultation in accordance with the requirements of the landowner or planning authority.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 An Equality Impact Assessment has been conducted, revealing an overall non-appearance of any significant differential positive or negative effects arising from this proposal. It is anticipated to yield positive outcomes particularly in fostering community cohesion and benefiting those residing or working near a cleared site. Moreover, a positive impact on health is expected, as the diligent maintenance of these areas will mitigate issues such as litter, fly tipping and drug paraphernalia. Similarly, although there is not an equality category

relating directly to deprivation, there may be indirect benefits associated with poverty/financial inclusion for residents living in more deprived areas. A cleared sites maintenance contract will contribute to a safe environment where there is a sense of community, ownership, and the flourishing of the neighbourhoods. Typically, the areas in the Cleared Sites contract fall in areas of housing market failure. Keeping these sites well managed will encourage anyone thinking about investing in the area (by buying or renting a property) to seriously consider doing so. No negative equality impacts have been identified.

4.2 Financial and Commercial Implications

4.2.1 Funding has been identified in the Housing Revenue Account (HRA) to cover the cost over the contract term, so the cost of the contract can be managed within existing resources. The type of contract that will be issued, means that the Council cannot guarantee any value of work to the contractor during the life of the contract. The proposal is to re-procure the Cleared Sites contract to commence immediately. The full contract term will be 4 years.

4.2.4 Commercial Services will prepare the procurement strategy for this contract. The opportunity will be advertised on YORtender. It will be a two-stage competitive tender. Submissions are expected to be received and evaluated during May 2024. Tenders will then be evaluated based on price and an agreed set of quality criteria.

4.3 Legal Implications

4.3.1 The Council as principal litter authority has a duty under S89 (1) (c) of the Environmental Protection Act 1990 (Environmental Protection Act) to ensure that 'relevant land' is, so as is practicable kept clear of litter and refuse. 'Relevant land' is defined under S86 (4) of the Environmental Protection Act as land of the authority which is open to the air, is not highway or land of a designated educational institution, to which the public have access with or without payment. It is important to note that even when as is proposed the Council contracts with a third party to undertake such work on its behalf the Council remain responsible if the land is not maintained to an acceptable standard.

4.3.2 The general power of management of its housing is vested in the Council by virtue of section 21 of the Housing Act 1985 (the Housing Act). Section 17 of the Housing Act provides the Council with a power to acquire land for Housing Purposes. Section 9 of the Housing Act grants powers to the Council in relation to the provision of housing accommodation. This includes the power to provide housing accommodation by erecting houses on land acquired for housing purposes and to dispose of land to a person who intends to provide housing accommodation on it.

4.3.3 Section 111 Local Government Act 1972 gives the Council power to do anything (whether or not involving the expenditure, borrowing or lending of money or acquisition or disposal of any property or rights) which is calculated to facilitate or is conducive or incidental to the

discharge of any of its functions. The proposed commission of services for the Housing cleared sites will facilitate, is conducive and incidental to the Council's abovementioned functions under the Environmental Protection Act and under the Housing Act.

- 4.3.4 The Council has no specific powers or duties directly related to commissioning services. The Council is able to undertake this activity by virtue of Section 1 of the Localism Act 2011. This provides Local Authorities with a "general power of competence" and allows them to "do anything that individuals generally may do". This power is subject to any other obligations or limitations in law that might be relevant, however none have been identified here to prevent use of the general power of competence.
- 4.3.5 Commissioning of the contract should happen promptly, given the need for this work to be undertaken to discharge the council's duties, obligations and minimise risks. Any contract awarded as a result, must comply with the Council's Contract Standing Orders and where applicable Public Contract Regulations 2015.

4.4 Climate Implications

- 4.4.1 Overall, there will be a low impact on the environmental and climate arising from the activities proposed. An assessment has been undertaken and it is anticipated that there will not be an increase in the amount of CO₂e arising from the reappointment of a contractor to manage the cleared sites. The assessment has highlighted an opportunity to strengthen the requirements and lever improvements through sustainable practices through a robust procurement process to support the Council in meeting its climate targets and environmental objectives.

5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 **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.

5.2 **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.

5.3 **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.

6. REASONS FOR RECOMMENDATIONS

6.1 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.

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.

PART A - Initial Impact Assessment

Proposal Name: Housing Cleared Sites Maintenance Contract

EIA ID: 2492

EIA Author: Luke Simpson

Proposal Outline: The Council seeks to reappoint a third-party contractor to manage and maintain its Housing cleared sites across the city. The Housing cleared sites are predominantly demolition sites and are maintained under this contract until they are eventually disposed of, or redevelopment occurs. Ensuring the ongoing cleanliness, safety, and security of our cleared sites is not only a fundamental obligation but also a critical component of our commitment to the well-being of our community. The absence of a dedicated maintenance contract poses an imminent risk of sites becoming vulnerable to litter accumulation, fly tipping, and compromised security. Such vulnerabilities not only compromise the aesthetics of our public spaces but also pose tangible threats to public safety.

Proposal Type: Budget

Entered on QTier: Yes

QTier Ref: # QPO051

Year Of Proposal: 23/24

Lead Director for proposal: Dean Butterworth

Service Area: Housing Services - Estates and Environmental Services

EIA Start Date: 15/12/2023

Lead Equality Objective:

Equality Lead Officer: Ed Sexton

Decision Type

Committees: Policy Committees

- Housing

Portfolio

Primary Portfolio: Neighbourhood Services

EIA is cross portfolio: No

EIA is joint with another organisation: No

Overview of Impact

Overview Summary:

Overall there is a non-appearance of any significant differential positive or negative effects arising from this proposal. It is anticipated to yield positive outcomes particularly in fostering community cohesion and benefiting those residing or working near a cleared site. Moreover, a positive impact on health is expected, as the diligent maintenance of these cleared site areas will mitigate issues such as litter, fly tipping and drug paraphernalia. Entering into a cleared sites maintenance contract will contribute to a safe environment where there is a sense of community, ownership and the flourishing of the neighbourhoods. Typically, the sites in the Cleared Sites contract fall in areas of housing market failure. Keeping these sites well managed will encourage anyone thinking about investing in the area (by buying or renting a property) to seriously consider doing so. No negative equality impacts have been identified and there are no negative outcome the groups or protected characteristics .

Impacted characteristics:

• Other

Consultation and other engagement

Cumulative Impact

Does the proposal have a cumulative impact:

No

Impact areas:

Initial Sign-Off

Full impact assessment required:

No

Review Date:

15/12/2023

Action Plan & Supporting Evidence

Outline of action plan:

No negative impacts identified

Action plan evidence:

Changes made as a result of action plan:

Mitigation

Significant risk after mitigation measures: No

Outline of impact and risks:

Review Date

Review Date: 15/12/2023