

## Decision Report - Executive Decision

Forward Plan Reference: FP/22/10/06

Decision Date - 18/01/23



### Housing – strategies and policies

Executive Member(s): Cllr Bill Revans - Leader of the Council

Local Member(s) and Division: N/A as somerset wide policies

Lead Officer: Duncan Sharkey

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#### 1. Summary / Background

- 1.1** This report presents and recommends the adoption of strategies and policies relating to the social housing register, strategic housing homelessness, rough sleeping and gypsy and traveller sites. It also recommends to delegate authority to the relevant Service Director in consultation with the relevant Executive Member covering this service to make future minor operational and legislative changes to these documents. This will ensure smooth adoption of changes to legislation and incorporation of new Council priorities.
- 1.2** The services covered by these strategies and policies are district council functions. From the 1st of April 2023, these functions will be the responsibility of the new Somerset Council.
- 1.3** Each strategy and policy have a particular function or purpose. This is explained within section 3 below.
- 1.4** In addition, there are two strategies that require extending. This will give officers within the new Somerset Council enough time to create new strategies when appropriate.

#### 2. Recommendations

- 2.1.** Approve the adoption of the strategies and policies listed below. Extend the Somerset Homelessness & Rough Sleeper Strategy and the Somerset Housing Strategy until March 2025.

Title	Recommendation
Somerset Homelessness & Rough Sleeper Strategy	Adopt and extend until March 2025
Somerset Housing Strategy	Adopt and extend until March 2025
Hinkley Housing Strategy	Adopt
Homefinder Somerset Policy	Adopt

Somerset Gypsy and Traveller Pitch Allocation Policy	Adopt
Private Rented Sector Offer Policy	Adopt

- 2.2. Delegate authority to the relevant Service Director in consultation with the relevant Executive Member covering this service to make future minor operational and legislative changes to the strategies / policies.

### 3. Reasons for recommendations

- 3.1. The reasons for recommendation are provided below:

<b>Title</b>	<b>Reason for recommendation</b>
Somerset Homelessness & Rough Sleeper Strategy	It is a statutory requirement for the new Somerset Council to have an up-to-date homelessness strategy. The existing Somerset Homelessness and Rough Sleeping Strategy is due to expire in December 2023. By extending it for a further year and three months, it ensures that there is enough time for the new Somerset Council to plan and publish a new homelessness strategy. The LGR Housing 2 work stream have had confirmation from the Department for Levelling Up, Housing and Communities that they are in support of this approach.
Somerset Housing Strategy	A Somerset Housing Strategy is not a statutory requirement. Its purpose is to give the local housing authority the opportunity to coordinate activities across the different provisions including homelessness, private sector housing standards, energy efficient housing, independent living, housing enabling, community services, planning, economic development and so influence the links across health, care and housing that engenders. By extending it for a further year and three months, it ensures that there is enough time for the new Somerset Council to plan and publish a new housing strategy.
Hinkley Housing Strategy	A Hinkley Housing Strategy is not a statutory requirement and was adopted by SWT at Full Council in August 2020. The construction of the Hinkley Point C (HPC) nuclear reactor is one of the largest construction projects in Europe, employing (at peak) 8,000+ workers on site. Peak construction is estimated to occur during 2023. The majority of the workers are not Somerset residents, and so there is an impact on the local housing market as workers seek accommodation, particularly in the private rented sector. These pressures have been building since construction commenced and have resulted in predicted effects such as limiting availability of accommodation for local residents, exacerbating rentals, and in some

	instances, the displacement of current tenants. Through Section 106 legal agreements, EDF have made available funding to mitigate the impact of the HPC project.
Homefinder Somerset Policy	It is a statutory requirement that Somerset Council has an allocation scheme to determine housing priorities, and a procedure to be followed when allocating social housing. The Homefinder Somerset Policy currently serves as the common allocation scheme for the 4 district councils.
Somerset Gypsy and Traveller Pitch Allocation Policy	From the 1 <sup>st</sup> of April 2023, the ownership of all South Somerset District Council (SSDC) owned Gypsy and Traveller sites will be transferred over to the new Somerset Council. Therefore, the existing SSDC policy has been amended to reflect this change and needs to be adopted by the new Somerset Council so that caravan pitches can continue to be allocated in a fair and transparent way.
Private Rented Sector Offer Policy	The Localism Act 2011 (sections 148 and 149) introduced provisions which enable the council to bring its statutory housing duty under section 193(2) of the Housing Act 1996 as amended to an end, by making an offer of a private rented sector tenancy rather than a social housing tenancy. This ability is important as it allows the council to end its duty to homeless households with a suitable offer of private rented accommodation. The policy outlines the high suitability standards that the private rented accommodation must meet e.g. affordability, location, size etc.

#### 4. Other options considered

4.1. The alternative option for each strategy/policy is listed below:

<b>Title</b>	<b>Alternative options</b>
Somerset Homelessness & Rough Sleeper Strategy	This is a statutory requirement. Failure to have a current homelessness strategy will mean that any homelessness decision the new council makes will be unlawful.
Somerset Housing Strategy	Failure to deliver on the Housing Strategy could mean misaligned policies with other statutory functions such as the Integrated Care Strategy. There would be a lack of direction across all housing activities with crooked service activity not delivering necessary focus on statutory functions. Preventative and early help courses of action, that deliver cost savings and prevent life changing conditions, could also be missed.

Hinkley Housing Strategy	The strategy allocates a total of £1.4M of investment within specific projects that seek to mitigate the impact of the HPC workforce on the local housing market. Currently, negotiations are underway to secure significant additional funding from EDF, that will be invested to provide further support to activity with HPC Housing Strategy Phase 3 and action plan.
Homefinder Somerset Policy	It is a statutory requirement that every housing authority has an allocation scheme to determine housing priorities, and a procedure to be followed when allocating accommodation. Failure to have a published policy in place would make any social housing allocation decisions unlawful.
Somerset Gypsy and Traveller Pitch Allocation Policy	Failure to have a transparent and fair way to allocate Gypsy and Traveller pitches will mean that pitches do not get allocated to those most in need. Without a policy there is no decision-making process on who gets allocated a pitch.
Private Rented Sector Offer Policy	Failure to have a Private Rented Sector Offer Policy will mean that the council is not able to end the main housing duty with an offer of suitable private rented accommodation. Failure to have a published policy will mean that this power cannot be used, and this will impact on Temporary accommodation costs.

## 5. Links to County Vision, Business Plan and Medium-Term Financial Strategy

- 5.1. The new corporate plan is currently being developed.
- 5.2. This decision to adopt (and extend) the above strategies and policies is part of the LGR Service Alignment workstream to ensure services are safe and legal from vesting day.

## 6. Consultations and co-production

- 6.1. This work is part of LGR Service Alignment, Sub-workstream: Housing 2 – Operational Housing Services. Representatives from each district have been involved in the development of these strategies and policies.
- 6.2. The strategies and policies were all endorsed by the Service Alignment Board on the 11<sup>th</sup> of November 2022 and by Programme Board on the 22<sup>nd</sup> of December 2022.
- 6.3. When the above strategies or policies were created, they were done so with extensive consultation according to the council's processes at that time which would have included: member consultation, partner agency and public consultation. As these policies and strategies are reviewed in the future,

further consultation will be undertaken to ensure they remain relevant and appropriate.

## **7. Financial and Risk Implications**

- 7.1.** There are no adverse financial implications of adopting the proposed strategies and policies. Resources to implement or deliver these strategies and policies will come from existing revenue budgets. There are no capital costs involved with delivering or implementing the above strategies or policies.
- 7.2.** There will be financial implications when the current Somerset Homelessness and Rough Sleeping Strategy expires. If the current strategy is extended (as is recommended in this report) those financial implications are delayed. An Additional Funding Request has been made for £40,000 for 2023/2024 and £65,000 for 2024/2025 to fund officer resource and housing consultancy for this piece of work. If the Additional Funding Request is not approved, the associated costs for this project will need to be funded through existing homelessness reserves.
- 7.3.** The key risks to the new Somerset Council are a failure to have the relevant strategies and policies in place on the 1<sup>st</sup> of April 2023. Primarily this is relating to:
- 1) Part 6 of the Housing Act 1996 - The allocation of social housing and
  - 2) Part 7 of the Housing Act 1996 - The statutory under-pinning for action to prevent homelessness and provide assistance to people threatened with or actually homeless.

Where the new Somerset Council does not have the appropriate strategies and policies in place, it is putting itself at risk of judicial review of any homelessness decisions or allocation decisions that are made. That will mean reputational damage and legal expenses etc.

## **8. Legal and HR Implications**

- 8.1.** This policy covers a wide range of legislation, with the primary Act being the Housing Act 1996.
- 8.2.** Legal advice was sought on the Somerset Homelessness & Rough Sleeper Strategy specifically and the available options and maximum extendable period to ensure that it was possible to extend the strategy until March 2025. The legal advice is contained within the provided document "Legal advice - Somerset Homelessness & Rough Sleeper Strategy".
- 8.3.** There are no commissioning or procurement requirements from this decision. There are no HR implications from this decision.

## **9. Other Implications**

### **9.1. Equalities Implications**

Each strategy and policy have their own Equality Impact Assessment. All assessments have been checked and approved by the Public Health Promotion Manager – Equalities prior to submitting via this paper. In particular, it's worth highlighting the themes around access and support for the Homefinder Somerset Policy.

We consulted with a wide range of stakeholders on whether particular groups might be disadvantaged or whether the policy might not work fairly or effectively for certain groups. A common theme that came through our consultation was that there needed to be an alternative way for applicants without access to computer/internet to make an application. Where applicants are unable to make an online application for whatever reason, officers would take an application via the telephone.

In addition, after a successful Homefinder Somerset application is made, some applicants require support for bidding on properties each week. The Equality Impact Assessment for the Homefinder Somerset policy contains actions to mitigate these issues to ensure that there are alternative methods for people without IT access and that there is support available for those that need it.

## **9.2. Community Safety Implications**

The above strategies and policies have some overlapping community safety synergies. For example, victims of domestic abuse, violence or harassment will receive additional priority when applying for social housing via the Homefinder Somerset policy. A secure place to live is a fundamental element of safe and well communities. The approach taken by these workstreams to extend or adopt existing well-designed strategies/ policies will ensure that business continues in a safe and legal manner from vesting day and maintain crucial relationships with key stakeholders. Where strategies or policies are extended there is a clear plan to review and revise when appropriate. This decision only has positive implications for community safety.

## **9.3. Sustainability Implications**

This decision will have an impact on sustainability implications. Priority 5 within the Somerset Housing Strategy is "Creating sustainable Homes and places in Somerset". This priority has the following objectives:

- 1) The consideration of new housing developments will place sustainability at the heart of decision making
- 2) More homes will be provided that are healthy and affordable to run, integrating low carbon design and resilience to the predicted impacts of climate change

## **9.4. Health and Safety Implications**

The strategies and policies proposed in this decision do not create a greater or lesser risk of ill-health or injury to employees or service users than currently exists.

## **9.5. Health and Wellbeing Implications**

In general, the proposed strategies and policies have a significant positive impact on health and wellbeing and a significant positive impact on preventing ill-health (physical and mental health). The quality of housing has major implications for people's health. Poor housing is associated with a wide range of health conditions such as respiratory diseases, cardiovascular diseases, injuries, mental health and infectious diseases. Working within the Somerset Health and Wellbeing Board vision for Somerset, these strategies and policies contribute towards the "Improving Lives in Somerset strategy" (2019-2028).

## **9.6. Social Value**

This decision does not include any commissioning or procurement of services.

## **10. Scrutiny comments / recommendations:**

**10.1** The proposed decision has not been considered by a Scrutiny Committee. As part of this decision, it has been circulated to Scrutiny Chairs for information.

## **11. Background**

**11.1.** Somerset Council needs to have a Homelessness strategy and an allocations policy in place on the 1<sup>st</sup> of April 2023. This is a statutory requirement, and this decision to adopt the existing documents will ensure that the council can fulfil its duties around homelessness and social housing allocation from vesting day without disruption or fear of legal challenge. The Private Rented Sector Offer Policy is required if the new council wants the ability to end a homelessness duty with the offer of a suitable private rented property.

**11.2.** The other strategies (while not statutory) provide the new council with some continuity from workstreams/projects that were deemed important or vital to local or countywide plans.

## **12. Background Papers**

**12.1** The following documents are listed as background papers:

Somerset Homelessness & Rough Sleeper Strategy  
EIA - Somerset Homelessness & Rough Sleeper Strategy  
Legal advice - Somerset Homelessness & Rough Sleeper Strategy

Somerset Housing Strategy  
EIA - Somerset Housing Strategy

Hinkley Housing Strategy  
EIA - Hinkley Housing Strategy

Homefinder Somerset Policy  
EIA - Homefinder Somerset Policy

Somerset Gypsy and Traveller Pitch Allocation Policy  
EIA - Somerset Gypsy and Traveller Pitch Allocation Policy

Private Rented Sector Offer Policy  
EIA - Private Rented Sector Offer Policy

**Note:** EIA = Equality Impact Assessment.

### **Report Sign-Off**

		Date completed
Legal Implications	Honor Clarke	09/01/23
Governance	Scott Wooldridge	04/01/23
Corporate Finance	Jason Vaughan	06/01/23
Customers, Digital and Workforce	Chris Squire	20/12/22
Property	Paula Hewitt / Oliver Woodhams	19/12/22
Procurement	Claire Griffiths	03/01/23
Senior Manager	Duncan Sharkey	05/01/23
Commissioning Development	Sunita Mills / Ryszard Rusinek	04/01/23
Executive Member	Cllr Liz Leyshon - Deputy Leader of the Council and Lead Member on Finance and Human Resources	05/01/23
<b><u>Sign-off Key Decision / Consulted on Non-Key Decision</u></b>		
Local Member		N/A
Opposition Spokesperson	Opposition Spokesperson - Leader - Cllr David Fothergill	Consulted via email on 16/12/22
Scrutiny Chair	Scrutiny for Policies and Place Committee - Cllr Gwil Wren	Consulted via email on 16/12/22
Scrutiny Chair	Scrutiny For Policies - Adults and Health Committee - Cllr Rosemary Woods	Consulted via email on 16/12/22
Scrutiny Chair	Scrutiny for Policies - Childrens and Families - Cllr Leigh Redman	Consulted via email on 16/12/22



Scrutiny Chair	Scrutiny For Policies and Environment - Cllr Martin Dimery	Consulted via email on 16/12/22
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