

## For publication

### Private Sector Housing Project Plan

<b>Meeting:</b>	Joint Cabinet and Employment and General Committee
<b>Date:</b>	15 <sup>th</sup> March 2021
<b>Cabinet portfolio:</b>	Housing
<b>Directorate:</b>	Housing
<b>For publication</b>	

#### **1.0 Purpose of the report**

- 1.1 To consider and approve the proposed private sector housing action plan with a view to achieving a holistic framework for private housing going forward.
- 1.2 To consider and approve the Private Sector Housing Renewal Policy (2021-2024).
- 1.3 To consider and approve the addition of two new posts within the Private Sector Housing Team to support the private sector housing action plan.

#### **2.0 Recommendations**

- 2.1 That Cabinet approves the proposed action plan and suggestions including the addition of 2 new posts within the Private Sector Housing Team.
- 2.2 That Cabinet approves the Private Sector Housing Renewal Policy (2021-2024).
- 2.3 That Cabinet approves delegated authority for the Service Director Housing, in order for them to agree minor policy adjustments in between review periods.

#### **3.0 Reason for recommendations**

- 3.1 The additional posts will allow the PSH team to help more vulnerable tenants living in poor quality accommodation within the borough.
- 3.2 Approval of the Housing Renewal Policy will allow the Council to offer financial assistance (other than DFG) to vulnerable homeowners, to allow them to continue to live in their own home in a safe and warm environment.

#### **4.0 Report details**

- 4.1 Approximately 75% of the housing stock within Chesterfield is either privately owned or rented.
- 4.2 The Council has a responsibility towards private housing stock both legislatively via the Housing Act 2004 and The Housing Grants Construction and Regeneration Act 1996, but also a moral responsibility to ensure the health and wellbeing of the residents of the borough.
- 4.3 Government have acknowledged that, vulnerable households are more likely to live in homes in poor condition and that poor housing conditions can contribute towards ill health and exacerbate existing health conditions, with the youngest and oldest in our communities at greatest risk. Furthermore, it is now acknowledged that children living in poor housing conditions are at greater risk of reduced educational attainment, resulting in more limited life chances. Therefore, enabling good quality, affordable accommodation, significantly reduces the burden on health and social care services and needn't be cost prohibitive.
- 4.4 The number of privately rented households across the country has increased during the period 2000 - 2019, from a total of just over two million households in 2000 to a total of 4.55 million households as of 2019. The quality of privately rented housing has also improved rapidly over the past decade with 82% of private renters satisfied with their accommodation and staying in their homes for an average of 4 years. Government wants to support good landlords who provide decent well-maintained homes and is keen to strike the right balance on regulation in order to avoid stifling investment in the sector. However, a small number of rogue or criminal landlords knowingly rent out unsafe and substandard accommodation. It is these landlords that Government and local authorities are determined to crack down on and disrupt their business model.

- 4.5 In 2019 Chesterfield Borough Council Stock took part in a joint project, completed by Derby City Council as part of a joint project between Derbyshire County Council, Derby City Council and all the District/Boroughs. The report found that in Chesterfield, 1 in 4 occupiers living in private housing, were living in a non-decent home and that approximately 8956 homes in the private sector failed to meet the decency standard. Reflecting national trends, the report found correlations against poor housing conditions and deprivation. The data in this report will enable the Council to prioritise efforts in those areas of the borough with the highest levels of need.
- 4.6 As a follow on from the successful Stock Condition Survey, Chesterfield Borough Council has now agreed to fund a collaborate Health Impact Assessment (HIA). The HIA will involve a greater level of data interrogation to make even stronger links between available health data and housing conditions.
- 4.7 The Council has an overarching Housing Strategy which aims to enhance Chesterfield's housing offer so that anyone wishing to live in Chesterfield can live in a quality home they can afford.

### **Existing measures**

#### **4.8 Private Sector Housing Enforcement**

- 4.9 The Council has in place a Private Sector Housing Enforcement Policy, and the Private Sector Housing Enforcement Team are actively enforcing against private landlords whose accommodation falls below the required standard and have over recent years achieved a good record of successfully prosecuting rogue landlords. The most recent successful prosecution being January 2021. Whilst improving standards of privately rented accommodation is important, the team have very important links with the Councils Homeless Team and the work of the team has a direct impact on reducing the number of referrals to the homeless team. This relationship is we will actively strengthen and promote in future.
- 4.10 The Private Sector Housing Enforcement Team are presently under resourced in relation to the demands on the service. As a result, the team are only able to react to the most urgent disrepair cases that are reported to them. They are unable to undertake any proactive work (It should be noted that proactive work that in many instances uncovers the most vulnerable occupants living in the worst conditions who have not previously had the confidence to report issues to the Council). So whilst

the team are carrying out good work and taking action against rogue landlords, there is so much more with regards to tackling the poor behaviour of rogue landlords, fostering and contributing towards relationships with partner agencies that is required.

### **Current Financial Assistance Offer**

- 4.11 Whilst the Private Sector Housing Enforcement policy is in place to ensure that all private sector stake holders are provided with a clear and transparent route map explaining the Councils approach to enforcement, we don't currently have a policy which sets out the Councils approach towards offering financial assistance to residents living in private sector accommodation, where enforcement isn't appropriate and to support residents who require assistance with repairs and disabled adaptations.

### **Empty Homes**

- 4.12 The Council does have an empty homes policy which explains the Councils approach towards empty homes. However, this policy requires a refresh.
- 4.13 The Empty Homes Service currently does not, currently have any resource allocated to it. Whilst an important service, the bringing back into use of empty homes is not a statutory function. As such until recently all available resources have had to be directed towards helping vulnerable residents living in poor condition privately rented properties.
- 4.14 The Council would always prefer to bring an empty home back into use working with the property owner, but there will always be a small number of owners of empty homes that fail to cooperate, leaving properties in poor condition and causing distress to the local community. Future consideration needs to be given towards how the Council can use existing legislation to remove such properties from their existing ownership and bring back into use.

### **Proposals**

- 4.15 The team have made significant progress over recent years and we now seek to build on this success and form a resilient team equipped to deal with the challenges outlined above. The following proposals outline how we will achieve this.

### **Privately Sector Housing Enforcement**

- 4.16 At present the enforcement team has two enforcement officers. It is proposed to increase the capacity of the enforcement function by recruiting a senior Environmental Health Officer. The addition of this officer will offer support to the existing officers in the team and address the complex areas of enforcement work and enable the Private Sector Housing Manager to focus on partnerships, inward investment, and proactive service development.

### **Revised Financial Assistance Offer**

- 4.17 Whilst the responsibility to maintain private property will always rest with the owner, it is recognised that the private sector housing stock is a major public asset and significant property deterioration can not only be detrimental to the occupant, but also to the area and the community.
- 4.18 Local Authorities could not fund and should not be expected to maintain and manage all private sector housing stock. However, there must be provision to assist the most vulnerable residents in our Borough to stay safe and well within their home environment regardless of tenure.
- 4.19 The Housing Grants Construction and Regeneration Act 1996, provides Local Authorities with a mechanism by which they can offer financial assistance to improve or adapt private housing stock and in 2002 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, came into force. It introduced a wide range of discretionary powers to allow Councils to develop different forms of assistance to meet local need, based on the local housing conditions and the resources available to the local authority. However, if authorities offer financial assistance, they must have in place a policy detailing the assistance they are able to offer and any conditions attached to the assistance.
- 4.20 The Private Sector Housing Renewal Policy (2021-2024) (attached as Appendix A), has been written in response to Chesterfield Borough Council's recently obtained Stock Condition Survey and aims to utilise the provisions contained within The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to target assistance where most appropriate.
- 4.21 The report sets out in a clear and transparent manner, the criteria by which eligibility to receive all financial assistance (including the mandatory DFG) is assessed and also sets out the mechanisms by which an applicant

can appeal should they disagree with the outcome of an application for financial assistance.

### **Empty Homes**

- 4.22 It is proposed that the existing empty homes policy be refreshed to consider local issues and fully utilise all available options to bring back into use these important assets. This will be completed by April 2022.
- 4.23 For the Council to fully implement the Policy, it is proposed to recruit an Environmental Health Officer to work in the Private Sector Housing Team with specific responsibility towards bringing empty homes back into use.
- 4.24 It is also acknowledged that further consideration must be given to resourcing the acquisition of empty properties.

### **5.0 Alternative options**

- 5.1 Not to approve the recommendation to adopt the Housing Renewal Policy. It should be noted that to be able to offer discretionary funding to vulnerable homeowners, The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, requires that the Council must have adopted a Housing Renewal Policy. Not to accept the recommendations would mean the Council could only offer Mandatory DFG.
- 5.2 Not to approve the recommendation to appoint additional officers would mean that the Council continue to operate a lengthy wait time for tenants living in poor quality private housing.

### **6.0 Implications for consideration – Council Plan**

- 6.1 The Private Sector Housing Renewal Policy outlines why it is essential to provide a package of measures to allow vulnerable members of our community, who occupy private housing, to continue to live safely and independently, but also how such measures can have a positive effect on communities within the borough.
- 6.2 The policy will be instrumental in delivering the following Council Plan objectives:
  - i. Improving quality of life for local people

- ii. Identify and reduce the number of poor quality, private sector houses

## **7.0 Implications for consideration – Financial and value for money**

- 7.1 The preparation of the Private Sector Housing Renewal Strategy will have no direct financial implication for the Council.
- 7.2 Central Government provides funding for the delivery of mandatory Disabled Facilities Grants. Since 2015, this funding has been allocated via the Better Care Fund (BCF). Whilst BCF are specific in stating that finance must always be available for the delivery of Mandatory DFG, it does allow Local Authorities some discretion to allocate funding for the delivery of other Capital Projects that benefit Private Housing, prevent the admission to hospital or care setting and to aid the successful early discharge from a hospital or care setting. However, allocation of such funding is only possible where the authority has published a Housing Renewal Policy.
- 7.3 The package of measures described in the new Housing Renewal Policy will be funded entirely via the BCF budget and will not be to the detriment of the delivery of Mandatory DFG.
- 7.4 For each financial assistance measure Chesterfield Borough Council charge an admin fee to cover the officer time spent processing that particular measure of assistance. Such fees are passed onto the Councils General Fund.
- 7.5 It is proposed that the staffing costs of existing staff members who administer the current housing assistance programme will now be met from the BCF budget. The two new posts in the Housing Enforcement Team will be funded from these savings, as shown below.

	salary + oncosts cost per officer	combined salary cost	BCF commitment	general fund commitment
Current Team Structure Annual Costs				
PSHT Manager – Grade 11 – scp 38		£ 52,351.00	£ -	£ 52,351.00
Housing Regulation Officer - Grade 9 scp 30 - x2	£ 42,227.00	£ 84,454.00	0	£ 84,454.00
Private Sector Housing Officers – Grade 7 scp 23- x 2	£ 34,676.00	£ 69,352.00	£ 69,352.00	
Technical Officer – Grade 7 scp 19	£ 31,851.00	£ 31,851.00	0	£ 31,851.00
Research and Admin Assistant – Grade 4 scp 6	£ 24,622.00	£ 24,622.00	£ -	£ 24,622.00
Total annual costs		£ 262,630.00	£ 69,352.00	£ 193,278.00
Proposed Team Structure				
PSHT Manager – Grade 11 scp 38		£ 52,351.00	£ 26,175.50	£ 26,175.50
Senior EHO – Grade 10 scp 34	£ 47,362.00	£ 47,362.00	£ 11,840.50	£ 35,521.50
Housing Regulation Officer - Grade 9 scp 30- x2	£ 42,227.00	£ 84,454.00	0	£ 84,454.00
Private Sector Housing Officers – Grade 7 scp 23 x 2	£ 34,676.00	£ 69,352.00	£ 69,352.00	£ -
Empty Homes Officer – Grade 9 scp 30	£ 42,227.00	£ 42,227.00	0	£ 42,227.00
Technical Officer – Grade 7 scp 19	£ 31,851.00	£ 31,851.00	£ 28,665.90	£ 3,185.10
Research and Admin Assistant – Grade 4 scp 6	£ 24,622.00	£ 24,622.00	£ 24,622.00	£ -
Total costs		£ 352,219.00	£ 160,655.90	£ 191,563.10
Additional annual commitment BCF Budget	£ 91,303.90			
Additional annual commitment General Fund Budget	-£ 1,714.90			

## 8.0 Implications for consideration – Legal

- 8.1 The Private Sector Housing Renewal Policy is in line with powers delegated from government and are already embedded in Chesterfield Borough Councils Constitution.
- 8.2 The Council has a duty to administer Mandatory Disabled facilities and this activity is funded via Better Care Fund.
- 8.3 The Council must publish a Housing Renewal Policy if they wish to offer discretionary financial assistance, such as those described in the report.
- 8.4 All other measures of financial assistance are at the discretion of Chesterfield Borough Council subject to the adoption of the Private Sector Housing Renewal Policy.

## 9.0 Implications for consideration – Human resources

- 9.1 Creation of the Senior Environmental Health Officer Post and Environmental Health Officer Post within the Private Sector Housing Team.
- 9.2 The new posts will be Full Time Equivalent, Permanent status posts and will be externally advertised.

9.3 The officers will be managed by the Private Sector Housing Manager post.

9.4 The implementation of the new Housing Renewal Policy will be met within existing resources.

### 10.0 Implications for consideration – Risk management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
The quality of private accommodation may decline further.	L	H	The Private Sector Housing Renewal Policy is not intended to provide all of the funding required to maintain private housing going forward and it cannot prevent housing falling into further decline due to factors outside of its control. However, it can provide a safety net to those residents who are unable to secure financial assistance from reputable lenders.	L	L
Government withdraw BCF funding.	H	M	Whilst Government will continue to provide funding for the provision of mandatory DFG, it is possible that DFG's will have to be prioritised in order of risk.	H	M

			Should BCF funding be withdrawn, funding towards all discretionary projects will be withdrawn in order for the Council to fulfil its legal duty to provide mandatory DFG.		
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**11.0 Implications for consideration – community wellbeing**

11.1 Approval of the recommendations can only have a positive impact on community wellbeing, as it aims to provide support to the most vulnerable people in our community.

**12.0 Implications for consideration – Economy and skills**

12.1 The PSH team both finance and enforce minimum standards within privately owned stock. This action will in turn generate employment and funding within the borough. This will be particularly evidenced with the Green Homes Grant funding, which at present has bought an additional £1million funding into the borough.

**13.0 Implications for consideration – Climate Change**

13.1 The ability to provide financial assistance to vulnerable homeowners to enable them to live in more thermally efficient homes will, help to reduce carbon footprint across the borough.

13.2 Additional staff within the housing enforcement role, will allow the Council to take enforcement action against those poor landlords that allow tenants to live in thermally inefficient homes, with EPC’s of E or below.

13.3 It should be noted that the occupants described in 13.1 and 13.2 are very often those who are also living in fuel poverty.

13.4 In 2020, the Private Sector Housing Team were successful in bidding for £1million Green Homes Grant – Local authority Delivery funding, which will be used for retrofitting thermally inefficient private properties in the

borough. The scheme is being delivered in partnership with the Housing Asset Management Team. The Council also have the option of bidding for a further £485K in Phase 2 of the GHG-LAD scheme. If the authority are successful in their Phase 2 bid, they will have bought approx. £1.5 million of Government funding into Chesterfield.

#### **14.0 Implications for consideration – Equality and diversity**

14.1 Initial equalities impact assessment has been carried out on Private Sector Housing Renewal Policy, and a full equalities impact assessment (EIA) is not considered to be needed. The preliminary EIA is attached in Appendix 2.

#### **Decision information**

<b>Key decision number</b>	<b>1026</b>
<b>Wards affected</b>	<b>All Wards</b>

#### **Document information**

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<b>Appendices to the report</b>	
Appendix 1	Private Sector Housing Renewal Policy
Appendix 2	Preliminary Equalities Impact Assessment