

## CURRENT HOUSING POLICY ENVIRONMENT

<b>Committee name</b>	Social Care, Housing and Public Health Policy Overview Committee
<b>Officer reporting</b>	Debby Weller, Residents Services
<b>Papers with report</b>	None
<b>Ward</b>	All

### HEADLINES

The purpose of this report is to provide a general overview of key housing policy and legislative changes.

### RECOMMENDATIONS

**That the Committee:**

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

### SUPPORTING INFORMATION

#### Homelessness Reduction Act 2017

The main provisions of the Homelessness Reduction Act 2017 came into force on 3 April 2018. The central provision of the Act is a homelessness prevention duty for all eligible households threatened with homelessness within 56 days (rather than 28 under previous legislation), as well as a relief duty to take reasonable steps to help to secure accommodation. Both the prevention and relief duty apply regardless of priority need or intentionality. Homelessness Statutory Guidance has been fully updated and revised.

#### Rough Sleeping

The Government is determined to tackle the rise in rough sleeping. The annual rough sleeper count in November 2017 recorded an increase of 15% compared to the previous year, and 18% in London. There were 36 rough sleepers identified in Hillingdon; 29 at the airport and 7 in the rest of the Borough. In a major speech on housing in March 2018, the Prime Minister reiterated the manifesto pledge to halve rough sleeping by 2022 and to eliminate it altogether by 2027. A national Rough Sleeping 'Strategy is expected this summer, but determined to make a quick impact, a cross-government plan of action was announced on 30 March 2018. The new package of measures includes:

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- a new Rough Sleeping Team of experts with specialist knowledge across a wide-range of areas from housing, to mental health and addiction;
- a £30 million fund targeted at local authorities with higher numbers of people sleeping rough (Hillingdon has submitted a proposal for additional funding); and
- £100,000 to support frontline Rough Sleeping workers to make sure they have the right skills and knowledge to work with vulnerable rough sleepers.

## **Domestic Abuse**

From 8 March 2018 to 31 March 2018 government consulted on measures to be included in the draft Domestic Abuse Bill. The consultation sought to address domestic abuse at every stage from prevention to rehabilitation. It referenced the connections and provisions of cross-sector agencies and departments and reinforced the Government's aim to make domestic abuse everyone's business. The four main themes of the consultation were:

- Promote awareness – to put domestic abuse at the top of everyone's agenda, and raise public and professionals' awareness;
- Protect and support – to enhance the safety of victims and the support that they receive;
- Pursue and deter – to provide an effective response to perpetrators from initial agency response through to conviction and management of offenders, including rehabilitation;
- Improve Performance – to drive consistency and better performance in the response to domestic abuse across all local areas, agencies and sectors.

The Secure Tenancies (Victims of Domestic Abuse) Act 2018 received Royal Assent on 10 May 2018. The Act contains measures to ensure that lifetime tenants of social homes who are victims of domestic abuse are granted a further lifetime tenancy where either a) they need to leave or have left their home to escape domestic abuse and are being re-housed by a local authority, or b) where they are a joint tenant and wish to remain a tenant of their social home after the perpetrator has left or been removed and the local authority decides to grant them a further sole tenancy in their current home.

## **Private Rented Sector**

The Housing and Planning Act 2016 introduced a range of measures to crack down on rogue landlords:

- Civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences. Civil penalties for certain housing offences came into force on 6 April 2017 and guidance has been updated to reflect that from 6 April 2018 a civil penalty can also be imposed for breach of a banning order;
- Extension of rent repayment orders to cover illegal eviction, breach of a banning order and certain other specified offences. This came into force on 6 April 2017;

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Classification: Public

Social Care, Housing and Public Health Policy Overview Committee - 13 June 2018

- Database of rogue landlords and property agents who have been convicted of certain offences or received multiple civil penalties. In force from 6 April 2018. There is also a London wide Rogue Landlord and Agent Checker that all boroughs have agreed to participate in;
- Banning orders for the most serious and prolific offenders. In force from 6 April 2018. Local housing authorities are expected to develop and document their own policy on when to pursue a banning order.
- The Act also introduced enabling powers for the enforcement of electrical safety standards and for the introduction of mandatory client money protection and tenancy deposit data sharing.

The Tenant Fees Bill introduced in Parliament on 2 May 2018 will bring an end to costly letting fees and give tenants assurance that the deposit they pay at the start of the tenancy cannot exceed 6 weeks' rent.

In January 2018, the Government announced its support for Karen Buck MP's Private Member's Bill on housing standards.

The Government has confirmed that the extension of mandatory licensing is due to come into force from 1 October 2018, subject to Parliamentary approval. The regulations remove the three storey rule – at present mandatory licensing applies to HMOs of at least three storeys and five occupants comprising of two or more family units. They also bring purpose built flats where there are up to two flats in the block, into the scope of mandatory licensing. Further regulations are awaited relating to minimum room size.

### **Empty Dwellings**

The Rating (Property in Common Occupation) and Council Tax Empty Dwellings Bill will, amongst other measures, permit a charge of up to 200% of normal council tax on properties that have been empty for two years or more, instead of the current limit of 150%.

### **Housing Delivery**

The Autumn budget 2017 set out an ambition “to put England on track to deliver 300,000 new homes a year”.

February 2017 saw the publication of the Housing White Paper ‘Fixing our broken housing market’, which set out “a comprehensive package of reform to increase housing supply and halt the decline in housing affordability. The White Paper identified a threefold problem of “not enough local authorities planning for the homes they need; housebuilding that is too slow; and a construction industry that is too reliant on a small number of big players. A separate consultation exercise on ‘Planning and affordable housing for Build to Rent’ was launched alongside the White Paper. On 5 March 2018, a consultation was launched on proposed changes to the National Planning Policy Framework (NPPF) and a further consultation on reforming developer contributions to affordable housing and infrastructure.

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Classification: Public

Social Care, Housing and Public Health Policy Overview Committee - 13 June 2018

The White Paper said that the current approach to assessing housing requirements is “particularly complex and lacks transparency”. A consultation on ‘Planning for the right homes in the right places in September to November 2017 included proposals on a standard method of calculating local authorities housing need. The Government has subsequently published a revised draft NPPF and accompanying documents for consultation and is currently analysing feedback.

A new housing delivery test is proposed with delivery measured over a rolling three-year average. Under-delivery would be addressed through a tiered approach. If delivery falls below 95% the local authority should publish an action plan, setting out its understanding of the reasons and actions needed to get it back on track. Below 85% authorities would be expected to plan for a 20% buffer of their five-year land supply. From November 2018, if delivery falls below 25% of the housing requirement, the presumption in favour of sustainable development in the NPPF would apply automatically. The threshold would increase to 45% in November 2019 and 65% in November 2020.

Government want to attract “major institutional investment in new large-scale housing which is purpose-built for market rent. ‘Planning and affordable housing for Build to Rent – a consultation paper included proposals to:

- Amend the NPPF so authorities know they should plan proactively for Build to Rent developments where there is a need and to make it easier for developers to offer private rented homes at affordable rents instead of other forms of affordable housing; and
- Ensure family friendly tenancies of three or more years are available for tenants that want them on schemes benefiting from changes introduced by the Government.

The draft revised NPPF, published 5 March 2018, includes build-to-rent schemes in the definition of affordable housing.

On 14 January 2018, Ministry of Housing, Local Government and Communities (MHCLG) launched an independent review chaired by Sir Oliver Letwin which is looking to “explain the gap between the number of planning permissions being granted against those built in areas of high demand. A preliminary update in March 2018 identified the ‘absorption rate’ as a key issue – the rate at which home can be sold into local markets without reducing their value. The results of the analytical work in the form of a draft analysis is expected by the end of June 2018 and a final report is expected in time for the 2018 Budget.

## **Supported Housing**

A new system for funding supported housing was announced on 31 October 2017 alongside proposals to improve local planning and commissioning for supported housing in a National Statement of Expectations. The MHCLG and the Department for Work and Pensions (DWP)

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Classification: Public

Social Care, Housing and Public Health Policy Overview Committee - 13 June 2018

undertook two consultations – one relating to sheltered and extra care housing and another relating to short-term supported accommodation. The proposals, to take effect from 2020 are:

- a 'Sheltered Rent' for those in sheltered and extra care housing, with funding to remain in the welfare system (Housing Benefit/Universal Credit);
- long-term supported housing for those with learning or physical disabilities or mental ill health, to be funded 100% through the welfare system;
- short-term supported housing, typically homeless hostels, refuges for those at risk of domestic violence and those receiving support for drug/alcohol abuse; to be 100% commissioned locally through a ring-fenced grant administered by local authorities. Government is considering the views shared and will publish a full formal response, including more details of the policy in the summer.

## **Grenfell Inquiry**

The Public Inquiry into the circumstances surrounding the Grenfell fire was formally opened on 14 September 2017. Commemoration hearings were held from 21 May 2018 and opening statements started 4 June 2018. Five reports have been published at the start of the fact-finding stage. Key findings include:

- The fire began in the south-east corner of flat 16 on the fourth floor, more than likely in or around the area of the fridge-freeze;
- It was more likely than not to be accidental cause and not a deliberate act;
- Advice to "stay put" had "effectively failed" by 01:26. A change in policy recommending residents try to leave was not made until 02:47;
- Cladding did not comply with performance criteria and multiple fires were allowed to spread because of combustible materials by the windows and within the cladding system;
- Attempts to construct fire stopping within the cladding were installed incorrectly and no evidence of testing was provided;
- Flat entrance doors were non-compliant;
- The ventilation system did not appear to work as intended;
- Issues with fire lifts could not be used to transport equipment or residents;
- The water supply system was not compliant with guidance;
- The evidence "strongly supports" the hypothesis that polyethylene material in the cladding was the primary cause of the fire's spread;
- Vertical cavities within the cladding structure played a role in the spread of the fire, as did the insulation, although evidence was inconclusive;
- A "stay put" strategy was appropriate while the fire was contained to flat 16, but not once the fire started to spread up the building;
- The shift in complexity that occurs when intricate façade systems are incorporated into high rise buildings means that functional requirements, guidelines, and tests become inadequate to assess performance;

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Classification: Public

Social Care, Housing and Public Health Policy Overview Committee - 13 June 2018

In Hillingdon, planned replacement of front entrance door sets on 11 high rise blocks has been completed and additional communal fire door sets have been replaced in 10 high rise blocks. All properties within high rise blocks are having battery operated smoke alarms fitted and those with hard wired smoke alarms are being checked and replaced as necessary. Four high rise blocks have received further fire safety upgrade works inclusive of heating and electrical safety upgrades. Emergency lighting is being replaced in all 11 high rise blocks. A sprinkler installation pilot at Sutcliffe House has been tendered. Additional fire safety works have been completed within sheltered housing schemes. Fire risk assessments of approximately 500 low and medium rise housing blocks have been completed and remedial works programmes have been developed and funding approved. Works will progress during 2018.

## **Review of Building Regulations**

Dame Judith Hackitt has been carrying out a review of the Building Regulations, with particular emphasis on the safety of residents in residential buildings. She concludes that the existing regulations and guidance are not always read and are often misunderstood and misinterpreted. She recommends a new regulatory framework with greater focus on “buildings as a system” and greater transparency of decision-making. There must be a “no-risk” route for redress for residents who should be encouraged actively to participate in the ongoing safety of the building. Regulation should be overseen by a new Joint competent Authority comprising the local authority, fire service and the Health and Safety Executive.

The final report stopped short of calling for a ban on combustible material in cladding systems, however the government announced a consultation on banning combustibles just hours after the review was published.

The report also falls short of a ban of so-called desktop studies, but recommends that they should only be carried out by organisations accredited to run large-scale tests.

A new regulatory regime is recommended for tower blocks with 10 or more storeys. This would not remove current requirements for buildings with between six and nine storeys, but would leave in place the current framework.

The report recommends the rebranding of the Local Authority Building Control as ‘Local Authority Building Standards’. There would be additional powers to issue ‘stop’ notices to builders, require changes to building work and work with an increased time limit for bringing prosecutions. Builders would also be required to prove safety to Building Control more regularly than is currently the case.

Government is currently working with the Building Regulations Advisory Committee and industry experts to redraft official guidance on how to comply with building regulations on fire safety.

## **Universal Credit**

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Classification: Public

Social Care, Housing and Public Health Policy Overview Committee - 13 June 2018

The roll out of Universal Credit (UC) carries risks in relation to both the Housing Revenue Account through increased rent arrears, and of increased homelessness, resulting from potential evictions and reluctance of landlords to house benefit claimants. A number of changes have been made to Universal Credit to ease the transition. The full service roll out of UC for new claimants in Hillingdon is primarily scheduled for October 2018, although the roll out will be sooner (4 July 2018) for a small part of the borough that falls within the catchment of a Job Centre located in a different borough. Key tasks to prepare for the full implementation of Universal Credit include:

- reviewing and changing arrangements when residents are signed up to a new tenancy to ensure they understand their responsibilities in paying the rent in full and the risks of not doing so;
- identifying high risk tenants who are likely to require support and intervention at an early stage,
- ensuring tenants can access specialist debt advice services in a timely manner and intervening in a timely way before rent arrears escalate.

### **Fixed term tenancies**

During 2013 Cabinet approved the Tenancy Policy which put in place a new flexible (known as fixed term) tenancy regime in Hillingdon and the ending of a 'tenancy for life' for all new tenants after 3 June 2013 with certain limited exceptions. The key stage tasks linked to the management of fixed term tenancies is governed by statute. This includes the need to formally review all fixed term tenancies and issue a decision about what will happen on expiry of the term at least six months before the tenancy comes to an end. The review is designed to identify:

- under-occupation of the current property;
- adaptations that are no longer required;
- funding sufficient to secure a property in another tenure;
- requirements of the council's asset management strategy; or
- substantial tenancy breaches.

There are four potential outcomes following a formal review of the fixed term tenancy:

- Offer a further flexible tenancy at the current property (2 or 5 years);
- Offer a further flexible tenancy at another property (2 or 5 years);
- Offer a lifetime tenancy of another property i.e. in sheltered or extra care housing;
- Not to offer a tenancy at the end of the current fixed term tenancy.

At 6 April 2018 the Council had 933 fixed term tenancies, five are 'two-year' tenancies and the remainder are 'five-year'. One 'two-year' review is complete and the requirement for regular reviews commences from September 2018. There will be an average of 15 reviews per month in the latter part of 2018, rising to 20 per month in 2019 and peaking at 23 per month by 2021.

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Classification: Public

Social Care, Housing and Public Health Policy Overview Committee - 13 June 2018

## **London Housing Strategy**

Following a draft last year, the London Housing Strategy was published in May 2018 and will be considered by the London Assembly and Secretary of State for Housing, Communities and Local Government. The strategy has five priorities:

- Building homes for Londoners;
- Delivering genuinely affordable homes;
- High quality homes and inclusive neighbourhoods;
- A fairer deal for private renters and leaseholders; and
- Tackling homelessness and helping rough sleepers.

The central priority is to build many more homes for Londoners – particularly genuinely affordable homes.

The Mayor is clear that he wants to meet housing needs while protecting the Green Belt and open spaces. That means London must build at higher densities and ensure that all parts of the city host their fair share of new homes.

### **Implications on related Council policies**

Policy Overview Committees are at the heart of how the Council shapes policy at Member level.

### **How this report benefits Hillingdon residents**

Policy Overview Committees directly engage residents in shaping policy and recommendations from the Committees seek to improve the way the Council provides services to residents.

### **Financial Implications**

None at this stage.

### **Legal Implications**

None at this stage.

## **BACKGROUND PAPERS**

Homelessness Reduction Act 2017

Homelessness Code of Guidance for Local Authorities, MHCLG, Feb 2018

Transforming the Response to Domestic Abuse Government Consultation, March 2018

Secure Tenancies (Victims of Domestic Abuse) Act 2018

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Classification: Public

Social Care, Housing and Public Health Policy Overview Committee - 13 June 2018



Housing and Planning Act 2016  
Tenant Fees Bill 2017-19  
Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill 2017-19  
Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill 2017-19  
Autumn Budget 2017, HM Treasury  
Housing White Paper: Fixing our broken housing market, DCLG, Feb 2017  
Planning and Affordable Housing for Build to Rent: A consultation paper, DCLG, Feb 2017  
National Planning Policy Framework Consultation proposals, MHCLG, March 2018  
Housing Delivery Test: draft measurement rule book, MHCLG, March 2018  
Funding Supported Housing: Policy Statement and Consultations, DCLG DWP, Oct 2017  
Grenfell Tower Inquiry, [www.grenfelltowerinquiry.org.uk](http://www.grenfelltowerinquiry.org.uk)  
Building a Safer Future, Independent Review of Building Regulations and Fire Safety: Final Report, Dame Judith Hackitt DBE FREng, May 2018  
The London Borough of Hillingdon's Tenancy Policy, 2013  
London Housing Strategy, Mayor of London, May 2018

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Classification: Public

Social Care, Housing and Public Health Policy Overview Committee - 13 June 2018