

TONBRIDGE & MALLING BOROUGH COUNCIL

STRATEGIC HOUSING ADVISORY BOARD

22 February 2010

Joint Report of Director of Health and Housing and the Cabinet Member for Housing

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 PRIVATE SECTOR HOUSING UPDATE

Summary

This report updates Members on the following:

- North & West Kent Private Sector Renewal Partnership including the additional funding secured for 2009/2010 and expected allocations for 2010/11; and
- The DFG spend for 2009/2010 and an update on waiting times for children's Occupational Therapy assessments; and
- The Chartered Institute of Environmental Health joint statement with other organisations expressing concern over the lack of priority attached to the private rented sector by Government and subsequent government announcements.

1.1 North & West Kent Private Sector Renewal Partnership

1.1.1 At the last meeting of this Board, Members were advised of the high demand for housing assistance which is delivered utilising the £4 million received by the partnership for 2009/10. The budget for 2009/10 in Tonbridge & Malling was £726,000 with actual spend and further commitment taking us over this amount by approximately £180,000. At the time of the last meeting we were holding off on approvals and maintaining waiting lists of enquiries until we could determine if more funding was available.

1.1.2 I am pleased to report that Tonbridge & Malling have secured an additional £219,000 from underspends elsewhere in the partnership, taking our total budget for 2009/10 to £945,000. This has enabled approvals of all housing assistance applications to continue and all waiting lists to be cleared. I am confident that the entire budget will be fully spent by the end of the year.

1.1.3 The Regional Housing and Regeneration Board has submitted its final allocations for 2010/2011 which are now with Ministers for consideration, and an

announcement is expected this month. I am pleased to report that the partnership has been recommended for an allocation of £3,812,993 which is a five per cent reduction on the 2009/2010 funding, and much lower than expected. It appears that this is largely due to the spend that the partnership has achieved in the last two years since other partnerships that have not achieved high levels of spend have been severely penalised in terms of allocations. Of this allocation Tonbridge & Malling will receive £612,155 which will mean a budget of £712,155 for housing assistance in 2010/2011.

- 1.1.4 The North & West Kent Private Sector Renewal Partnership has recently been the subject of an internal audit. One of the recommendations is that there should be a formal partnership agreement. Audit did recognise that the partnership's initial approach of getting on and spending the funding had reaped rewards in terms of allocations whereas other partnerships who had spent considerable time in drawing up formal agreements had been penalised as their spend had been reduced. We are in the final stages of producing a draft partnership agreement that will be sent to our partners shortly. The agreement sets out how the partnership works, the responsibilities of each partner including ourselves as lead authority and how payments of funding (allocation from Government Office South East (GOSE) is paid to us as lead authority) will be made. I do not intend to authorise any payments to partners from 2010/11 until the partnership agreement has been signed.

1.2 Disabled Facilities Grants

- 1.2.1 Members will recall from the last meeting of this Board that a meeting had been held with Liz Totman, Head of Specialist Children's Services at Kent County Council and a number of outcomes were agreed. As at end December 2009 there were 23 cases on the children's Occupational Therapists (OTs) waiting list dating back to October 2007 and the OTs envisage 18 of these require adaptations. Eleven of these cases are in housing association properties, three are owner occupiers, two are privately renting and two cases have tenure unknown. It is clear that until new OT resources are in place the lengthy waiting list will remain. I understand that interviews for a new paediatric OT post to partly cover the Tonbridge & Malling area took place during week of 25 January 2010, and a new OT assistant has also been appointed to cover this area.
- 1.2.2 In order to address Member's ongoing concerns I will invite the Head of Specialist Children's Services to attend the next meeting of this Board in May 2010. We will in the meantime seek an update on the recruitment and a timescale for ensuring the backlog of assessments are addressed.
- 1.2.3 The budget for Disabled Facilities Grants (DFGs) in 2009/10 is £494,000. To date approximately £590,000 has been spent. Further commitment is being controlled however I do anticipate that further spend will result in an overspend of approximately £150,000 before the end of the financial year. This overspend will be covered by the 2010/11 budget. Members will recall that the high level of

commitment in the system which equates into spend is in part due to the efforts in progressing a number of existing children's cases which tend to be large grant amounts. Members will also recall that on a positive note we do not have a backlog of Russet Homes cases to approve, as was the case last year, as they have been funding their tenants' adaptations recently under the new agreement. I will update Members further at the meeting.

- 1.2.4 The DFG local authority allocations for 2010/11 have not yet been announced and so I am unable to confirm the total DFG budget for 2010/11. We anticipate an announcement imminently and again I hope to be able update Members at the meeting.

1.3 Chartered Institute of Environmental Health (CIEH) statement about the government's position on the private rented sector

- 1.3.1 At the July 2009 meeting of this Board a report on the Government's proposals for consultation regarding the private rented sector was presented, along with our response.
- 1.3.2 These proposals were based on the work done by Julie Rugg and David Rhodes as part of the 'Rugg Review' an independent review of the Private Rented Sector (PRS) and the work done by the Law Commission on proposals for changes in the PRS.
- 1.3.3 The proposals recognised the important role that the private rented sector plays in providing choice and flexibility at all levels across the housing market. The proposals were designed to support the PRS, encourage good existing landlords to grow and minimise barriers to entry in the PRS. They were also looking to tackle the need to increase professionalism, drive out bad landlords and secure improvement in the quality of the worst stock. The consultation responses to these proposals were to provide feedback and to hopefully influence policy direction in the Housing Reform Green paper.
- 1.3.4 Unfortunately the PRS had not subsequently featured as a priority in government policy, and no clear proposals have emerged since the publication of the review. A number of organisations including housing charity Shelter, the National Landlords Association, the Association of Residential Letting Agents and the CIEH have issued a joint statement expressing concern over the lack of priority attached to the PRS. The statement, which we welcome, is included as an attachment in **[Annex 1]**.
- 1.3.5 Since the publication of this statement, Communities and Local Government (CLG) have made several announcements in relation to the PRS. Firstly changes to the Planning Use Classes Order will come into force from April 2010. The aim is to control the spread of high concentrations of Houses in Multiple Occupation (HMOs). The changes will create a new planning use class for HMOs and require property owners to obtain planning permission where a material change of use has occurred for an HMO of three or more occupants who are not members of the

same family and who share basic amenities. The threshold is currently set at six people.

- 1.3.6 The government has also published a consultation paper on proposals for a general consent to introduce discretionary licensing schemes. Hitherto, councils have had to seek approval from the Secretary of State at Communities and Local Government before introducing selective or additional licensing. The new proposals for general consent are part of the government's commitment to give councils more local discretion.
- 1.3.7 On 3 February 2010 the CLG announced further measures to target improvement of the private rented sector. A new national private sector tenants' helpline is to be established in partnership with the voluntary sector. There will be an increase in the threshold for Assured Shorthold Tenancies from £25,000 to £100,000 aggregate annual rent. The government has also launched a further consultation on "Investing in the UK Private Rented Sector" and given commitment in principle to the establishment of a national landlord register, better regulation of letting and managing agents and the requirement for written tenancy agreements. No timescale has been set for the implementation of these proposals. The development work will be taken forward by a new Private Rented Sector Task Force comprising of representatives from various stakeholder organisations.
- 1.3.8 We will keep Members of this Board updated on the way these various proposals progress.

1.4 Legal Implications

- 1.4.1 As detailed in this report.

1.5 Financial and Value for Money Considerations

- 1.5.1 The DFGs are a mandatory grant and valid applications have to be approved within six months. Demand for Housing Assistance Grants is being met and kept within overall budget as additional funding has been secured.

1.6 Risk Assessment

- 1.6.1 The delay in approving DFG applications may result in reduced customer satisfaction and hence risk the reputation of the Council.

1.7 Policy Considerations

- 1.7.1 The broad range of policies progressed in this paper are making a positive contribution to improving the lives and living conditions of vulnerable households within the borough, thereby impacting the policy agenda in relation to healthy lifestyles, equality and diversity, safeguarding children and biodiversity/sustainability.

1.8 Recommendations

1.8.1 Cabinet is **RECOMMENDED** to approve the re-profiling of budgetary provision in respect of Disabled Facilities Grants as detailed at paragraph 1.2.3.

Background papers:

contact: Hazel Skinner
Linda Hibbs

Nil

John Batty
Director of Health and Housing

Councillor Jill Anderson
Cabinet Member for Housing