

# HOUSING STANDARDS BOARD (HSB)

## Minutes

9 January 2018

7.00pm – 7.40pm

### PRESENT:

#### Committee Members

Cllr Mark Wilkinson (MW) – Chair  
Cllr Simon Carter (SC)  
Cllr Tony Edwards (TE)

#### Leaseholder Standards Panel:

Darrell Thomas (DT)

#### Officers:

Cara Coxhead (CC)  
Wendy Makepeace (WM)  
Christopher Smith (CS)  
Andrew Smith (AS)  
Zulfi Kiani (ZK)  
Jenny Pearce (JP)

#### Tenant & Leaseholder Representatives:

##### Property Standards Panel:

##### Tenancy Standards Panel:

Jo West (JW)  
Jane Steer (JS)

		Action
1.	<b><u>Apologies</u></b>  Cllr Bob Davis (BD) – (Vice-Chair), Andrew Murray (AM)	Noted
2.	<b><u>Declaration of Interest</u></b>  Cllr Simon Carter declared an interest in HTS Group and its subsidiaries.	Noted
3.	<b><u>Minutes of last meeting (26.09.17) and Matters arising</u></b>  The minutes and the following were agreed with an amendment to item 4; Cabinet will receive the Housing Allocations Policy at its meeting on 22 February 2018.  An email was sent to all members of HSB on 7 December 2017 advising that Council Tax is payable on all properties until they are actually demolished following a change from the Valuation Office.  Homeless Code of Guidance: A copy of the Council's responses will not be able to be provided due to the survey being carried out on "SurveyMonkey". However, a briefing note will be provided outlining the responses given.	Noted  Noted  Noted
4.	<b>Cabinet Work plan 2016/17</b>	

	The work plan was noted.	Noted
	Clarification to be provided on what the principles report for the HRA Housing Review due December 2018.	ZMK
<b>5.</b>	<b>Briefing Notes</b>	
	The reports were noted.	Noted
	A number of questions were raised and answered respectively. Some amendments to the wording within the Housing Services Business Plan were agreed.	Noted
<b>6.</b>	<b>Current Consultations</b>	
	None	Noted
<b>7.</b>	<b>Annual Report to Tenants and Leaseholders 2016/17</b>	
	The annual report and the following was noted.	Noted
	It was requested that the font size for the report be increased. It was agreed that this will be considered for the next issue.	Noted
<b>8.</b>	<b>Landlord Survey 2016/17</b>	
	The report and action plan was noted.	Noted
<b>9</b>	<b>Formal questions and answers</b>	
	None	Noted
<b>10.</b>	<b>Any other Business</b>	
	None	Noted

The Date of the Next meeting is: 6 February 2018

### **Background Papers**

Minutes of the Environmental SIT meeting were attached the papers but were for information only.

### **Background Papers**

NB: These are papers referred to in the minutes of this meeting and are not attached as appendices but that are available for the public or Councillors to study. There were no additional reports.

## **Harlow District Councils response to DCLG's Homelessness Code of Guidance Consultation Paper**

Following the Homeless Reduction Act receiving Royal Assent, the Government is now reviewing the statutory Homelessness Code of Guidance for Local Authorities, which was last updated in 2006.

The Homelessness Code of Guidance provides direction on how local authorities should exercise their homelessness functions and apply the law in practice.

In order to streamline and clarify the guidance, the draft Code has few annexes and incorporates the supplementary guidance which has been issued since the publication of the existing code, which are:

- Intentional Homelessness
- Homelessness changes in the Localism Act 2011
- Domestic abuse and homelessness

It is intended to maintain separate guidance on the Provision of Accommodation for 16 and 17 years old's who may be homeless and/or require accommodation.

The authority has responded to the following questions:

**Q5. Do you agree that annexes should be removed from the guidance?** – No, annexes are useful when managing casework, but need to be updated and revised.

**Q6. Do you agree with the recommendations for withdrawal of existing supplementary guidance documents?** – Yes, as some have already been included within the guidance, such as Domestic Abuse, Intentional Homeless suitability. However the suitability of accommodation for 16/17 year olds should also be included and not kept separate, thus creating a unified code of guidance.

**Q7. Do you agree that the revised code of guidance should incorporate the additional supplementary guidance documents?** – Yes, as stated above.

**Q8. Are there any other relevant case law updates that you think should be considered for inclusion in the revised guidance?** - No, it already contains relevant case law with regards to vulnerability.

**Q9. Do you have any comments on the drafting style and tone in the revised guidance?** – No.

**Q10. To inform our public sector equality analysis further we are interested in your views on the likely impacts of the Homelessness Code of Guidance on groups with protected characteristics?** – Impact on vulnerability – other special reasons should not be restricted to physical or mental characteristics, for example, when there is a need for support but the applicant does not have any family or friends. In addition, a combination of factors where there are protected characteristics may impact on accepting a Priority Need. To cover this there will be a need to outline assessment requirements for officers for this to be picked up on, will also need to ensure that

protected characteristics are contained/ used within revised Orchard as will need to capture this information to ensure that we are complaint with PSE.

**Q11. Taking chapters 1-5 of the Homelessness Code of Guidance which describe strategic functions consider the following questions:**

**a) Are you clear what the local authorities' responsibilities are? - Yes**

**b) Would you suggest any additions, deletions, changes to these chapters? - No**

**Q12. Taking chapters 6-10 of the Homelessness Code of Guidance which provide guidance on definitions to help inform decisions on the areas of statutory duty, consider the following questions:**

**a) Have read these chapters are you clear what local authorities' responsibilities are? – No, a revision and update on assessing affordability required due to welfare reforms is required and needs to be clarified.**

**b) Would you suggest any additions, deletions or changes to these chapters? - Yes - Chapter 6.29, page 44, para 2 - clearer guidance is required.**

**c) When considering “Chapter 6: Homelessness and Threatened with Homelessness” is the guidance on whether it is “reasonable to occupy” helpful? - Yes – except for affordability**

**d) When considering “Chapter 10: Local Connection” does the guidance provide sufficient clarity about when and how a referral can be made? – No, it is not clear whether duty to help secure accommodation and reasonable steps taken can be an action to approach own LA for assistance, and provide advice that they do not have a Local Connection to the district. If we determine that they are homeless and in Priority Need with no Local Connection to Harlow, give advice and assistance, but that the accommodation becomes available for them from another person (section 206(1)c)**

Appears that if we determine, at the relief stage, that they do not have a Local Connection, we issue a Notice either that we have decided that the conditions for the referral are met and **intend** to notify, or **have notified**, another local authority of that opinion.

**Q13. Taking chapters 11-14 of the Homelessness Code of Guidance which focus on the prevention and relief duties are you clear on what local authorities' responsibilities are and would you suggest any additions, deletions or changes – a & b? – Chapter 12, although states we cannot refer to another LA during the prevention duty, can we do this if we also take a PtVII application to run concurrently and refer under the main housing duty? This is not clear in the revised guidance.**

It is clear that we can conduct and complete enquiries under s193 (2) and this can be done at the relief duty. However paragraph 13.10 is confusing as it advised against issuing s.184 notification during the relief stage as s.193 duty cannot commence until relief duty has come to an end.

**Q13 c. When considering “Chapter 11: Assessments and Personalised Plans” do you consider the guidance on “reasonable steps” is sufficient, and is helpful? – Yes.**

**Q14. Taking chapters 15-17 of the Homelessness Code of Guidance which focus on accommodation duties and powers, consider the following questions:**

- a) Having read these chapters are you clear what local authorities' responsibilities are? - Yes**
- b) Would you suggest any additions, deletions or changes to these chapters? - Yes Chapter 16, pg115 – 16.21 on DHP**
- c) When considering Chapter 16: Helping to secure and securing accommodation are you clear what local authorities' responsibilities are in helping to secure or securing accommodation? – No, affordability guidance needed.**

**Q15. Taking chapters 18-20 of the Homelessness Code of Guidance which focus on casework administration consider the following questions:**

- a) Having read these chapters are you clear what local authorities' responsibilities are? – No, Chapter 18 pg136 para 18.31 Pt VII notifications states “that there will be circumstances in which more than one notification will be required at the same time. This would be more practicable to combine into one letter.**
- b) Would you suggest any additions, deletions or changes to these chapters? – No**
- c) When considering Chapter 18: Applications, inquiries, decisions and notifications would any additional information on issuing notifications and decisions be helpful? - Yes**

**Q16. Taking chapters 21-25 of the Homelessness Code of Guidance which focus on particular client groups consider the following questions:**

- a) Having read these chapters are you clear what local authorities' responsibilities are? – Yes**
- b) Would you suggest any additions, deletions or changes to these chapters? - No**

**Q17. Are there any other comments that you would like to make on the Homelessness Code of Guidance? – Yes, the draft is incomplete on “Refuges & Supported Housing” pg 25 para 2.51 ‘This section will be added following the announcement of the Government’s response to the consultation on supported housing same with pg 26 para 2.55. Public authorities with duty to refer not complete pg 33 pg 141 new review duties not included.**