

# SHEFFIELD CITY COUNCIL

## POLICY COMMITTEE DECISION RECORD

The following decisions were taken on Thursday 14 September 2023 by the Housing Policy Committee.

### Item No

#### 8. COUNCIL HOUSING DISREPAIR

8.1 The Head of Service introduced the report which provided the Committee with an update on Council Housing disrepair cases and the early resolution implementation plan.

8.2 **RESOLVED UNANIMOUSLY:** That the **Housing** Policy Committee:-

1. Notes the report.

**RESOLVED UNANIMOUSLY:** That the **Housing** Policy Committee approved the adding of the following additional recommendation to the officers report:

2. To bring back an early resolutions improvement plan to the December meeting of the committee.

#### 8.3 **Reasons for Decision**

8.3.1 Housing Policy Committee note the report and its contents.

#### 8.4 **Alternatives Considered and Rejected**

8.4.1 Managing disrepair claims made against the Council is a legal and landlord responsibility. Therefore, in this respect there were no other alternatives considered.

#### 9. DAMP AND MOULD UPDATE

9.1 Following the tragic death of Awaab Ishak who died nearly three years ago from a respiratory condition caused by damp and mould in his home, the Director of Housing and Neighbourhoods submitted a report to the 15 December 2022 Housing Policy Committee outlining the establishment of a Damp and Mould Task Group and the work required to meet the recommendations within the Ombudsman's 26-point Spotlight Report on Damp and Mould.

The Head of Service introduced the report which highlighted the progress in meeting the requirements of the Ombudsman's report and will also seek approval of the Damp, Mould and Condensation Policy.

9.2 **RESOLVED UNANIMOUSLY:** That the **Housing** Policy Committee:-

1. Note the contents of this report.
2. Note the progress made in complying with the Housing Ombudsman's Spotlight Report on Damp and Mould

3. Approve the Sheffield City Council Damp, Mould, and Condensation Policy

**RESOLVED UNANIMOUSLY:** That the **Housing** Policy Committee approved the adding of the following additional recommendation to the officers report:

4. That officers provide a further report and review of policy for the March 2024 meeting of the Committee.

### 9.3 **Reasons for Decision**

- 9.3.1 To update the Housing Policy Committee on the work being undertaken by Officers and the Damp and Mould Task Force in response to the challenges of damp and mould in both private sector rented and Council Housing in Sheffield.
- 9.3.2 To update the Housing Policy Committee on the progress being made in complying with the Housing Ombudsman's Spotlight Report on Damp and Mould.
- 9.3.3 To formalise Sheffield City Council's approach for dealing with Damp and Mould issues in Council Properties by adopting a Damp, Mould and Condensation Policy.

### 9.4 **Alternatives Considered and Rejected**

- 9.4.1 None.

## 10. **HMO LICENSING FEE REVIEW**

- 10.1 The Team Manager introduced the report which explained that Cabinet first approved a mandatory licensing scheme for Houses in Multiple Occupation (HMOs) in April 2006, as prescribed within the Housing Act 2004. Substantial changes to the scheme were approved in 2018 when the definition of licensable HMO properties was expanded, and new building standards were imposed.

Following a detailed review of current fees and charging arrangements, the Committee were asked to approve increases to the HMO licence fees and amendments to the charging structure.

- 10.2 **RESOLVED UNANIMOUSLY:** That the **Housing** Policy Committee:-

1. Approve the changes to the HMO licence fees and charging structure as detailed.
2. Agree to implement the revised fees and new charging structure for new applications from 31st October 2023 and renewals from 31st December 2023.

### 10.3 **Reasons for Decision**

- 10.3.1 The services provided by the City Council's Private Sector Housing Service detailed in this report have been reviewed and determined not to be achieving full cost recovery at their current levels. To achieve full cost recovery, new fee

and charging structures are presented for decision by committee members.

- 10.3.2 The implications of the two landmark rulings R (Gaskin) and R (Hemming) are significant for any local authority that does not currently operate a Directive[1]compliant licencing fee regime. The report advises recommended changes to SCC's HMO licence fees and charging structure are approved to ensure compliance.

#### 10.4 **Alternatives Considered and Rejected**

- 10.4.1 Do nothing. This would result in the Council continuing to charge the current lower HMO licence fees, preventing full cost recovery for the licensing scheme, and reducing the Council's capacity for detecting and enforcing against landlords operating illegally. This puts the Council at risk of legal challenge for charging in advance for costs other than those directly associated to the authorisation of a licence application. The fees are intended to off-set the cost to the Authority of administering the licensing scheme and must be split between costs incurred before and after deciding to issue a licence. There is no safe legal alternative to a split fee regime, therefore the option to do nothing has been ruled out on that basis.

- 10.4.2 Split the fee charges to conform to case law precedent but leave fee levels unaltered. This would be the most straightforward option to remove the risk of challenge to the single part licence fee, however our review of the costs incurred by the Council in running the Mandatory HMO licensing scheme revealed that the current HMO licensing fees are not achieving full cost recovery. The proposed revised fees given in Table 1 have been calculated to achieve full cost recovery in performing HMO licensing activities. The local authority has a duty to administer funds in such a way as to protect the interests of council taxpayers, with the accepted principle that licensed activities should be funded by those benefitting from them, rather than council taxpayers. This option was ruled out on that basis.

- 10.4.3 Split the fee charges and apportion the increased costs equally across all licence holders. This option would require a further increase in licence fees as the anticipated costs for managing non-compliance would need to be incorporated into the fee income generated from all licences, rather than additional charges being applied when non-compliance is detected. Our fee review included consideration of officer time spent assessing applications, inspecting properties and detailing licence conditions, and it was both clear and unsurprising that larger properties took proportionately greater amounts of officer time throughout the licensing process. To apportion costs equally across all licence holders would not be fair or reasonable and would put the Council at risk from legal challenge, so this option was also ruled out.

### 11. **HOUSING OMBUDSMAN COMPLAINT HANDLING CODE -ANNUAL SELF-ASSESSMENT**

- 11.1 The Complaint Handling Code was introduced in July 2020 by the Housing Ombudsman and updated further in April 2022. It sets out how the Housing Ombudsman expects social landlords to manage customer complaints, describes best practice and supports landlords in responding to complaints

effectively and fairly.

A requirement of the Code is that social landlords assess their complaints handling against the Code annually, using a standard template provided by the Housing Ombudsman. Also, that social landlords report the outcomes of the assessment to Elected Members and publish the assessment on their website and in their annual report.

An assessment against the code was undertaken in July 2023. The Senior Voids Consultant introduced and outlined the purpose of the report which was to:

- Inform Housing Policy Committee of the outcomes of the assessment, and of the actions agreed to address any areas of non-compliance.
- Seek the Housing Policy Committee's approval to publish the outcomes of the assessment.

11.2 **RESOLVED UNANIMOUSLY:** That the **Housing** Policy Committee:-

1. Note the outcomes of the self-assessment against the Code.
2. Approve the publication of the outcomes of the assessment.
3. Request an update in 6 months' time on complaints-handling performance, to support compliance with the Code.

11.3 **Reasons for Decision**

11.3.1 Housing Policy Committee is being asked to note the self-assessment and to give its approval for publication of the assessment on the Council website because this will help us achieve transparency and accountability in how we manage with housing-related complaints. It is also a requirement of the Housing Ombudsman for all social landlords that we do so.

11.3.2 It is also being asked to request an update report on complaints handling in 6 months' time (March 2024) as this will support our compliance with the Complaints Handling Code. The Code (section 7.4) requires that landlords provide the 'governing body' with regular complaints reports. A 6-monthly update will supplement the bi-monthly performance updates which Committee receive which include summary complaints performance data.

11.4 **Alternatives Considered and Rejected**

11.4.1 Self-assessment against the Housing Ombudsman's Code and publication of the outcomes, are a requirement of all social landlords. Therefore, in this respect there were no other alternatives considered.

## 12. **HNS AND REPAIRS PERFORMANCE REPORTS**

12.1 The Director of Direct Services introduced the report which provided the Committee with an overview of housing and repairs performance for a range of services within the remit of the Committee. The report covered the period up to quarter 1 (April – June) of 2023/2024. The first part of the report provides an

analysis of the performance, setting this within both the national and local context in which services are delivered. A detailed appendix report was included with comparative data against other landlords and regulatory performance. The report allowed the Committee to understand and comment on the performance delivery of housing and repairs services to both tenants and citizens.

12.2 **RESOLVED UNANIMOUSLY:** That the **Housing** Policy Committee:-

1. Notes the Performance Report update provided for up to quarter 1 of 2023/2024.
2. Highlights any issues of concern that they may wish to discuss in future performance reports

12.3 **Reasons for Decision**

12.3.1 The Housing Policy Committee has delegated authority to monitor the performance of Housing and Repairs services to ensure that:

- The service is delivering for tenants, and that tenant satisfaction is closely monitored.
- Limited resources are maximised due to budgetary pressures.
- The Council is delivering on corporate priorities.
- Performance information is shared with external organisations such as the Regulator of Social Housing and the Housing Ombudsman for scrutiny.

12.4 **Alternatives Considered and Rejected**

12.4.1 The Housing Policy Committee has delegated responsibility for the regular monitoring of data including performance and financial information, and the performance monitoring of Housing (public sector, private sector, and related functions) services. Therefore, no alternative options to the production of this report have been considered.

13. **2023/24 Q2 BUDGET MONITORING REPORT**

13.1 The Head of Finance and Commercial Business Partnering introduced the report which brought the Committee up to date with the Council's outturn position for Q1 2023/24 General Fund and Housing Revenue Account position.

13.2 **RESOLVED UNANIMOUSLY:** That the **Housing** Policy Committee:-

1. Note the updated information and management actions provided by this report on the Q1 2023/24 Revenue Budget Outturn as described in this report.

13.3 **Reasons for Decision**

13.3.1 To record formally changes to the Revenue Budget.

13.4 **Alternatives Considered and Rejected**

- 13.4.1 The Council is required to both set a balance budget and to ensure that in-year income and expenditure are balanced. No other alternatives were considered.

#### **14. CAPITAL FINANCE MONITORING REPORT**

- 14.1 The Housing Capital Programme brings together the 30-year Asset Management and Housing Growth Strategy for Council Housing setting out the priorities for current and future investment, to ensure that homes meet the Government's Decent Homes Standard and the delivery of tenants' priorities in improving the quality of homes and neighbourhoods. Investment priorities are formulated from detailed stock condition and other surveys to ensure effective planning of works, utilising available repairs intelligence, life-cycle modelling and, feedback from tenants. The Housing Investment Programme is co-designed and agreed with tenants for the Council housing stock. The Housing Capital Programme is split into three distinct areas of activity; Council Housing Investment (existing stock and assets) and the Council's Stock Increase Programme, funded from the Council's Housing Revenue Account, as described in the annual HRA Business Plan. There is also the Non-HRA Capital Programme which includes the Programme Management, Homes & Loans to private homes and investment in private homes. The table at 1.9 show the overall Housing Capital Programme split between Council Housing Investment, Stock Increase and Non[1]HRA areas of the programme.

The purpose of the report was to provide an update of the progress against the approved 2023/24 Housing Capital Programme, this is reported regularly as part of the Council's Corporate Capital Programme to the Finance Committee. This report will focus on providing an update about spend and progress against the 2023/24 Housing Capital Programme at end of June 2023 (Quarter 1). The report also provides an update of the 5-year Housing Capital Programme and the final approval of the 2022/23 Housing Capital Programme outturn.

- 14.2 **RESOLVED UNANIMOUSLY:** That the **Housing** Policy Committee:-

1. Note the 2022-23 Housing Capital Programme final approved outturn.
2. Note the 2023-24 Housing Capital Programme forecasting and budget position at the end of quarter.
3. Note the update provided for the 5-year capital programme.
4. Note and agree the frequency of the Housing Capital Programme quarterly reports presented at future meetings.

#### **14.3 Reasons for Decision**

- 14.3.1 The report was to provide the Housing Policy Committee members with an update on progress against the approved 5-year approved Capital programme.

#### **14.4 Alternatives Considered and Rejected**

- 14.4.1 No alternative options were considered as part of this update report.