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AGENDA HOUSING POLICY DEVELOPMENT AND REVIEW PANEL

Date: Thursday, 24 May 2018

Time: 6.00 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor Mrs K Mandry (Chairman) and S Dugan (Chairman)

Councillor

Councillors I Bastable

S Cunningham

Mrs C L A Hockley

Ms S Pankhurst

Mrs K K Trott

Deputies: J S Forrest



1. Apologies for Absence

2. Minutes (Pages 5 - 8)

To confirm as a correct record the minutes of the Housing Policy Development and Review Panel meeting held on 08 March 2018.

3. Chairman's Announcements

4. Declarations of Interest and Disclosures of Advice or Directions

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct and disclosures of advice or directions received from Group Leaders or Political Groups, in accordance with the Council's Constitution.

5. Deputations

To receive any deputations of which notice has been lodged.

6. Introduction to the Panel, Achievements, Priorities and Challenges (Pages 9 - 10)

To receive a presentation by the Managing Director of Fareham Housing on the Achievements, Priorities and Challenges for the Panel.

7. Annual Review of Discretionary Housing Payments (Pages 11 - 24)

To consider the annual report by the Head of Housing and Benefits on the Council's Discretionary Housing Payments Scheme.

8. Review of the Work Programme (Pages 25 - 28)

To consider a report by the Managing Director of Fareham Housing, which invites the Panel to review the work programme for 2018/19.

P GRIMWOOD

Chief Executive Officer

Growood

Civic Offices

www.fareham.gov.uk

16 May 2018

For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel:01329 236100

democraticservices@fareham.gov.uk



Minutes of the Housing Policy Development and Review Panel

(to be confirmed at the next meeting)

Date: Thursday, 8 March 2018

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor F Birkett (Chairman)

Councillor B Bayford (Vice-Chairman)

Councillors: Mrs M Brady, Mrs C L A Hockley, Ms S Pankhurst,

D L Steadman and Mrs K K Trott

Also Present:



Housing Policy
Development and Review
Panel

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. MINUTES

It was AGREED that the minutes of the Housing Policy Development and Review Panel meeting held on 18 January 2018 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman extended his thanks and best wishes to retiring Councillors Bayford and Steadman for their service to the Panel over the years.

4. DECLARATIONS OF INTEREST AND DISCLOSURES OF ADVICE OR DIRECTIONS

There were no declarations of interest made at this meeting.

5. **DEPUTATIONS**

There were no deputations made at this meeting.

6. FAREHAM HOUSING PRESENTATION

The Panel received a presentation by the Managing Director of Fareham Housing which outlined the Fareham Housing Strategy. A copy of the presentation is attached as Appendix A to these minutes for information.

The presentation outlined that Fareham Housing will bring together all aspects of housing within the borough to provide affordable and sustainable solutions for residents with a focus on those whose needs are not currently being met through existing provision. A document was tabled for Members' information which gives an overview of how this will be achieved. A copy of this document is attached as Appendix B to these minutes for information.

The Managing Director of Fareham Housing provided an overview of the proposed staffing restructure of the department and highlighted the key changes. This included the creation of a new Affordable Housing Strategic Lead post that will provide leadership and focus on driving forward the delivery of affordable housing in the borough. A copy of the job description for this role was tabled for Members' information and is attached as Appendix C to these minutes. A full copy of the proposed restructure, which is currently under consultation, was provided to Members and a copy is attached as Appendix D to these minutes for information.

Members were advised that the next stage of the process will be to prepare and present the Fareham Housing Business Plan. This will come forward from the new overall Housing Strategy which is part of the Council's Corporate Strategy and is now almost ready to present for approval. Housing Policy
Development and Review
Panel

The Managing Director of Fareham Housing was thanked for a very informative presentation and for the work that has been done so far in this existing new venture.

7. TENANCY MANAGEMENT PERFORMANCE REPORT

With the agreement of the Chairman, this item was brought forward in the agenda and heard as item 6.

The Panel considered a report by the Managing Director of Fareham Housing which provided Members with information about the housing management services covered by the Tenancy Services Team. The report included information about Housing Rent Collection, Tenancy Management, Estate Management, Leasehold Management and a summary of the current tenant arrears position.

The Tenancy Services Manager highlighted key points of the report and answered Members questions accordingly.

It was AGREED that the Panel notes the information contained within the report.

8. FINAL REVIEW OF WORK PROGRAMME 2017/18 AND DRAFT WORK PROGRAMME 2018/19

The Panel considered a report by the Managing Director of Fareham Housing which gave a final review of the current Work Programme 2017/18 and the proposed Work Programme for 2018/19.

Having reviewed the Work Programme for the current year 2017/18, as attached as Appendix A to the report, it was AGREED that the Panel:

- (a) approves the proposed Work Programme for 2018/19 as attached as Appendix C to the report; and
- (b) agrees to submit the proposed Work Programme for 2018/19 to Council for endorsement.

(The meeting started at 6.00 pm and ended at 7.25 pm).



Presentation to The Housing Policy Development and Review Panel

Date: 24 May 2018

Report of: Managing Director of Fareham Housing

Subject: Introduction to the Panel, Achievements, Priorities and Challenges

SUMMARY

The purpose of the presentation is to inform members of the main activities of Fareham Housing, key achievements in the previous year and to outline the priorities for the next municipal year and beyond.

RECOMMENDATION

It is recommended that the Panel Members NOTE the content of the presentation.



Report to Housing Policy Development and Review Panel

Date 24 May 2018

Report of: Head of Housing and Benefits

Subject: ANNUAL REVIEW OF DISCRETIONARY HOUSING PAYMENTS

SUMMARY

This report provides information and details about the use of the Discretionary Housing Payment Scheme for the financial year ending 31 March 2018.

RECOMMENDATION

It is recommended that the Panel notes the information contained in this report.

INTRODUCTION

- The Discretionary Financial Assistance Regulations 2001 provide the legal framework that allows Local Authorities to pay Discretionary Housing Payments (DHPs). Amendments have since been made to the regulations to include Universal Credit and the abolition of Council Tax Benefit.
- 2. All Local Authorities are allocated a ring-fenced sum by the Department for Work and Pensions each year to provide customers with additional financial assistance towards their housing costs. This is generally where the level of Housing Benefit or Universal Credit (housing cost element) is lower than the actual rent liability and the customer is unable to make up that shortfall from their income. Local Authorities can use their own funds to top up the government contribution by an additional 150%.
- 3. Prior to 2011, national funding for DHPs was in the region of £20 million per annum. This funding has increased over recent years, enabling Local Authorities to provide support to claimants as they transition to their new entitlements resulting from the various Housing Benefit welfare reforms. The funding was increased most significantly in 2016/17 to £150 million and then again in 2017/18 to £185 million. The funding for 2018/19 has been reduced to £156 million.
- 4. The funding is allocated to Local Authorities based on anticipated losses to Housing Benefit claimants as a result of the welfare reforms. The allocations are calculated by the Department for Work and Pensions using the official caseload statistics supplied by all Local Authorities. The following table shows the allocation of funding to Fareham Borough Council since 2011:

2011/12	£23,076
2012/13	£37,431
2013/14	£89,833
2014/15	£88,542
2015/16	£60,382
2016/17	£96,821
2017/18	£153,931
2018/19	£119,053

5. This report provides information and details about the use of the DHP funding for the year ending 31 March 2018.

BACKGROUND

 DHPs provide additional financial assistance towards housing costs. They are not payments of Housing Benefit or Universal Credit, however in order to receive a DHP, there must be an entitlement to either Housing Benefit or the housing cost support element within Universal Credit.

- 7. 'Housing costs' are not defined in the regulations, therefore giving Local Authorities broad discretion to interpret the term. In general, housing costs mean rental liability, but housing costs can be interpreted more widely to include rent in advance, rent deposits and other lump sum costs associated with a housing need such as removal costs.
- 8. Similarly, there is no definition of the phase 'further financial assistance' in law. It is up to the Local Authority to interpret it, however in most cases a customer will need to demonstrate that they are unable to meet their housing costs from their available income or have a shortfall as a result of welfare reforms. The level of a DHP may cover all or part of a shortfall in rent or assist with the cost of taking up a tenancy.
- 9. There is no limit to the length of time over which a DHP may be made. A time-limited award is appropriate when an impending change of circumstances will result in an increase in benefit or to give a customer time to find alternative accommodation or gain employment. Long-term or indefinite awards are generally made where it is apparent that the customer's circumstances are unlikely to change for example, a disabled customer who lives in significantly adapted accommodation but is subject to the removal of the spare room subsidy.

THE POLICY

- 10. The Council's DHP policy was agreed by Members in April 2006 and has been subject to regular review and minor amendments to ensure it continues to meet current legislation and national guidance.
- 11.A decision of the High Court in R v. Sandwell MBC, ex parte Hardy led to the most recent review of our policy. The judgement draws attention to how incomes from disability-related benefits, such as Disability Living Allowance or the Personal Independence Payment, are treated when considering DHP applications. The Department for Work and Pensions has updated the DHP Guidance Manual with reference to the judgement and states "......you should consider each DHP claim on a case by case basis having regard to the purpose of those benefits and whether the money from those benefits has been committed to other liabilities associated with disability"..... The Council's policy already meets the requirement of the revised guidance as each application is treated individually with no blanket approach to decision making that could fetter our discretion.
- 12. The policy can be seen at Appendix A to this report.

REASONS FOR AWARDING DHPS

- 13. The types of shortfalls that a DHP can cover include (but are not limited to) are:
 - Reductions in Housing Benefit or Universal Credit where the Benefits Cap has been applied

- Reductions in Housing Benefit or Universal Credit due to the maximum rent (social sector) size criteria
- Reductions in Housing Benefit or Universal Credit as a result of Local Housing Allowance restrictions
- Rent Officer restrictions such as local reference rent or shared accommodation rate
- Non-dependant deductions in Housing Benefit, or housing cost contributions in Universal Credit
- Rent shortfalls to prevent a household becoming homeless whilst we explore alternative options
- 14. DHPs can also be awarded for a rent deposit or rent in advance for a property that the customer is yet to move into (only if they are already entitled to Housing Benefit or Universal Credit at their present home). When awarding DHPs for a rent deposit or rent in advance, consideration is given to the reason for the move and the long-term affordability of the property. The regulations also allow for awards of DHPs on two homes when someone is temporarily absent from their main home, for example because of domestic violence

APPLICATIONS AND AWARDS 2017-18

- 15. During 2017/18, 304 applications for DHP were received by the Benefits Service, with 297 awards made, resulting in a total expenditure of £153,431. The Government grant for 2017/18 totalled £153,931therefore the Council incurred no additional expenditure during this financial year.
- 16. The awards are broken down as follows:

REASON FOR AWARD	NUMBER OF AWARDS	AMOUNT
Benefits Cap	33	£19,515
Removal of the spare room subsidy	57	£16,692
Local Housing Allowance restriction	28	£13,447
Financial hardship	125	£43,240
Rent deposit/advance	54	£60,537

APPLICATIONS REFUSED

- 17. During 2017/18, 7 applications for DHP were turned down. In each of these, the application was made as the level of Housing Benefit did not fully meet the customer's rent liability, however on investigation of the household income and expenditure, it was determined that there was sufficient income to meet the shortfall.
- 18. All customers that have made a claim for DHP but have been turned down have remained in their properties.

REPORTING MEASURES

19. From April 2013, Local Authorities have been required to provide data twice yearly to the Department for Work and Pensions detailing the information shown in point 16 above.

RISK ASSESSMENT

20. There are no significant risk considerations in relation to this report

CONCLUSION

- 21. Having reviewed the applications for DHP, it is clear that all were considered against the Council's DHP policy.
- 22. As in previous years, a significant number of customers have managed to improve their financial situations during the period of the DHP award. This is by way of taking debt management and/or budgeting advice, securing smaller, cheaper accommodation or moving away from claiming benefits all together. The additional financial assistance provided them with a period of time to take decisive action to improve their situation. For those customers who receive long-term or indefinite awards, such as disabled people living in significantly adapted accommodation, DHP has enabled them to remain in their current home which is more cost effective than moving to smaller accommodation that needs to be adapted.

Appendices:

Appendix A – Discretionary Housing Payment Policy 2018/19

Background Papers

None

Reference Papers:

None

Enquiries:

For further information on this report please contact Caroline Newman. (Ext. 4645)



DISCRETIONARY HOUSING PAYMENT POLICY 2018/19

Introduction

This document sets out Fareham Borough Council's Discretionary Housing Payments Policy for 2018/19. In response to the Government's continuing welfare reform program, we intend to offer support for those mainly affected by changes made to Local Housing Allowance rates, reductions in Housing Benefit entitlement due to the introduction of size criteria in the social rented sector, the revised income limits of the Benefit Cap and the introduction of Full Service Universal Credit to our area.

To help Local Authority's manage the impact of the Housing Benefit reforms, the overall Discretionary Housing Payment funding nationally will be £153 million for 2018/2019. The funding has been allocated on the basis of each Local Authority's share of total anticipated losses experienced by Housing Benefit claimants as a result of the reforms.

The funding for 2018/2019 for Fareham Borough Council is £119,053.

The amount of funding for Discretionary Housing Payments will not fully compensate for the loss of benefit income to tenants in Fareham. It is the Government's intention that tenants take positive action to improve their financial situation through finding work, increasing the hours they work and/or move to more suitable accommodation. Therefore Discretionary Housing Payments must be seen as short term financial assistance to 'bridge the gap' whilst the claimant improves their personal situation.

Background

The Child Support, Pensions and Social Security Act 2000 introduced a scheme of Discretionary Housing Payments with effect from 2 July 2001. The Discretionary Financial Assistance Regulations 2001(SI2001/1167) enable Local Authorities to authorise Discretionary Housing Payments to those who may "require some further financial assistance......in order to meet housing costs".

Amendments were made to the regulations from April 2013 to include Universal Credit.

These powers are also supported and guided by the Department for Work and Pensions <u>Discretionary Housing Payment Guidance Manual</u>.

Discretionary Housing Payments can only be awarded to customers who are in receipt of Housing Benefit or Universal Credit (which includes a housing element for rental costs).

Purpose

The purpose of this policy is to set out how Fareham Borough Council's Benefits Service will administer Discretionary Housing Payments. Following the introduction of the Government's welfare reforms, Discretionary Housing Payment funding enables us to continue to provide temporary assistance to customers affected by those reforms and to also make long term awards for those with on-going needs.

Each case will be treated strictly on its merits and all customers will be treated equally and fairly.

The Benefits Service is committed to working with the local voluntary sector, social landlords and other interested parties in the Borough to maximise entitlement to all available state benefits and this will continue to be reflected in the administration of Discretionary Housing Payments.

The Benefits Service will continue to work closely with the Housing Options Team and advise them of each application received, comment on the assistance they may or may not be providing with regard to housing advice and to obtain information they may hold that will assist in making the Discretionary Housing Payment decision. If financial or housing advice is needed then the Housing Options Team will contact the customer direct to offer this service.

Statement of Objectives

The Benefits Service will consider making a Discretionary Housing Payment to customers who can demonstrate a need for further financial assistance with their housing costs. The Benefits Service will treat all applications on their individual merits and act fairly and equally in their decisions making process. In conjunction with other Council policies and strategies, the Council will seek through the operation of this policy to:

- alleviate poverty
- prevent homelessness and thereby reduce the need and use of temporary accommodation for homeless households
- encourage and sustain Fareham residents in employment
- safeguard Fareham residents in their homes
- help those who are trying to help themselves
- keep families together
- support the vulnerable in our community
- help customers through personal crises and difficult events
- assist those who are in substantially adapted accommodation
- support those providing foster care

Claiming Discretionary Housing Payments

The regulations require that there must be a claim for Discretionary Housing Payments before the Local Authority can consider making an award. An application can be made in writing, by letter or email. Alternatively a verbal request can be made by visit or telephone call to the Benefits Service.

The Benefits Service may request any (reasonable) evidence in support of the application. Additionally an appointment may be offered in order to discuss the application in more detail.

Period of award

The Benefit Service will decide the start and end dates of an award based on the individual merits of the application, the known facts and the evidence supplied.

It may be appropriate to make a short term award to give the customer time to sort out their financial or housing situation, particularly if they are trying to secure alternative accommodation. An indefinite award until a claimant's circumstances change could be considered, particularly if a customer is living in significantly adapted accommodation but who is subject to a reduction in Housing Benefit due to the Social Sector Size Criteria.

An award can also be made to meet a one off housing need such as a deposit or rent in advance. This will generally be if the claimant cannot be assisted through the Council's deposit guarantee scheme or they are not due to have a deposit or rent in advance returned to them in respect of their existing tenancy. A Discretionary Housing Payment for a rent deposit will only be made if the landlord places the deposit in a Government approved tenancy deposit protection scheme. Further information about this can be found at http://www.gov.uk/tenancy-deposit-protection/overview.

Amount and payment of award

The amount awarded will be based on the individual merits of the case and the overall budget available. However, where the award is to meet a shortfall, the level of Discretionary Housing Payment must not exceed the weekly or monthly eligible rent for the customer's home (as specified in Regulation 12(1) of the Housing Benefit Regulations 2006 and Schedule 4 of the Universal Credit Regulations). For lump sum payments, such as deposits or rent in advance, this limit does not apply.

The Benefits Service will decide on the most appropriate person to pay (this could include an appointee or landlord), and the method and timing of payments, based upon the particular circumstances of each case. In most cases, payment with Housing Benefit will be the most convenient payment method.

Factors considered

In deciding whether to award a Discretionary Housing Payment, officers will take into account any of the following factors which may be relevant:

- The impact of welfare reforms (Benefits Cap, Social Sector Size Criteria, reduction in local housing allowance rates)
- The shortfall between Housing Benefit and the rental liability (net of any ineligible charges)
- The steps taken by the customer to reduce their rental liability
- Any unavoidable overlap of rental liability on two homes
- The financial and medical or social needs and circumstances of the customer, their partner and any other persons in the household
- Any savings or capital held by the customer or family members
- The level of indebtedness of the customer and family
- Any exceptional circumstances of the customer or family members
- Any special reasons which make it necessary or specially desirable for the claimant to occupy the dwelling in respect of which the liability arises
- The probable consequences of rent arrears for the customer or family members, especially if any of them are vulnerable by reason of age, sickness or disability
- Any action taken by the landlord to recover arrears of rent
- The amount available in the Discretionary Housing Payment budget or within the limits of the permitted total
- The possible impact on the Council of not making an award, e.g. the pressure on priority homeless accommodation
- The cost and availability of suitable alternative accommodation within the borough
- The cost of moving prohibiting the customer from moving to suitable affordable accommodation
- Any reason why a household cannot move immediately for reasons such as health, education or child protection.
- Any other special circumstances brought to the officer's attention.

DHPs can cover the following, but are not limited to:

- Reductions in Housing Benefit or Universal Credit where the Benefit Cap has been applied
- Reductions in Housing Benefit or Universal Credit due to the Maximum Rent (social sector) Size Criteria
- Reductions in Housing Benefit or Universal Credit as a result of Local Housing Allowance restrictions
- Rent Officer restrictions, such as Local Reference Rent or shared accommodation rate
- Non-dependant deductions in Housing Benefit or housing cost contributions in Universal Credit
- Rent shortfalls to prevent a household becoming homeless whist alternative accommodation is being sought

- Rent deposits, rent in advance and associated costs such as removals costs
- Income taper reductions
- Rent on two homes when a customer is treated as being temporarily absent from their main home, for example due to domestic violence

DHP's cannot cover:

- Ineligible service charges
- Increases in rent due to outstanding rent arrears
- Certain sanctions and reductions in benefits

Notification of award

The Benefits Service will notify the customer within one working day of making the Discretionary Housing Payment decision. This notification will include the reasons for the decision that was made; the amount (if any) awarded; the period of the award; how, when and to whom the payments (if any) will be made and the requirement to report any relevant change in their circumstances.

Changes of Circumstances

Recipients of Discretionary Housing Payments remain under a general requirement within the Housing Benefit legislation to inform the Benefits Service of changes in their circumstances that might affect their claim for Housing Benefit. Similarly where the customer is in receipt of Universal Credit and a Discretionary Housing Payment, the customer has a duty to keep the department administrating Discretionary Housing Payments updated with their circumstances. The Benefits Service may need to revise an award where the claimant's circumstances have changed.

Overpayments

In the event that a Discretionary Housing Payment is found to have been overpaid, officers will consider whether it is appropriate to recover it in full, in part or not at all. As a general rule, overpayments caused by official error will not be recovered unless the customer caused or contributed to the error or was aware that too much was being paid.

Disputes

Discretionary Housing Payments are not payments of Housing Benefit and are therefore not subject to the statutory appeals process.

The customer, or person acting on their behalf, must write to the Council, giving reasons why they disagree with the decision that has been made. A senior officer within the Benefits Service will look at the decision again and notify the customer of the outcome of their review and the reasons.

Only in exceptional circumstances and if it appears that the interests of natural justice would not be served by the usual procedure, or if the customer still disagrees

with the outcome of an internal review, officers will consider whether to submit an appeal to the Head of Housing & Benefits for consideration. This decision will be final and binding and may only be challenged via the judicial review process or by complaint to the Local Government Ombudsman.

Fraud

The Council is committed to protecting public funds and will ensure that any financial assistance awarded through the DHP scheme is only to those who have a true need for it.

Where a customer has failed to provide information or has knowingly supplied false or misleading information, the Council reserves the right to investigate any alleged offences, to levy penalties in accordance with the law and to prosecute anyone who has committed a criminal offence.



Report to Housing Policy Development and Review Panel

Date 24 May 2018

Report of: Managing Director of Fareham Housing

Subject: REVIEW OF THE WORK PROGRAMME 2018/19

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SUMMARY

At its meeting on 08 March 2018, the Housing Policy Development and Review Panel agreed to a draft Work Programme for 2018/19. This programme was subsequently submitted to, and endorsed by, Council on 26 April 2018.

RECOMMENDATION

It is recommended that the Panel:-

- (a) reviews the Work Programme for the year 2018/19;
- (b) adds to the programme any proposed additional items agreed generally by the Panel or put forward by individual Members and accepted by the Panel; and
- (c) agrees the Work Programme for 2018/19

INTRODUCTION

 At the last meeting of the Panel on 08 March 2018, Members agreed a draft Work Programme for 2018/19 which was subsequently submitted and endorsed by Council at its meeting on 26 April 2018. A copy of the 2018/19 Work Programme is attached as Appendix A.

REVISIONS TO THE CURRENT WORK PROGRAMME 2017/18

2. Members are asked to note the addition of an item entitled 'Proposed changes to the County Council funded Social Inclusion Services in Fareham' to the agenda of the meeting scheduled to take place on 19 July 2018.

RISK ASSESSMENT

3. There are no significant risk considerations in relation to this report.

CONCLUSION

4. The Panel is invited to review and agree the proposed Work Programme for 2018/19 and, as appropriate, add to the programme any proposed additional items agreed generally by the Panel or put forward by individual Members and accepted by the Panel.

Appendices:

Appendix A – Housing Policy Development and Review Panel Work Programme for 2018/19

Background Papers:

None

Reference Papers:

None

Enquiries:

For further information on this report please contact Paul Doran. (Ext 4572)

APPENDIX A

HOUSING POLICY DEVELOPMENT AND REVIEW PANEL DRAFT WORK PROGRAMME FOR 2018/19

MEETING DATES		
FOR 2018/19		
24 May 2018	Introduction to the Panel, achievements, priorities & challenges	
	Annual Review of Discretionary Housing Payments	
	Review of Work Programme 2018/19	
19 July 2018	Council Housing Repairs and Maintenance Report	
	Proposed changes to the County Council funded Social Inclusion Services in Fareham	
	Review of Work Programme 2018/19	
20 September	Tenancy Management Report	
2018	Empty Properties Report	
	Review of Work Programme 2018/19	
15 November 2018	Update on Homelessness	
	Empty Properties Report	
	Review of Work Programme 2018/19	
24 January 2019	Review of Farelets	
	Council Housing Repairs and Maintenance Report	
	Preliminary review of Work Programme for 2018/19 and preliminary draft Work Programme for 2019/20	
07 March 2019	Tenancy Management Report	
	Final Review of Work Programme for 2018/19 and draft Work Programme for 2019/20	

Unallocated Items

New Allocations Policy (draft) New Allocations Policy – Consultation Results New Homelessness & Housing Options Strategy (draft)