

Strategic Housing Duties & Powers

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Summary :

I was tasked with summarising the Council's housing duties & powers for the service reviews currently being undertaken. The duties and powers are attached as Appendix 1 and the Panel are requested to note the content

1. Introduction

The service reviews currently in progress are a corporate priority.

2. Information

Given the content and outcome of the two Audit Commission housing inspection reports, published in 2008 and 2010 it is essential that the service reviews are well informed of the Council's strategic housing role and all its statutory duties and powers.

3. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS

The implications will become evident as the service reviews proceed to a conclusion. In the meantime I hope it will be helpful for the Panel to see a comprehensive statement of the Council's strategic and statutory housing duties and powers.

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Statutory Housing Duties & Powers

Item Appendix 1

The strategic housing service only undertakes functions for which it has statutory duties and powers. The list below shows what the housing service does and what it should be doing under legislation & government guidance. This also lists guidance issued by central government departments (usually CLG) under delegated legislation.

Functions	Legislative Powers & Duties	Guidance
1) Assess & plan for needs across all tenures	See below	See below
1a) assess current and likely future need for affordable housing and demand for market housing	Housing Act 1985 s8: Housing Act 2004 s225	Planning Policy Statement 3 (revised 2006 & 2010)
1b) Continuously tracking and analysing trends in housing markets (with CBC Planning Policy Team)	Planning & Compulsory Purchase Act, 2004,s35. Town & Country Planning Regs, 2004, Part 8.	Strategic Housing Market Assessment practice guidance (CLG 2007) Local Development Framework Monitoring Good Practice Guide (CLG)
1c) Identifying housing priorities and views of local people & stakeholders	Housing Act, 1985, s8	
1d) ensuring consistency of housing, planning & economic development policies	Regulatory Reform (Housing Assistance) (England & Wales) Order, 2002, s3 Local Government Act, 2000, Part 1 s4 (promoting well-being)	Sustainable Communities Strategy Planning Policy Statement 12 – creating strong, safe & prosperous communities)
1e) Considering what can be achieved through existing housing stock and what new housing and infrastructure might be needed: developing a delivery plan		Sustainable Communities: Homes for All (ODPM – now CLG- 2005) Planning Policy Statement 3 Planning Policy Statement 12
1f) Reflecting housing outcomes in the Sustainable Communities Strategy and Local Area Agreements	Local Government Act, 2000 s4. Local Government & Public Involvement in Health Act, 2007 s106 (local area agreement)	Housing & Planning: the crucial role of the new local performance framework (CLG, 2008).Creating Strong, Safe and Prosperous Communities Statutory Guidance (2008)

1g) Promoting prevention & reduction in homelessness	Housing Act, 1996, (as amended by the Homelessness Act, 2002), Part 7. Homelessness Act, 2002, s2 and s3	Homelessness Code of Guidance (CLG, 2006) Sustainable Communities: Settled Homes; Changing Lives (ODPM – now CLG – 2005)
2) Best use of existing stock to meet need, through using local discretion in access and lettings of social housing stock to make it more balanced in type, size, affordability & tenure	See below	See below
2a) Assessing the quality, condition and management of the housing stock in the social and private sectors	Regulatory Reform (Housing Assistance) (England & Wales) Order, 2002 Housing Act, 2004, Part 1 Housing Act, 2005 (general provisions)	Housing Health & Safety Rating Scheme Guidance (ODPM – now CLG -, 2006)
2b) Publishing an Allocations Scheme	Housing Act, 1996, (as amended by Homelessness Act, 2002) Part 6	Code of Practice on Allocation of Accommodation (ODPM & CLG): various dates from 2002.
2c) Develop policy to offer choice in the allocation of housing	Legislation as in 2b above	Guidance on Choice Based Lettings Schemes (CLG, 2007 & 2008)
2d) Powers to address poor housing conditions	Housing Act, 2004, Part 1	
2e) Developing strategies and measures to bring empty homes back into use, including enforcement options	Housing Act, 2004, Part 4, Chapter 2 (EDMO)	
2f) promote improvements in condition of property and standards of management in the private rented sector	Housing Act, 2004 Part 1, Part 2, Part 3, Part 4	CLG/IDeA/CIH Ways & Means – toolkit on use of Housing Act, 2004 powers

2g) Measures to improve private homes, including assistance to owner occupiers on low incomes to maintain their homes free from Housing Health & Safety Ratings System Hazards	Housing Act, 1985, Part 16 Housing Act, 2004, Part 1 Housing Grants, Construction and Regeneration Act, 1996	A Decent Home: Definition & Guidance for Implementation (CLG, 2006)
3) Plan for and facilitate new housing supply	See below	See below
3a) Policies in Local Development Frameworks which identify housing needs, have regard to market conditions & set targets for new homes.	Planning & Compulsory Purchase Act, 2004 The Town & Country Planning (Local Development) (England) Regulations 2004 Part 3 (6), (7), (13) and (14).	Planning Policy Statement 3 (CLG 2006 & 2010) Delivering Affordable Housing (CLG, 2006)
3b) Identify land for housing	Housing act, 1985, s17 & s19. Land Compensation Acts, 1961 & 1973. Complusory Purchase Act, 1965. Acquisition of Land Act, 1981	Strategic Housing Land Availability Assessment Practice Guide (CLG, 2007) Planning Policy Statement 3 (CLG, 2006) Planning Policy Statement 12
3c) Ensuring a mix of housing supported by infrastructure	Housing Act, 1985, s11, 12, & 13	As in 3b above
3d) Liaising with agencies (such as Homes & Communities Agency) about funding options	Housing & Regeneration Act, 2008, Part 1	
3e) Ensuring adequate support services are provided	Housing Act, 1985, s11A & s12	
3f) Addressing the housing and related support needs of vulnerable people and minority groups	Chronically Sick & Disabled Persons Act, 1970, s3 Housing Act, 2004, s225	
3g) Planning the necessary support services in the Supporting People Strategy	Cumbria Supporting People Strategy (Copeland is represented on the commissioning body by an officer and elected member)	

3h) Promoting equality of access to housing: promoting awareness of discrimination and respect for human rights	Race relations Act, 1976, as amended by Race Relations (Amendment) Act, 2000. Equality Act, 2006. Disability Discrimination Acts, 1995 & 2005 Human Rights Act, 1998. European Convention on Human Rights	Statutory Code of Practice on Racial Equality in Housing.
4) Ensure effective housing & neighbourhood management through partnership working	See below	See below
4a) providing a vision for housing that identifies clear roles for partners	Housing Act, 1996, s34	Sustainable Communities: Homes for All (ODPM – now CLG – 2005)
4b) supporting improvement in services through tenant involvement		Tenant involvement in housing management: guidance (CLG)
4c) Working with the Tenant Services Authority to place tenants' needs at the heart of regulation	Housing & Regeneration Act, 2008, s114	New government in 2010 will review Tenant Services Authority.
4d) bring partners together to help deliver place shaping vision. Making best use of joint resources through Local Strategic Partnership	Local Government Act, 2000, s4	Creating Strong, Safe & Prosperous Communities (CLG 2008)
4e) Promoting best practice in design, provision & management of housing: identifying design and housing management needs of client groups (eg disabled people):	Housing Act, 2004, s3	Code for Sustainable Homes (CLG, 2008)
4f) working with private landlords to improve standards through accreditation schemes		Landlords Accreditation Guidance (ODPM – now CLG – 2002)
4g) Enforcing mandatory & additional HMO licensing schemes)	Housing Act, 2004, Part 2	

4h) Implement Tenancy Deposit Protection Scheme	Housing Act, 2004, Part 6 Ch4	
4i) Tackling anti-social behaviour on housing estates	Housing Act, 1996, Part 5 Anti-social Behaviour Act, 2003	Respect Standard for Housing Management (CLG 2006)
4j) Administering and enforcing selective licensing where necessary for housing management	Housing Act, 2004, Part 3	
4k) Promoting energy efficient homes, including grants	Home Energy Conservation Act, 1995 Home Energy Efficiency Scheme regulations, 2005	
4l) Administering and awarding grants for home renovation & repair: administering grants for aids & adaptations & Disabled Facilities Grants	Housing Act, 1996, Part 1, Ch 3 (grants & other financial matters). Housing Grants, Construction & Regeneration Act, 1996	