



Haringey Council

Report for:	Leader's Decision	Item Number:	
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Title:	Haringey's Draft Housing Strategy 2015-2020
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Report Authorised by:	Dan Hawthorn, Assistant Director for Regeneration on behalf of Lyn Garner, Director of Regeneration, Planning and Development
	Signed: _____ Date: _____

Lead Officer:	Dan Hawthorn, Assistant Director for Regeneration
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Ward(s) affected: All	Report for Key/Non Key Decisions: Key decision
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1. Describe the issue under consideration

- 1.1 The Leader is being asked to approve changes to the draft Housing Strategy, its associated Equalities Impact Assessment and the timetable for consultation on the draft Housing Strategy. This report sets out the reasons for the changes being proposed.

2. Cabinet Member introduction

- 2.1 The Cabinet meeting in March agreed a draft Housing Strategy with a view to starting a consultation process with residents after the May General Election. Since then, the outcome of that election and the subsequent legislative agenda set out in the recent Queen's Speech have meant that we needed to review our approach.
- 2.2 A further decision is required to allow us to take into account proposals anticipated to be in the new Government's Housing and Planning Bill and further changes to the welfare and benefits system, all of which affect our residents and our future plans. Although this course of action will extend the overall process, it is important that we consult on a more accurate and up-to-date version of the strategy rather than ignore



the fact that the national picture has changed. I am confident this will result in a better and more sustainable outcome for our residents, partners and the council.

3. Recommendations

- 3.1 That the Leader endorses the revised:
 - 3.1.1 Draft Housing Strategy (see Appendix A)
 - 3.1.2 Equalities Impact Assessment (see Appendix D)
 - 3.1.3 Timetable for consultation (see Appendix E)

4. Alternative options considered

- 4.1 Legal Services have advised that it would be acceptable for the consultation on the original Housing Strategy document to proceed, albeit to a delayed timetable, without a decision by Members. However, were that option adopted, consultation material about the draft Housing Strategy would not be able to contain information other than that in the Cabinet approved draft Housing Strategy document. This would mean, among other things, that Haringey Council's response to proposed changes in national government housing policy could not be communicated to its partners and local residents. A full appraisal of the options considered is presented in paragraphs 5.6 to 5.9 below.

5. Background information

- 5.1 At its meeting on 17 March 2015, the Cabinet approved a draft Housing Strategy for consultation. The relevant Cabinet minutes recorded the decisions taken as follows:

“ RESOLVED

- i. That the first round of consultation (Appendix B) and the Equalities Impact Assessment (Appendix C) be noted;*
- ii. That the issues raised by the Regulatory Committee at its meeting of 3 March 2015 and the officer response at Section 8 of the report be noted;*
- iii. That the draft Housing Strategy document as a statement of the Council's housing priorities for the period 2015 - 2020 for public consultation be endorsed; and*
- iv. That the proposed process for consultation and adoption of the final Strategy at paragraph 6.11 be noted.”*



5.2 Paragraph 6.11 of the Cabinet report (referred to in decision item iv above), reads as follows:

“If Cabinet approves the draft document, the council will begin a second, six week period of consultation on the draft strategy. Due to the General Election and Purdah period, consultation on the draft strategy will not begin until mid-May 2015 and will run for six weeks until the end of June 2015. A consultation report will be prepared and presented to Cabinet alongside the final version of the Housing Strategy in July 2015.”

5.3 Initially, these Cabinet decisions were progressed in accordance with the consultation timetable above. However, when the outcome of the national election became known and the serious implications of the Conservative manifesto commitment (to extend the Right to Buy to housing association tenants, funded by the enforced sale of high value Council properties) became clearer, it was decided to delay the Housing Strategy consultation until after the Queen’s Speech on 27 May 2015. The purpose of this delay was to assess the extent to which the Housing Strategy should be re-written and potentially withdrawn and re-submitted to Cabinet. Having reviewed the position with the Lead Member for Housing and Regeneration, it was agreed that the current draft Housing Strategy should proceed to consultation, but with references to the proposed extension of the Right to Buy included within the document.

5.4 In addition to the changes to the draft Housing Strategy described in paragraph 5.3 above, a number of other changes to the document have been formulated, since the Cabinet decisions on 17 March 2015. These further changes fall into 3 broad categories:

- (a) Material changes to the document; these are outlined below
- (b) Changes which make the document easier to read and more accessible for residents
- (c) Changes which correct typing and grammatical errors.

A copy of the amended Housing Strategy showing all the changes (as tracked changes) is shown at **Appendix A**. A list documenting all the proposed changes is shown in **Appendix B**.

5.4.1. Material changes to the Housing Strategy document are as follows:

- (a) Foreword: a new paragraph has been added reflecting challenges posed by government policy set out in the Queen’s Speech delivered on 27 May 2015.
- (b) Section 2.1 of the Executive Summary, first paragraph, a new last sentence has been added to reflect the challenges posed by government policy set out in the Queen’s Speech
- (c) Section 2.5 of the Executive Summary, second bullet point, change of wording to accurately reflect the council’s position on the allocation of social and affordable rented homes



- (d) Section 3.5 has been rewritten to take account of changes to the findings of the draft Equality Impact Assessment (EqIA) made since the Cabinet noted the first draft at its meeting on 17 March 2015 (see **Appendix C**). Impact assessments are live documents open to comments and consultation in the same way as the strategy itself. The changes to the EqIA have been made to reflect the fact that the Housing Strategy is a high level framework document. Proposals within the strategy are intended to have a positive impact for all residents, including those from protected groups. More detailed EqIAs will be completed as required for the sub-strategies to reflect the specific needs associated with different types of tenure. **Appendix D** contains the revised EqIA document
- (e) Section 5.3, Allocating affordable housing,
 - a. the fourth bullet point has been changed to be consistent with the changes in paragraph (c) above;
 - b. a new third paragraph has been added to acknowledge issues in the Queen's Speech which may impact on the delivery of the Housing Strategy
- (f) Section 6.1, fourth bullet point, second sentence has been replaced with up to date information as Homes for Haringey's Building Lives programme no longer operates
- (g) Section 6.2, a new bullet point has been added containing details of the council's plans for a potential new regeneration delivery company as a way of maintaining a long-term financial stake in regeneration and housing projects in the borough and to generate additional funds for our social objectives
- (h) Section 8.2, Promoting affordable housing, changes have been made as follows:
 - a. The sub-section on Keeping rents affordable that contains a description of what constitutes an affordable rent for existing Council tenants has been changed to more accurately reflect the council's position on rent affordability;
 - b. the council's definition of what is affordable (45% of net income) has been amended slightly;
 - c. in the paragraph starting Affordable rents should be set as a proportion of private rents, an additional explanatory sentence has been added recognising that housing association and other partners may need to charge a rent higher than a target rent on new homes and on some existing ones.

5.5 Legal Services have advised that the March Cabinet decisions (set out in paragraph 5.1 above) do not give any delegated authority for changes to the draft Housing Strategy endorsed for consultation, nor the EqIA, nor for changes to the consultation timetable.

5.6 There were considered to be only two realistic options for taking the consultation forward:



Option 1 – Proceed with the consultation using the draft Housing Strategy and EqIA endorsed by the Cabinet in March.

Option 2 - Seek the Leader's approval of a revised draft Housing Strategy, EqIA and consultation timetable.

- 5.7 In considering these 2 options, officers have explored the key question of whether the changes sought to the draft Housing Strategy and EqIA document warrant the delay of the consultation to the summer period, requiring a 12 week consultation, and the knock on effects this would have on approving the final Housing Strategy and potentially delaying the timetable for the Estate Renewal Re-housing and Payments Policy consultation, which is being considered at the Cabinet on 16 June. On balance, officers recommend option 2 on the basis that it allows the council to consult on an improved Strategy and Equalities Impact Assessment, which reflects the up to date national position and Haringey's emerging response to it.
- 5.8 In order to implement Option 2, it is recommended that the consultation period recommended to the Leader for approval be extended from 6 weeks to 12 weeks (to overcome the disadvantages of consulting over the summer period) so that it starts in mid-July and concludes in mid-October, goes to Cabinet in January 2016 and Full Council in February 2016. Appendix E sets out a revised consultation and approval timetable

6 Comments of the Chief Finance Officer and financial implications

- 6.1 The changes to the draft strategy do not fundamentally alter the financial position and the consultation process is still expected to be funded from existing budgets and the strategy in itself does not directly lead to costs for the Council. However, the Strategy will feed into later policy decisions and at this point the full financial implications of those decisions will need to be considered by Cabinet.
- 6.2 Recent government announcements with regard to extending Right to Buy are likely to have a significant implication on the financial position within the Housing Revenue Account, both with regard to reducing the level of rental income received and impacting on the viability of proposed new build schemes, so it is appropriate that the Housing Strategy is updated to take account of these issues.

7 Comments of the Assistant Director of Corporate Governance and legal implications

- 7.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report.



Haringey Council

- 7.2 The Cabinet at its meeting in March 2015 agreed a form of the draft Housing Strategy for consultation after the election. For the reasons explained above that did not take place and approval for consultation on a revised form of document is now rightly sought.
- 7.3 The legal advice given to the Cabinet in March 2015 is, for the sake of completeness, set out in the following paragraphs.
- 7.4 Under section 41 of the Greater London Authority Act 1999, as amended, (“GLAA99”), it is a general duty of the Mayor of London to prepare and publish a London housing strategy. Under section 333D of GLAA99, any local housing strategy prepared by a local housing authority in Greater London must be in general conformity with the Mayor of London’s London housing strategy,
- 7.5 Under section 8 of the Housing Act 1985, local housing authorities (including Haringey Council) shall consider and review on a periodical basis the housing conditions in their area and the housing needs of the area with respect to the provision of further housing accommodation. Section 3 of the Housing Act 2004 further imposes a duty on local housing authorities to keep housing conditions in their area under review.
- 7.6 Under section 87 of the Local Government Act 2003 (as amended), the Secretary of State for Communities and Local Government has the power to require local housing authorities to have a housing strategy and impose requirements with respect to the ends that the strategy is to be designed to achieve, the formulation of policy for the purposes of the strategy or review of the strategy. The Secretary of State also has the power to order local housing authorities to prepare statement setting out their housing strategy and other material relating to housing. To date, the Secretary of State has not formally exercised these powers. The Explanatory Notes to this Act however describe a local housing authority’s Housing Strategy as:
- “... the local housing authority’s vision for housing in its area. It sets out objectives and targets and policies on how the authority intends to manage and deliver its strategic housing role and provides an overarching framework against which the authority considers and formulates other policies on more specific housing issues.”*
- 7.7 The Secretary of State in the 2007 Green Paper “Homes for the future: more affordable, more sustainable” developed the reference to the local housing authority’s strategic role as follows:
- “The local authority strategic housing role is made up of the strategic decisions and activities associated with effective planning and delivery, in order to meet the housing needs of all residents across all tenures. Strong performance in this role will support effective place shaping and help ensure delivery of the wider sustainable community. This requires vision, leadership, planning and delivery at a strategic level to:*



- *assess and plan for the current and future housing needs of the local population across all tenures;*
- *make the best use of the existing housing stock;*
- *plan and facilitate new supply;*
- *plan and commission housing support services which link homes to the support and other services that people need to live in them;*
- *work in partnership to secure effective housing and neighbourhood management on an ongoing basis”*

7.8 Section 225 of the Housing Act 2004 states that “housing” (for the purposes of carrying out the housing needs review required by section 8 of the Housing Act 1985 and for the purposes of preparing a housing strategy under section 87 of the Local Government Act 2003) includes the accommodation needs of gypsies and travellers residing in their area.

7.9 The Public Sector Equalities Duty (“PSED”) set out in section 149 of the Equalities Act 2010 obliges the Council in performing its functions “to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it”

7.10 The Housing Strategy document itself is not a formal Planning document and consequently will not form part of the statutory Development Plan. While it will be a material consideration, it will not carry significant weight in the development management process.

7.11 The Supreme Court has recently endorsed the following general principles of consultation:

- That consultation must be at a time when proposals are still at a formative stage;
- That the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
- That adequate time must be given for consideration and response; and
- That the product of consultation must be conscientiously taken into account in finalising any statutory proposals.

7.12 In short, in order to achieve the necessary degree of fairness, the obligation is to let those who have a potential interest in the subject matter know in clear terms what the proposal is and exactly why it is under positive consideration, telling them enough (which may be a good deal) to enable them to make an intelligent



response. The obligation, although it may be quite onerous, goes no further than this.

8 Equalities and Community Cohesion Comments

- 8.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - advance equality of opportunity between people who share those protected characteristics and people who do not;
 - foster good relations between people who share those characteristics and people who do not.
- 8.2 The Housing Strategy sets out the Council's approach to housing in all tenures and all areas of the borough. The overall vision of the Housing Strategy is to create 'mixed and inclusive neighbourhoods to enable residents to lead happy and fulfilling lives'. The objectives within the Housing Strategy are
1. *Improve help for those in housing crisis*
 2. *Ensure that housing delivers a clear social dividend*
 3. *Drive up the quality of housing for all residents*
 4. *Achieve a step change in the number of new homes built*
- 8.3 Specific proposals within the strategy are intended to have a positive impact on outcomes for all residents, including those who are from protected groups e.g. developing new support pathways to better meet the needs of those with disabilities.
- 8.4 An impact assessment has been completed for the Housing Strategy. More detailed EQIAs will be completed as required for the sub-strategies to reflect the specific needs associated with different types of tenure.

9 Head of Procurement Comments

- 9.1 After consultation and following the release of the Final Strategy, the Corporate Procurement Unit will engage with commissioners, providers and suppliers to ensure the Council's Priorities are achieved. The Corporate Procurement Unit will use contracting processes to help residents benefit from employment opportunities



Haringey Council

by designing Council contracts to address the desired outcomes and achieve social value objectives that the Council wants from the Housing Strategy.

10 Policy Implication

- 10.1 The changes included in the revised Housing Strategy at Appendix A will provide an improved statement of the council's position on housing policy taking account of significant new changes in national policy.

11 Reasons for Decision

- 11.1 The reasons for following Option 2 are:

- (a) It provides the opportunity to consult on an improved Housing Strategy document
- (b) It provides the opportunity to consult on a revised EqIA document
- (c) The council is better protected from potential legal challenge and reputational damage
- (d) The council still has the opportunity to further change both the Housing Strategy and the EqIA as a result of the consultation

12 Use of Appendices

Appendix A – Amended copy of the draft Housing Strategy showing all recommended changes (as tracked changes)

Appendix B – List of proposed changes to the Housing Strategy document

Appendix C – original Equalities Impact Assessment

Appendix D – revised Equalities Impact Assessment

Appendix E – revised consultation and approval timetable

13 Local Government (Access to Information) Act 1985

National Planning Policy Framework

Mayor of London, London Plan 2011

GLA Further Alterations to the London Plan 2014

Mayor of London, London Housing Strategy, 2014

Haringey Council Corporate Plan 2015– 2018

Haringey Council Strategic Housing Market Assessment 2014

Haringey Council Local Plan 2013



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Haringey Council Tottenham Strategic Regeneration Framework
Haringey Council Wood Green Investment Framework
Haringey Council Housing Investment and Estate Renewal Strategy 2013
Haringey Council Local Plan Making - Review of Haringey's Local Plan: Strategic Policies, "Preferred Options" for Tottenham Area Action Plan, "Preferred Options" for Site Allocations Development Plan Document, and "Preferred Options" for Development Management Development Plan Document, and the Local Development Scheme

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