

23 November 2021 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 15.11.21

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## Housing & Health Advisory Committee

### Membership:

Chairman, Cllr. Maskell; Vice-Chairman, Cllr. Coleman  
Cllrs. Bonin, Dr. Canet, Clack, Perry Cole, G. Darrington, Edwards-Winser, Firth, Griffiths, Harrison and Parkin

### Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To agree the Minutes of the meetings of the Committee held on 28 September 2021 and 20 October 2021, as a correct record.	(Pages 1 - 8)	
2. <b>Declarations of Interest</b> Any interests not already registered		
3. <b>Actions from Previous Meetings (if any)</b>		
4. <b>Update from Portfolio Holder</b>		
5. <b>Referrals from Cabinet or the Audit Committee (if any)</b>		
6. <b>Progress on Digital Inclusion</b>	(Pages 9 - 20)	Kelly Webb Tel: 01732227474
7. <b>Homelessness Update - Quarter 2</b>	(Pages 21 - 34)	Rebecca Wilcox Tel: 01732227272
8. <b>A Local First Homes Policy for Sevenoaks District</b>	(Pages 35 - 42)	Rebecca Wilcox, James Gleave Tel: 01732227272,

Tel: 01732227326

- |     |   |                 |  |
|-----|---|-----------------|--|
| 9.  | <b>Approval to seek Additional Designation of Parishes/Areas Under Section 157(1) of the Housing Act</b>                                      | (Pages 43 - 52) | Rebecca Wilcox,<br>James Gleave<br>Tel: 01732227272,<br>Tel: 01732227326 |
| 10. | <b>To note minutes of the Health Liaison Board</b><br>To note the minutes of the meeting of the Health Liaison Board held on 3 November 2021. | To follow       |  |
| 11. | <b>Work Plan</b>  | (Pages 53 - 54) |  |

#### EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

**HOUSING & HEALTH ADVISORY COMMITTEE**

Minutes of the meeting held on 28 September 2021 commencing at 7.00 pm

Present: Cllr. Maskell (Chairman)

Cllr. Coleman (Vice Chairman)

Cllrs. Bonin, Dr. Canet, Clack, Perry Cole, Edwards-Winsor, Firth, Harrison and Parkin

Apologies for absence were received from Cllrs. G. Darrington

Cllrs. Dickins and Griffiths were present via a virtual media platform, which does not constitute attendance as recognised by the Local Government Act 1972.

12. Minutes

Resolved: That the Minutes of the meeting of the Housing & Health Advisory Committee held on 8 June 2021 be approved and signed by the Chairman as a correct record.

13. Declarations of Interest

For transparency, Cllr Griffiths declared that she was involved in the landlord incentives scheme.

14. Actions from Previous Meetings

There were none.

15. Update from Portfolio Holder

The Portfolio Holder, and Chairman, reported that housing staff undertook rough sleeper count in Swanley, Edenbridge, and Sevenoaks with the Department for Levelling Up, Housing & Communities & Local Government (DLUHC) in August. No rough sleepers had been identified. The next count was scheduled to take place on 16 November.

There had been discussions on the future of Quercus Housing with plans to borrow up to £1 million via the Council in order to purchase and refurbish Abbey Court in West Kingsdown. This was to help the delivery of affordable housing in the District. A report on this would be brought to a future meeting of the Committee.

## Agenda Item 1 Housing & Health Advisory Committee - 28 September 2021

The Chairman introduced Sharon Donald who was the new Housing Strategy Manager. Members were advised that two families from Syria had been recently housed within the district as part of the Resettlement Scheme.

Following queries on the specific locations of rough sleep counts, the Head of Housing encouraged Members to contact the housing team to advise them of any specific locations they had seen rough sleepers. It was clarified that if a rough sleeper did not wish to be housed then the caseworker would continue to engage with them.

### 16. Referrals from Cabinet or the Audit Committee

There were none

### 17. Budget 2022/23: Review of Service Dashboards and Service Change Impact Assessments (SCIAs)

The Head of Finance presented the report which set out updates to the 2022/23 budget within the existing framework of the 10-year budget and savings plan. The report presented growth and savings/ additional income proposals that had been identified which needed to be considered, and requested further suggestions from Members, before finalising the budget for 2022/23.

Informed by the latest information from Government and discussions with Cabinet, it was proposed that the Council continued to set a revenue budget that assumed no direct funding from Government through the Revenue Support Grant or New Homes Bonus. This would result in the Council continuing to be financially self-sufficient. To achieve this aim and to ensure a balanced budget position over the next 10-year period would continue to be challenging due to the ongoing financial impacts of the Covid-19 pandemic, homelessness and inflationary pressures.

The budget process would be the same as two years ago as opposed to the shortened process last year, but streamlining the process in future years was being investigated.

No changes had been made to the assumptions at this stage, and the annual budget gap included in the report was £100,000 which related to the annual savings target. It was expected however, that the gap would increase.

### Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that

- a) the savings and growth proposals identified in Appendices E & F to the report (SCIA's 01 (22/23), 02 (22/23), 03 (22/23) and 04 (22/23)) applicable to this Advisory Committee, be considered;
- b) consideration be given to asking Officers to review the potential of setting up a social lettings agency.

18. Mental Health Update

The Health & Communities Manager gave a presentation on the mental health initiatives provided by the Council. The Mental Health Strategy was launched in June. The strategy covered what could be done to prevent mental ill health, the Council's commitment to improving mental health, and the Council's partners.

Internally, members of staff had been trained in Mental Health First Aid. The Council was aiming to complete the Kent & Medway Health Workplace Awards, having so far already achieved Bronze.

Members asked questions of clarification.

Resolved: That the presentation be noted.

19. First Homes Update

The Head of Housing presented the report which updated Members on the First Homes policy. First Homes were new build homes for sale to first time buyers only. Following a written Ministerial Statement on First Homes issued in May, a pilot programme was announced to be launched as part of the next Affordable Homes Programme. The First Homes policy would apply to planning permissions granted from 28 December 2021. Major sites with 10 homes or more where Core Strategy Policy SP3 triggers on-site affordable housing, 25% of affordable housing would be required as First Homes.

A First Homes pilot was currently underway in Bolsover District Council (Derbyshire) and an officer working group would be monitoring the progress of the pilot. Within the District, it was not likely a developer would agree to a pilot.

Members expressed concerns that the policy made targets difficult to meet with house prices and income being higher within the District compared to other areas in England outside London. The Head of Housing advised that feedback on this was going to government and the Council was undergoing a housing strategy review which included consideration of the First Homes policy.

Resolved: That the report be noted.

20. Landlord Incentive Scheme Update

The Head of Housing presented the report which updated Members on introduction of the Help to Let scheme to encourage private landlords to work with the Council to help assist local families in housing need whilst reducing the risks and difficulties of private sector renting.

As part of the scheme, the Council would provide services free of charge including tenant matching, 'right to rent' checks, electronic inventories prepared and £500 towards repairs during each 12 month tenancy period. Financial incentives included bond or cash incentives equivalent of 6 weeks rent and free landlord insurance through Help2Rent. The service would be promoted by the Council.

Members asked questions of clarification.

Resolved: That the report be noted.

21. Introduction to Affordable Housing

The Head of Housing gave a presentation on the types of affordable housing, its history and ways to deliver affordable housing.

Resolved: That the presentation be noted.

22. Work Plan

The work plan was noted with the following additions made:

20 October 2021 (additional meeting)

- Quercus Housing - Increasing the Delivery of Affordable Housing.

23 November 2021

- Impact of Homelessness

8 February 2021

- Quercus Housing Update
- Update on Empty Homes Action Plan (moved from November's meeting)

THE MEETING WAS CONCLUDED AT 9.01 PM

CHAIRMAN

**HOUSING & HEALTH ADVISORY COMMITTEE**

Minutes of the meeting held on 20 October 2021 commencing at 6.00 pm

Present: Cllr. Maskell (Chairman)

Cllr. Coleman (Vice Chairman)

Cllrs. Bonin, Dr. Canet, Clack, Perry Cole, Edwards-Winsor, Griffiths and Harrison

Apologies for absence were received from Cllrs. G. Darrington, Firth and Parkin

Cllrs. G. Darrington and Parkin were present via a virtual media platform, which does not constitute attendance as recognised by the Local Government Act 1972.

23. Declarations of Interest

There were none.

24. Quercus Housing - Increasing the Delivery of Affordable Housing in the Sevenoaks District

The Deputy Chief Executive and Chief Officer - People & Places presented the report which set out the proposal to amend the Quercus Housing Business Plan to enable prudential borrowing to take forward the purchase of Abbey Court in West Kingsdown.

The Deputy Chief Executive and Chief Officer - Finance & Trading set out that the report also sought the approval for the revised 2021/22 Capital Programme, which excluded the Property Investment Strategy Scheme and would give the Council access to Public Works Loan Board (PWLB) borrowing to enable the scheme to progress. A draw-down of a loan from prudential borrowing for up to £1,050,000 would be loaned to Quercus Housing (as the Trading company) in order to progress the capital purchase and refurbishment of Abbey Court, subject to due diligence. In turn this would increase the supply of new affordable homes delivered by Quercus Housing, the Council's affordable housing trading company.

Negotiations were taking place to purchase the former nursing home which could be converted into self-contained units at affordable rent, and be split between Local Housing Allowance and 80% of market rent. The Council's Housing team would use Abbey Court to provide suitable move on accommodation at affordable rent for households currently placed in temporary accommodation, whilst developing its Local Lettings Plan.

## Agenda Item 1

### Housing & Health Advisory Committee - 20 October 2021

An offer of £700,000 to purchase the property had been submitted to the agent, with the estimated cost of refurbishment being £875,000 plus contingency fees. Currently there was insufficient s106 funding to support the refurbishment of the property, and so the draw-down of a loan from the PWLB was vital.

Members were advised that there remained a shortfall between the demand and supply of new affordable homes in the District. The lack of affordable housing had contributed to the rise of homelessness and, as the Council had a statutory responsibility to assist homeless residents that had created a greater financial burden upon the budget. The high cost of land in the District made it difficult for the Council's Registered Provider (RP) partner's to acquire land for building new affordable housing themselves.

Members raised concerns regarding the suitability of the site for tenants including the proximity to suitable transport links, safe entry/exit route from/to the site entrance and robust internal sound proofing between units.

The Deputy Chief Executive and Chief Officer - People & Places assured the committee those suitable residents would be identified after considering the issues identified by members. In addition, the quality of sound proofing would be one issue to be assured within the context of the quality of the whole building to ensure a suitable living environment for future residents.

#### Public Sector Equality Duty

Members gave consideration to impacts under the Public Sector Equality Duty

Resolved: That it be recommended to Cabinet to recommend to Council that

- a) The revised 2021/22 Capital Programme (Appendix C of the report) that excluded the Property Investment Strategy scheme, that would give SDC access to Public Works Loan Board (PWLB) borrowing to enable the scheme to progress, be approved;
- b) The draw-down of a loan from prudential borrowing (for example, through PWLB) for up to £1,050,000 which would then be loaned to Quercus Housing (as the Trading company) to progress the capital purchase and refurbishment of Abbey Court (West Kingsdown), subject to due diligence, to support the delivery of affordable housing in the district, be approved; and
- a) The terms of the loan be determined at the point of draw down by the Deputy Chief Executive and Chief Officer - Finance and Trading, be agreed.

THE MEETING WAS CONCLUDED AT 6.56PM

CHAIRMAN

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**DIGITAL INCLUSION UPDATE**

**Housing & Health Advisory Committee - 23 November 2021**

**Report of:** Chief Officer - People & Places

**Status:** For information

**Also considered by:**

**Key Decision:** No

**Executive Summary:** This report is an update on Digital Inclusion & Exclusion across the District

**This reports support the Key Aim of:** The Community Plan

**Portfolio Holder:** Cllr. Kevin Maskell

**Contact Officer:** Kelly Webb, Ext. 7474

**Recommendation to Housing & Health Advisory Committee:**

To consider the report.

**Reason for recommendation:** To ensure Members are updated on Digital Inclusion & Exclusion initiatives being provided by the District Council.

**Introduction and Background**

- 1 Sevenoaks District Council have been working with Compaid and KCC around Digital Inclusion and exclusion.
- 2 This report provides an update on the work achieved by the Council and future plans around Digital Inclusion

**Other options Considered and/or rejected**

None.

**Key Implications**

Financial

No financial cost, as this has been sourced externally

Legal Implications and Risk Assessment Statement.

There are no legal implications associated with this report.

## Agenda Item 6

### Equality Assessment

- 1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this report directly impact on end users. The impact has been analysed and does not vary between groups of people. The results of this analysis are set out immediately below.
- 2 There are no negative impacts - the report applies to all.

### Community Impact and Outcomes

Has a high community Impact

### Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

### **Conclusions**

The report highlights the work of the District Council to address Digital Inclusion

#### **Appendices**

Appendix A - Presentation

#### **Background Papers**

None

**Sarah Robson**

**Deputy Chief Executive and**

**Chief Officer - People & Places**

# Digital Exclusion



October 2021

# Digital Exclusion and Inclusion



- Digital inclusion is about ensuring everyone has access and the skills to use the Internet and digital technologies. Digitally excluded people can lack skills, confidence, and motivation, along with having limited or no access to equipment and connectivity.
- Two socio-demographic groupings of those most likely to be digitally excluded have been previously identified (**‘mature and older people’** and **‘working age on low incomes’**).
- In Sevenoaks District, 16.8% of households are classified as ‘mature and older people’ (21.9% for KCC) and 8.0% of households are classified as ‘working age on low incomes’ (15.9% for KCC).

# In Sevenoaks District...



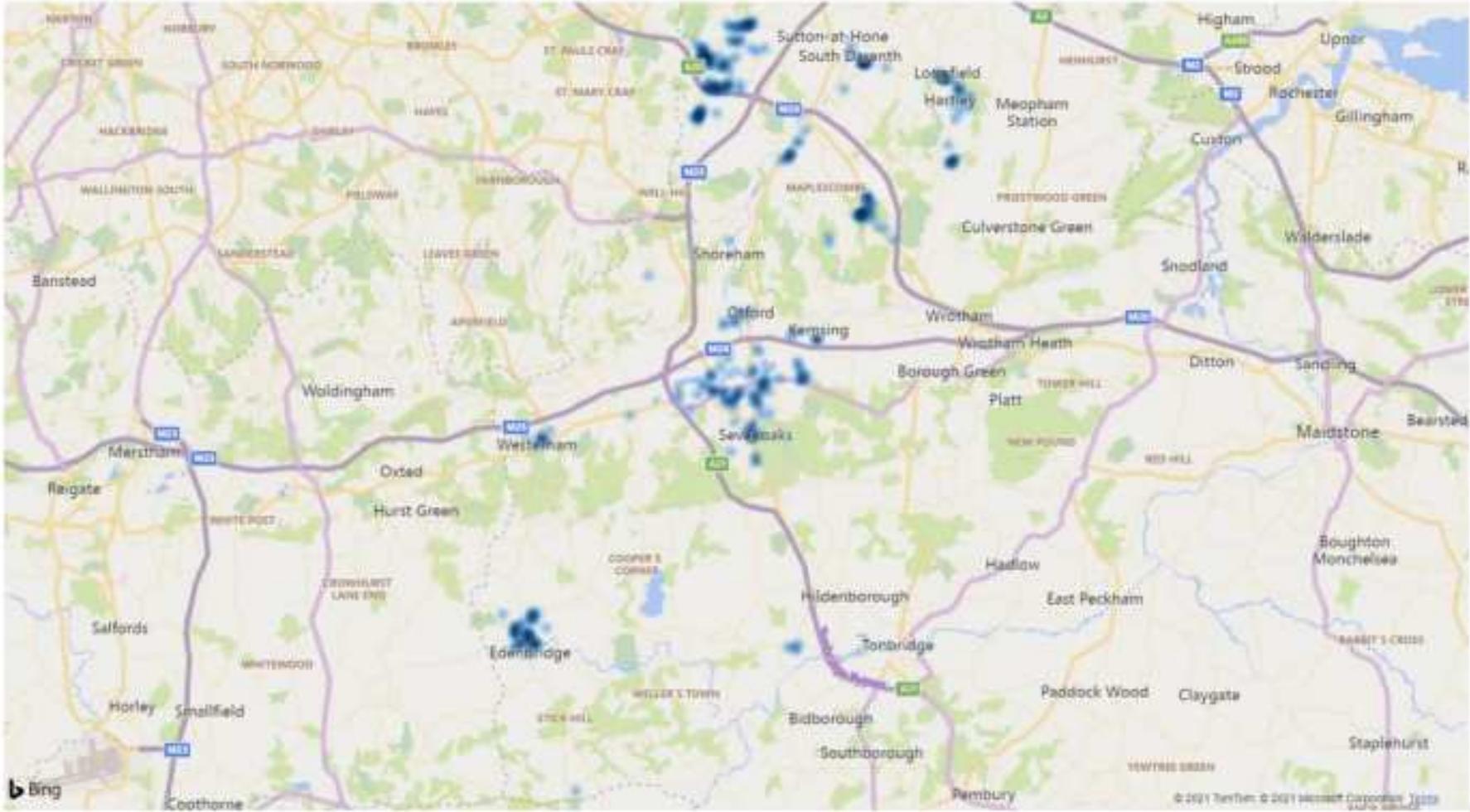
- 20% of Lower Super Output Areas (LSOAs) are classified as one of the four digitally excluded profiles according to the Internet User Classification. This is a significantly lower proportion of LSOAs than Kent overall (46%).
- 0% of LSOAs in Sevenoaks are in the 10% most likely to be digitally excluded neighbourhoods in Kent.
- The average LSOA digital inclusion score is significantly lower than for Kent (41.58 vs 49.32) with fewer LSOAs in the most likely to be digitally excluded.
- 40.6% of LSOAs are categorised in the most likely to digitally access the Census (equivalent to the UK).
- The average proportion of households who use the Internet less than every day for LSOAs is 9.4%, which is significantly lower than for Kent.
  - Interestingly, around 40% households in one LSOA in Sevenoaks are likely to not use the Internet every day as compared to 0% of households in another LSOA in the same district, highlighting the marked disparity in Internet use within the district.

# Broadband

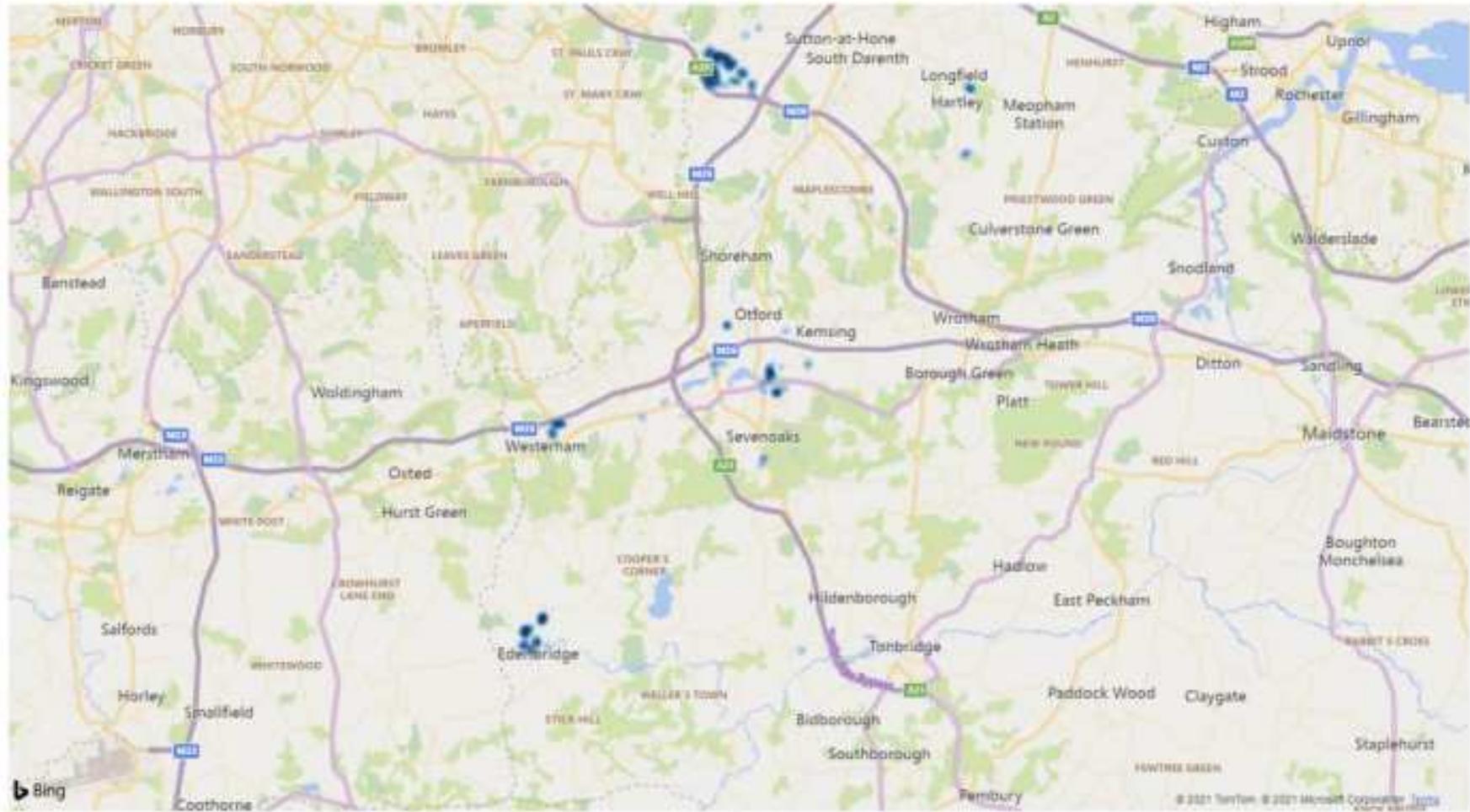


- The average broadband speed per LSOA is 56.26Mbps, which is significantly lower than Kent (66Mbps).
- There is a clear divide between rural and urban LSOAs with urban LSOAs receiving an average broadband speed of 61.6Mbps and rural LSOAs receiving an average broadband speed of 49.3Mbps.
- The average proportion of households per LSOA with poor broadband is 0.5%, which is consistent with Kent (0.5%).
- **There are less digitally excluded populations in Sevenoaks as compared to Kent. However, broadband speeds could be a potential issue, particularly in rural areas.**
- **There are also disparities in digital inclusion across different areas in Sevenoaks.**

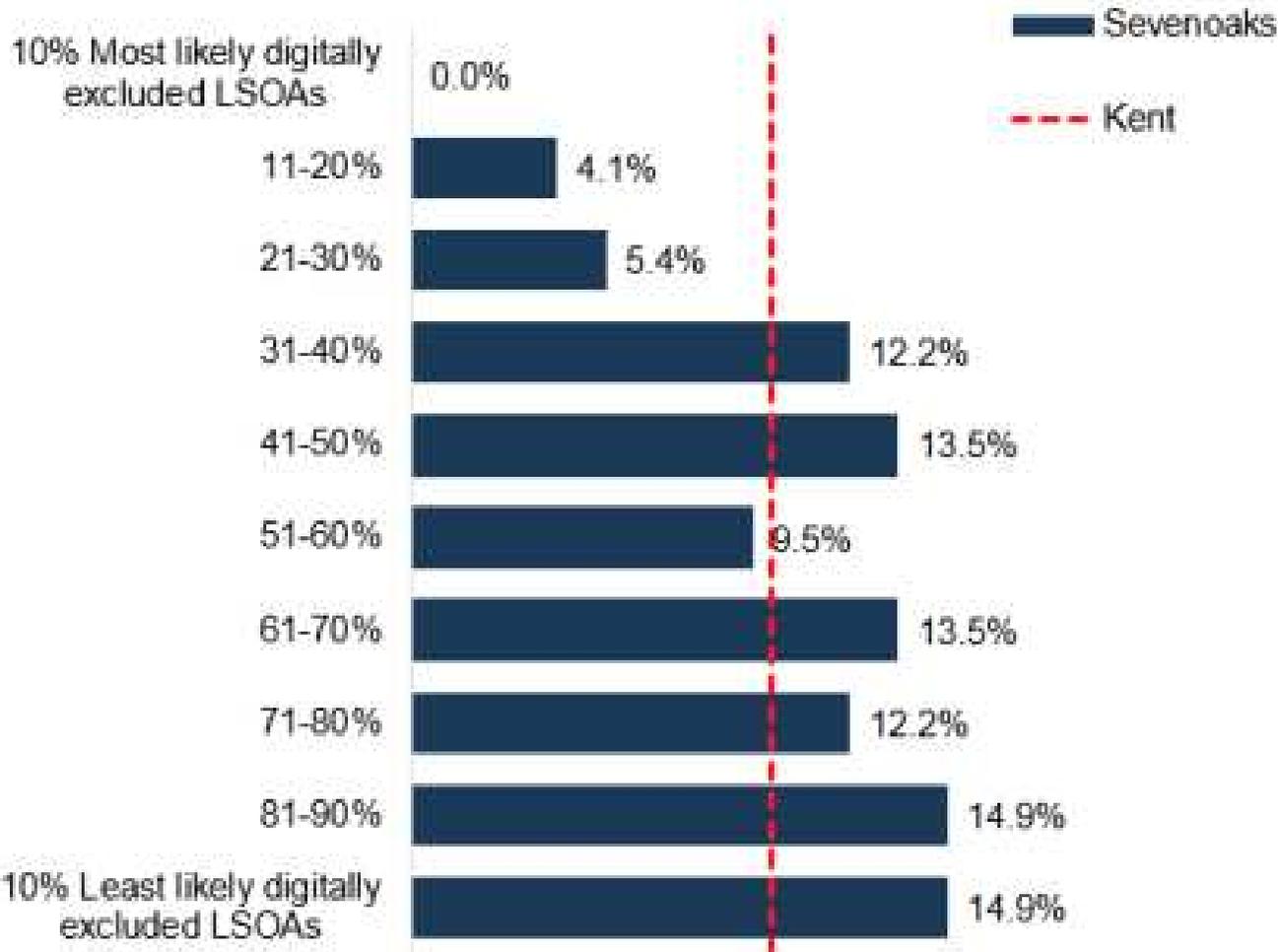
# Household clusters - mature and older people



# Household clusters - working age on low income



# Proportion of LSOAs in Sevenoaks in each digital exclusion decile



# Digital inclusion - actions



- Working with Sam Lain-Rose, KCC Digital Lead to understand Sevenoaks District digital exclusion profile and explore project and funding support.
- Secured £10k and match funding from WKHA to develop a partnership project with Compaid to support our customers with digital support needs through the provision of devices, data and training. A dedicated Digital Trainer has been appointed by Compaid and is supporting WKHA customers. This pilot project is due to end on 31 March 2022.
- Secured £79k funding to deliver a bespoke project in partnership with Compaid to support some of our most vulnerable homeless customers, who would like to be able to access online services (e.g. GP, addiction and mental health services, Universal Credit and other support net).

# Digital inclusion - actions



- Submitted funding bids for over £1m to UK Community Renewal Fund and KCC Helping Hands towards a Community Hub project in Swanley to support 18-24 year NEETs, which includes a digital inclusion support element.
- Adopted as a priority for Sevenoaks District Local Strategic Partnership and its Community Wellbeing Fund – 3 local projects have been supported and funded this year.
- Delivering digital training and information support in partnership with Compaid as part of Silver Sunday Week in October.
- Working with Kent County Council, who have been awarded funding to deliver Government’s ‘Project Gigabit’ Programme aimed at improving local broadband connectivity to up to 122,000 premises across the county, notably rural areas.

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**HOMELESSNESS - QUARTER 2 POSITION STATEMENT**

**Housing & Health Advisory Committee 23 November 2021**

**Report of:** Chief Officer - People & Places

**Status:** For information

**Key Decision:** No

**Executive Summary:** This report is a Homelessness - Quarter 2 position statement

**This reports support the Key Aim of:** The Community Plan & Housing Strategy

**Portfolio Holder:** Cllr. Kevin Maskell

**Contact Officer:** Rebecca Wilcox, Ext. 7272

**Recommendation to Housing & Health Advisory Committee:**

To consider the report.

**Reason for recommendation:** To ensure Members are updated on Homelessness in the Sevenoaks District

**Introduction and Background**

This presentation provides an update on homelessness as of end quarter two - 30 September 2021

**Other options Considered and/or rejected**

None.

**Key Implications**

Financial

No financial cost

Legal Implications and Risk Assessment Statement.

There are no legal implications associated with this report.

Equality Assessment

- 1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other

## Agenda Item 7

conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this report directly impact on end users. The impact has been analysed and does not vary between groups of people. The results of this analysis are set out immediately below.

2 There are no negative impacts - the report applies to all.

### Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

### **Conclusions**

The report is an introduction to affordable housing

#### **Appendices**

Appendix A - Presentation

#### **Background Papers**

None

**Sarah Robson**

**Deputy Chief Executive and**

**Chief Officer - People & Places**

# Homelessness- Quarter 2 position statement October 2021

# Introduction & Background

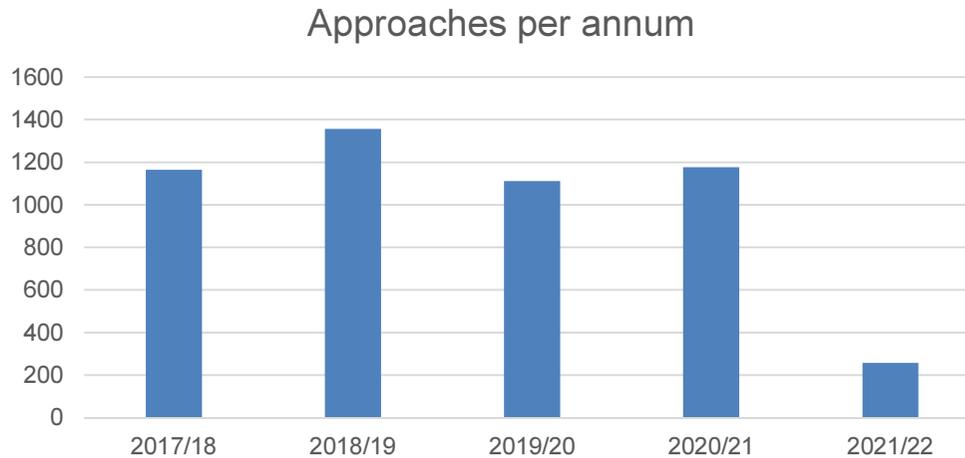


- Homelessness Reduction Act 2017
  - Most significant change in homelessness
  - New approach to tackling homelessness
    - To expand the provision of advice and information about homelessness with prevention and relief of homelessness as a primary focus
    - Extending the period of “threatened homelessness” for households from twenty eight to fifty six days and allow earlier intervention
    - New duties to both prevent and relieve homelessness for all eligible people [irrespective of their priority need or any issues of intentional homelessness]
    - Tailored assessment and Personalised Housing Plan [PHP], setting out actions that local authorities and clients need to take to secure alternative accommodation
    - Encouraging public bodies and agencies to work together to prevent and relieve homelessness through a new legal “duty to refer”
- Implementation April 2018
  - Report presented to the Housing & Health Advisory Committee in September 2018
  - Highlighted key implications and challenges
  - Most significant impact on approaches

# Impact of the Homelessness Reduction Act 2017



- Increase in approaches to the local authority



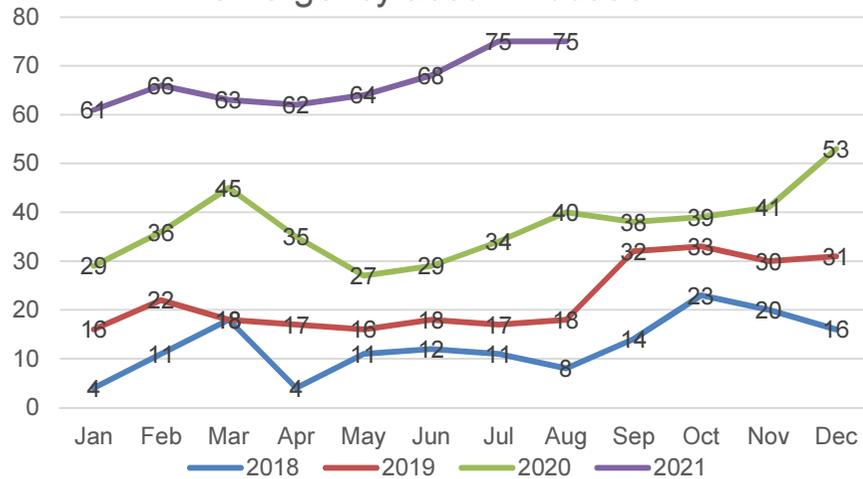
- Increase in single homelessness
- Rough sleeper initiatives
- Duty to refer

# Impact of the Homelessness Reduction Act 2017

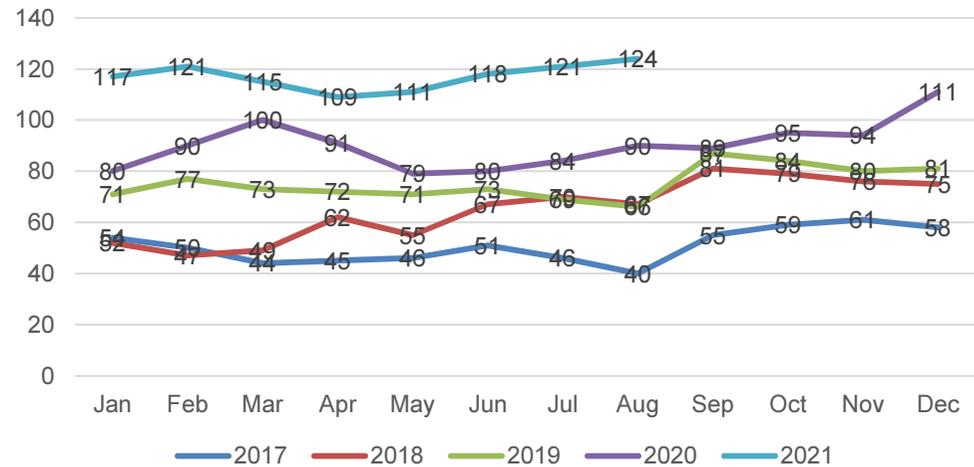


- Increase in emergency accommodation (nightly paid)

Number of households in nightly paid emergency accommodation.



Number of households in all types of emergency and temporary accommodation



# Reasons for a rise in homelessness - post April 2018



- The continued impact of the HRA, placing the additional new duties on the local authority including *duty to refer*
- Welfare reform and Local Housing Allowance (LHA) caps
- Lack of affordable housing supply
  - High competition for private rented housing
  - Increased rental costs
  - Increase housing market prices
  - Reduction in new build delivery
- New Buy-to-Let tax rules impacted the private rented market
- Domestic Abuse Act 2021

# Reasons for a rise in homelessness - Covid-19



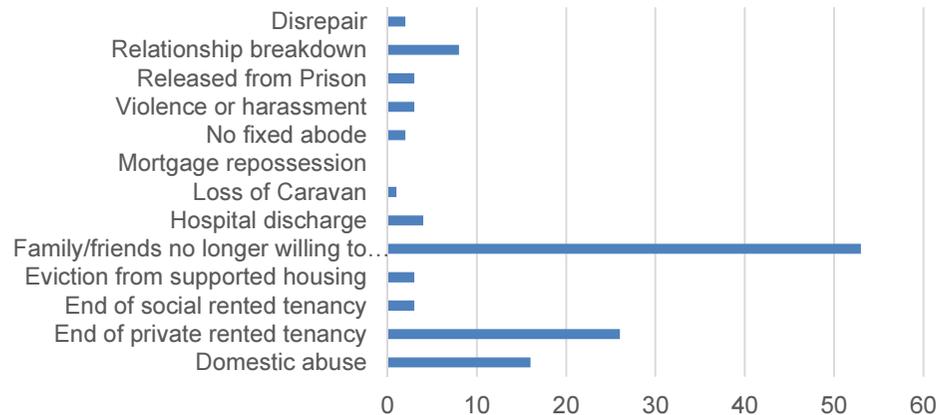
- Covid-19 hit the service hard and had a substantial impact on residents in the District leading to increased levels of homelessness.
- At short notice, following the announcement of a national emergency on 23 March 2020, the Government required rough sleepers or those threatened by rough sleeping to be housed under the “Everyone In” policy.
- Single homelessness - in part attributable to not being able to ‘sofa surf’ between family and friends
- Eviction ban and extension to notice period
- Family and friends now longer will to accommodation
- Funding restrictions/ending

# Homelessness - statistics



- HERO support - 2020/21 2021/22
- Increase applications to our housing waiting list -
- Temporary accommodation - consist supply (46 average)
- Assisted XX under 'Everyone In'

Emergency & temporary accommodation placement reasons (August 2021)



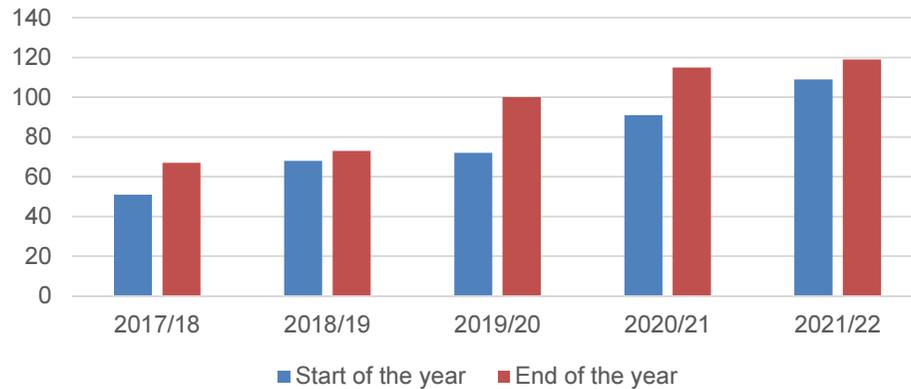
# Homeless Prevention Team - a new challenge



- Eviction ban lifting and “standard” notice period returned
- End of furlough - 30 September 2021
- End of universal credit uplift
- Increasing cost of utilities
- Rough Sleeper Action plan (Department for Levelling Up, Housing and Communities - DLHC)
- Reduction in the use of emergency accommodation (nightly paid)
- Increased approaches due to the new Domestic Abuse Act
- Increased approaches of customers with complex/multiple issues

# Emergency & Temporary Accommodation

Temporary Accommodation Figures at the start and end of each financial year (2017-2022)



- Placement assessment
- Charging schedule for nightly paid placements

# Actions & Achievements



- Restructure - live from January 2021
- Senior appointments - Homelessness Prevention Manager (November 2020), Head of Housing (March 2021) and Housing Strategy Manager (September 2021)
- Creation of a holistic homelessness prevention and support service - HERO, Housing Advice & Accommodation Services Team
- Holistic approach to homelessness to respond to the HRA - prevent, intervene and recover.
- Temporary Accommodation Action Plan
- Triage service launched - early intervention & assessment
- All temporary accommodation/emergency accommodation placements assessed against the HRA and sign off by senior managers
- Staff training programme
- HRA Assessment Framework introduced

# Actions & Achievements



- Yoti - verified electronic signature app to support new customer declaration, consent & authorisation form launched
- Homeless Prevention Team workshop hosted
- Review process in place for reclaiming of housing benefit
- Launch of our Voluntary Relocation Scheme & Family Incentive
- Bid/grant applications to support the delivery of the service
- 37 Vine Court Road - joint supported housing accommodation with West Kent Housing Association (WKHA), Kent County Council commissioning (KCC) & Look Ahead (commissioned homelessness support services)
- Virtual engagement event with local letting agents and landlords
- New Help2Rent rent guarantee insurance policy
- Re-branded private rented sector offer - Help to Let
- Increased funding contribution from WKHA for our HERO service

# The next 6 months



- Delivery of 37 Vine Court Road
- Delivery of the District's first Housing-Led project at Orchard Close
- Implementation of our nightly rental and occupation charging schedule
- Launch of our new private sector offer - Help to Let
- Expansion of our HERO team - HERO+ officers
- Procurement of private sector accommodation including emergency accommodation
- Revision of the Council's Allocations Policy
- Handover of 11-13 High Street, Swanley
- Review of Council land assets - potential affordable housing delivery

**A LOCAL FIRST HOMES POLICY FOR SEVENOAKS DISTRICT**

**Housing & Health Advisory Committee - 23 November 2021**

**Report of:** Chief Officer - People and Places and Chief Officer - Planning and Regulatory Services

**Status:** For Decision

**Also considered by:** Cabinet - 9 December 2021

**Key Decision:** Yes - significant in terms of its effects on the communities living or working in an area comprising of 2 or more wards in the District.

**This report supports the Key Aim of:** Delivering a sustainable economy through the provision of new affordable housing, specifically First Homes, ensuring priority is offered to local people.

**Portfolio Holder:** Cllr. Kevin Maskell and Cllr. Julia Thornton

**Contact Officers:** Rebecca Wilcox, Head of Housing, x7272 and James Gleave, Strategic Planning Manager, x7326

**Recommendation to Housing & Health Advisory Committee:**

- (a) Comments are sought on a local First Homes policy for Sevenoaks District, the draft contents of which are as set out in this report;
- (b) That officers continue to refine the policy, following consultation with the Portfolio Holder for Housing & Health, prior to its presentation to Cabinet for decision.

**Recommendation to Cabinet:**

- (a) That a local First Homes policy for Sevenoaks District, the content of which is as set out in this report, or as further refined, be approved and adopted for implementation on 28 December 2021 ;
- (b) That any supplementary First Homes policies, including re-sales and use of First Homes commuted sums, be drawn up by Officers, with delegated authority given to the Chief Officer - People & Places and the Chief Officer - Planning & Regulatory Services, following consultation with the Portfolio Holders for Housing & Health and Development & Conservation, to approve these policies.

**Reason for recommendation:** To ensure the District Council has a local First Homes policy approved by the date of the national implementation of First Homes on 28 December 2021, and said policy gives priority to local people.

## Agenda Item 8

### Background

1. A previous report on the new First Homes tenure was presented to HHAC on 28 September 2021. To summarise, the national First Homes policy will be implemented for S106 sites on 28 December 2021. First Homes will be sold at a prescribed discount to first time buyers and held as affordable housing in perpetuity, for the benefit of future first time buyers.
2. The Targeted Review of Local Housing Needs (TRLHN) recommends a local First Homes policy for is justified. Discussion with Kent colleagues shows the District Council is at the vanguard of developing a local policy. Our aim is to ensure First Homes contribute to meeting local housing needs and for planning applicants and first time buyers to have comprehensive guidance on this new tenure from day one. An Officer Working Group has been formed for this purpose.
3. Department for Levelling Up, Housing and Communities (DLUHC) guidance states that First Homes policy does not need to be viability tested as it captures the same value of (developer) contributions as before.
4. DLUHC have advised First Homes policy does not preclude local authorities from charging a first time buyer for the cost of processing their application. This is in addition to any S106 monitoring fee required specifically for First Homes monitoring that may be introduced.
5. National First Homes policy is as follows:
  - 30% discount on open market value in perpetuity;
  - Capped maximum discounted sale price of £250,000 at initial sale;
  - All first time buyers are eligible
  - Annual household income cap of £80,000 applies.
  - Subsequent to the delivery of 25% First Homes, the Social Rented Housing tenure has priority.
6. Based on the recommendations from the TRLHN, we suggest a Sevenoaks First Homes policy should contain the following:
  - 50% discount on open market value. *A single % discount is required District-wide, unless a Parish has adopted a Neighbourhood Development Plan which justifies a different % discount in that area;*
  - Capped maximum discounted sale price of £250,000 at initial sale. *This will be hard to deliver in some areas, as shown in Appendix A, and it seems likely only 1 bedroom flats may be offered in these areas or a commuted sum paid in lieu. An initial buyer may secure an “unfair” profit when they come to sell as the new buyer will only benefit from a 50% discount when*

*the initial buyer may have effectively received a higher level of discount due to the capped initial sale price.*

- For a limited marketing period of 3 months (this period is set by DLUHC) priority be given to first time buyers with a local connection to the District or Service Personnel or Local Essential Workers. We have previously adopted a *Local Essential Worker policy*. *Local connection will be as per the new Sevenoaks District Housing Register Allocations Policy, to ensure parity across the affordable tenures. The Sevenoaks Intermediate Housing Allocations Protocol will also be updated to reflect this to ensure parity across the Intermediate tenures.*
- Set an annual household income cap of £56,250. *This is above median resident based income levels but, by necessity for mortgage purposes, is based on a £250,000 discounted sale price, with 10% deposit and 4x income multiplier.*
- Core Strategy policy SP3 will continue to apply with the split of 65% homes for affordable rent tenures and 35% for Intermediate tenures. However this split is further refined as follows and will apply unless otherwise agreed by the District Council on a case by case basis:

58% Social Rented housing

7% Affordable Rented housing

25% First Homes

10% other Intermediate tenures, including Shared Ownership.

*The provision of a high level of homes for Social Rent will greatly assist us in meeting the needs of the Housing Register. Delivery of new homes for Social Rent have been minimal since 2010 and the introduction of the Government's austerity measures. The ability of First Homes to meet local housing needs is questionable, given high property prices compared with median income levels. Their relevance to Housing Register applicants will be minimal. The "squeezing" of other Intermediate tenures may have an adverse affect on the delivery of Shared Ownership homes. Many Registered Providers rely on the cross subsidy provided by shared ownership to deliver affordable homes for rent on S106 sites.*

- Confirmation that First Homes Exception Sites will not be permitted in areas designated under S157(1) of the Housing Act or areas within the Green Belt. *As per NPPF and the S157 Rural Designations report.*
- A reasonable charge to be made to first time buyers for application processing. *Currently it is difficult to identify any Service that has capacity to take on this extra work. A charge may allow for additional resources to be funded, subject to approval.*

## Agenda Item 8

- The policy to be reviewed annually. *To ensure we keep pace with housing needs data and any delivery bottlenecks.*
- For parity, the Intermediate tenure, Discounted Market Housing for Sale (DMHfS), to be amended to require a 50% discount. *NPPF sets out a minimum discount of 20%. This level is at odds with First Homes policy and local housing needs data. Unless revised, it might eradicate any Shared Ownership housing because the developer contribution required for DMHfS would be so much more attractive to developers.*

### Other options Considered and/or rejected

None.

### Key Implications

#### Financial

The Officer Working Group will work with Finance colleagues to determine an appropriate level of charge for processing applications. Guidance will be sought as to whether additional officer resources can be funded from this.

The Officer Working Group will also work with Finance and Development Management colleagues regarding the monitoring fee to be attached to First Homes in S106 agreements and whether the level of all monitoring fees requires updating.

#### Resource (non financial)

The process mapping exercise being carried out by the Officer Working Group will determine which Service will be responsible for administering First Homes applications. Local authorities have expressed concern over capacity to deliver this without additional resources.

#### Legal Implications and Risk Assessment Statement

First Homes is a mandatory Government policy. The District Council must be ready to implement it. If we do not have a local policy in place, national policy will be used as a default. This will be less favourable to our meeting local housing needs for the reasons set out above.

#### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

**Conclusion**

National First Homes policy is mandatory and must be implemented, even if local data demonstrates it will not meet our most pressing housing needs, i.e. genuinely affordable homes for rent. The adoption of a local First Homes policy for Sevenoaks will, however, put us in the strongest position to deliver a First Homes product that, within national constraints, is most aligned to meet local needs.

**Appendix**

Appendix A - house prices and incomes by place making areas, an extract from TRLHN 2021

**Sarah Robson, Deputy Chief Executive and Chief Officer - People and Places**

**Richard Morris, Deputy Chief Executive and Chief Officer - Planning and Regulatory Services**

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REPORT SEEKING SUPPORT FOR A LOCAL FIRST HOMES POLICY - APPENDIX A

Extract from the Targeted Review of Local Housing Needs 2021, by arc4.

Table TA3.11 Indicative First Home prices

Place Making Area	2020 house price		Indicative First Home Prices (discount to median price)		
	LQ	Median	First Homes (30% discount )	First Homes (40% discount)	First Homes (50% discount)
Darent Valley	£388,750	£587,500	£411,250	£352,500	£293,750
North East	£267,250	£340,000	£238,000	£204,000	£170,000
North West	£300,000	£362,000	£253,400	£217,200	£181,000
Sevenoaks urban area and surrounds	£381,500	£542,000	£379,400	£325,200	£271,000
South	£319,995	£443,750	£310,625	£266,250	£221,875
Upper Darent corridor	£365,000	£520,000	£364,000	£312,000	£260,000
Sevenoaks District	£317,500	£425,000	£297,500	£255,000	£212,500
First Homes not viable as exceeded £250k price after discounts applied					

Table TA3.12 Income required for First Homes to be affordable

Place Making Area	2020 house price		Indicative First Home Prices (discount to median price)		
	LQ	Median	First Homes (30% discount )	First Homes (40% discount)	First Homes (50% discount)
Darent Valley	£99,964	£151,071	£105,750	£90,643	£75,536
North East	£68,721	£87,429	£61,200	£52,457	£43,714
North West	£77,143	£93,086	£65,160	£55,851	£46,543
Sevenoaks urban area and surrounds	£98,100	£139,371	£97,560	£83,623	£69,686
South	£82,284	£114,107	£79,875	£68,464	£57,054
Upper Darent corridor	£93,857	£133,714	£93,600	£80,229	£66,857
Sevenoaks District	£81,643	£109,286	£76,500	£65,571	£54,643
First Homes not viable as exceeds £80k income					



**APPROVAL TO SEEK ADDITIONAL DESIGNATION OF PARISHES/AREAS UNDER SECTION 157(1) OF THE HOUSING ACT 1985**

**Housing & Health Advisory Committee - 23 November 2021**

**Report of:** Chief Officer - People and Places and Chief Officer - Planning and Regulatory Services

**Status:** For Decision

**Also considered by:**

- Cabinet - 9 December 2021

**Key Decision:** Yes - significant in terms of its effects on the communities living or working in an area comprising of 2 or more wards in the District.

**This report supports the Key Aim of:** Delivering a sustainable economy through the provision of new affordable housing, particularly new homes for rent in rural areas which are genuinely affordable by local people. This aim can be assisted through increased S106 commuted sum funding.

**Portfolio Holder:** Cllr. Kevin Maskell and Cllr. Julia Thornton

**Contact Officers:** Rebecca Wilcox, Head of Housing, x7272 and James Gleave, Strategic Planning Manager, x7326

**Recommendation to Housing & Health Advisory Committee:**

To give support for a report to be made to Cabinet seeking approval for an application to be submitted to the Secretary of State for Levelling Up, Housing and Communities, seeking additional areas/parishes in the Sevenoaks District (shaded green and blue in Appendix A) to be designated under section 157(1) of the Housing Act 1985.

**Recommendation to Cabinet:**

That approval be given for an application to be submitted to the Secretary of State for Levelling Up, Housing and Communities, seeking additional areas/parishes in the Sevenoaks District (shaded green and blue in Appendix A) to be designated under section 157(1) of the Housing Act 1985

**Reason for recommendation:** To enable the District Council to maximise its designated rural areas under Section 157 (1) of the Housing Act 1985, thereby ensuring the opportunity to secure affordable housing contributions is maximised in order to assist with the delivery of genuinely affordable homes and its rural exceptions housing programme protected.

### Introduction and Background

- 1 Under Core Strategy 2011 policy SP3, any net residential addition on a planning application site triggered an affordable housing contribution. For sites of six or more homes, an element of affordable housing was to be provided on site. For sites of one to five homes, a commuted sum payment in lieu was payable. A sliding scale of contribution levels was set out in the accompanying Affordable Housing Supplementary Planning Document, such sliding scale having been previously viability tested.
- 2 Policy SP3 compliant levels of affordable housing were secured between 2011 and 2014. A Written Ministerial Statement (WMS) was issued in November 2014 (and following its eventual success in the High Court), this introduced a national threshold of 10 homes or more, above which affordable housing contributions could be sought. The WMS allowed local planning authorities to set a lower site threshold to those rural areas described under section 157(1) of the Housing Act 1985, which included National Parks and Areas of Outstanding Natural Beauty (AONB). In such cases, a commuted sum payment could be sought on these smaller sites.
- 3 In Sevenoaks District, S157 designation applies in over 60% of the District, as these areas are located within AONBs. On 5 March 2015, Cabinet approved a lower site threshold of six to nine homes, to apply in the rural areas designated under S157.
- 4 In February 2019, the National Planning Policy Framework was updated and this maintained the 10 homes (“major site”) threshold. It re-iterated the S157 designations for smaller sites.
- 5 The District Council is unable to apply the lower site threshold to those rural parishes/areas located outside of the AONBs, even where these areas are designated as “rural” under S17 of the Housing Act 1996 (statutory Right To Acquire).
- 6 Guidance from the Department for Levelling Up, Housing and Communities (DLUHC) advises that local authorities may apply to the Secretary of State to have additional areas designated as ‘rural’ under S157. Parishes must meet the criterion of a population density of less than two persons per hectare and any settlements in them must have a population of fewer than 3,000 inhabitants. The first criteria can be applied flexibly. For example, some parishes just over these limits may be designated in order to avoid a ‘patchwork’ situation where some parishes are designated while others, broadly similar, are excluded. The Appendix shows those parishes, shaded green and blue, where whole parish designation would meet the above criterion. An application seeking such designation is therefore recommended. The application process for local authorities appears very straightforward. The time taken for DLUHC to approve applications is constrained as it requires the laying of a statutory instrument. In recent years, successful applications have been made by various local authorities, including Chichester DC, Malvern Hills DC and Shropshire Council.

- 7 The primary purpose of rural designation under S157 is to restrict the consequences of the Right to Buy. It allows the local authority to put restrictive covenants in place so that the home can only be sold on to someone who has been living or working in the parish for 3 years. Alternatively the local authority may require the tenant to offer the home back to them if the tenant wishes to sell within 10 years of buying. A local authority can decide not to implement any such restrictive covenants.
- 8 Designation of all rural parishes under S157 will enable the council to apply the lower site threshold to all new market housing sites for 6 - 9 homes, within these parishes. This will maximise the opportunity for S106 commuted sum payments towards the delivery of new affordable housing.
- 9 The designation of additional rural parishes under S157 will also help to protect the District Council's Rural Exceptions Housing programme, as set out in Core Strategy policy SP4. This programme is benefiting from a 5 year local needs survey programme, in which all 31 parishes will be surveyed. Under a new WMS issued in May 2021 in respect of First Homes, areas designated under S157 are excluded from consideration as First Homes Exceptions Sites. This exclusion will help to ensure that in these areas, sites will continue to come forward as rural exceptions sites only, with their associated greatly restricted land values (as set out in the Kent Rural Housing Protocol, February 2021). This will ensure the delivery of genuinely affordable housing that meets the identified housing needs of the Parish and Housing Register customers.

#### **Other options Considered and/or rejected**

Leave as current and do not apply for additional rural designations. This would prevent the District Council from maximising S106 contributions to enable new affordable housing and, with the advent of First Homes, is likely to adversely impact on the rural exceptions housing programme. Rejected.

#### **Key Implications**

##### Financial

With additional designations, the District Council will be able to seek S106 affordable housing commuted sum payments on a greater number of sites. These funds can then be invested to enable new affordable housing.

##### Legal Implications and Risk Assessment Statement

Consideration has been given as to whether the very few remaining WKHA tenants with a contractual Right to Buy following the Large Scale Voluntary Transfer (LSVT) of the housing stock in 1989, would be adversely affected by additional designations. The Housing Act 1985 Section 157(1) states, "...the conveyance or grant may contain a covenant limiting the freedom of the tenant (including any successor in title of his and any person deriving title under him or such a successor) to dispose of the dwelling-house..."

## Agenda Item 9

Legal advice is that it can therefore be concluded that rural designation does not imply a statutory restriction but one that can be applied by a local authority or housing association on disposal of a property under the Right to Buy legislation.

To ensure parity with Right to Buy sales that have occurred since the LSVT, it is proposed to not introduce any restriction on tenants with a contractual Right To Buy who live in any newly designated areas.

### Equality Assessment

Additional rural designation under S157 will have a positive impact on the availability of affordable housing to local people, through additional S106 contributions and the protection of the rural exceptions housing programme.

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### Consultation

Extensive consultation was undertaken on the threshold level for affordable housing contributions as part of the Core Strategy process and the emerging Local Plan.

This proposal has been discussed with housing, planning and legal officers, as well as Kent Rural Housing Enabler and rural housing specialists.

### **Conclusions**

If the Council does not apply for additional rural designations under S157 of the Housing Act 1985, it will be unable to apply the lower threshold in rural parishes outside of the AONB. This will reduce the contribution to affordable housing from market housing development in those rural parishes. Based on an analysis of the existing Core Strategy ADMP and the emerging Local Plan allocation sites that are not in the AONB and which are proposing sites of between 6-9 homes, these will deliver 45 new homes overall. Based on the level of affordable triggered under policy, this means commuted sum payments in lieu of 9 affordable homes, will be lost. Any windfall sites will only add to this number.

Additional designation of rural parishes under S157 will also help to protect and promote the District Council's rural housing programme. Designation will mean only Rural Exceptions Housing Sites will be permissible in these areas and the overriding housing need addressed by the vast majority of these is genuinely affordable homes for rent. First Homes Exception Sites will not be permitted. It should be noted however, that subject locally identified housing needs, DLUHC guidance indicates Rural Exceptions Housing Sites can include First Homes.

It is therefore recommended that an application be submitted to DLHC seeking further designations under S157, as set out in Appendix A, shown by blue and green shading.

**Appendices**

Appendix A - Table to show those additional rural parishes where designation under S157 of the Housing Act 1985 is sought.

**Background Papers**

None.

**Sarah Robson**

**Deputy Chief Executive and Chief Officer - People and Places**

**Richard Morris**

**Deputy Chief Executive and Chief Officer - Planning and Regulatory Services**

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**Appendix A**

**POTENTIAL FOR ADDITIONAL DESIGNATIONS UNDER SECTION 157 (1) OF THE HOUSING ACT 1985**

Parish	Parish in hectares	Population 2011 Census	Population density per hectare	Designated as rural under S17 of the Housing Act 1996 and para. 4A(3) of Schedule 4A of the Leasehold Reform Act 1967- "Designated Protected Area"  <i>Exemptions from the Right to Acquire and 100% staircasing</i>	Currently designated as rural under S157 of the Housing Act - "Designated Rural Area" as AONB  <i>Lower site threshold and RTB resale restrictions</i>	Land designated as Green Belt  <i>Exempted from FHES</i>
Badgers Mount	269	Was part of Shoreham	Was part of Shoreham	Full	Partial	Partial
Brasted	1454	1,429	0.98	Full	Partial	Partial
Crockenhill/ Well Hill	705	1,654	2.34	Full	Partial	Partial
Eynsford	1570	1,814	1.16	Full	Partial	Partial
Farningham	965	1,319	1.37	Full	Partial	Partial
Sevenoaks Weald	969	1,222	1.26	Full	Partial	Partial
Ash-Cum-Ridley	1429	6,641	4.65	Partial	None	Partial
Cowden	1261	818	0.65	Full	Full	Full
Hextable	235	4,092	17.41	Partial	Partial	Partial

Parish	Parish in hectares	Population 2011 Census	Population density per hectare	Designated as rural under S17 of the Housing Act 1996 and para. 4A(3) of Schedule 4A of the Leasehold Reform Act 1967- "Designated Protected Area"  <i>Exemptions from the Right to Acquire and 100% staircasing</i>	Currently designated as rural under S157 of the Housing Act - "Designated Rural Area" as AONB  <i>Lower site threshold and RTB resale restrictions</i>	Land designated as Green Belt  <i>Exempted from FHES</i>
Leigh	1615	1,793	1.11	Full	Partial	Partial
Penshurst	1620	1,628	1.00	Full	Full	Full
Seal	1862	2,556	1.37	Full	Partial	Partial
Shoreham	1628	2,041	1.25	Full	Partial	Partial
Edenbridge	2203	8,907	4.04	Partial	Partial	Partial
Fawkham	664	578	0.87	Full	None	Full
Swanley	678	16,226	23.93	Partial	Partial	Partial
West Kingsdown	1597	5,484	3.43	Partial	Partial	Partial
Westerham & Crockham Hill	2286	4,475	1.96	Partial	Partial	Partial
Chevening	1488	3,092	2.08	Partial	Partial	Partial

Parish	Parish in hectares	Population 2011 Census	Population density per hectare	Designated as rural under S17 of the Housing Act 1996 and para. 4A(3) of Schedule 4A of the Leasehold Reform Act 1967- "Designated Protected Area"  <i>Exemptions from the Right to Acquire and 100% staircasing</i>	Currently designated as rural under S157 of the Housing Act - "Designated Rural Area" as AONB  <i>Lower site threshold and RTB resale restrictions</i>	Land designated as Green Belt  <i>Exempted from FHES</i>
Chiddingstone	2580	1,250	0.48	Full	Partial	Full
Dunton Green	390	2,360	6.05	Partial	Partial	Partial
Halstead	589	1,607	2.73	Full	Partial	Partial
Hever	1481	1,231	0.83	Full	Partial	Full
Knockholt	743	1,222	1.64	Full	Partial	Partial
Sundridge with Ide Hill	1676	1,877	1.12	Full	Full	Partial
Kemsing	895	4,218	4.71	None	Partial	Partial
Otford	702	3,465	4.94	None	Partial	Partial
Riverhead	286	2,634	9.21	None	Partial	Partial
Sevenoaks Town	1596	20,409	12.79	None	Partial	Partial

Parish	Parish in hectares	Population 2011 Census	Population density per hectare	Designated as rural under S17 of the Housing Act 1996 and para. 4A(3) of Schedule 4A of the Leasehold Reform Act 1967- "Designated Protected Area"  <i>Exemptions from the Right to Acquire and 100% staircasing</i>	Currently designated as rural under S157 of the Housing Act - "Designated Rural Area" as AONB  <i>Lower site threshold and RTB resale restrictions</i>	Land designated as Green Belt  <i>Exempted from FHES</i>
Hartley	548	5,359	9.78	None	None	Partial
Horton Kirby & South Darent	1051	3,492	3.32	Full	None	Partial

Key:

Whole Parish already designated under S157

Whole Parish designation under S157 recommended - population less than 3,000 and population density per hectare is 2.00 or less.

Whole Parish designation under S157 recommended - no towns with a population of over 3,000 and/or population density per hectare is up to 3.35. Designation is also sought into avoid a patchwork of exemption.

**Housing and Health Advisory Committee Work Plan 2021/22 (as at 26/10/21)**

**23 November 2021**

- Progress on digital inclusion
- Homelessness Update - Quarter 2
- A Local First Homes Policy for Sevenoaks District
- Approval To Seek Additional Designation Of Parishes/Areas Under Section 157(1) Of The Housing Act 1985

**17 January 2022**

- Health & Wellbeing Action Plan
- Housing Strategy
- Housing Allocations Policy
- One You programme update
- Quercus Housing Update
- Update on Empty Homes Action Plan
- Rough Sleeper Initiative Update
- Green Homes Grant Project
- Out of Borough Placement Policy

**Summer 2022**

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