

**Report of:** Council Housing Growth Team

**Report to:** Director of Resources & Housing

**Date:** 13<sup>th</sup> November 2020

**Subject:** Council Housing Growth Programme – Property Buybacks

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s): Ardsley & Robin Hood, Horsforth	
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If relevant, access to information procedure rule number: 10.4 (3)	
Appendix number: A (ref: para 4.5.2)	

## Summary

### 1. Main issues

- The Council Housing Growth Programme has set itself a challenging target to deliver a minimum of 300 new council homes a year going forward on an ongoing basis as part of our direct contribution to an overall affordable housing target of 1,230 homes p.a. across the city from 2019.
- This will be achieved predominantly via a substantial new build programme, but will also be complemented by a smaller programme of property acquisitions – with an initial focus on re-purchasing former council properties bought under the right to buy regime, including those to which the statutory right of first refusal regime applies.
- The programme is now ready to progress three further purchases, details of which are included in Confidential Appendix A due their commercial sensitivity.

### 2. Best Council Plan Implications

- Housing is one of the Best City priorities as set out in the Best Council Plan, and this programme will directly support the following priorities by delivering additional social housing stock:
  - a. Housing of the right quality, type, tenure and affordability in the right places
  - b. Minimising homelessness through a greater focus on prevention

- The programme will also directly contribute to ensuring that “everyone in Leeds Live(s) in good quality, affordable homes, in clean and well cared for places” which is one of the target outcomes set out in the Best Council Plan.

### **3. Resource Implications**

- Full Council approved an injection of £90.9m into the Council Housing Growth Programme on 27th February 2019.
- £22.5m of this was set aside to support a 2-3 year property acquisitions / buyback programme, which will deliver c150-200 properties back into council stock.
- Executive Board granted approval to spend for the programme on 24<sup>th</sup> July 2019.

### **Recommendations**

The Director of Resources and Housing is requested to:

- a) Authorise the required expenditure to enable the programme to progress the property acquisitions detailed in Confidential Appendix A. These acquisitions to be funded from the Council Housing Growth Programme budget, via a combination of Housing Revenue Account (HRA) borrowing and Right to Buy receipts.
- b) Note that Executive Board granted Authority to Spend for the programme on 24<sup>th</sup> July 2019.
- c) Note that a report is being submitted in parallel to the Director of City Development to request approval to acquire the properties for Housing & Resources so that they can be returned to Council Housing Stock.

### **1. Purpose of this report**

- 1.1 The purpose of this report is to seek Authority to Spend from the Director of Resources and Housing to enable three further property buybacks to be progressed by the Council Housing Growth Programme.

### **2. Background information**

- 2.1 A capital injection of £90.9m was approved into the Council Housing Growth Programme by Full Council in February 2019. Of this, £22.5m was set aside to support a property acquisitions / buyback programme, to deliver circa 150-200 properties back into Council Housing Stock over a 2-3 year period.
- 2.2 Authority to Spend for the programme was subsequently granted by July Executive Board.
- 2.3 Full Council on the 26th February 2020 approved a further capital injection of £116m into the Council Housing Growth Programme, taking the overall funding injected and available for the Council House Growth Programme to £337.1m, of which £75.8m is spent to date (to end of 2019/20).

### **3. Main issues**

- 3.1 The Right of First Refusal obligations are part of the Right to Buy (RtB) legislation and were established by The Housing (Right of First Refusal) (England) Regulations

2005, which came into force in August 2005. The regulations require that any home owner who is selling a property bought from the Council under Right to Buy within the previous ten years must offer it to the Council before putting it on the open market.

- 3.2 In addition to homes offered to the council under the Right of First Refusal obligations, the council also receives voluntary offers to purchase former RTB properties, to which the regulations don't apply – for example where the property was bought from the council more than 10 years ago.
- 3.3 Each potential opportunity is assessed by the council on its own merits, against both council housing growth objectives and also in the context of wider strategic council needs.
- 3.4 The Council Housing Growth Programme evaluation assesses whether the property is one which the council would wish to see back in housing stock and includes consideration of the following factors:-

**a) Housing Management priorities**

- Whether the property is located in an area of housing need - where council housing stock is low and demand for council housing is high.
- Whether the property is of a type and size which is in demand and will be easily let.
- The property will normally be a former council property within an area of council housing, or within a regeneration area in the city.

**b) Value for Money**

The programme will consider whether a property represents a viable investment (in terms of how long it will take to repay the associated borrowing based on assumed income generation/savings) and value for money (VfM). The VfM assessment takes into account the market valuation, and any required repairs/improvements to bring the property up to a lettable standard. This part of the assessment also includes consideration of potential rent levels (estimated based on other similar social housing in the area), and whether any right to buy discount would be repayable.

**c) Exceptional Circumstances**

In some exceptional circumstances a property may be considered (subject to various conditions being met) if the owner makes the request due to for example, financial hardship (potential homeless case) or medical grounds.

- 3.5 Having applied the above principles, three further properties have been identified as being suitable for repurchase and this report seeks approval for the spend associated with these acquisitions.

**Costs**

- 3.6 Properties to which the Right of First Refusal Regulations apply must be offered back to the council at market value. As such the programme undertakes market valuations of each property as well as commissioning an assessment of the repair & refurbishment costs.

- 3.7 In circumstances where a former tenant who exercised their right to buy subsequently sells their property within five years of the Right to Buy sale completion date, they are liable to repay a proportion of the Right to Buy discount they received as determined under the Housing Act 1985 (this applies whether or not they sell it back to the authority). Where this is applicable, this amount will be deducted from the purchase price.
- 3.8 The total combined costs of these acquisitions, including the market valuations, repair estimates and any repayable discounts are detailed in Confidential Appendix A due to commercial sensitivity.

### **Funding**

- 3.9 The costs associated with reacquiring these properties will be met from the council's capital funding allocated to the Council Housing Growth Programme. Refurbishment works to bring the properties up to lettable standard will also be funded from the programme budget.
- 3.10 A capital injection of £90.9m was approved into the Council Housing Growth Programme by Full Council in February 2019. Of this, £22.5m was set aside to support a property acquisitions / buyback programme, to deliver circa 150-200 properties back into Council Housing Stock over a 2-3 year period. Authority to Spend for the programme was subsequently granted by July Executive Board.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 The Executive Member for Communities has been consulted and is supportive of the programme.
- 4.1.2 As part of the established process for this programme The Council Housing Growth Programme has engaged housing management, housing finance, land and property, property & contracts, and other internal stakeholders in relation to these potential acquisitions.
- 4.1.3 Regular updates on progress across the whole programme are provided to the Council Housing Growth Programme Board.
- 4.1.4 Local Ward Members are updated on any acquisitions in their ward areas, as they progress.

### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 Having conducted an initial Equality and Diversity screening, the programme have concluded that a full assessment is not required. The screening form is attached at Appendix B to this report.

### **4.3 Council policies and the Best Council Plan**

- 4.3.1 Housing is one of the Best City priorities as set out in the Best Council Plan, and this programme will directly support the following priorities by delivering additional social housing stock:

4.3.1.1 Housing of the right quality, type, tenure and affordability in the right place.

4.3.1.2 Minimising homelessness through a greater focus on prevention.

4.3.2 The programme will also directly contribute to ensuring that “everyone in Leeds Live(s) in good quality, affordable homes, in clean and well cared for places” which is one of the target outcomes set out in the Best Council Plan.

#### 4.3.3 Climate Emergency

As part of the technical inspection of each potential acquisition the council will determine whether, as part of refurbishing the property, additional measures can and should be implemented (above lettable standard) to improve the energy performance (SAP rating) of the properties. This would be with a view to making them more energy efficient and less expensive to heat, positively contributing to fuel poverty and reducing carbon output.

#### 4.4 Resources, procurement and value for money

4.4.1 As set out above, the programme will consider whether the property represents a viable investment (in terms of how long it will take to repay the associated borrowing based on assumed income generation/savings) and value for money (VfM). The VfM assessment takes into account the market valuation, and any required repairs/improvements to bring the property up to a lettable standard. This part of the assessment also includes consideration of the likely rental income from the property – with rents to be based on other similar social housing stock in the area, and whether any right to buy discount would be repayable.

4.4.2 The funding for this programme was included within the injection of £90.0m approved by Full Council in February 2019, as set out in the table below:

Total CHGP as at Full Council 27th Feb 2019	TOTAL £000's	TO MARCH 2018 £000's	FORECAST			
			2018/19 £000's	2019/20 £000's	2020/21 £000's	2021/22 £000's
	0					
CHGP Phase 1	76,387.7	45839.3	8,275.9	19,294.4	2,978.1	0.0
CHGP Extra Care to Phase 2	30,000.0	592.2	0.0	0.0	4,407.8	25,000.0
CHGP Ful Council Phase 2	97,192.5	0	0.0	21,481.3	41,589.2	34122.0
TOTALS	203580.2	46431.5	8,275.9	40,775.7	48,975.1	59,122.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2018 £000's	FORECAST			
			2018/19 £000's	2019/20 £000's	2020/21 £000's	2021/22 £000's
HRA resources	32,191.90	27933.7	2,540.1	1,401.8	316.30	
HRA revenue contributions	1179.6	1179.6	0.0	0.0	0.00	
Section 106	6,793.90	2748.8	0.0	3882.6	162.5	
Government Grant HCA	12,555.30	4160.3	86.7	0.0	5,308.30	3000
RTB receipts	53,103.40	10409.1	5,065.9	11,172.1	10,539.60	15916.7
Departmental Borrowing	97,756.10		583.2	24,319.2	32,648.40	40205.3
Total Funding	203580.2	46431.5	8,275.90	40,775.70	48,975.10	59,122.00
<b>Balance / Shortfall =</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

4.4.3 All properties considered for potential repurchase are individually assessed using an annuity model to confirm whether they are financially viable. A property is deemed a viable investment if the repayment period for the interest and capital is 30

years or less. A 30 year repayment period allows the authority to meet its obligation under Section 24(1) of the 1985 Act which states that “in the context of setting rents, an important consideration will be to set rents at a level which will enable the Council to meet its 30-year HRA business plan requirements”. The model highlights the financial loss the council could incur if the property were to be sold via RtB after the 15 year period of cost floor protection ends, but ensures that the capital receipt would be sufficient to repay any outstanding debt at that time.

- 4.4.4 In terms of revenue effects, the cost of servicing the debt incurred purchasing a property may be higher than the initial rental return so the properties could initially be a net cost to the service. However as rental incomes increase year on year they will start to exceed the annual borrowing cost and produce a positive return. The initial refurbishment and repairs costs will also be capitalised.

#### **4.5 Legal implications, access to information, and call-in**

- 4.5.1 This is a Significant Operational Decision and as such is not eligible for call in.
- 4.5.2 Appendix A to this report has been marked as exempt under Access to Information Procedure Rules 10.4 (3) on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) which, if disclosed to the public, would, or would be likely to prejudice the commercial interests of that person or of the Council. The information is exempt if and for so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In this case the report author considers that it is in the public interest to maintain the exemption.

#### **4.6 Risk management**

- 4.6.1 The overarching Council Housing Growth Programme is being delivered using the council's agreed project management methodology and a programme risk log will be maintained and risks managed, monitored and escalated through the governance process as necessary.
- 4.6.2 Delivery of the proposals set out in this report will contribute to mitigating one of the council's corporate risks around failure to meet additional housing supply targets and the consequent lack of homes for people in Leeds.
- 4.6.3 The financial viability assessments undertaken in relation to these acquisitions have included consideration of the potential financial risk to the council should there be a further right to buy in future, factoring in the applicable cost floor (the lower of the market value and the purchase/ build costs of the property). There is a risk that in the initial 15 years following acquisitions the council could make a loss if there was a downturn in the market and the tenant exercised their right to buy at a point where the market value was lower than the amount the council paid for the property. However rent will be set at such a level as to help mitigate this risk as far as possible within the constraints of the legislation, and to help ensure the council will achieve an acceptable payback period.
- 4.6.4 The viability modelling is based on certain assumptions about the housing market and future movements in house prices/ rents, which may not prove to be accurate.

Should rents or housing prices fall, or not rise in line with our assumptions, the payback period could be longer than predicted.

## **5. Conclusions**

- 5.1 The properties detailed in Confidential Appendix A have been individually assessed and confirmed as being of a type, size and in such a location that repurchasing them will contribute to meeting locally defined social housing needs.
- 5.2 The associated costs have been assessed by finance and the programme have secured confirmation that these purchases represent viable investments, and value for money.

## **6. Recommendations**

- 6.1 The Director of Resources and Housing is requested to:
  - a) Authorise the required expenditure to enable the programme to progress the property acquisitions detailed in Confidential Appendix A. These acquisitions to be funded from the Council Housing Growth Programme budget, via a combination of Housing Revenue Account (HRA) borrowing and Right to Buy receipts.
  - b) Note that Executive Board granted Authority to Spend for the programme on 24<sup>th</sup> July 2019.
  - c) Note that a report is being submitted in parallel to the Director of City Development to request approval to acquire the properties for Housing & Resources so that they can be returned to Council Housing Stock.

## **7. Background documents\***

None

- Appendix A – Confidential Appendix
- Appendix B – Equality, Diversity, Cohesion and Integration Screening

*\*The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.*