

Nottingham City Council Delegated Decision



Reference Number:	4917
Author:	Rachael Harding
Department:	Growth and City Development
Contact:	Rachael Harding (Job Title: Homelessness Strategy Manager, Email: rachael.harding@nottinghamcity.gov.uk, Phone: 01158762754)
Subject:	Homelessness Prevention Grant 2022-23
Key Decision (decision valued at more than £1million):	Yes
Total Value:	£2,964,856 (Type: Revenue)
Decision Being Taken:	(1) To agree to utilise £1,418,980 of accrued funding (committed to homelessness prevention and relief within decision 4396) towards fulfillment of the programme of spend at Exempt Appendix 1 (EA1) - Homelessness Prevention Programme of Spend 2022/23, and in accordance with the grant conditions within Appendix 2 - HPG1 2022-23 Grant Determination and Appendix 3 - HPG2 2022-23 Grant Determination.(2) To accept Homelessness Prevention Grant (HPG) funding from the Government Department of Levelling Up, Housing and Communities (DLUHC) at the value of £1,545,876 and contribute it to spend in accordance with the programme at EA1.(3) To extend the employment contracts of the existing council posts at points 1.1, 1.2, 1.3, 1.4 of EA1 (Non-Executive officer decision)(4) To extend the IT licence at point 3.1 of EA1.(5) To delegate authority to the Corporate Director of Growth and City Development to adjust the remit or reinvest any grant underspend on homelessness prevention and relief (in accordance with grant conditions), within the financial envelope of the grant.

Reasons for the Decision(s)

The threat of homelessness is a national issue and increasing with the impact of the rising cost of living and continued shortage of affordable housing. Risk of homelessness in Nottingham is particularly acute due to high levels of deprivation, depleting social housing stock and challenging access to good standard but low cost housing in the Private Rented Sector. Ongoing growth in households approaching Nottingham City Council at risk of homelessness and the inability to deliver enough prevention solutions or alternative housing options has resulted in a significant demand for temporary accommodation. Annually, the government Department for Levelling Up, Housing and Communities (DLUHC) provide local authorities with a revenue grant of an amount determined by a data based formula applied by DLUHC. The grant is ringfenced to help councils meet the prevention, relief and temporary accommodation duties outlined in the Homelessness Reduction Act. The funding is provided for the financial year however accruals are permitted if the programme includes spend that is committed within that year to a specified purpose. The grant determination letters at Appendix 2 and 3 outline the conditions, which the accrual and programme of spend comply with. Nottingham City Council leads on the development and delivery of the Homelessness Prevention and Rough Sleeping Strategy and has recently reassessed the resources required to respond to the Homelessness Reduction Act as well as initiating complex service review including policy and practices. This has resulted in a decision taken by Nottingham City Council to restructure and further invest in the statutory homelessness service to address the expanded use of temporary accommodation and increase homelessness prevention and relief interventions. The programme of spend for the Homelessness Prevention Grant 2022/23 (Exempt Appendix 1) has been developed to maximise this grant resource to support the wider investment by the council and achieve the aims of helping households to prevent their homelessness, reducing demand for temporary accommodation and assisting households to more quickly find alternative, suitable housing options.

Briefing notes documents:

Appendix 2 - HPG1 2022-23 Grant Determination.pdf, Appendix 3 - HPG2 2022-23 Grant Determination.pdf

Other Options Considered:

1) To not accept the Homelessness Prevention Grant from DLUHC. This option is rejected because the need for investment in homelessness prevention and relief in Nottingham remains acute and without this funding source delivery would be limited.

2) To accept the Homelessness Prevention Grant, but not spend it according to the programme outlined at Exempt Appendix 1: this option is rejected because a condition of the grant is that it is ringfenced to ensure Local Authorities are resourced to take action to prevent homelessness from occurring and provides the funding to continue to implement the Homelessness Reduction Act.

Background Papers:

None

Published Works:	None
Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Any Information Exempt from publication:	Yes
Exempt Information:	
Description of what is exempt:	Exempt Appendix 1 and 1a - Homelessness Prevention Programme of spend
	An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972
3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).	The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the programme of spend contains service costings that are commercially sensitive and, if published, could prejudice the Council's negotiating position for future commissioning as well as unfairly disadvantaging the provider in a competitive tender process.
Documents exempt from publication:	Appendix 1a HPG 2022-23 summary for Declaration of Spendv2.pdf, Exempt Appendix 1 - Homelessness Prevention Programme of Spendv2.docx
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	None
Equality:	EIA not required. Reasons: An EIA relating to homelessness was developed in August 2021 and applies to this decision. Quarterly data returns of homelessness prevention, relief activity and use of temporary accommodation is submitted to DLUHC as a condition of the grant and includes specific information on households with protected characteristics which helps Nottingham City council monitor the effectiveness of the grant use on equality and diversity.

Social Value Considerations:	None
Any implications affecting IT:	Yes
Relates to staffing:	Yes
Decision Type:	Leader's Key Decision
Subject to Call In:	<p>No</p> <p>The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.</p>
	Person Consulted: Governance Services
	Consultation Date: 05/04/2023
	This decision is retrospective.
Advice Sought:	Legal, Finance, Procurement, Human Resources, IT
Legal Advice:	<p>This decision relates to the receipt and expenditure of Homelessness Prevention Grant (HPG) funding from the Government Department of Levelling Up, Housing and Communities (DLUHC) on homelessness interventions as set out in the proposed exempt appendix.</p> <p>The use of this funding must be in accordance with the grant conditions, other relevant legal requirements (including but not limited to the Public Contract Regulations 2015) and the Council's own constitution. In particular, each modification of contract should have its own justification by reference to a specific section, or sub-section, of Regulation 72 PCR 2015.</p> <p>It is not known whether the proposed exemption of the appendices is a matter for others to advise on, but I suspect the salaries for roles are made known when recruiting so I am unclear on what basis the exemption applies.</p> <p>It is not clear whether any monitoring of those that benefit from the grant occurs; this may be something for further consideration to evidence our ongoing compliance with the Equality Act 2010.</p> <p>Subject to that compliance, the proposal as described creates no significant legal risks.</p> <p>Anthony Heath, Senior Solicitor, Contracts and Commercial, 23rd March 2023 Advice provided by Anthony Heath (Senior Solicitor) on 23/03/2023.</p>

Finance Advice:

The Department of Levelling Up, Housing and Communities (DLUHC) have awarded the Council £1,545,876 for 22/23. Together with an accrued amount from previous years, the funding envelope for 22/23 is £2,964,856. This is in order for them to continue with Homelessness Prevention and continue working towards implementing the Homelessness Reduction Act. The decision seeks the approval to receive and spend the allocation of both the 22/23 award together with the accrued amount of £1,418,980.

The schedule of planned spend as detailed in the Exempt Appendix is aligned to the purposes of the terms of the grant. It has been and continues to be monitored monthly having it's own ring fenced cost centre. Any re-allocations or adjustments to be approved by the Corporate Director for Growth and City Development within the existing funding envelope.

Posts have already been made permanent in the previous decision but this decision also seeks to extend their contracts ensuring any entitlement to exit payments have been factored in.

Any grant that remains unspent but committed will be treated appropriately at the year end. It is not envisaged that any grant will be unspent with a view to paying anything back to DLUHC. Advice provided by Michelle Pullen (Commercial Business Partner) on 28/03/2023.

IT Advice:

The IT Service support the proposal made in this delegated decision.

The IT Service will continue to provide support to the Homelessness Service in delivery of services related to this grant on its usual basis of working.

Advice provided by Paul J. Burrows (IT Change, Projects & Strategy Manager) on 16/03/2023.

HR Advice:

Advice given by HR Raj Athwal Advice provided by Raj Athwal (HR Consultant) on 22/03/2023.

Advice documents: 2023.03.21 Homelessness grant funding 2022-23 (HR comments RA).docx

Procurement Advice:

This decision relates to the receipt and expenditure of Homelessness Prevention Grant (HPG) funding from the Government Department of Levelling Up, Housing and Communities (DLUHC) on homelessness interventions as set out in the exempt appendix. In relation to the allocation of this grant for delivery of services through contracts with external agencies, variations of contracts are considered to be permissible in accordance with Article 18.99 of the Council's Contract Procedure Rules, based on the application of the principles of Regulation 72 of the Public Contracts Regulations 2015, Regulation 72 (1)(b), Regulation 72 (1)(e) and Regulation 72 (1)(f). In the use of this funding, the grant conditions set out by DLUHC should be complied with. Advice provided by Jo Pettifor (Procurement Team Manager) on 27/03/2023.

Signatures:

David Mellen (Leader/ PH Strategic Regeneration Communications)

SIGNED and Dated: 14/04/2023

Sajeeda Rose (Corporate Director of Growth & City Development)

SIGNED and Dated: 14/04/2023