

**Panel meeting**

7 December 2021, 10-12.30 (10-11am Members only) *via Zoom*

**KEY NOTES AND ACTIONS**

**Present**: Loretta Lees (Chair)

|  |  |
| --- | --- |
| * Dan Wilson Craw, Generation Rent * Will McMahon (Action on Empty Homes) * Melanie Sirinathsingh (Kineara) * Samanthi Theminimulle (Young private renters group, Toynbee Hall) * Mikey Erhardt (Young private renters group, Toynbee Hall) * Philomena Mongan (London Gypsies and Travellers) | * Ilinca Diaconescu (London Gypsies and Travellers) * Greg Robbins (London Federation of Housing Co-operatives) * Pat Turnbull (London Tenants Federation) * Erin Mansell (Solace Women’s Aid) * Anna Kear (Tonic Housing Association) * Nigel Long (in a personal capacity) |

**Apologies**: Derek Bernardi (Camden Community Law Centre), Fiona Colley (Homeless Link), Natalie Williams (Just for Kids Law / Children’s Rights Alliance for England), Sebastian O’Kelly (Leasehold Knowledge Partnership).

**In attendance**: Leila Baker and Mary Carter (Panel Secretariat), Susie Dye (Trust for London), Jonathan Schifferes (GLA), Sam Hurst (GLA), John Wacher (GLA), Mikyla Smith (GLA), Kate Gordon (GLA), Joseph Small (London Councils).

Tom Copley (Deputy Mayor for Housing and Residential Development).

**GLA observers:** Caitlin Colquhoun, Richard Cawser, Luke Oates, Nerida Devane, Darshan Chatha, Charlene Spring, Temitope Moses, Laura Ringsell.

**Members only meeting, 10-11am**

1. Chair welcomed Dan Wilson Craw to this penultimate full meeting of the panel as the new representative from Generation Rent, replacing Caitlin Wilkinson who has now moved on. The chair thanked Caitlin for her contribution to the panel.
2. The chair outlined there are several opportunities to for the panel to pursue legacy for its work.

* Bilateral meetings with individual panel members/organisations and GLA officers
* Workshop on achievements and learning from view of panel members and GLA
* Contribute to discussion about community representation on Homes for Londoners Board
* Following through on work we’ve started – TA, equalities, data disaggregation, etc.

Chair is also presenting to the Homes for Londoners Board on 14 December, outlining the panel’s achievements, highlighting ongoing work, showing the panel’s reach.

1. The members-only part of the meeting discussed three items: key points to raise from agenda items on London Council’s TA resident research workshop and Affordable Housing and Viability London Planning Guidance (both covered in more detail in the main meeting minutes); and update/thoughts on future community representation on Homes for Londoners board. Members discussed the following points:
   1. **Workshop on** **London Council’s TA resident research**: members wanted to emphasise the importance of all themes that emerged from the TA roundtable and that these should not be lost. More social housing, the unsatisfactory use of the private rented sector and the lack of emphasis on social care and support. Concern that engagement should be with existing groups who have a mandate and that much more co-production and co-design is required, including to bridge the gap between ‘them and us’, challenge gatekeeping behaviours and ensuring equitability. There was recognition that housing officers also need support in dealing with vicarious trauma. Requires a framework for people to work from that sits above housing officer and council level.
   2. **Affordable Housing and Viability London Planning Guidance**: there was some concern that the panel are being asked to comment on a narrow range and had other questions. Community criticisms of the London Plan emphasising growth and numbers of homes and not the types of homes needed to meet those in need; whether specialist housing is the right debate compared to supporting people in their own homes: maintaining the push for more social housing to meet need. Members wanted to see more accountability and enforcement for developers, especially to ensure they deliver on promises before planning permission is granted, without downward adjustments at viability stage based on the increased land value. Support was shown for the Mayor’s innovation on the fast track route on levels of affordable housing.
   3. **Community representation on the Homes for Londoners Board**: The discussion covered the importance of a collective voice and how that might happen when the panel no longer exists.

**Main meeting, 11-12.30**

1. **Chair’s welcome**

The chair formally welcomed Dan Wilson Craw to the meeting as the new representative from Generation Rent. The chair also welcomed Joe Small (London Councils) facilitating the discussion on the TA research and Jonathan Schifferes and Sam Hurst (GLA) who will update on the theory of change to capture the full scope of themes from the TA roundtable; John Wacher, Mikyla Smith and Kate Gordon from GLA leading the item on Affordable Housing and Viability Supplementary Planning Guidance; and the welcome number of GLA officers who had taken up the panel’s invitation to observe the meeting.

1. **Business: Minutes and action log**

The minutes of September 2021 meeting were approved by Panel and the GLA.

The action log has been updated here and will be brought back to the March 2022 meeting.

1. **Workshop: TA resident engagement – research project**

The chair thanked Joe Small for the helpful slides (taken as read) that have given the panel a good foundation for discussion. TA has been a key focus and the panel remains committed to pushing for access to social housing for people in TA; and what can be done to keep people in place rather than being in need of TA. The focus in this meeting is on resident engagement - what we can learn from the experiences of those in TA and the experiences of officers supporting people and how we bring those two sides together in this piece of work.

Joe Small introduced the discussion by outlining the wider scope of the work focusing on the bigger issues of how people end up in temporary accommodation and how they can move out of it. But given people are there, how can they be linked up? The report of the research so far including around 100 people, mostly from boroughs, will be out in February 2022 and he asked for help in collecting evidence around people being left out of communication and how to better organise systems. There will be a second report (not by Joe Small) exploring how tenants can be supported to sustain tenancies.

The proposed recommendations are:

1. Developing signposting to relevant local community/support groups with a particular focus on cross borough communication.
2. Working to develop a tool for boroughs to self-assess – ‘this is what a ‘PIE’ [psychologically informed environment] should look and feel like, how do you measure up?’
3. Share best practice with regard to the employment of people with lived experience of homelessness
4. Boroughs to work with VCS more closely, bringing local organisations into the fold as a ‘critical friend’
5. VCS supported to amplify and communicate same message that boroughs want to communicate

The questions for the panel were:

* Are we getting at the right problems?
* Is this framed correctly?
* Who else can we speak to in order to gain insight?
* What are we missing?
* How reasonable are the proposed recommendations?

The discussion explored the challenges of resident and voluntary and community sector (VCS) engagement with local authorities in a difficult environment dealing with acute pressures. There was a particular emphasis on how to build stronger trust in relationships which are currently fragile.

Members questioned the initial findings that groups sometimes give inaccurate information, pointing out that those groups might say the same thing of council officers. There was support for providing training to those groups and for providing guidance and advice, although it was recognised that this can go out of date very quickly.

The question was raised whether this was ‘tinkering round the edges’ because the key problem lies with the need to cut TA costs and part of that role is to pressurise people to accept moving on to private rented accommodation, which is often insecure, expensive and poorly maintained. The officer took the point on board, recognising that getting engagement when borough officers can’t give people what they need is a barrier.

Members discussed the importance of co-design and co-production in making engagement and involvement more accessible and beneficial. Co-production and co-design move the research away from being only about the outcome to the process itself having a positive impact and can impact levels of engagement achieved. The Toynbee members gave the example of small, practical steps, such as paying London Living Wage to participants for the hour they’re spoken with. Engaging in a different way gives something back beyond producing a report, that might have a positive impact and within the process we don’t take our preconceived notions and impose them on the people we’re interviewing. It was suggested a framework could be produced for asking those consistent types of questions to get more consistent and productive in-person engagement, which are then co-designed for the appropriateness that’s needed; and where would that sit?

Generation Rent has been working with several councils around the country on projects to improve councils’ engagement with local private tenants, throwing different methods at trying to reach private renters: going out, advertising locally, taking surveys to supermarkets. Different channels had to be used to reach different people and language issues need to be addressed. Also targeting known addresses. Councils ought to know exactly where people are in TA but it’s a question of what data sharing is appropriate. The insights into the work are being put together and will be shared soon.

In discussing how to encourage productive forums where boroughs bring the right people to the table from the VCS, the point was made that if you have a group providing support that’s based in the community, whether it’s a mosque, church, soup kitchen, you can’t make them responsible for the provision of public services but when they’re out there and doing it and telling people this is what’s needed, they should be part of the discussion. They have a right to be heard, consulted and their opinions taken seriously.

The role for the VCS in conveying the really hard messages –what can be done instead of what is wanted or needed – raised questions about where the burden of responsibility lies. Should boroughs be providing the information and support? If it’s VCS provision, should the local authority be able to refer into it? And should they be paying for it? Although this potentially makes the VCS the ‘bad’ guy conveying unpalatable truths, the chair pointed out that sometimes you can protect vulnerable people by setting things out, even if it’s not necessarily what they want to hear or desire. In the gritty reality of poverty, it might help, for example, in terms of their decision making around the situation they’re in.

The officer also raised the issues of London-wide consistency in the context of complex political leadership and responsibilities which afford discretion around expectations – and messages – around TA. One potential process suggested was to co-design advice in a framework or guidelines to boroughs of how to involve the organisations in their remit, to produce advice that’s specific and that takes into account diversity and local need. Setting up a framework where those ideas are fed in consistently through some engagement with a forum/voluntary sector but with the ultimately responsibility with the borough, is the most valuable and the hardest.

London Gypsies and Travellers pointed out that there is a range of different roles the VCS play. They provide support to people in the gypsy and traveller community that fills a big gap as people struggle to navigate the system through digital exclusion or literary or complex needs; and through discrimination people face when dealing with council officers. Sometimes, it’s only when an organisation like this advocates for those families, that they get a response. There’s a big role in garnering political support and seeing councillors and cabinet members for housing taking more responsibility for residents in their area and pushing for some of those cases to be resolved, it just needs a lot of support. The organisation also provides evidence, supports people to have their voices heard and campaigns for change, but it’s difficult for the point to get through that it’s by providing more social homes, travellers sites and stopping places that will make the biggest difference to families TA. There’s a need to invest in communities and organisations because we can’t be expected to fill that gap on a very limited capacity.

LG&T also observed that they often get referrals from local authorities or services who think because they are an organisation that supports gypsies and travellers in London, they are the best place to support those families and they can wash their hands of the case. There are complex issues in the relationship around expectations.

Solace wanted to address gatekeeping behaviour, particularly as it emerged around the implementation of the priority need duty and are looking to do some work around that. They were also keen to ensure that any recommendations around empathetic psychologically informed environments, should have something explicit around support for officers, in terms of clinical supervision or something that recognises the impact of vicarious trauma and how that impacts on the behaviours that they or clients see.

The chair also asked that poverty training be included in the training offer outlined on empathy building and positive interactions, as it’s often a common denominator in issues listed around domestic abuse, LGBT+ and cultural difference. It was also pointed out that this would allow a look at the intersection with things such as disability. Also a request for something about the equitable treatment or experiences of people in TA and ensuring those who have the loudest voices aren’t necessarily who get what they want first and some of that is around who is advocating on their behalf. If there is that layer of equitability, it allows a look at other dimensions such as poverty which are more complicated.

A final point was about homelessness data and what is still not known from the raw numbers, for example, how people end up homeless, what kind of situations are they living in? A lot of people find themselves seeking support from the council because their friends or family can’t afford to accommodate them, but we’re not sure if those friends and family are living in the private rented sector themselves? Are these hidden homelessness cases and is their welfare support, especially if they’re living with family?

ACTIONS: Panel members to feed in evidence and research (quantitative data and individual, personal stories) to make a more compelling case for housing directors, especially examples of good ways that boroughs engage, what framing works and how.

Sam Hurst (GLA) then presented slides (circulated to the Panel following the meeting) of the developing theory of change drawn up by GLA to capture all the TA roundtable themes – prevention, advice, basic quality of life, enforcing standards, making best use of existing resources – and make it clear how the actions of GLA and panel members will lead to the outcomes we want across the five strands.

1. **Workshop: Equality Impact Assessment (EqIA) and housing delivery**

The Affordability Housing and London (previously ‘Supplementary’) Planning Guidance is being revised and the GLA requested views on which aspects of the current guidance affordable housing and viability for dealing with planning applications work well and which do not. The item was introduced by John Wacher, who manages the viability team in GLA Planning and he was joined by Mikyla Smith and Kate Gordon from the London Plan Team. They explained that there will be a consultation on the guidance in 2022 and that today’s meeting was an informal early engagement before they get to that stage.

The guidance is being updated to reflect the new London Plan position and the new Affordable Homes Programme. Also to update guidance on viability testing. The guidance is there to support the implementation of the London Plan, it helps to provide clarity and certainty as to how specific London Plan policies will applied. The GLA can’t stray from London Plan policy, it’s fixed but there are opportunities to make the guidance work better to set out what the London Plan sets out to deliver. Its audience is local authority planners, decision makers, applicants, communities. Officers noted that the GLA had a consultation on intermediate housing and the Mayor decided he wanted to reflect more priority on giving priority to key workers for allocations to

Officers wanted to raise with the Panel the government’s proposal for a new infrastructure levy, published in the Planning White Paper last year, would change the approach to securing affordable housing and infrastructure. This would be a fundamental change that will have significant implications for any future guidance. Although the government has set out the intention to change their approach, the infrastructure levy is still on the table.

The way it would operate as a contribution would be defined as a proportion of gross development value, that would be set at a local level and it would be used for affordable housing, onsite infrastructure, offsite and it would be calculated through a process of valuation at the end of the development process, for developments, councils and communities to know what the full contributions to be.

We and a range of other organisations have significant concerns in terms of increasing complexity and reducing the proportion of affordable housing and infrastructure that could be secured through the planning system.

The Chair invited comments and questions.

Members reminded officers that the Panel’s priority is to see an overall increase in social rented housing and reaffirmed that it will continue to push forward that message. Only social rented housing is affordable to most Londoners whereas the types of housing products included in the Mayor’s definition of affordable housing are expensive and unaffordable.

Members asked about the legal status of the guidance. It is non statutory guidance: there isn't a specific legal provision for the GLA to produce supplementary planning documents in the same way that applies for local planning authorities, however the courts have found the Mayor’s guidance is still a material consideration for determining planning applications. It’s still going to be a significant document and should be taken into account when bringing forward plans and determining applications.

Members and officers discussed the likely impact of the proposed new infrastructure levy. Officers said that the threshold approach and fast track route which incentivises developers to provide more affordable housing, has had a significant impact in increasing the proportion of affordable housing within London. There’s broadly been a doubling of affordable housing over the last four years in strategic applications that come to the Mayor, with an average of 40%. That could be put at risk through the new infrastructure levy which is much more akin to a development land tax and reduces everything to a financial contribution. It would make it much less clear and harder to calculate what is due from a development and is less focused on delivery and supporting the delivery of sustainable development with public benefits. It will be highly controversial and difficult to implement and there’s a cross sector feeling that it just won’t work.

Panel members raised a number of points: There is a view that very little social rented housing of the kind that people need, is actually delivered even now through the infrastructure levy. The London Housing Panel talks about social rented housing because this is the only kind that meets the needs of most Londoners. Affordable housing in the context of this discussion includes expensive rental productions for sale as well as shared ownership, that are not affordable to many Londoners. What do we know about the housing developers are providing?

Officers responded that the proportion of affordable housing and the number have both been increasing in recent years and that includes the delivery of low cost rent homes, which include social rent and London Affordable Rent. As more developers follow the fast track route in the London Plan, overall we’re moving in the right direction. The new Affordable Homes Programme grant regime prioritises social rent over other types of low cost rent, that will increase the proportion of social rent over the lifetime of this new programme and that will link in with the new planning guidance.

A member questioned how the target for specialist accommodation is being looked at. The briefing note talks about linking it with Policy H13 (specialist older persons housing) and they asked what thought had been given to how the viability assessments work in relation to the additional operational uses in the accommodation, not just the individual apartments but the community spaces etc.

Officers responded that the London Plan sets out a separate policy for older person’s accommodation and the threshold level of affordable housing can follow the fast track route, so it gets a quicker route through planning. That type of accommodation can have large amounts of service space, communal accommodation which affects the gross to net ratio and affects the viability, there is a route through if there are issues in terms of viability and delivery as there is for other forms of accommodation. There’s a separate policy that covers other forms of specialist accommodation which generally supports its provision, reprovision and improvement.

Less than 9% of homes in this country are accessible. Will the guidance address tha?. There are separate policies in the London Plan that seek to address that e.g. a requirement for 10% of new homes to be wheelchair accessible and all homes to meet the basic requirements of being adaptable. The GLA’s accessibility guidance will be updated at some point and that’s where it will be covered. GLA wouldn’t cover it specifically in affordable housing guidance.

Another panel member raised the concern about ‘tinkering round the edges, smoke and mirrors’ which make it look like Londoners are getting something when the reality is different. GLA said 40% are now in some way affordable, that’s only those that have been referred to the Mayor. Looking at data from Housing in London 2021, in 2020, there was only 480 council homes, 3,160 housing association homes, not all of those would have been affordable, 15,460 is designated PRS out of 41,700 new homes. On those figures that’s only about 7% maximum affordable homes out of the new homes in London. He gave two examples where greater clarity was needed:

* Where organisations that buy the land then claim it’s 50% more valuable once they’ve got planning permission and reduce the affordable housing included because it’s no longer viable. Regulation or strong guidance is needed to say that, for example, the valuation of the land can’t be higher than what it was bought for.
* On the true costs of shared ownership: If someone buys a 10% stake in a house, they still have to pay 90% rent but they then pay all of the costs of repairs. This may be exempt for the first 10 years but we wouldn’t expect to spend anything in the first 10 years. This isn't a concession, it’s a snare.

Officers responded that the figures they quoted do relate to the large strategic applications that come to the Mayor, tending to be 150 units and above, where the team have the most influence. However local plans are influenced by the London Plan which forms part of the strategic development plan for London, so planning applications that don’t come to the Mayor still need to be made with that in mind. There is always a delay between planning applications being granted and when schemes come forward, starts and completions. A lot of developments are coming forward that were permitted under the previous regime and that will play out for a couple of years until the new plan comes through. The London wide figures are quite a lot higher than those mentioned but they probably do fall below the referrable application figures and smaller developments can struggle in terms of their viability and their ability to accommodate affordable homes.

On the point on land value, some cases went to the High Court which identified the problems where land was being overvalued and being used to drive down affordable housing. In one case the judge recommended that the Royal Institution of Surveyors update their guidance, and that is a regulatory, mandatory approach for chartered surveyors. The Mayor has tackled his guidance and that’s influenced national guidance as well. There are still other issues in terms of viability testing and some technical issues which we are looking to address in the updated guidance but we’re in a much better place.

On shared ownership: the point refers to the new government model which reduces the proportion of a unit that a purchaser can acquire and limits their liabilities for the first 10 years. GLA recognises that shared ownership can serve a purpose but greater emphasis needs to be on low cost social rent and that is likely to be the emphasis in the guidance, whilst also making the best use of intermediate housing and intermediate rent, where we have a tighter affordability criteria and providing for key workers where possible. We need a range of different affordable housing types including low cost rented housing.

The Deputy Mayor added that the shared ownership model is set nationally and GLA have to deliver according to the new model, but they have negotiated the majority of homes this time will be low cost for social rent, and the majority of those will be delivered by councils, a big shift from the last programme.

He also pointed out that a new policy in the Mayor’s manifesto has been the Right To Buy Back, funding councils to buy back their former homes or street property. A deal has been done with Islington for 80 units, including 20 for Afghan refugees. They will soon be announcing a very large buyback with a London borough and he reported that boroughs are tending to be interested in this to get more accommodation for temporary accommodation.

1. **Closing remarks and date of next meeting**

The next Panel meeting is on Tuesday 8 March 2022 at 10-12.30 (10-11 members only). A learning/legacy workshop will also be held in March, date and time tbc.