

The Strategic Housing Role of Local Authorities: Powers and Duties





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Purpose of this guidance

As part of their strategic leadership and place shaping activities, local authorities should be addressing the housing needs of all residents across all housing tenures – through strategic housing activity, known as the 'strategic housing role'. The local authority strategic housing role can support effective place shaping and ensure delivery of sustainable communities. Although local authorities have a range of housing and planning powers to help them deliver their strategic housing role, an independent skills and capacity audit suggests that many authorities are looking for help and advice to support them in delivering their strategic housing role.

This document, which is part of a suite of guidance about the local authority strategic housing role, lists some of the powers and guidance that authorities can draw upon in delivering their strategic housing role. This table is not intended to be a comprehensive list. Whether or not it is appropriate to use a particular statutory power will depend on the local circumstances and local authorities should seek their own legal advice, as usual. Further guidance about the strategic housing role is available on the Communities and Local Government website at http://www.communities.gov.uk

Importance of the local authority strategic housing role

The Housing Green Paper, Homes for the future: more affordable, more sustainable explained that the strategic housing role is made up of the "strategic decisions and activities associated with effective planning and delivery to meet the housing needs of all residents across all tenures".

It also identified the following five key elements which comprise the strategic housing role:

- assess and plan for the current and future housing needs of the local population across all tenures
- make the best use of the existing housing stock
- plan and facilitate new supply
- plan and commission housing support services which link homes and housing support services
- work in partnership to secure effective housing and neighbourhood management on an on-going basis

Drawing on these five elements, the table below lists some of the functions and activities that support delivery of the local authority strategic housing role, and identifies some of the legislative powers and guidance that authorities can draw upon in delivering these functions and activities. It also contains hyperlinks to where they can be found online.

Tables of activities (or functions), key legislative powers and relevant guidance

Activities or functions	Key legislative powers	Relevant guidance
Assess and plan	for housing needs across all tenu	ires
Assessing current and future need for affordable housing and demand for market housing	Housing Act 1985, s 8 (Periodical review of housing needs) http://www.uk-legislation.hmso. gov.uk/RevisedStatutes/Acts/ ukpga/1985/cukpga_19850068_ en_3#pt2-pb1-l1g9 Housing Act 2004, s 225	Planning Policy Statement 3 Housing and Delivering Affordable Housing (CLG 2006) for policy context http://www.communities.gov.uk/ documents/planningandbuilding/ pdf/planningpolicystatement3
	(Accommodation needs of gypsies and travellers) http://www.opsi.gov.uk/acts/acts2004/ukpga_20040034_en_20#pt6-ch5-pb6-l1g225	
Continuously tracking and analysing key trends and dynamics in housing markets using Annual Monitoring Reports.	Planning and Compulsory Purchase Act 2004, s 35 (Annual monitoring report)	Strategic Housing Market Assessment practice guidance (CLG 2007)
	http://www.opsi.gov.uk/acts/ acts2004/ukpga_20040005_en_ 4#pt2-pb5-l1g35	http://www.communities.gov.uk/ publications/planningandbuilding/ strategichousingmarket
	Town and Country Planning (Local Development) (England)	Local Development Framework Monitoring Good Practice Guide
	Regulations 2004 (SI 2004/2204), Part 8	http://www.communities.gov.uk/documents/planningandbuilding/
	http://www.opsi.gov.uk/si/ si2004/20042204.htm#48	pdf/147438
Identifying housing priorities	Housing Act 1985, s8 (Periodical review of housing needs)	
reflecting trends and dynamics and views of local people and stakeholders	http://www.uk-legislation.hmso. gov.uk/RevisedStatutes/Acts/ ukpga/1985/cukpga_19850068_ en_3#pt2-pb1-l1g9	

Activities or functions	Key legislative powers	Relevant guidance
Assess and plan	for housing needs across all tenu	ıres
Ensuring consistent	The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, s 3 (power of local housing authorities to provide assistance for improving living conditions) (SI 2002/1860)	Sustainable Communities Strategy
approach in terms of housing, and planning and		http://www.communities.gov. uk/documents/communities/ pdf/146289
economic development policies	http://www.opsi.gov.uk/si/si2002/20021860.htm	Planning Policy Statement 12 – Creating Strong Safe And Prosperous Communities Through Local Spatial Planning
	Local Government Act 2000, Part 1, s 4 (Strategies for promoting well-being)	http://www.communities.gov.uk/publications/planningandbuilding/
	http://www.opsi.gov.uk/acts/ acts2000/20000022.htm	pps12lsp
Considering what can		Sustainable Communities: Homes for All (ODPM, 2005)
be achieved through existing stock and what new housing and supporting infrastructure might be needed, and developing a plan to deliver based on a clear understanding of the options and strengths/resources of partners		http://www.communities.gov.uk/documents/corporate/pdf/homesfor-all
		See Planning Policy Statement 3 – Housing (CLG 2006) – for policy context
		http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement3
		Planning Policy Statement 12 – Creating Strong Safe And Prosperous Communities Through Local Spatial Planning for policy context (CLG 2008)
		http://www.communities.gov.uk/ publications/planningandbuilding/ pps12lsp

Activities or functions	Key legislative powers	Relevant guidance
Assess and plan	for housing needs across all tenu	ires
Reflecting housing outcomes in	Local Government Act 2000, s4 (Strategies for promoting well-being) http://www.opsi.gov.uk/acts/ acts2000/20000022.htm	Preparing Community Strategies: issues for local authorities (LGA, 2000, Part 1)
the Sustainable Community Strategy and		http://www.opsi.gov.uk/acts/ acts2000/ukpga_20000022_en_1
Local Area Agreements	Local Government and Public Involvement in Health Act 2007,	Delivering Housing Strategies through LAAs (CIH, Feb 2007)
	s106 (Duty to prepare and submit draft of a local area agreement)	http://www.cih.org/policy/ DeliveringHousingStrategies.pdf
	http://www.opsi.gov.uk/acts/acts2007/ukpga_20070028_en_10#pt5-ch1-l1g106	Housing and planning: The crucial role of the new local performance framework (CLG, April 2008)
		http://www.communities.gov. uk/publications/localgovernment/ housingandplanning
		Creating Strong, Safe and Prosperous Communities Statutory Guidance (CLG July 2008)
		http://www.communities.gov. uk/publications/localgovernment/ strongsafeprosperous
Introducing measures to promote the prevention and reduction of homelessness	Housing Act 1996 (as amended by the Homelessness Act 2002), Part 7 (preventing and reducing homelessness) http://www.opsi.gov.uk/acts/acts1996/1996052.htm Homelessness Act 2002, s2 (Homelessness Review) and s3 (Strategies)	Homelessness Code of Guidance for Local Authorities (July 2006)
		http://www.communities.gov.uk/documents/housing/pdf/152056
		Sustainable Communities: Settled Homes; Changing Lives (ODPM, 2005)
		http://www.communities.gov.uk/documents/housing/pdf/137815
	http://www.opsi.gov.uk/acts/ acts2002/20020007.htm	

Activities or functions	Key legislative powers	Relevant guidance			
in access and let	Make best use of existing stock to meet need, through greater local discretion in access and lettings of social housing stock to make it more mixed in terms of type, size, affordability and tenure				
Assessing the quality, condition and quality of management of the housing stock in the social and private sectors.	The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, (SI 2002/1860) http://www.opsi.gov.uk/si/si2002/20021860.htm Housing Act 2004, Part 1 (Housing Conditions) http://www.opsi.gov.uk/acts/acts2004/20040034.htm Housing Act 1985 (General provisions relating to housing conditions) http://www.uk-legislation.hmso.gov.uk/RevisedStatutes/Acts/ukpga/1985/cukpga_19850068_	Housing Health and Safety Ratings Scheme Guidance produced by ODPM 2006 http://www.communities.gov.uk/ documents/housing/pdf/142631			
Publishing an allocations scheme.	en_42#pt18-pb1 Housing Act 1996 (as amended by the Homelessness Act 2002), sections 167 and 168 (Allocation)	Code of Practice on allocation of accommodation published by ODPM in 2002			
	http://www.opsi.gov.uk/acts/ acts1996/1996052.htm	http://www.communities. gov.uk/publications/housing/ allocationaccommodationcode			
Developing policy to offer applicants choice in the allocation of housing	Housing Act 1996 (as amended by the Homelessness Act 2002) http://www.opsi.gov.uk/acts/ acts1996/1996052.htm	Choice based lettings draft code of guidance January 2007 http://www.communities.gov.uk/documents/housing/pdf/153041.pdf			
Making use of planning and housing powers to address poor housing	Housing Act 2004 Part 1(Housing Conditions) http://www.opsi.gov.uk/acts/acts2004/ukpga_20040034_en_2#pt1-ch1-pb2-l1g3				

Activities or functions	Key legislative powers	Relevant guidance
Plan for and faci	litate new housing supply	
Setting out policies in Local Development Frameworks which: • identify housing needs • have regard to housing market conditions • set targets for new housing over the plan period	Planning and Compulsory Purchase Act 2004 http://www.opsi.gov.uk/acts/ acts2004/20040005.htm The Town and Country Planning (Local Development) (England) Regulations 2004 Part 3 (6), (7), (13) and (14) SI 2204 http://www.opsi.gov.uk/si/ si2004/20042204.htm	Planning Policy Statement 3: Housing (CLG, 2006) http://www.communities.gov.uk/ documents/planningandbuilding/ pdf/planningpolicystatement3 Delivering Affordable Housing (CLG, 2006) http://www.communities.gov.uk/ documents/housing/pdf/152897 See – Planning Policy Statement 12 Creating Strong Safe And Prosperous Communities Through Local Spatial Planning (CLG 2008)- for policy context http://www.communities.gov.uk/ publications/planningandbuilding/ pps12lsp Facing the housing challenge – Action today, innovation for tomorrow http://www.communities. gov.uk/publications/housing/ facinghousingchallenge

Activities or functions	Key legislative powers	Relevant guidance
Plan for and faci	litate new housing supply	
Ensuring a mix of housing supported	Housing Act 1985 s11, 12 and 13 http://www.uk-legislation.hmso. gov.uk/RevisedStatutes/Acts/ ukpga/1985/cukpga_19850068_ en_3#pt2-pb1-l1g12	Strategic Housing Land Availability Assessment Practice Guide (CLG July 2007)
by the right infrastructure		http://www.communities.gov.uk/publications/planningandbuilding/landavailabilityassessment
		Planning Policy Statement 3: Housing (CLG, 2006)
		http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement3
		Planning Policy Statement 12 Creating Strong Safe And Prosperous Communities Through Local Spatial Planning (CLG 2008)
		http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp
Liaising with agencies (such	Local Government Act 2003, Part 7 (Housing Finance)	Financing local authority housing – online resource:
as the Homes and Community Agency) about expert help and funding options	http://www.opsi.gov.uk/acts/ acts2003/20030026.htm	http://www.communities.gov. uk/index.asp?id=1154203
	Housing and Regeneration Act 2008, Part 1 (The Homes and Communities Agency)	
	http://www.uk-legislation.hmso. gov.uk/acts/acts2008/pdf/ukpga_ 20080017_en.pdf	

Activities or functions	Key legislative powers	Relevant guidance
Plan for and faci	litate new housing supply	
Working in partnership		Planning Policy Statement 3: Housing (CLG, 2006)
and influencing developers to deliver new homes		http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement3
		See – Planning Policy Statement 12 Creating Strong Safe And Prosperous Communities Through Local Spatial Planning (CLG 2008) – for policy context
		http://www.communities.gov.uk/ publications/planningandbuilding/ streamliningldfs
Developing design policies		Planning Policy Statement 3: Housing (CLG, 2006
that set out the quality of development that will be expected in the local area and use the planning system to ensure that delivery against this meets high standards		http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement3

Activities or functions	Key legislative powers	Relevant guidance			
Plan and commis support services	Plan and commission housing support services which link homes and housing support services				
Ensuring adequate support services are provided	Housing Act 1985, s11A (Provision of welfare services) and s12 (Provision of shops, recreation grounds etc)				
Introducing measures to plan and commission adequate housing support services	http://www.uk-legislation.hmso. gov.uk/RevisedStatutes/Acts/ ukpga/1985/cukpga_19850068_ en_3#pt2-pb1-l1g12				
Funding voluntary agencies to provide advice/support/ advocacy					
Addressing the housing and housing related needs of vulnerable people and minority groups (e.g. disabled persons, gypsies, travellers)	Chronically Sick & Disabled Persons Act 1970, s3 (Duties of housing authorities) http://www.opsi.gov.uk/ RevisedStatutes/Acts/ukpga/1970/ cukpga_19700044_en_1#pb1- l1g3 Housing Act 2004, s225 (Provision for needs of travellers, gypsies) http://www.opsi.gov.uk/acts/ acts2004/ukpga_20040034_en_ 20#pt6-ch5-pb6-l1g225	Planning Policy Statement 3: Housing (CLG, 2006) http://www.communities.gov.uk/ documents/planningandbuilding/ pdf/planningpolicystatement3			
Planning necessary support services in the Supporting People Strategy		Supporting People Strategy http://www.spkweb.org.uk Lifetime Homes, Lifetime Neighbourhoods: A National Strategy for Housing in an Ageing Society (CLG 2008) http://www.communities. gov.uk/publications/housing/ lifetimehomesneighbourhoods			

Activities or functions	Key legislative powers	Relevant guidance
Ensure effective working	housing and neighbourhood ma	nagement through partnership
Providing a vision for housing that identifies clear roles for partners	Housing Act 1996, s34 (Corporation's powers – including setting standards for housing) http://www.opsi.gov.uk/acts/ acts1996/96052g.htm#34	Sustainable Communities: Homes for All (ODPM, 2005) http://www.communities.gov.uk/documents/corporate/pdf/homesfor-all
Supporting the continuous improvement of services, through tenant involvement		Tenant involvement in housing management: guidance http://www.communities.gov.uk/publications/housing/tenantinvolvement2
Working with the Tenant Services Authority to place tenants and their needs at the heart of regulation	Housing and Regeneration Act 2008, section 114(Registration of local authorities) http://www.opsi.gov.uk/acts/acts2008/ukpga_20080017_en_1	
Introducing measures to bring partners together to help deliver the place shaping vision Making best use of resources across agencies and partnerships through the Local Strategic Partnerships	Local Government Act 2000, s4 (Strategies for promoting well-being) http://www.opsi.gov.uk/acts/ acts2000/20000022.htm	Strong and Prosperous Communities: The Local Government White Paper (CLG 2006) http://www.communities.gov. uk/publications/localgovernment/ strongprosperous Creating Strong, Safe and Prosperous Communities Statutory Guidance (CLG 2008) http://www.communities.gov. uk/publications/localgovernment/ strongsafeprosperous

Activities or functions	Key legislative powers	Relevant guidance
Ensure effective working	housing and neighbourhood ma	nagement through partnership
Community engagement – Promoting the interests of residents and local communities Consulting local tenants and the wider community on neighbourhood management issues	Housing Act 1985, 27BA (Consultation with tenants with respect to management) http://www.uk-legislation.hmso.gov.uk/RevisedStatutes/Acts/ukpga/1985/cukpga_19850068_en_4#pt2-pb5-l1g33	Communities in control: real people, real power, CLG (July 2008) http://www.communities.gov.uk/publications/communities/communities/
Promoting quality and best practice in the design, provision and management of housing in the area Identifying housing design and management needs of client groups (eg disabled people) Promoting design and access standards through planning system	Housing Act 2004, s3 http://www.opsi.gov.uk/acts/acts2004/40034h.htm#79	Code for Sustainable Homes (CLG 2008) http://www.communities.gov.uk/publications/planningandbuilding/codesustainabilitystandards
Working with private landlords to improve standards through landlord accreditation schemes		Landlords accreditation guidance (ODPM 2002 http://www.communities.gov.uk/ documents/housing/pdf/138325

Activities or functions	Key legislative powers	Relevant guidance
Ensure effective housing and neighbourhood management through partnership working		
Administering and enforcing mandatory and additional HMO licensing schemes	Housing Act 2004, Part 2 http://www.opsi.gov.uk/acts/ acts2004/40034g.htm#55	
Implementing the Tenancy Deposit Protection scheme to ensure good practice in deposit handling	Housing Act 2004, Part 6 Ch 4 (Tenancy Deposit Schemes) http://www.opsi.gov.uk/acts/acts2004/40034q.htm#212	
Managing antisocial behaviour on housing estates	Housing Act 1996, Part 5 http://www.opsi.gov.uk/acts/ acts1996/ukpga_19960052_en_ 11#pt5 Anti-social Behaviour Act 2003 http://www.opsi.gov.uk/acts/ acts2003/20030038.htm	Respect Standard for Housing Management – A guide to the public (CLG August 2006) http://www.communities. gov.uk/publications/housing/ respectstandard3 Respect Standard for Housing Management – A guide to Landlords (CLG August 2006) http://www.communities. gov.uk/publications/housing/ respectstandard2
Ensuring adequate housing management standards in the neighbourhood by administering and enforcing Selective Licensing where necessary	Housing Act 2004, Part 3 http://www.opsi.gov.uk/acts/ acts2004/40034h.htm#79	

Activities or functions	Key legislative powers	Relevant guidance
Ensure effective housing and neighbourhood management through partnership working		
Promoting energy efficient homes including administering grants for energy efficiency	Home Energy and Conservation Act 1995 http://www.opsi.gov.uk/acts/acts1995/Ukpga_19950010_en_1.htm Home Energy Efficiency Scheme (England) Regulations 2005 (SI 2005/1530) http://www.opsi.gov.uk/si/si2005/20051530.htm Local Government Planning and Land Act 1980, s 152 (Fire Precautions and Home Insulation) http://www.uk-legislation.hmso.gov.uk/RevisedStatutes/Acts/ukpga/1980/cukpga_19800065_en_20#pt16-pb6-I1g135	
Administering and awarding grants for house renovation, repair etc Administering grants for aids and adaptations to local people	Housing Act 1996, Part I, Chapter 3 (Grants and other financial matters) http://www.opsi.gov.uk/acts/ acts1996/96052d.htm#18	

Other activities or functions relevant to the strategic housing role

- Maximise the use of existing stock in the social and private rented sectors
- Estate transformation and creating mixed communities in both new and existing communities
- Joining up services to support sustainable communities (eg schools, PCTs and social services etc)
- Developing policies to link social tenants to employment and skills

