

**OVERVIEW AND SCRUTINY COMMITTEE
28 SEPTEMBER 2022**

***PART 1 – PUBLIC DOCUMENT**

Call to account of delegated decision taken on 13 August 2021 in accordance with ‘Special Urgency’ provisions contained in the Council’s Constitution

REPORT OF THE LEADER OF THE COUNCIL, MANAGING DIRECTOR AND STRATEGIC HOUSING MANAGER

PRIORITY: PEOPLE FIRST

1. SUMMARY

- 1.1 To provide an account of the decision taken on 13 August 2021 to allocate £200k of homelessness funding received from the (as was) Ministry of Housing, Communities and Local Government to grant fund the development of an accommodation and support scheme for homeless single people in North Hertfordshire. The scheme is provided by Keystage Housing at the former Lord Lister hotel in Hitchin.
- 1.2 The decision was considered in accordance with ‘Special Urgency’ provisions as set out in the Council’s Constitution.

2. STEPS TO DATE

- 2.1 This call to account was made at the Overview and Scrutiny Committee meeting of 13 June 2022, following a proposal at Annual Council of 26 May 2022.
- 2.2 The Chair of the Overview and Scrutiny committee agreed to defer the call to account until after the Planning Control Committee has decided Keystage Housing’s application for the former Lord Lister hotel, which is due to be considered on 20 September 2022 (at the time of writing).

3. INFORMATION TO NOTE

3.1 Context

- 3.1.1 The Covid-19 pandemic dramatically changed the prevailing landscape of homelessness legislation, with the government issuing its ‘Everyone In’ directive in March 2020. This required local authorities to provide emergency accommodation with immediate effect for all those sleeping rough in their areas, including those *at risk* of sleeping rough. ‘Everyone In’ continued to remain in operation throughout 2021/22 and whilst the initial stages of the rollout of the vaccination programme appeared to be successful, national and/or localised lockdowns posed a very real threat into the winter of 2021/22 (please see Appendix 1 for relevant government announcements).
- 3.1.2 The pandemic revealed a significant, previously hidden, cohort of local single people (and some couples) living chaotic lives in unstable accommodation and many with unmet complex support needs. Of the 150 single households that the Council placed in temporary accommodation over 2021/22 for instance, over 60% had two or more support needs. Poor mental health was by far the most common support need with over half of households reporting this (more detail on this is provided in the [information note](#) to Cabinet on 21 June 2022).

- 3.1.3 The additional demand due to Covid-19, on top of the Council's usual statutory duties towards homeless families and vulnerable households and those at risk of homelessness, has placed exceptional pressure on existing local accommodation and support services. This has resulted in significant hotel usage – by the end of May 2021, there were 67 households (the vast majority single people) in hotels with many struggling to cope without the necessary facilities and support, whilst the Council faced soaring hotel costs, in excess of £400k over the last two financial years.
- 3.1.4 Whilst the Council has these immediate duties towards homeless households, it has been our experience that many of our vulnerable clients have been unable to access, or have not met thresholds of need, for other statutory support services such as Herts County Council, Herts Partnership Foundation Trust, Probation, the NHS and other bodies. As a result of these unmet support needs, many clients have struggled to cope and have been evicted from multiple accommodation placements or refused access to services in a cycle that is repeated over the course of years.

Provision of support-based accommodation

- 3.1.5 There is a severe lack of accommodation options locally for single homeless people with complex needs; the Council does not possess its own housing stock and viable sites for new service provision rarely arise, a key factor limiting any additional provision. St Mungos, an organisation specialising in helping single homeless people, secured planning permission for the redevelopment of the Sanctuary site in Hitchin in 2013 for a new hostel, however this did not progress and shortly afterwards St Mungos withdrew from the district. There are also generally few providers in this specialist field and opportunities to bring in new providers with an accommodation site are extremely difficult to realise. For some years now, there has only been one main service provider locally (Haven First) which generally operates at full capacity, usually with a list of people waiting to access the accommodation. The provision of additional accommodation for this client group is therefore highlighted as a priority in the Council's Housing Strategy (2019-2024) and also as an action in its current Council Delivery Plan.
- 3.1.6 It should also be noted that Haven First and another specialist provider, Emerging Futures, have both made additional efforts to help the Council meet the extra demand from this client group over recent years. However they both found the local housing market to be very difficult and despite the availability of government funding, were unable to secure the necessary housing to deliver local accommodation-based support schemes.
- 3.1.7 A planning application submitted by Haven First for a 40-unit hostel at Protea Way in Letchworth - to help meet the needs of those with complex needs – secured planning permission in February 2021. However there remains some uncertainty around this project due to significant increases in construction costs and the recent announcement of the merger of Haven First with One YMCA that is due to complete on 1 April 2023. As a result, there is no certainty over if and when the new facility will be delivered.
- 3.1.8 Due to the low overall capacity of specialist accommodation-based support services in the district, there are limited options to help local people with their support needs and many are finding it extremely difficult to access the appropriate service at the right time. There is evidence of people with these complex needs, who have approached the Council for housing assistance, coming to serious long-term harm, including the deaths of three local people in the last year or so. Although there are occasional opportunities to utilise vacancies in accommodation schemes located in other districts/boroughs across the county, many local people are reluctant to leave North Herts for unfamiliar areas, with some preferring to remain sleeping rough instead.

- 3.1.9 The universal operating model for services for this client group is accommodation with on-site round-the-clock support with external specialist support brought in as required that is tailored to individuals' needs. This enables clients to develop independent living skills and recover from trauma in a stable, supportive environment whilst also being helped and encouraged to access specialist support for e.g. substance misuse and mental health issues. Although the majority of placements are successful and clients move on positively (eg into their own private rented unit), it must be acknowledged that owing to the often entrenched and complex support needs of this client group, despite the considerable efforts of specialist agencies, there will be occasions where the placement fails, and they are required to leave the accommodation.
- 3.1.10 During the course of the pandemic, the Council and its partners have sought to develop an integrated and sustainable pathway of accommodation and support services in order to meet the unprecedented demand from single homeless people. Should the Keystage service receive planning permission, it would provide a significant part of this pathway and it also, crucially, builds in stability, with the Council securing exclusive access to the service for local people for the next ten years. Keystage has also agreed the service can be modified to meet any changing needs identified by the Council throughout this period.

3.2 Decision

Timeline

- 3.2.1 Due to the lack of alternative options for meeting the accommodation and support needs of this client group, Council officers contacted Keystage Housing in February 2021 following a presentation Keystage made to Hertfordshire Heads of Housing in the previous September. There were no other provider options at the time with existing local services at full capacity and Key stage's base in Luton appeared to offer practical advantages. After the introductory meeting with Keystage Housing, Luton Borough Council were approached in their role as a commissioner of Keystage's service in order to discuss their view of performance and a detailed and lengthy meeting was held in May 2021. Luton offered a resoundingly positive endorsement of the service provided by Keystage Housing and the success they had in delivery of positive outcomes for people with complex needs (see Part 2 report Appendices).
- 3.2.2 Keystage were invited to meet the Director of Regulatory Services and Cllr Gary Grindal, the Executive Member for Housing and Environmental Health in June 2021 and subsequently produced a written proposal dated 25 June 2021 (See Part 2 report Appendices). It should be highlighted this was not a pure market situation – Keystage presented a complete proposal – accommodation (which is extremely difficult to source in the district) and support to help the Council to meet the complex needs of some of its residents by partnering with a specialist provider delivering an industry standard support model. No other alternative options existed at the time, it was a choice between accepting or declining the Keystage proposal.
- 3.2.3 On 29 July 2021, at the Council's internal confidential Covid Response and Recovery Project Board meeting, with Cllrs Dennis-Harburg, Clare Strong, Morgan Derbyshire, Sam Collins, Ian Albert and Paul Clark present, the Lord Lister / Keystage proposal was briefly outlined (see Part 2 report Appendices). Cllr Collins and Cllr Clark were ward members, with Cllr Clark also being the deputy leader at the time. As the discussions between both parties became more advanced, Cllr Grindal offered his support for the proposal on 11 August 2021.
- 3.2.4 Keystage were involved with lengthy and protracted negotiations with the former owners of the Lord Lister hotel and the Chief Executive of Keystage advised the

owners were considering renewing their business insurances to continue operating as a hotel, providing a final deadline of 31 August for the details to be agreed. This deadline meant the opportunity would no longer be available at the time of the next Cabinet meeting, which was scheduled for 21 September 2021. As a result, the proposal was made to employ 'Special Urgency' provisions contained in the Council's Constitution (please see Appendix 2, which is the email dated 12 August 2021 to Cllr Dennis-Harburg and Cllr David Levett as Leader of the Council and Chair of the Overview and Scrutiny Committee in accordance with the procedure). The decision was also published in Members Information Service, although this did not explicitly reference the Lord Lister site (wording used was "a former hotel in Hitchin") because the sale had yet to be contractually agreed.

Grant funding awarded to Keystage Housing

- 3.2.5 The decision taken on 13 August 2021 (please see Appendix 3) agreed the allocation of £200k of Homelessness Prevention Grant (HPG) funding for the development of the Keystage accommodation and support scheme based at the former Lord Lister hotel. In total, the Council received £340k of HPG funding from central government for 2021/22 and at the time of the decision, about £212k of the Grant remained unallocated (the remaining £12k was spent on homelessness prevention activity).
- 3.2.6 HPG is an annual grant to local housing authorities from central government (replacing the former Flexible Homelessness Support Grant and Homelessness Reduction Grant and merging them into a single funding stream). It is ring-fenced for use in managing homelessness pressures and supporting those who are at risk of homelessness and rough sleeping.
- 3.2.7 The Department for Levelling Up, Housing and Communities (DLUHC) maintains regular contact with the Council in its administering of grant monies and monitoring of grant use and service provision. The Council's s151 officer sought and received approval from DLUHC for the use of the HPG for the Keystage scheme (please see Appendix 4). A DLUHC representative also visited the Lord Lister scheme in December 2021 to meet Keystage Housing, Hertfordshire County Council and North Herts Council officers to discuss the service and view the accommodation.
- 3.2.8 At its meeting in March 2019, when approving the Housing Strategy (2019-2024), the Cabinet resolved that:
- "In the event the MHCLG [Ministry of Housing, Communities and Local Government] provides homelessness funding beyond the financial year 2019/20, the Cabinet authorises the Service Director – Regulatory, in consultation with the Executive Member for Housing and Environmental Health, to decide on the specific allocation of the funds in order to meet homelessness priorities, for the duration of the Strategy."*
- 3.2.9 Keystage has also been allocated the following grants, which have been received from DLUHC following successful Council bids to these government funding opportunities:
- £92k of Accommodation for Ex-offenders Scheme funding for the provision of an accommodation scheme for ex-offenders. This is not based at the Lord Lister site and it supports clients into private rented sector units that are sourced via local landlords/estate agents. This delegated decision was taken on 6 August 2021 by the Director of Regulatory Services.
 - £83k of Rough Sleeping Initiative 2021-22 funding for the provision of intensive support services at the Lord Lister scheme (from a total grant of £172k received, the remainder being allocated to Haven First for their similar service at the former Templars Hotel in

Baldock). This delegated decision was taken on 25 January 2022 by the Director of Regulatory Services.

'Special Urgency' provisions

3.2.10 As detailed in the 13 August 2021 decision, the report contained a key decision that would normally be considered by the Cabinet. However, due to the time limited nature of this opportunity, paragraph 15.15 of the Council's Constitution (that detail the requirements for 'Special Urgency') have been employed so that this matter can be considered in a timely way.

3.2.11 The Constitution states the following in relation to the Special Urgency provisions:

"15.15 Special Urgency

15.15.1 If by virtue of the date a decision which must be taken under Rule 15.14 (General Exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair, or if the Chair is unavailable to act, then the agreement of the Vice-Chair of the Overview and Scrutiny Committee, the Chair of the Council, or in their absence, the Vice-Chair or Head of Paid Service will suffice.

15.15.2 As soon as reasonably practicable after the decision taker has obtained agreement under 15.15.1, the decision taker must make available at the Council Offices a notice setting out the reasons that the decision is urgent and cannot be reasonably deferred and arrange for this notice to be published on the Council's website. The notice will be circulated to Members."

3.2.12 The decision was deemed to be urgent, as detailed in the report dated 13 August 2021, as the opportunity was time limited. Without the urgent decision by the Council, Keystage would have not been able to progress their separate transaction to acquire the premises. Whilst the funding agreement was not entered into immediately, the decision itself enabled Keystage and the owners to progress with the rest of the transaction with some certainty concerning the funding arrangements.

3.2.13 The above procedure, outlined at 15.15.1 and 15.15.2 of the Constitution, was complied with by officers. The draft delegated decision report was sent to the Leader and to the Chair of Overview and Scrutiny Committee on the 12 August 2021; please see [Notice of reasons for Urgency](#) that was published on the Council's website.

3.2.14 The grant funding received from the government has been provided in accordance with the Council's role as the 'local housing authority'. As a result, the decision was considered and taken by the Managing Director to avoid any potential conflict for the Director of Regulatory Services who also has responsibility for the Council's role of 'local planning authority'.

3.2.15 The Council's Monitoring Officer was involved at the time of the delegated decision being made in August 2021 and confirmed the 'Special Urgency' provisions were followed correctly.

Contractual documents (summarised & copies of contract, see Part 2 Appendices)

3.2.16 Given the time frame and period when these documents were required, external legal support was commissioned for the drafting of the inter-relating contractual documents, being:

- Grant Agreement;
- Lease;
- Nomination Agreement;
- Guarantee and Indemnity Agreement

3.2.17 The Grant Agreement between the Council and Keystage Properties Ltd (which is a Private Registered Provider of Social Housing regulated by the government) and O'Grady Investments Limited contains the following key provisions over the ten-year contract period:

- accommodation (en-suite bedrooms) and support for 21 (mainly) single people at any one time;
- comprehensive 24/7 support to residents, with the ultimate aim of resettlement into independent accommodation. Residents will be supported to address needs such as mental health issues and drug/alcohol misuse and space will be available for onsite multi-agency working to assist with this;
- Council to have exclusive access to all vacancies for local people;
- locally and remotely accessed CCTV in all external and internal communal areas;
- Keystage to seek formal planning approval for the intended use of the building at the earliest opportunity and any subsequent regulatory requirements adhered to without delay;
- Keystage to apply for future grants in order to deliver as many kitchenette rooms as possible.

3.2.18 As detailed in the 13 August 2021 decision, the Grant Agreement contains conditions to protect the Council's interests, including:

- Keystage shall make a pro-rata return of any granted funds should the use, including exclusive use, of the property for the purposes of providing housing not be available; to cover the period of time of which the property was not available in accordance with the terms of the funding agreement;
- Keystage shall commit to meeting at least annually to review and adapt, as necessary, the operation of the property for the purposes of meeting the housing needs of the district, as determined by the Council;
- Additionally, for the initial period of the funding agreement, as an additional safeguard, the Chief Executive of Keystage Housing will provide (and has provided) the Council with a 'Personal Guarantee' regarding payment of an appropriate amount of the grant funding in the event the business is unable to repay any clawback;
- Keystage would seek to register a Restriction against the title in favour of the Council to provide some additional best value security for the payment. We have received confirmation that the application to register the restriction has indeed been made in accordance with the contract.

3.3 Operational update

- 3.3.1 The Lord Lister building was acquired on 5 November 2021 and the first clients were accommodated by Keystage from 14 December 2021. The application for a change in planning use was lodged by Keystage on 20 January 2022; Keystage sincerely apologised for the delayed submission citing technical issues with the drawings for the building and staff shortages due to illness.
- 3.3.2 The scheme at the Lord Lister (called PAIRS, Provision for Assessment, Intervention and Resettlement Support) provides residents with en-suite accommodation *and support* to address individual clinical, psychological, and other needs. Ultimately, PAIRS aims to support residents to make positive moves into independent or settled accommodation.
- 3.3.3 PAIRS provides a package of targeted, individualised support for all its residents, including practical measures, such as ensuring that residents have bank accounts, are registered with GPs, and also that eligible benefits are in place. The team supports residents - recognising the complexities of their needs - to access appropriate interventions with external agencies and specialist assistance (at the current time, seven residents are receiving mental health support and four are in active recovery for substance misuse). Positive relationships have been developed working alongside Adult Social Care, Community Mental Health Services, Public Health, local Probation services and DLUHC and it is clear the service is already highly valued by partner agencies. PAIRS has also been working closely with Helping Herts Homeless, Feed Up Warm Up, MIND and other charities such as the Living Room and Resolve. The PAIRS team also provide onsite support with workshops on job and CV training, art therapy, cooking and nutrition amongst others.
- 3.3.4 All PAIRS residents are referred by the Council's housing team and are subsequently assessed to ensure that the scheme is appropriate for their needs. Due to local concerns around anti-social behaviour arising from the scheme, the Council asked Keystage to limit occupancy to ten rooms (out of a possible 21) until the outcome of the planning application is decided (at the same time, the Council had on average between 10-15 individuals in hotels at any one time over recent months, with many others waiting for hostel space and some remaining sleeping rough).
- 3.3.5 In the first six months of operation, to June 2022, there have been 19 placements at PAIRS, mostly single males but also two couples (a further two individuals were placed in Keystage schemes outside of the district). In total the Council has referred 34 individuals to the scheme but not all were suitable for the scheme or were unable to be accepted due to capacity restraints or past histories of abuse/violence with existing residents. Although the service is running significantly below capacity, with the low number of residents making it more difficult to operate the successful hub model that Keystage deliver elsewhere, during this period, seven individuals have been helped to resettle - four into social housing, one into the private rented sector and two into supported accommodation outside of the district. Many of the residents have complex, entrenched needs and will therefore remain at PAIRS for some time until they are ready to move-on to more independent living.
- 3.3.6 A small number of placements at the Lord Lister have broken down with residents being asked to leave or moved to other schemes. These mainly occurred earlier in the scheme's operation and have been well publicised. There has been much local reporting of anti-social behaviour and significant concern amongst local residents, especially immediate neighbours. As and when any incidents have required intervention, Keystage has managed these efficiently to attempt to limit the impact, especially for the local community, and they have provided subsequent updates to

relevant parties, sharing appropriate information including how a similar situation will be prevented from occurring in future.

- 3.3.7 The PAIRS team has developed a good working relationship with the Community Policing team and are likewise committed to building positive relationships with the local community and other stakeholders. A community engagement event was held on 25 February 2022, with local neighbours, partners, councillors, and businesses invited to visit the service and continuous engagement is ongoing with open offers to the local community to meet Keystage staff and discuss the service on offer. Keystage has also provided information on its website, highlighting their service ambitions as well as a specific impact report on the Lord Lister scheme.
- 3.3.8 The planning application for change of use of the site was scheduled to be considered by the Planning Control Committee on 23 June 2022. The decision was deferred and is scheduled to be considered further on 20 September 2022. As anti-social behaviour has been raised as part of the Planning Control Committee proceedings and their consideration, it is not covered further in this report.

4. LESSONS IDENTIFIED AND NEXT STEPS

- 4.1 The Covid-19 pandemic created unprecedented demand for housing assistance from the district's residents and the decision made on 13 August 2021 needs to be considered within this unique context. However, since the decision was made, a number of potential lessons have been identified:
- The special urgency provision was employed on this occasion due to the limited timeframe for the acquisition of the Lord Lister. However due to the potential community interest in the scheme, the decision could alternatively have been listed for consideration at the Cabinet meeting on 21 September 2021, although this would have been after the deadline by which Keystage required a decision from the Council. The benefits of waiting for a scheduled Cabinet meeting would have to be weighed up against the risk of losing the overall opportunity (it is also worth noting that even if consideration had been delayed until Cabinet in September 2021, the detail of the report would inevitably have had to be in part 2 due to the ongoing contractual negotiations and therefore this would not have been a mechanism for notifying the public);
 - Although in this instance due to the demand on services the Council required the scheme to mobilise at the earliest opportunity, where there are planning considerations, there could be contractual requirements to ensure the planning process is engaged pro-actively, rather than retrospectively (ie prior to the first occupation of schemes) where there is likely to be significant community interest and/or concerns;
 - Although the Covid Response and Recovery Project Board (which included two ward councillors) was alerted to the potential Keystage proposal on 29 July 2021, concerted efforts should be made in future to involve all relevant Members (for example, other Hitchin Councillors) at the earliest stage;
 - Where there are potentially contentious accommodation projects, early pro-active communications with the local community should be initiated, with the Council facilitating these to ensure a holistic approach and these should provide enough detail to reassure the community on any likely concerns (it is worth noting however that these types of schemes typically generate a lot of community feedback, much of this being negative);
 - Professional references for potential service providers should be obtained in writing at the time of the request, with as many relevant references obtained as possible;

- The pandemic highlighted a significant need for accommodation-based support services for single people locally. Further work is being undertaken with Herts CC and other relevant partners to build additional capacity into a comprehensive pathway from homelessness to independent resettlement, including supporting individuals at an earlier stage before crisis point (this approach is of course subject to sufficient capacity and resources).
- 4.2 At the time of writing this report the decision of the Planning Control Committee, scheduled for 20 September 2022, is yet to be known. Officers will:
- Continue to attempt to increase engagement with specialist statutory agencies including the NHS and relevant departments in Herts CC, to improve the support that is provided for residents of the PAIRS scheme;
 - Work closely with Keystage Housing regarding maintaining the regular communication that has been taking place with local stakeholders, especially the local community and regular Councillor briefings.

5. APPENDICES

- 5.1 Appendix 1: Timeline of relevant government announcements
- 5.2 Appendix 2: Email chain regarding Special Urgency decision
- 5.3 Appendix 3: Record of decision made under Delegated Authority on 13 August 2021
- 5.4 Appendix 4: DLUHC confirmation email regarding proposed use of Homelessness Prevention Grant funding

6. CONTACT OFFICERS

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Consulted

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- 6.4 Isabelle Alajooz, Legal Commercial Team Manager, isabelle.alajooz@north-herts.gov.uk

7. BACKGROUND PAPERS

- 7.1 DLUHC's Homelessness Prevention Grant allocations 2021/22: [Homelessness Prevention Grant: 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/homelessness-prevention-grant-2021-to-2022)
- 7.2 Council Constitution: [Council constitution | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/council-constitution)
- 7.3 Keystage Housing Impact Report: [Impact Reports – Keystage Housing](#)

APPENDIX 1

Timeline of key Government announcements on Covid-19 and support for rough sleepers

23 December 2019 – Prime Minister brings forward commitment to end rough sleeping, pledging to end it by the end of this Parliament, in 2024. [Prime Minister pledges new action to eliminate homelessness and rough sleeping - GOV.UK \(www.gov.uk\)](#)

23 March 2020 – First national covid-19 lockdown in England.

26 March 2020 - Everyone In directive issued [Coronavirus \(COVID-19\): letter from Minister Hall to local authorities on plans to protect rough sleepers \(publishing.service.gov.uk\)](#) (£3.2 million of emergency funding for local authorities to help rough sleepers [announced](#) 17 March).

2 May 2020 – Government [announces](#) a specialist taskforce, headed by Dame Louise (now Baroness) Casey, to lead the next phase of the Government’s support for rough sleepers during the pandemic.

28 May 2020 – Minister for Rough Sleeping and Housing asks local authorities to set out next-step plans for accommodation and supporting rough sleepers brought off the streets during the pandemic. [Coronavirus \(COVID-19\): letter to councils about accommodating rough sleepers \(publishing.service.gov.uk\)](#) Follows [announcement](#) of £161 million of funding brought forward to 2020/21 to enable longer-term, move-on accommodation to be delivered via the Next Steps Accommodation Programme within 12 months.

24 June 2020 – £105 million of funding via Next Steps Accommodation Programme [announced](#) for shorter-term/interim accommodation and immediate support for rough sleepers.

29 June 2020 – Ministry of Housing, Communities and Local Government (MHCLG) updates statutory homelessness code of guidance for local authorities, advising local authorities to account for the impact of Covid-19 on vulnerability when assessing those in priority need for accommodation.

13 October 2020 – MHCLG [announces](#) package of support for cold weather provision for rough sleepers and those at risk of becoming homeless.

5 November 2020 – second national lockdown comes into force in England.

6 January 2021 – third national lockdown for England comes into force.

8 January 2021 - additional £10 million funding for local authorities [announced](#) as part of the ongoing Everyone In initiative. Funding is intended to assist authorities to “redouble their efforts” to help accommodate all those sleeping rough, including those who had previously refused help.

18 March 2021 - £212 million of funding via the Rough Sleeping Accommodation Programme [announced](#). The Programme’s objective is to provide move-on homes and accompanying support services to achieve a sustainable reduction in rough sleeping.

15 May 2021 – allocations of £203 million of funding from Rough Sleeping Initiative 4 [announced](#). To provide support to meet Government’s target to end rough sleeping by end of Parliament.

22 June 2021 – Government plans [announced](#) to build on the Everyone In programme through a renewed focus on cross-agency cooperation to tackle root causes of rough sleeping. Local authorities asked to refresh local plans to end rough sleeping and to agree operational targets for reducing rough sleeping in their areas (letter of 5 July from Penny Hobman Director, Homelessness and Rough Sleeping Directorate MHCLG).

July 2021 - MHCLG issues rebuttal to media reports that the Ministry had indicated to local authorities that the Everyone In scheme was ending. [Response to claims about the Everyone In scheme - DLUHC in the Media \(blog.gov.uk\)](#)

8 December 2021 – Move to Plan B in England [announced](#) following rapid spread of Omicron variant.

13 December 2021 – Department for Levelling Up, Housing and Communities guidance on provision of night shelters updated with new requirement that communal settings should not be opened without written agreement from the local authority and the local Director of Public Health, based on a comprehensive risk assessment.

20 December 2021 – Protect and Vaccinate funding announced, to support local authorities to find appropriate accommodation and use this as a way of boosting vaccination rates across rough sleeping/those at risk [Protect and Vaccinate letter \(publishing.service.gov.uk\)](#). Local authorities asked to:

“(subject to individual assessments) make offers of safe and appropriate accommodation to people who are rough sleeping now. This will include people who may have previously been offered accommodation but rejected it or left accommodation, and individuals new to rough sleeping who require help to move on from rough sleeping.”

APPENDIX 2

From: Cllr Elizabeth Dennis-Harburg <Elizabeth.Dennis-Harburg@north-herts.gov.uk>

Sent: 12 August 2021 18:18

To: Anthony Roche <Anthony.Roche@north-herts.gov.uk>; Cllr David Levett <David.Levett@north-herts.gov.uk>; Martin Lawrence <Martin.Lawrence@north-herts.gov.uk>

Subject: Re: 'Special Urgency' for decision

Evening

Yes, I agree Anthony can move this one, it's a worthwhile project.

Get [Outlook for iOS](#)

From: Anthony Roche <Anthony.Roche@north-herts.gov.uk>

Sent: Thursday, August 12, 2021 3:43:14 PM

To: Cllr David Levett <David.Levett@north-herts.gov.uk>; Martin Lawrence <Martin.Lawrence@north-herts.gov.uk>; Cllr Elizabeth Dennis-Harburg <Elizabeth.Dennis-Harburg@north-herts.gov.uk>

Subject: RE: 'Special Urgency' for decision

Hi

Thank you David. In relation to planning, potentially yes – which is another reason for me making the decision so Ian is conflict free on the planning side.

Many thanks

Anthony Roche

Managing Director

Direct Dial: 01462 474588

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From: Cllr David Levett <David.Levett@north-herts.gov.uk>

Sent: 12 August 2021 15:33

To: Martin Lawrence <Martin.Lawrence@north-herts.gov.uk>; Cllr Elizabeth Dennis-Harburg <Elizabeth.Dennis-Harburg@north-herts.gov.uk>

Cc: Anthony Roche <Anthony.Roche@north-herts.gov.uk>

Subject: Re: 'Special Urgency' for decision

Good afternoon all,

I've read through the information and happy to agree to "special urgency" in this case.

Just as a matter of interest will this need a change of use application from planning though?

Best wishes,

David

Cllr. David Levett

Chairman - Overview & Scrutiny

Councillor Letchworth South East Ward

North Hertfordshire District Council

[07787 513292](tel:07787513292)

david.levett@north-herts.gov.uk

From: Martin Lawrence <Martin.Lawrence@north-herts.gov.uk>

Sent: 12 August 2021 15:05

To: Cllr Elizabeth Dennis-Harburg <Elizabeth.Dennis-Harburg@north-herts.gov.uk>; Cllr David Levett <David.Levett@north-herts.gov.uk>

Cc: Anthony Roche <Anthony.Roche@north-herts.gov.uk>

Subject: 'Special Urgency' for decision

Hello Both, I hope all is well.

Apologies for emailing you unexpectedly with this request for an urgent decision.

This decision would normally be taken by the Cabinet. However, due to its urgency (in accordance with the Council's constitution) this email is seeking your approval (as leader and chair of O&S) that Anthony is able to consider and decide this proposal.

This concerns part of the Council's MHCLG homelessness funding allocation that would expand the capacity of accommodation and support for single homeless people (I mentioned this briefly at the recovery board a couple of weeks ago and it concerns the Lord Lister hotel in Hitchin).

This proposal been a possibility for a little while, however as this is an unusual scenario there have been a series of practicalities to consider/work through (including mitigating the Council's risk) to understand if this was viable and worthy of presentation for formal consideration.

However, even though the proposal (outlined in the attached report) is able to now come forward, the current owners of the Lord Lister hotel appear to be considering renewing their insurances as required by the end of August to operate as a hotel for at least another year (apparently they are expecting a final response regarding the acquisition by 24 August, however they may extend this until 31 August).

As this is a key decision, it would normally be considered by the Cabinet, however due to these timings, waiting for the date of the 21 September meeting would result in the proposal being withdrawn, hence the current urgency.

You'll see the attached report is an advanced version and I've taken the liberty of adding some draft text in red that is obviously subject to your thoughts/feedback/decision and will be changed as you see fit should this be agreed.

I hope this all makes sense, however realise there's much information here. Please advise if you have any questions (I would be happy to brief you further as required etc).

Many thanks

Martin

APPENDIX 3

5 RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

*PART 1 – PUBLIC DOCUMENT

SERVICE DIRECTORATE: REGULATORY

1. DECISION TAKEN

- 1.1 The allocation of £200k of homelessness funding received from the Ministry of Housing, Communities and Local Government to grant fund the development of an accommodation and support scheme for homeless single people in North Hertfordshire. This service will be provided by Keystage Housing (subject to agreement terms as detailed below).
- 1.2 As this opportunity is time limited, this decision has been considered in accordance with 'Special Urgency' provisions in accordance with the Council's constitution.

2. DECISION TAKER

- 2.1 Anthony Roche, Managing Director

3. DATE DECISION TAKEN:

- 3.1 13 August 2021

4. REASON FOR DECISION

- 4.1 The Council has received a homelessness funding allocation of £340k from the Ministry of Housing, Communities and Local Government (MHCLG) for 2021/22. The funding is ringfenced for use in managing homelessness pressures, including supporting those who are at risk of homelessness and rough sleeping.
- 4.2 The Council has experienced a high demand for housing related support services from single people, many of whom present with complex support needs and are at risk of rough sleeping. This decision concerns £200k of the MHCLG allocation to grant fund development of a local Keystage service with the purpose of operating accommodation-based support services for single homeless people (for a minimum period of 10 years).

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The Council could decide against supporting Keystage's proposal, however the immediate accommodation options for single homeless people with complex support needs are extremely limited. In addition to current need levels, the ongoing impact of the pandemic is yet to be fully known and demand for accommodation from single people usually increases in the winter too due to severe weather, so there is likelihood of further challenges - capacity wise – in the short term.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1 The Leader of the Council, Cllr Elizabeth Dennis-Harburg has been consulted and is supportive of the proposals in this report.

7. FORWARD PLAN

- 7.1 This decision is a key Executive decision that the Leader of the Council considers to be urgent. It has not been possible to notify the public by including it in the Forward Plan; the necessary assurances were only recently received and the opportunity will only remain available until the end of August, which is before the next scheduled meeting of the Cabinet on 21 September. The Chair of the Overview and Scrutiny Committee has been informed and agreed that the decision cannot be deferred.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

- 8.1 As a district council, North Hertfordshire District Council is the 'local housing authority'; this role includes responsibilities to assess and plan to meet the housing needs of residents including those who may be homeless or threatened with homelessness. The Council no longer owns or manages any housing stock and as a result, it works with providers of accommodation (some with allied support services) in order to meet local needs.
- 8.2 The Council's Homelessness and Rough Sleeping Strategy for 2019-2024 (encompassed within the Housing Strategy 2019-2024) identifies as a priority the need to improve accommodation provision for single homeless people and especially those with complex support needs.
- 8.3 The pandemic has revealed this cohort to be larger than previously assessed, with significant numbers of single people coming forward for Council assistance following the government's "Everyone In" directive issued in March 2020. Previously, few in this cohort would have approached the Council for assistance as most would not fall within the 'priority need' category and would therefore not be owed an accommodation duty. Many in this group are however living unstable, often chaotic lives, and are moving in and out of different accommodation including enduring spells of 'sofa surfing' with friends or relatives or periods of sleeping rough. Now that this previously hidden need has been exposed, there is an opportunity to continue working with this cohort to improve accommodation outcomes for the long-term.
- 8.4 Table 1 below illustrates the rise in temporary accommodation (TA) placements over recent years, driven by a significant increase in single households requiring accommodation. Most of this extra demand has been met recently by making placements in local hotels as existing settle temporary accommodation and supported accommodation options via the Haven First pathway have reached full capacity.

Table 1. Breakdown of households in temporary accommodation

	31/3/ 19	31/3/ 20	31/3/ 21	29/7/ 21
Total households in TA at year end	85	93	136	101
<i>of which, no. single</i>	15	33	72	32
<i>of which, no. in hotels</i>	4	19	58	21

Over recent months, a combination of resettlement efforts and MHCLG refocusing from hotel use to 'move-on' options has resulted in less single households in temporary accommodation. However, in addition to those noted in the table above, there are consistently many approaches on a daily basis from single people in unsuitable and unstable housing situations meaning there is unmet need that is far in excess of those illustrated in the table on 29/7/21.

- 8.5 The existing provision for single homeless people in need of supported accommodation is limited. The only permanent homeless hostel in the district, run by Haven First in Hitchin, is for male clients only and consists of 17 beds in dormitory style accommodation. In addition, Keystage have also recently opened a small 5 bed scheme in Hitchin. Haven First plan a new purpose-built 40 bed replacement hostel in Letchworth, with an estimated completion date of late 2022 (conditional planning approval received earlier in February this year). In the meantime, Haven First have secured temporary use of 19 beds at the Templars Hotel in Baldock, however the current lease only runs to end of March 2022.
- 8.6 Support needs amongst this cohort are extremely high. In 2020/21, the Council placed over 200 single households into temporary accommodation (mostly hotels). 80% of these households had at least one identified support need whilst 55% presented with two or more support needs. By far the most common support need was owing to a history of mental ill health, with over half of households reporting this. A quarter of households reported having physical ill health or a disability and a fifth had an offending history. Almost one third of the cohort had a history of repeat homelessness or rough sleeping, reflecting the instability of their lives and entrenched support needs.
- 8.7 As a result of the challenges outlined herein, the Council engaged the market and initiated joint partnership meetings with Haven First and Keystage, the latter having significant experience of running similar schemes totalling 200 units in Luton and Northampton. These meetings recognised the value in the introduction of other accommodation-based support service providers to North Herts to increase the availability of opportunity for local people, enhance existing pathways with complementary services and to add a greater diversity in provision to better prevent repeated incidences of homelessness and achieve the long-term ambition to sustain suitable accommodation.
- 8.8 As a result, Keystage has developed a proposal for an accommodation-based support service in North Hertfordshire to complement both the existing and planned provisions by Haven First and will better enable the Council to meet local demand for single homeless services.
- 8.9 The proposed service will be based in a former hotel in Hitchin; the contribution of £200k of MHCLG funding will enable the acquisition to proceed and Keystage Properties Ltd, a registered provider of social housing (registration number 4725) will take on a head lease from its investment partner of a minimum term of 10 years (Keystage confirmed similar partnership arrangements are in place with Luton Borough Council and West Northamptonshire Council). They will in turn contract with Keystage Housing C.I.C. (Community Interest Company) to manage the property on a day-to-day basis and deliver support to residents for the full term of 10 years for which the Council will receive exclusive access to all vacancies for local people.
- 8.10 The service will provide en-suite accommodation and support for 21 (mainly) single homeless people at any one time in order to support them into longer-term accommodation (this includes a separate block of four units for women). The Keystage service will work with clients to address support needs such as mental health issues and drug/alcohol misuse, with space available for onsite multi-agency working. There will be 24 hour on-site support available from Keystage staff and locally and remotely accessed CCTV in all external and internal communal areas. Keystage have the significant advantage of running two similar schemes in neighbouring areas (which have had an 85% resettlement rate), and are thus able to take advantage of learning from these schemes as well as additional back-office support where necessary and staffing resilience across its wider workforce.

- 8.11 Keystage have also applied separately for additional MHCLG funding to enhance the service further through the inclusion of kitchenettes to make each accommodation unit completely self-contained beyond winter 2021. This funding would be conditional on the Keystage service being operational from 1 October 2021.
- 8.12 The Council also sought a reference from a local authority who currently commission Keystage's service; it offered resounding support for the quality of its provision and most notably its ability to deliver positive outcomes in some of the hardest to reach cases.
- 8.13 The proposed Keystage service would enhance and bolster the existing pathway for single homeless people with complex needs, and crucially secure a stability of service for the longer term. Together with further proposed additions to the service currently subject to separate decisions (a twelve-month procurement of 18 units of move-on accommodation and a Keystage scheme to assist ex-offenders into private rented properties), this will provide a robust and resilient approach to tackling the high demand levels and complex needs of this client group.

9. LEGAL IMPLICATIONS

- 9.1 Local authorities' homelessness duties are contained within the Housing Act 1996 Part VII, as amended by the Homelessness Reduction Act 2017 which placed significant new duties on English local housing authorities.
- 9.2 This report contains a key decision that would normally be considered by the Cabinet. However, due to the time limited nature of this opportunity, paragraphs 15.14 and 15.15 of the Council's constitution (that detail the requirements for 'Special Urgency') have been employed so this matter can be considered in a timely manner.
- 9.3 The MHCLG funding has been provided in accordance with the Council's role as the local housing authority. As a result, this decision has been considered and taken by the Managing Director to avoid any potential conflict for the Director of Regulatory Services who also has responsibility for the Council's planning function.
- 9.4 Keystage will adapt their service to meet the Council's needs and will ensure that formal planning approval for the intended use of the building is sought at the earliest opportunity and any subsequent regulatory requirements adhered to without delay.
- 9.5 The Council shall include the following conditions in the funding agreement with Keystage Properties Ltd (a registered provider of social housing) to protect its interests:
- 9.5.1 The grantee shall contract Keystage Housing C.I.C to manage the property and deliver comprehensive 24/7 support to residents, with the ultimate aim of resettlement into independent accommodation
- 9.5.2 The grantee shall provide exclusive access to the Council to all vacancies for a period not less than 10 years, including any additional units built on the site during this same period
- 9.5.3 The grantee shall make a pro-rata return of any granted funds should the use, including exclusive use, of the property for the purposes of providing housing not be available; to cover the period of time of which the property was not available in accordance with the terms of the funding agreement

9.5.4 The grantee shall commit to meeting at least annually to review and adapt, as necessary, the operation of the property for the purposes of meeting the housing needs of North Hertfordshire, as determined by the Council.

9.5.5 The grantee shall apply for any requisite change in planning use class, as soon as is practicable; and, for the avoidance of doubt, shall be subject to the provisions at 9.5.3 where any such planning application temporarily or permanently makes the property unavailable for the purpose of its use as set out in the funding agreement

9.6 In addition, for the initial period of the funding agreement, the Chief Executive of Keystage Housing will also provide the Council with a 'Personal Guarantee' regarding payment of an appropriate amount of the grant funding in the event the business is unable to repay any clawback.

9.7 The Council will also seek to register a Restriction against the title of the property to provide some additional best value security for the payment, which it is understood will be used as part of the deposit to purchase the property.

10. FINANCIAL IMPLICATIONS

10.1 The Council has received a ring-fenced homelessness funding allocation of £340k from the Ministry of Housing, Communities and Local Government (MHCLG) for 2021/22. Part of this funding has already been committed via delegated decision-making arrangements and around £212k remains unallocated.

10.2 The MHCLG have confirmed the investment of £200k proposed in this report is acceptable within the terms of the grant conditions.

10.3 Whilst the £200k investment for this accommodation is an upfront grant, it provides very good value for money over a 10-year period bearing in mind the addition of Keystage's comprehensive support service for local people, the anticipated reduction in repeat homelessness and high levels of successful resettlement, whilst also reducing the Council's reliance on hotel placements.

10.4 Due to the detailed contractual matters that are required as part of this decision, external legal support will be sourced. It is anticipated this cost can be covered within existing budgets.

11. RISK IMPLICATIONS

11.1 Due to current demand levels, single homeless people may not receive the appropriate level of assistance due to the limited capacity of current services. Many of this cohort are vulnerable and often have complex needs which require specialist assistance. In addition, there is a risk that demand levels increase further, for example due to ongoing impact of the pandemic and arrival of winter.

11.2 The proposal sets out an offer of an immediate accommodation and support service, which is greatly needed, but also vital stability of provision over the longer-term. This is important as the majority of the current interventions run for an initial period of twelve months or less and the practical delivery of the new 40 bed hotel is not expected before the late stages of 2022, at the earliest.

11.3 There is a risk the Council's investment does not deliver the expected benefits for the whole duration of the agreement; although this cannot be eliminated completely, the measures outlined in paragraphs 9.5, 9.6 and 9.7 seek to manage this risk to an acceptable level.

12. EQUALITIES IMPLICATIONS

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are no equalities implications arising as a result of this report.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and “go local” policy do not apply to this decision.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 There are no human resource implications.

16. BACKGROUND PAPERS

16.1 <https://www.keystagehousing.co.uk/>

17. APPENDICES

17.1 None.

NOTIFICATION DATE: 13 August 2021

Signature of Executive Member Consulted

DateThe Leader of the Council, Cllr Elizabeth Dennis-Harburg confirmed her support via email on the 13 August 2021

Signature of Decision Taker



Managing Director

Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS

APPENDIX 4

From: Eleanor Nickless <Eleanor.Nickless@communities.gov.uk>
Sent: 06 August 2021 14:08
To: Ian Couper <Ian.Couper@north-herts.gov.uk>; Martin Lawrence <Martin.Lawrence@north-herts.gov.uk>
Cc: Francesca Gasparro <Francesca.Gasparro@communities.gov.uk>
Subject: RE: Keystage Housing - HPG Proposal

Hi Ian,

Thanks for getting in touch.

I understand your concerns, however this is acceptable within the terms of the grant conditions. In effect the payment is an upfront one to support the acquisition of the property and acts as an incentive to securing nomination rights over lets in the property. It would not work if spending was £20k per year so the outlay is within this financial year.

I hope this answers your query, however please come back to me if you need any further clarification.

Kind regards,
Ellie



Eleanor Nickless

Pronouns: she/her
Homelessness Adviser | Homelessness Division
Homelessness and Rough Sleeping Directorate
3rd Floor | Fry Building | 2 Marsham Street | London | SW1P 4DF
eleanor.nickless@communities.gov.uk | 07375 475570

From: Ian Couper <Ian.Couper@north-herts.gov.uk>
Sent: 05 August 2021 15:04
To: Eleanor Nickless <Eleanor.Nickless@communities.gov.uk>; Martin Lawrence <Martin.Lawrence@north-herts.gov.uk>
Cc: Francesca Gasparro <Francesca.Gasparro@communities.gov.uk>
Subject: RE: Keystage Housing - HPG Proposal

Hi Ellie/ Francesca

Martin passed me your contact details. I am the s151 Officer at North Herts DC.

In relation to the plan that Martin has described below, the intention is that we would treat this a grant payment of £200k in the current year. However, I am concerned that our auditors may determine that the payment should be treated as a payment in advance (i.e. paying £200k now for 10 years of sole access to the vacancies in the property) which would mean that in accounting terms we would only be spending £20k per year. If that was the case I wouldn't want to fall foul of any grant conditions that required the money to be spent by a certain date. If that arose, would you be able to be flexible in how we reported spend against the funding?

Regards

Ian

Ian Couper
Service Director- Resources
Direct Dial: 01462 474243
North Hertfordshire District Council
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From: Eleanor Nickless <Eleanor.Nickless@communities.gov.uk>
Sent: 19 July 2021 11:19
To: Martin Lawrence <Martin.Lawrence@north-herts.gov.uk>
Cc: Francesca Gasparro <Francesca.Gasparro@communities.gov.uk>
Subject: RE: Keystage Housing - HPG Proposal

Hi Martin,

As a quick response so that this can be progressed, in principle this would be acceptable within the conditions of HPG funding.

But happy to discuss further when we next meet.

Kind regards,
Ellie

From: Martin Lawrence <Martin.Lawrence@north-herts.gov.uk>
Sent: 18 July 2021 14:20
To: Eleanor Nickless <Eleanor.Nickless@communities.gov.uk>; Francesca Gasparro <Francesca.Gasparro@communities.gov.uk>
Subject: Keystage Housing - HPG Proposal

Hi Both, I hope all is well.

Ellie – Francesca and I met on Friday re: RS14 and she asked me to share this query with you both for your views (hopefully this email makes sense).

As you know, our hostel accommodation position for single homeless people is challenging. We are hoping a new 40 bed hostel will be built within the next 18 months. However the immediate provision is the short term lease of another hotel as the main hostel is dorm style. The RS14 and AfEO allocations are gratefully received, however we are still looking for more stability - accommodation wise - that can also evolve as the requirements of the single homeless pathway/customer needs change and other provision (eg the 40 bed hostel) come on line.

We are therefore potentially looking to allocate part (£200k) of the MHCLG's Homelessness Prevention Grant Funding for 2021/22 for North Herts DC (of a total of £339k) to enable a registered provider (Keystage Properties) to acquire a local hotel (the Lord Lister in Hitchin) to help us accommodate single homeless people.

In summary:

- The Lord Lister is currently vacant; it has 21 en-suite rooms and the purchase price has been agreed at £1.25m
- NHDC would look to use £200k of HPG which will enable the purchase to go ahead
- Keystage Housing will operate their service (for vulnerable/disadvantaged homeless people) from the building
- NHDC would have a contractual relationship with Keystage Housing and would be purchasing sole access to any vacancies for a period of 10 years
- Keystage Housing are confident they can mobilise quickly and have sought Winter Transformation Funding to enhance the service/building eg add kitchenettes to each room
- Keystage's service will be flexible according to the needs of the pathway as other accommodation options fall away/are delivered

I appreciate this does not provide much detail and there are obvious political/planning/contractual etc matters to overcome, but in principle, do you have any objections/thoughts/ideas on this proposed use of MHCLG Homeless Prevention Grant funding?

Thank you,

Martin Lawrence
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