

**Government Consultation on Cap for Safe and Legal Routes**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Housing, Health & Environment PAC	12 December 2023
Leader of the Council	13 December 2023

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not applicable
<b>Final Decision-Maker</b>	Leader of the Council
<b>Lead Head of Service</b>	Director for Regeneration & Place
<b>Lead Officer and Report Author</b>	Head of Housing & Regulatory Services
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

The Government has asked all local authorities in England to respond to a consultation on the figure they consider to be a suitable cap on the number of refugee households that can be accommodated after 2025 in their district.

**Purpose of Report**

Decision

This report makes the following recommendations to the Leader of the Council;

1. That a zero cap response to the Government consultation for the reasons set out in the report be approved.

# Government Consultation on Cap for Safe and Legal Routes

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul>	Head of Housing & Regulatory Services
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected.</li> </ul>	Head of Housing & Regulatory Services
<b>Risk Management</b>	<ul style="list-style-type: none"> <li>• Contained in the report.</li> </ul>	Head of Housing & Regulatory Services
<b>Financial</b>	<ul style="list-style-type: none"> <li>• The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.</li> </ul>	Head of Housing & Regulatory Services
<b>Staffing</b>	<ul style="list-style-type: none"> <li>• We will deliver the recommendations with our current staffing.</li> </ul>	Head of Housing & Regulatory Services
<b>Legal</b>	<ul style="list-style-type: none"> <li>• Accepting the recommendations will fulfil the Council’s duties under the Illegal Migration Act by providing a response to the Secretary of State.</li> </ul>	Head of Housing & Regulatory Services

<b>Information Governance</b>	<ul style="list-style-type: none"> <li>The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.</li> </ul>	Head of Housing & Regulatory Services
<b>Equalities</b>	<ul style="list-style-type: none"> <li>The recommendations do not propose a change in service therefore will not require an equalities impact assessment.</li> </ul>	Head of Housing & Regulatory Services
<b>Public Health</b>	<ul style="list-style-type: none"> <li>We recognise that the recommendations will have a positive impact on population health or that of individuals.</li> </ul>	Head of Housing & Regulatory Services
<b>Crime and Disorder</b>	<ul style="list-style-type: none"> <li>There could be implications and these are mitigated by the recommended zero cap.</li> </ul>	Head of Housing & Regulatory Services
<b>Procurement</b>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	Head of Housing & Regulatory Services
<b>Biodiversity and Climate Change</b>	<p>The implications of this report on biodiversity and climate change have been considered and;</p> <ul style="list-style-type: none"> <li>There are no implications on biodiversity and climate change.</li> </ul>	Head of Housing & Regulatory Services

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Minister for Immigration recently wrote to all local authorities in the United Kingdom explaining that the Illegal Migration Act places a duty on the Home Secretary to set a cap on the number of entrants to the UK arriving via safe and legal routes. The Home Office launched the consultation to inform the level at which the cap on safe and legal routes is set. The consultation ends on 15<sup>th</sup> December 2023.
- 2.2 The letter acknowledges the 'considerable burden' that has been placed on local authorities resulting from the 'largest number' of persons entering the UK in its history. Workshops have been hosted by the Home Office to help inform the consultation response and the one for South East local authorities was held on 16<sup>th</sup> November 2023.
- 2.3 The Illegal Migration Act makes it an offence to attempt to enter the UK illegally and those that do so will be removed. Government has stated that the Act is intended to 'put a stop to illegal migration into the UK by removing

the incentive to make dangerous small boat crossings'. As part of its migration control the Government will introduce the concept of safe and legal routes into the UK and the Secretary of State will be required to place a cap on the number of people coming to the UK each year.

#### 2.4 Safe and Legal Routes includes:

- UK Resettlement Scheme – those refugees entering through an UNHCR route.
- Community Sponsorship Scheme – for those being supported by family or organisations through the above UKRS.
- The Mandate resettlement scheme – similar to the above.
- Existing Afghan, Ukrainian and Hong Kong refugees schemes.

2.5 The consultation is aimed at local authorities who provide housing or support to resettled individuals in the UK. There is an expectation that local authorities will consult with a range of non-government organisations who provide support to asylum and refugee households, and that in two-tier areas the upper and lower authorities should come to an agreed figure.

2.6 In an area the size of Kent having a meaningful discussion with the relevant groups was not a realistic proposition in the timescale allowed. The number of NGO providing specialised support to relevant households in the Maidstone Borough Council is negligible. Conversations have taken place with officers from Kent County Council, which have informed this response. Kent County Council will be replying to consultation separately and are likely to reference their continued concerns relating to the number of unaccompanied asylum-seeking children that they are required to accommodate and support.

2.7 A resettlement tariff is proposed 'on a per capita basis to local authorities to help the families they have pledged to resettle and support into life in the UK. It is comprised of a core tariff of £20,520 per person, provided over a period of five years for UKRS arrivals and over three years for ACRS and ARAP; as well as additional tariffs in the first year of up to £4,500 per child to cover education costs, and £850 for adults requiring English language support. An additional tariff of £2,600 is made available to local health bodies to cover healthcare costs in the first year.' It is unclear whether in two-tier areas the funding will be provided in whole or part to the upper-tier or district council.

2.8 Importantly, the new cap will not be retrospective. The cap does not apply to the vast number of persons who have entered the UK and then claimed asylum and are currently accommodated in hotels and short-term accommodation across the UK. Nor does the cap impact on those persons who enter the UK through legal routes and then make a claim for asylum.

2.9 The cap has no relevance to the Asylum Dispersal Programme previously imposed by the Home Office, which set the level of asylum seekers to be accommodated in Maidstone Borough Council at 126 persons. There is tacit acceptance now at the Home Office that the 'fair distribution' figures are unlikely to be achieved in the way set out and that some districts will receive more households than their original allocation.

- 2.10 The consultation comes at a time of national crisis within the housing market, with record levels of households being accommodated in temporary accommodation and homelessness on the rise. Maidstone Borough Council is not immune from these challenging factors, and receives more applications for assistance with housing than any other district in Kent. Our current level of demand includes over 270 households in temporary accommodation, some of whom have had to be placed out of area due to the lack of suitably sized accommodation in the Maidstone area.
- 2.11 Our local housing market is impacted by other local housing authorities and agencies acquiring accommodation in our private housing sector. This exasperates an already over-heated private market that means it is almost impossible for local residents to acquire private rented accommodation at a reasonable rate.
- 2.12 Our experience is that those placed into our area by external organisations receive little or no support. Indications are that support agencies are stretched to meet existing need. The severe lack of school vacancies and General Practitioner capacity means that people coming into the area, the Town Centre in particular, are forced to travel significant distances to access the most basic of essential services.
- 2.13 Health Services in the Maidstone area are under immense pressure. According to the West Kent Health & Care Partnership's own statistics, Maidstone General Practitioner Practices have the worst GP to patient ratios in Kent. One GP Practice in the Town Centre has a ratio of one GP to 7,328 patients. Feedback from Kent Health colleagues with experience of asylum seekers elsewhere in Kent is that they often have long-term and untreated illnesses that place a significant burden on Health Services.
- 2.14 Kent County Council has confirmed the position in MBC as follows:
- Primary and Secondary schools are generally full, some primary capacity in rural areas.
  - Special Schools West Kent: All over capacity but individual needs of children would need assessment and placement as with all children moving into the area.
  - It has been helpful to have funding for Afghan and Ukrainian refugees, but unhelpful that this is not consistent for asylum seekers and the non-homes for Ukraine families.
- 2.15 The draft response to the consultation is set out in Appendix A to this report.
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### **3. AVAILABLE OPTIONS**

- 3.1 The Council could decide not to respond to the consultation but this is not recommended as the Council would lose the opportunity to express its concerns about the proposed initiative and a non-return might be interpreted as permitting the Government to set a cap for Maidstone.

- 3.2 The Council returns a zero cap for Maidstone Borough Council, reflecting the enormous pressures the Council faces from the housing crisis, the lack of structured support for vulnerable asylum seekers and refugees, and the ill-conceived initiatives being delivered by the Government in relation to the asylum crisis.
- 3.3 The Council could provide a figure above zero but this is not recommended as it remains unclear how this would be funded by Government and how accommodation would be secured for those households at a time when the Council is facing extreme difficulty in placing those residents it owes a housing duty.
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option and reasoning are contained at Paragraph 3.2 above.
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#### **5. RISK**

- 5.1 The risk if the Council does not respond to the Government's consultation is that the Home Office may impose a figure on Maidstone that is wholly unsustainable. Whilst it remains within the Home Office's power to do so, by responding to the consultation it provides an opportunity to set out the reasoned arguments as to why the proposed policy is unlikely to succeed in its objectives.
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#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK REPORT**

- 6.1 The matter was considered by the Housing, Health And Environment Policy Advisory Committee on 12 December 2023 who recommended that the Leader of the Council approves a blank response to the consultation so as not to be drawn into the national government's politics on this issue.
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#### **7. APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Response Form – Cap on Safe and Legal Routes Consultation
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