

MEETING

SPECIAL BUSINESS MANAGEMENT OVERVIEW AND SCRUTINY COMMITTEE

DATE AND TIME

MONDAY 16TH SEPTEMBER, 2013

AT 6.00 PM

PLEASE NOTE START TIME

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF BUSINESS MANAGEMENT OVERVIEW AND SCRUTINY COMMITTEE (Quorum 3)

Chairman: Councillor Hugh Rayner,
Vice Chairman: Councillor Brian Salinger

Councillors

Maureen Braun	Kath McGuirk	Barry Rawlings
Jack Cohen	Alison Moore	Andrew Strongolou
Brian Gordon	Rowan Quigley Turner	

Substitute Members

Geoffrey Johnson	Susette Palmer	Brian Schama
John Marshall	Lord Palmer	Alan Schneiderman

You are requested to attend the above meeting for which an agenda is attached.

Andrew Nathan – Head of Governance

Governance Services contact: Andrew Charlwood 020 359 2014
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Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the Previous Meeting	
2.	Absence of Members	
3.	Declaration of Members' Interests a) Disclosable Pecuniary Interests and Non Pecuniary Interests b) Whipping Arrangements (in accordance with Overview and Scrutiny Procedure Rule 17)	
4.	Public Question Time (if any)	
5.	Members' Items (submitted in accordance with Overview and Scrutiny Procedure Rule 9) (if any)	
6.	Amendments to Housing Allocations Scheme and the Introduction of a Placements Policy	1 - 86
7.	Advanced Notice of Executive Decisions	87 - 94
8.	Business Management Overview and Scrutiny Committee Work Programme	95 - 104
9.	Any Other Items the Chairman Decides are Urgent	

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Meeting	Special Business Management Overview and Scrutiny Committee
Date	16 September 2013
Subject	Amendments to Housing Allocations Scheme and the Introduction of a Placements Policy
Report of	Overview and Scrutiny Office
Summary of Report	At the Business Management Overview and Scrutiny Committee meeting held on 4 July 2013, the Committee considered a call-in relation to the Housing Allocations Scheme. Following consideration of the call-in, Members requested that the consultation findings and revised scheme be presented to the Committee in advance of Cabinet considering this issue on 24 September 2013.

Officer Contributors	Andrew Charlwood, Overview and Scrutiny Manager
Status (public or exempt)	Public
Wards Affected	All
Key Decision	N/A (Cabinet decision is key)
Reason for urgency / exemption from call-in	N/A
Function of	Business Management Overview and Scrutiny Committee
Enclosures	Annex 1 – Report to Cabinet, 24 September 2013, Amendments to Housing Allocations Scheme and the Introduction of a Placements Policy
Contact for Further Information:	Andrew Charlwood, Overview and Scrutiny Manager, 020 8359 2014

1. RECOMMENDATION

- 1.1 That the Committee consider the Amendments to Housing Allocations Scheme and the Introduction of a Placements Policy report to attached at Annex 1 and make appropriate comments and/or recommendations to Cabinet on 24 September 2013.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Business Management Overview and Scrutiny Committee, 4 July 2013, Call-ins – the Committee considered a call-in request in the name of Councillor Alison Moore in relation to the Housing Allocations Scheme Review and the Introduction of a Placement Policy. Following debate on the call-in request, Councillor Moore withdrew the call-in. The Committee resolved that “The Cabinet Member for Housing be requested to report the consultation findings on the proposed amendments to the Housing Allocations Scheme and the Introduction of a Placements Policy to a special meeting of the Committee to take place in advance of the Cabinet decision on 24 September 2013.” This special meeting has been convened pursuant to that request.
- 2.2 Other relevant previous decisions are as set out in the attached report at Annex 1.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Overview and Scrutiny Committees, Panels and Task and Finish Groups must ensure that the work of Scrutiny is reflective of the Council’s priorities.
- 3.2 The three key priorities set out in the 2013-16 Corporate Plan are: –
- Supporting families and individuals that need it – promoting independence, learning and wellbeing,
 - Improving the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study,
 - Promoting responsible growth, development and success across the borough.
- 3.3 Other corporate priorities and policy considerations are as set out in the attached report at Annex 1.

4. RISK MANAGEMENT ISSUES

- 4.1 To enable the Council’s Overview and Scrutiny function to provide a constructive challenge to the executive, it is essential that the Committee have the opportunity to provide a robust, proportionate and timely challenge to the corporate change work streams as they progress through the Council’s decision-making framework. This can make a positive contribution to effective risk management.

- 4.2 Other risk management considerations are as set out in the attached report at Annex 1.

5. EQUALITIES AND DIVERSITY ISSUES

5.1 Pursuant to the Equality Act 2010 (“the Act”), the council has a legislative duty to have ‘due regard’ to eliminating unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advancing equality of opportunity between those with a protected characteristic and those without; and promoting good relations between those with protected characteristics and those without. The ‘protected characteristics’ are age, race, disability, gender reassignment, pregnancy, and maternity, religion or belief and sexual orientation. The ‘protected characteristics’ also include marriage and civil partnership, with regard to eliminating discrimination.

5.2 In addition to the Terms of Reference of the Committee, and in so far as relating to matters within its remit, the role of the Committee is to perform the Overview and Scrutiny role in relation to:

- The Council’s leadership role in relation to diversity and inclusiveness; and
- The fulfilment of the Council’s duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

5.3 Other equalities and diversities considerations are as set out in the attached report at Annex 1.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 Use of resources implications are as set out in the attached report at Annex 1.

7. LEGAL ISSUES

7.1 Legal issues are as set out in the attached report at Annex 1.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

8.1 The scope of the Overview & Scrutiny Committees is contained within Part 2, Article 6 of the Council’s Constitution.

8.2 The Terms of Reference of the Overview & Scrutiny Committees are set out in the Overview and Scrutiny Procedure Rules (Part 4 of the Constitution).

8.3 The Business Management Overview and Scrutiny Committee has within its terms of reference responsibility for “...the review of the policy framework and development of policy and strategy not in the remit of other overview and scrutiny committees.”

9. BACKGROUND INFORMATION

- 9.1 As set out in Section 2, the Committee requested that a special meeting be established to enable the Cabinet Member for Housing to report the consultation findings on the proposed amendments to the Housing Allocations Scheme and the Introduction of a Placements Policy. The consultation findings, revised Housing Allocations Scheme and Placements Policy are set out in the report attached at Annex 1.
- 9.2 The Committee are requested to review the information set out in Annex 1 and report their comments and/or recommendations to Cabinet on 24 September 2013.

10. LIST OF BACKGROUND PAPERS

- 10.1 None.

Meeting	Cabinet
Date	24 September 2013
Subject	Amendments to Housing Allocations Scheme and the Introduction of a Placements Policy
Report of	Cabinet Member for Housing
Summary	This report seeks approval for a revised Housing Allocations Scheme and introduction of a Homelessness Placements Policy following a period of consultation which ended on 7 August 2013.

Officer Contributors	Pam Wharfe, Director for Place Paul Shipway, Head of Strategy and Performance Chloe Horner, Housing Strategy and Business Improvement Manager
Status (public or exempt)	Public
Wards Affected	All
Key Decision	Yes
Reason for urgency / exemption from call-in	N/A
Function of	Executive
Enclosures	Appendix 1 - Summary of changes Appendix 2 - Final draft housing allocations scheme Appendix 3 - Final draft placements policy Appendix 4 - Equalities impact assessment Appendix 5 - Summary of online survey results Appendix 6 - Report on focus group Appendix 7 - Summary of other consultation responses
Contact for Further Information:	Chloe Horner, Housing Strategy and Business Improvement Manager, chloe.horner@barnet.gov.uk , telephone: 020 8359 4775

1. RECOMMENDATIONS

- 1.1 That approval is given to the amended Housing Allocations Scheme as set out in Appendix 2.**
- 1.2 That approval is given to the new Placements Policy as set out in Appendix 3.**
- 1.3 That the policy is reviewed after it has been in operation for 12 months and any further changes reported back to Cabinet.**
- 1.4 That the Director for Place is instructed to implement the new policy as soon as is practicable.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Cabinet approved the existing Housing Allocations Scheme on 10 January 2011 (decision item 6) following an extensive period of consultation.
- 2.2 Following a formal 6 month review, Cabinet approved revisions to the Scheme on 4 April 2012 (decision item 5).
- 2.3 The Delegated Powers Report number 1873 on 27 November 2012 approved some further minor changes in relation to the Homelessness (Suitability of Accommodation) (England) Order 2012.
- 2.4 Cabinet approved the consultation on the proposed amendments and the provision of a Placements Policy on 24 June 2013 (decision item 6).

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Council's Corporate Plan 2013/16 includes as a priority outcome "To maintain the right environment for a strong and diverse local economy". Within this, the Council is committed to reduce the numbers of households in expensive emergency temporary accommodation. Barnet is a popular place in which to live and the revised Housing Allocations Scheme and the proposed Placements Policy will provide a more efficient housing service with better outcomes for customers in high housing need as well as enabling the Council to discharge its duty to homeless households into the private rented sector housing.
- 3.2 The Council's Housing Strategy 2010 to 2025 identifies the importance of helping more people in low paid employment and training to gain access to social housing under the objective to "Promote mixed communities". The Strategy also recognises that the private rented sector can be a positive housing choice for people in housing need and that the Housing Allocations Scheme should reflect that.

- 3.4 By ensuring that the limited supply of council housing is used effectively, the revised Housing Allocations Scheme complements the Council's Local Tenancy Strategy which has introduced the use of flexible tenancies for council homes and encourages households to become more self sufficient.
- 3.5 Welfare reform means that households who are not working will not be able to receive more in benefits than the average wage of those in work. This will mean that some households will have to be offered homes in more affordable areas outside of the borough. The Homelessness Placements Policy clarifies what the Council will take into account when it discharges its homelessness duty to households applying under Part VII of the Housing Act 1996.

4. RISK MANAGEMENT ISSUES

- 4.1 The Council could face legal challenges to decisions that it makes under the revised Housing Allocations Scheme. This risk has been mitigated by undertaking consultation with stakeholders, in particular Housing Association partners and community representatives in the voluntary sector. The Council has also consulted with households who have applied to the Council for housing and may be affected by the proposed amendments.
- 4.2 The Council will need to allow for further adjustments to the Scheme once it is operating, to take account of any challenges that are made on a case by case basis.
- 4.3 The Council could face challenges when discharging its homelessness duty under the provisions of the Placements Policy.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Council has undertaken a full Equalities Impact Assessment (see Appendix 4) into the proposed amendments to the Housing Allocations Scheme and the introduction of a Placements Policy.

One offer only policy

- 5.2 The equalities assessment has indicated that the main issues for the one offer only policy are related to age and disability. Data on property refusals has shown that older people aged over 55 are more likely to refuse an offer of accommodation and people aged 16 to 44 are less likely to refuse an offer of accommodation. Older people may have more specific requirements in a property, for example no stairs. These will be picked up in the full housing needs assessment of their circumstances before a suitable property is offered to them.
- 5.3 The data on disability does not indicate a specific problem for disabled applicants in relation to the one offer only policy.
- 5.4 It will be important to communicate the one offer only policy to applicants so that they can thoroughly consider the suitability of the property they are offered when they view it.

- 5.5 All applicants can request a review of their offer if they feel it is unsuitable.

Placements Policy

- 5.6 Although the Council does not currently operate a Placements Policy for discharging its homelessness duty into the private sector outside of the borough it does place households into temporary accommodation inside and outside the borough. The key equalities question in deciding on a location is that an applicant's individual circumstances have properly been considered. All properties will be assessed according to the quality of accommodation, its affordability and proximity to essential services.
- 5.7 It will be important to continue to monitor the equalities impacts of the amendments going forward to ensure that protected groups are not adversely affected.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 There is a limited supply of social housing in Barnet. Applications for housing have increased along with acceptances and admissions to Temporary Accommodation (TA). In 2012/13 year, there were 586 homeless acceptances and 852 TA admissions. However, there were only 692 social housing units available to let during the year and not all of these would go to homeless applicants. The Council is therefore reliant on the use of housing in the private rented sector to meet its housing obligations.
- 6.2 It has, however, become increasingly difficult to procure accommodation in the private sector at Local Housing Allowance rates, as rents in Barnet and London have continued to increase. This has resulted in a significant increase in the use of emergency TA, often at a cost that can not be fully met through the housing benefit system, resulting in a pressure on the Council's General Fund budget. In 2012/13 year, 405 such units had to be procured at a cost of £1,025,517. The proposed amendments to the Housing Allocations Scheme and introduction of a Placements Policy are intended to increase the Council's ability to place households into more affordable accommodation outside of the borough, either as TA or when discharging homeless duty into the private rented sector.
- 6.3 The introduction of the welfare benefit cap from August 2013 means that some households will not be able to afford the rents charged in Barnet and other parts of London for temporary accommodation and private rented sector homes even where these fall within local housing allowance levels. There would potentially be further increased costs to the Council if it did not adopt the proposed amendments to the Housing Allocations Scheme or operate a Placements Policy when discharging homelessness duty into the private sector. In these circumstances the Council would have to consider providing a subsidy for households placed in the private sector locally and subject to the Overall Benefit Cap.
- 6.4 Costs in terms of implementing the amendments will be contained within existing Barnet Homes budgets.

7. LEGAL ISSUES

- 7.1 The Council has a duty pursuant to section 166 Housing Act 1996 to allocate its social housing in accordance with its Allocations Policy. Section 166A sets out a list of applicants entitled to a degree of preference in the Policy. The Localism Act 2011 has allowed greater flexibility to Local Authorities in terms of allocating into the private sector.
- 7/2 The duties of the Council in respect of homeless applicants is contained in Part VII of the Housing Act 1996. The Localism Act 2011 has also allowed greater flexibility in discharging this duty by use of the private sector. The Homelessness (Suitability of Accommodation) (England) Order 2012 contains various requirements relating to the suitability of accommodation.
- 7.3 Minor changes have been made to the Housing Allocations Scheme to ensure it is as robust to challenge as possible.
- 7.4 It is considered that the legal requirements on consultation under S167 (7) Housing Act 1996 have been complied with.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Part 3 of the Constitution sets out the executive functions. The Cabinet Member for Housing is the lead on budget and policy formulation and implementation relating to housing under section 4.2, Responsibility for Functions.

9. BACKGROUND INFORMATION

- 9.1 The Council's Housing Allocations Scheme is used to determine which households are offered housing assistance.
- 9.2 The current Scheme introduced in April 2011 saw the closure of an open waiting list and the introduction of four simple bands¹ to replace a complicated points system. The Scheme also recognises the contribution to the community from people who work, volunteer, are training for employment, foster caring and former service personnel. Banded applicants may also be offered a home in the private rented sector where this meets their housing needs.
- 9.3 Since the introduction of the current Housing Allocations Scheme in 2011 pressure on housing in the borough has increased, with the demand for homes outstripping supply, largely due to market conditions. At the same

¹ Bands:

Band 1	Reasonable preference: ➤ Homeless	Urgently need to move
Band 2	➤ Unsanitary/overcrowded housing ➤ Medical/welfare disability ➤ Hardship reasons	Need to move plus community contribution
Band 3		Need to move only
Band 4	People who would fall into a higher band but have reduced preference	

time, changes to local housing allowances have meant that lower income households have found it more difficult to secure homes in the private rented sector. As a result, the number of accepted homeless households has increased from 339 in 2011/12, to 586 in 2012/13, whilst Barnet Homes have found it increasingly difficult to secure homes in the private rented sector to meet this increased demand, resulting in an increase in the use of emergency temporary accommodation.

- 9.4 Emergency temporary accommodation is procured on a nightly paid basis to meet the immediate needs of homeless households where a longer term solution is not immediately available. As the demand from homeless households has increased and the overall supply of properties available for the Council to allocate to has fallen, more households have to be placed in this form of accommodation, the majority of which is not within Barnet. The number of households in emergency temporary accommodation has increased from 366 in April 2012 to 630 in June this year, an increase of 72%. The Council faces a major challenge as this accommodation is expensive and has become increasingly difficult to procure within the housing benefit subsidy levels. Where rents are above the housing benefit subsidy limit there is a direct cost to the Council, which amounted to an additional £1,025,517 in 2012/13 and will continue to increase if more affordable alternatives are not found.
- 9.5 Further changes to the way homes are allocated have now been consulted on. The key amendments are a change to one offer of re-housing only and insofar as homeless applications are concerned the introduction of a Placements Policy.

One offer only

- 9.6 The Allocations Scheme currently allows applicants to refuse the first reasonable offer of a property regardless of whether they appeal successfully against it and then have a further choice from the property pool. Applicants who also refuse a second reasonable offer are removed from the banding system for 12 months, unless there are changes to their household's circumstances that merit a full review of their housing need.
- 9.7 174 households refused their first reasonable offer accommodation during the past year, between 1 April 2012 and 31 March 2013. This represents 22% of households who were banded during the year and suggests that many households are delaying acceptance of an offer in the hope that a better property will become available. There are only on average 600 lettings for the Council to make in any given year so 174 households refusing properties causes a delay on them being successfully let at a time when there is a high demand for housing overall.
- 9.9 It is proposed, therefore, that applicants will have their housing need assessed and be offered one property which they will be expected to accept or risk being removed from the banding system.
- 9.10 Applicants will still have the option to appeal against an offer if they consider it to be unreasonable, and will receive another offer if their appeal is successful.

Placements Policy

- 9.11 Between April 2012 and March 2013, 60% of households newly placed into temporary accommodation following homelessness applications were housed in properties located outside of the borough. It has become increasingly difficult for the Council to secure affordable housing in the private sector so it is important for the Council to have the ability to house people in more affordable locations when it is appropriate for it do so.
- 9.11 Changes have already been made to the Housing Allocations Scheme in respect of the required condition of accommodation offered in the private rented sector and also on offers discharging duty to homeless households by offering them a home in the private rented sector².
- 9.12 In addition to these changes, reference needs to be made to the suitability of accommodation in terms of whether it is affordable to the household concerned, particularly to take account of the Overall Benefit Cap. This will limit benefits for a couple or single parent at £500 per week and a single person without children at £350 per week. This is particularly important for households who are placed in the private rented sector when this is a placement which discharges the Council's homelessness duty.
- 9.13 A draft Placements Policy (attached as Appendix 3) has been produced to set out how the Council will make use of the private sector in meeting its legal duties to homeless households, taking into account housing market and supply issues.
- 9.14 The Policy sets out the key tests that will be used to ensure that the Council makes suitable offers of accommodation. These include:
- ensuring that a property meets the standards sets out the Suitability Regulations
 - ensuring that the circumstances of the applicant have been considered in terms of the location of the property, and
 - ensuring that the applicant is able to afford to live in the property taking into account their income once they have paid the rent. Accommodation may be located outside of the borough if this is more affordable.
- 9.15 London Councils is developing guiding principles for homeless placements outside of London to which all of London's boroughs will be encouraged to sign up to. It is expected that the majority of boroughs will have to make placements outside of London because of high rents in the capital. The principles are currently in draft form, but include:
- notification arrangements- the placing authority must notify the receiving authority of all accommodation placements
 - paying a fair rent- the placing borough must ensure that the rent that they pay for accommodation takes into account what the receiving authority is prepared to pay and is not at a level that is likely to encourage the inflation of local rents

² These changes were as a result of the Suitability Regulations that came into force on 9 November 2012.

- treatment of vulnerable families- the placing borough will only place families outside of London if it is necessary, safe and appropriate to do so.

Other amendments

- 9.16 Other minor amendments were also consulted on. These are mainly areas where clarification is required, for example, clarifying that ground floor accommodation will usually be prioritised for applicants who have been identified as requiring level access accommodation. A full list of amendments is contained in Appendix 1.

Consultation

- 9.17 The Council consulted widely on the proposed amendments during a six week consultation period. The consultation included the following:
- Emailing 800 Barnet Homes tenants inviting them to comment on the proposals
 - Emailing 40 housing associations operating in the borough inviting them to comment and presenting the proposals at the Barnet Housing Association Liaison Group. Housing associations were supportive of the proposals and say that they will result in reduced void times for social housing
 - Holding a housing forum to discuss the proposals. This was attended by 30 representatives from housing associations and community organisations as well as representatives from Children's Services and Adults and Communities. Attendees were broadly supportive of the proposals as long as homes are suitable and consideration is given to an individual applicant's needs
 - Holding two independently facilitated focus groups for residents and housing applicants
 - Online survey.
- 9.18 The online survey was completed by 90 people, including residents from all tenures and representatives of local organisations. Respondents were asked if they agreed or disagreed with the key proposals. Views were relatively evenly spread, as can be seen from the results in Appendix 5. More respondents disagreed (47.8%) than agreed (41.1%) with one offer only proposal but the difference between the two sides was only 6 people. More respondents agreed (48.8%) than disagreed (43.0%) with discharging duty and the Placements Policy. Here the difference between the two sides was 5 people.
- 9.19 30 people were invited to attend the independently facilitated focus groups and they were attended by 13 residents. The focus group consisting of citizen's panel members was broadly in favour of the key proposals. The focus group consisting of housing applicants was not in favour because applicants were concerned that they may be forced into unsuitable accommodation. Applicants would be more reassured with better information about the property, including running costs, and through better communication with their housing officer. A summary report of the views of the focus group members is contained in Appendix 6.

9.20 A number of other responses to the consultation were received and these are summarised in Appendix 7.

9.21 Overall the consultation responses have indicated broad support for the proposals from partner organisations and residents with the assurance that individual circumstances of applicants will be taken into account. Three issues have been raised through the consultation requiring minor amendments to the final version of the Housing Allocations Scheme. These are:

- Allowing council tenants in rent arrears and affected by the under-occupancy charge to trade down to a smaller property where they can pay the rent as long as they have made a reasonable effort to pay any shortfall
- Including two further classes of person that do not qualify for a banding- applicants that have surrendered their council property and applicants who do not qualify under housing law because they have used false information.

10. LIST OF BACKGROUND PAPERS

10.1 None

Cleared by Finance (Officer's initials)	MM
Cleared by Legal (Officer's initials)	BH

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Appendix 1- Summary of proposed amendments

Page	Description of proposed amendment	Explanation for proposed amendment
7	Non dependent adult relatives are not taken into account in an application for re-housing but live-in carers in receipt of carers allowance are	Clarification of definition of adult non dependent household members not included in application required as open to interpretation
8	Applicants who refuse one offer of reasonable property will be excluded	There is a very limited supply of housing available to allocate to meaning that realistically households can only expect to be offered one property that meets their assessed needs
	Applicants who owe rent arrears will be excluded unless they have met a repayment plan for a period of 8 weeks. Existing council tenants affected by the under-occupancy charge will be allowed to trade down	Clarification of "reasonable" period required as open to interpretation. It makes sense to allow council tenants in arrears to trade down into a suitably sized property if this means that they are not going to accrue further arrears
	Applicants will be excluded where they have breached the tenancy conditions in current or former accommodation	Clarification and helps motivate households in temporary accommodation to meet the required conditions so that they may be banded and discharged into the private sector
	Applicants will be excluded for 1 year if they have voluntarily given up a council property in the hope of gaining another	This has arisen out of a case review
	Applicants will be excluded according to Section 214 of the Housing Act 1996 (e.g.: withholding of information, false statements and failure to inform of change of circumstances)	This should have been included as an excluded category before
9	Band 4 is for people under the Housing Act 1996 (Part VII) awarded reasonable preference but have had their preference reduced	Clarification of summary of what band 4 is intended for- to move households who have their preference reduced into the private sector and potentially discharge duty
	Households have to have continuously lived in the borough, through their own choice, to have a local connection	Clarification required as open to interpretation
10	Head of Housing Options may	Service reorganisation means that job

Page	Description of proposed amendment	Explanation for proposed amendment
	authorise discretion to meet an exceptional housing need	titles have changed
11	Young people leaving care may be offered shared accommodation	Highlights that the housing solution for young people might be different, depending on their assessed housing need
14	Applicants will have their housing need assessed and be offered one property and be expected to accept this property as their offer of re-housing	There is a very limited supply of housing available to allocate to meaning that realistically households can only expect to be offered one property that meets their assessed needs
15	Senior housing options officers may allocate to properties outside of the property pool	Service reorganisation means that job titles have changed
	Applicants who have been assessed as requiring ground floor accommodation will be given priority for ground floor, level access properties	If this rule is not in place then general needs applicants might get priority for this kind of housing over an applicant with mobility issues who is assessed as having a need for ground floor level access accommodation
	The rule that houses are only allocated to households with children aged under 10 has been removed	Given the short supply of properties it is unfair to reserve houses for families with young children. This rule is not applied in TA and therefore should not be applied to secure homes
16	Reference is made to the fact that affordability and financial circumstances of a households will be taken into account when assessing the suitability of a property	Affordability is a key consideration in terms of suitability of accommodation and in some circumstances may mean that a suitable property is located outside the borough
17	Options include moving to a smaller property and then have adaptations done or moving to an other already suitably adapted property that meets households size requirements	Highlights the different options for under-occupying households who require adaptations
24	Applicants placed in band 1 for severe mobility reasons have to be housebound and unable to leave their current accommodation without assistance	Clarification required as open to interpretation
	Emergency moves are authorised by the Head of Housing Options	Service reorganisation means that job titles have changed
28	Band 4 includes households	The purpose of band 4 is to give some

Page	Description of proposed amendment	Explanation for proposed amendment
	who have reduced preference because they have no local connection, unspent housing or welfare benefits convictions, rent arrears, income or assets exceeding the limits or breeches in tenancy conditions	preference in the scheme to Part VII households who may be re-housed and have homelessness duty met in the private sector
30	Single adults may be allocated single bedrooms and adult sharers may be allocated one double bedroom	Size criteria has been clarified and changed in light of high demand for two bedroom properties
32	Community contribution is only awarded to the main applicant or their partner and only if they meet the eligibility rules set out in section 3	Clarification required as open to interpretation
33	Mothers on maternity leave but still employed and expecting to go back to work may be awarded working community contribution	This was not included in the original criteria but it is felt it is fair to also consider a mother on maternity leave where she can prove that she remains in employment
	Awards under volunteering and training or education will be made when the applicant or partner has continuously made the contribution up to the point of offer	Clarification required as open to interpretation
35	Applicant who are receiving carers allowance for a person who is in receipt of DLA higher rate will qualify for community contribution	Clarification required as open to interpretation. This will need to be further reviewed for Personal Independence Payments

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**barnet
homes**

working together

Barnet Council

**The Housing
Allocations Scheme
September 2013**

The full draft rules

INDEX

Section		Page
1.	Context and Policy Aims	
2.	LEGAL CONTEXT	
3.	OUR PRIORITIES FOR SOCIAL HOUSING	
4.	HOW THE COUNCIL ALLOCATES PROPERTIES	
5.	PROCEDURE FOR APPEALS AND REVIEWS	
6.	GENERAL RULES AND CONDITIONS	
ANNEX 1	BARNET HOUSING BANDS	
ANNEX 2	SIZES OF HOMES	
ANNEX 3	COMMUNITY CONTRIBUTION: HOW PRIORITY IS AWARDED	
ANNEX 4	SERVICE TENANCIES	

1. Context and Policy Aims

The Aims of Barnet Council's Allocations Scheme

This document describes the criteria and procedure that Barnet Council uses to prioritise housing applicants for the social housing¹ that we allocate to; i.e. homes owned by Barnet Council, and a proportion of homes owned by Private Registered Providers (housing associations) in the Borough and other areas covered by the North London Housing Sub-region² to which we make nominations). It also sets out other assistance that we provide to housing applicants, including advice and access to housing in the private rented sector.

In Barnet the demand for social housing is very much greater than the number of homes available. This Allocations Scheme describes how the Council prioritises housing applicants to ensure that those in greatest housing need, as described by the legal definition of Reasonable Preference (see section 3), are given a head start to access available social housing, compared with those who have no housing need, but who want to move to or within social housing.

Barnet Council's Allocations Scheme sets out in detail who is and who is not assisted under the scheme and how this is decided. It also sets out how to apply for housing and the standard of service that the council will aim to achieve.

The Allocations Scheme is designed to meet all legal requirements and to support and contribute towards the Council's wider objectives such as promoting mixed communities.

The key objectives of this Allocations Scheme are to:

- Provide a fair and transparent system by which people are prioritised for social housing.
- Help those most in housing need.
- Promote the development of sustainable mixed communities.
- Encourage residents to access employment and training.
- Recognise residents who make a contribution to a local community.
- Make the best use of Barnet's social housing.
- Make efficient use of our resources and those of our partner Registered Social Landlords.

Social housing in Barnet will be allocated through a property pool that will allow applicants to view available council and housing association homes, along with homes that the council has secured access to in the private rented sector. The system will be supported by a housing options approach giving applicants realistic

¹ Social housing is housing owned by local authorities and registered social landlords for which guideline rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements, as agreed with the local authorities or with the Homes and Communities Agency.

² Westminster, Camden, Islington, Haringey and Enfield

advice and promoting other housing options, such as low cost home ownership options and private sector renting.

We are committed to providing a fair and transparent service to everyone applying for housing under the Council's scheme and to allocate accommodation, in the majority of cases, to those households with the greatest need. In doing so we are also committed to ensuring that the allocation of homes is done in such a way as to promote social cohesion and promote mixed communities, to enhance Barnet's reputation as a place where people want to live.

2. LEGAL CONTEXT

- 2.1 Barnet Council's Allocations Scheme sits within a legal framework which is summarised in this section.
- 2.2 The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocations Scheme. A summary of the Allocations Scheme must be published and made available free of charge to any person who asks for a copy. This document and a easy to read summary of the scheme are available on the council's web site, www.barnet.gov.uk and paper copies will be provided on request.
- 2.3 The Housing Act 1996, (as amended) requires local authorities to give Reasonable Preference in their allocations policies to people with high levels of assessed housing need who are defined as:
- All homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with Barnet Council);
 - People who are owed a duty under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing authority under section (192 (3)).
 - People occupying Insanitary, overcrowded or otherwise unsatisfactory housing;
 - People who need to move on medical or welfare grounds (including grounds relating to a disability);
 - People who need to move to a particular locality within the district to avoid hardship to themselves or others.
- 2.4 The Act also requires local authorities to state within the policy what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Our policy on choice is described below in Section 4.
- 2.5 This Allocations Scheme complies with the requirements of:
- Housing Act 1996 (as amended)
 - Allocation of Accommodation: Code of Guidance for Housing Authorities 2002
 - Choice Based Lettings Code of Guidance for Housing Authorities 2008,
 - Fair and Flexible: Statutory guidance on social housing allocations for local authorities in England 2009
 - Localism Act 2012
 - London Housing Strategy
 - Barnet Housing Strategy.

2.6 The Scheme also complies with the Council's equality duties including the duty to eliminate unlawful discrimination and to promote good relations between different racial groups, as well the duty to promote equality between disabled persons and other persons and between men and women.

2.7 This Scheme has considered:

- The Council's statutory obligations and discretion as to who is eligible for housing allocation
- The Council's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law i.e. those who must be given a 'head start' under the Council's Allocations Scheme.
- The Council's statutory discretion to grant "additional preference" and/or to determine priority between applicants with Reasonable Preference.
- The general and specific statutory discretions the Council can exercise when allocating housing in support of its Community Strategy.
- The Council also recognises its discretion to give additional preference to particular descriptions of people with urgent housing needs
- The Council's participation in the pan-London mobility scheme administered by the Greater London Authority

2.8 Tenancies for council homes are allocated according to the council's local tenancy strategy as required as part of the Localism Act 2011. Other registered providers have to take account of the Council's local tenancy strategy when setting their own policies.

OUR PRIORITIES FOR SOCIAL HOUSING

ELIGIBILITY

3.1 Anyone can approach the council for housing advice and assistance, however, the amount of social housing in Barnet is very limited, and the Council will no longer maintain an open housing waiting list³ containing households that it is unable to help access a council or housing association home.

3.2 People in the following criteria are not eligible for re-housing:

Those people subject to immigration control and certain other people from abroad excluded by law or regulation.

For more information on this please contact the Council.

In some instances a person may be eligible despite being subject to immigration control. The Council will disregard as members of the household those who are “restricted”, such as those who are:

- not eligible
- those who are subject to immigration control
- those with no leave to enter or remain in the UK
- those with leave but subject to a condition of no recourse to public funds.

For households eligible to be rehoused only because of the housing need of the restricted persons, the Council has a duty to arrange as far as practicable, an assured shorthold tenancy with a private landlord.

If the main applicant is eligible and not subject to immigration control, non eligible dependant children, other dependant family members **and live in carers in receipt of carers allowance** **will be** taken into account.

Non dependant adult children, **relatives**, non relatives and, lodgers **will not** be taken into account.

Furthermore, due to shortage of properties with 4 bedrooms or more the Council will discuss with large households whether their application may be divided into two or more smaller households.

CLASSES OF PERSON THAT DO NOT QUALIFY

3.3 Having considered the changes made to the Housing Act 1996 Part VI in the Localism Act 2011, the following classes of person will not normally qualify for a place in a band. There is discretion to waive these classes in exceptional circumstances, as approved by an appropriate manager:

³ Also known as a Housing Register

- a. Applicants with no local connection to Barnet as set out at Para 3.4 (save for applicants placed in band 4 as in section 4 below)
- b. Applicants who are overcrowded by only 1 bedroom and this is their only housing need
- c. Applicants who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974. Any person caught by this may re-apply once this conviction is spent
- d. Applicants who have refused **one** reasonable offer of accommodation under the terms of this Allocations Scheme, see para 4.26
- e. Homeless applicants found to be intentionally homeless
- f. Homeless applicants to whom the main homelessness duty has been ended due to refusal of a suitable offer
- g. Homeless applicants placed in long term suitable temporary accommodation under the main homelessness duty unless the property does not meet the needs of the household or is about to be ended through no fault of the applicant see para 3,6
- h. Applicants with lawfully recoverable arrears or other housing related debt within the meaning of this Scheme
- i. Applicants whose income or assets exceeds the limits set by the Council (as these limits will change the Officers will use guidance to apply this test)
- j. Homeless applicants but assessed as having no priority need under the homelessness law
- k. Applicants who owe arrears of rent or other accommodation charges to the Council in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a **minimum period of 8 weeks**. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need. **Existing tenants with rent arrears because they have been affected by the under-occupancy charge will not normally be excluded where a move will prevent further arrears building up and they have made a reasonable contribution towards the charge**
- l. Applicants in breach of another condition of their Tenancy Agreement **in respect of their current or former accommodation (including temporary accommodation)**
- m. **Applicants that have in the 12 months prior to making an application to voluntarily surrender any tenancy that would have been reasonable for them to continue to occupy**
- n. **Applicants in breach of Section 214 of the Housing Act 1996.**

ASSESSMENT OF NEED

- 3.4 The council has developed a housing banding system to determine who will be prioritised for housing in the borough. The housing bands are summarised below and full details are set out in Annex 1:

Band 1: People who have a reasonable preference⁴ and are granted additional preference (being people with a very urgent need to move).

Band 2: People who need to move and fall within one of the reasonable preference categories but also qualify for the positive community contribution criteria such as being in employment, training or voluntary work. People who currently live in supported housing who have been prioritised by Adult Social Care and Health as ready for independent living.

Band 3: People who need to move and fall within one of the reasonable preference categories but do not qualify for the positive community contribution criteria

Band 4: People who need to move and have been awarded reasonable preference **under Housing Act 1996 Part VI Section 193(2)**, but have had their preference reduced due to for example, no local connection, **unspent housing or welfare benefits fraud, rent arrears, other housing related debt, higher income or savings or other tenancy breaches.**

LOCAL CONNECTION

- 3.5 Local connection within the terms of this scheme will normally mean that an applicant has lived in this borough **continuously**, through their own choice, for a minimum of 2 years up to and including the date of their application, or the date on which a decision is made on their application whichever is later.

Accepted homeless households placed by this authority in accommodation outside Barnet will also have a local connection as long as they fulfil the two year residential qualification (time spent placed by Barnet in temporary accommodation outside the borough will count towards time spent in Barnet.

Local connection may also be awarded to people who need to move to a particular locality in the borough, where failure to meet that need would cause exceptional hardship to themselves or to others. Those without a local connection will not be eligible to be placed in bands 1,2 or 3 until this condition is satisfied.

People in the following categories will not normally be considered as having a local connection:

- Those placed in the borough of Barnet in temporary accommodation by another borough

⁴ a) people who are homeless (within the meaning of Part 7);(b) people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3); (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;(d)people who need to move on medical or welfare grounds [(including grounds relating to a disability)]²; and (e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

- Those placed in the borough of Barnet in residential or supported housing by another borough
 - Secure or flexible tenants of other boroughs
 - Those who do not meet the residential criteria but who have family members in this borough.
- 3.6 Applicants who have been placed in long term temporary accommodation by the Council will not be placed in a housing needs band. This will be reviewed if the arrangement is due to expire within the next 3 months or there is a change in circumstances that may increase their priority under this scheme. Long term temporary accommodation includes⁵ private sector properties let via the council or a housing association under a leasing arrangement, and non-secure tenancies on the regeneration estates.
- 3.7 Applications for housing will be assessed by Housing Officers using information supplied by the applicant and as a result of further enquiries as appropriate. The Housing Officer will decide whether the applicant falls within the Council's housing banding system and if so which band will apply.
- 3.8 Applicants who are assessed as not falling within one of the Council's Housing Bands will only be offered housing advice and assistance as necessary.
- 3.9 The Council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion. In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:
- Threat to life
 - Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
 - Households who, on police advice, must be moved immediately due to serious threats to a one or more members of the household, or whose continuing occupation would pose a threat to the community.
 - Cases nominated under the Police Witness Protection Scheme or other similar schemes that the council has agreed to be part of.
 - An applicant who has an exceptional need that is not covered in the Allocations Scheme. For example, where child or public protection issues require rehousing or for severe domestic abuse where all other options to remain in the home have been considered.
 - Other exceptional circumstances as authorised by the **Head of Housing Options** or equivalent.
- 3.10 Medical priority will be awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected

⁵ These examples do not represent an exhaustive list.

by their housing conditions and the expected benefits of providing suitable alternative settled housing. Applicants who are assessed as having an overriding medical or welfare housing need will be placed in Band 1; the circumstances that justify this are detailed in Annex 1.

- 3.11 We will work together with social services and other agencies looking at supply and demand to identify clients currently in supported housing who are ready for independent living. Subject to these discussions and agreement that the client's housing needs cannot be met outside of social housing, clients referred by Adult Social Care and Health will be placed in Band 2, unless there is an urgent need to move in line with the Band 1 criteria.
- 3.12 Where a young person is identified by Children's Services as ready to move on to other accommodation the young person will be placed in Band 2 or 3 subject to community contribution (unless there is an urgent need to move in line with the Band 1 criteria). The amount and type of contribution may vary for young people and the housing needs officer will have discretion to assess this as set out in Annex 3 to this scheme.

CONDITION AND SIZE OF ACCOMMODATION

- 3.13 All accommodation offered will be habitable and in reasonable repair.
- 3.14 The size of accommodation for which each applicant will be considered will depend upon the size and composition of the applicant's household. The requirements for each size of household are set out at Annex 2. **Young people aged 16 to 25 might be offered shared housing dependent on their assessed housing need.**
- 3.15 Larger accommodation than specified in Annex 2 may be considered in exceptional circumstances on the recommendation of a specialist advisor, for example the Council's Medical Adviser, Occupational Therapy Service, or senior social worker.
- 3.16 In calculating the number of bedrooms available within properties the Council will treat every habitable room as a bedroom except kitchens, bathrooms and one room for use as a living room. The Council will normally consider additional downstairs rooms in houses for use as bedrooms in accordance with Housing Benefit regulations.
- 3.17 Cases of existing secure Council tenants agreed as Management Transfers (due to extreme circumstances such as violent assault, harassment etc) are able to move to alternative accommodation as the only viable resolution to their current difficulties. These moves should however not be at the expense of others. Therefore their move will only be to the same size and type of accommodation as they currently occupy regardless of their actual housing need.

COUNCIL TENANTS

- 3.18 Council tenants wishing to move from their existing home will be assessed in the same way as other applicants applying for housing advice and assistance under this scheme.
- 3.19 Applications for transfer may be made jointly by separate tenants of the Council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the Council makes an acceptable offer of a transfer to a third property.
- 3.20 On occasion it may be necessary for a council tenant to move out of their existing home to allow major works to be carried out or because their home is due to be demolished. In these circumstances, the Council will use its discretion to prioritise a move to a suitable alternative home by placing the tenant in Band 1 at an appropriate time.
- 3.21 Council tenants who have to move because major works are required to their home will have the option of moving back to their original home once the works have been completed.
- 3.22 The Council is undertaking a number of regeneration schemes. Under these schemes a large number of existing council homes will be demolished and replaced with new homes owned and managed by housing associations. Under this allocations policy, existing secure tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their estate in accordance with the provisions agreed for each estate, before they are made available to any other applicants.
- 3.23 Where a council tenant is imprisoned for a period of more than 12 months, and would therefore either accumulate rent arrears or possibly lose their tenancy, they can voluntarily give up their tenancy. Upon release they would be made a direct allocation of a secure property that meets their needs. The size of accommodation would be the same as their previous tenancy, or a size that meets their needs under the terms of this policy, whichever is smaller. This will not apply to tenants who have been imprisoned in relation to a crime that would enable the Council to seek repossession of their accommodation- where this applies the Council will normally take repossession action.

HOUSING ASSOCIATION TENANTS

- 3.24 Housing association tenants will be assessed in the same way as other applicants applying for housing advice and assistance under this scheme.

MUTUAL EXCHANGES

- 3.25 Secure tenants have certain rights in relation to exchanging their tenancies with other secure tenants and in relation to the circumstances in

which a member of their household can succeed to their tenancy. These do not fall within the scope of this allocations scheme, and full details for how these schemes operate can be obtained from Barnet Homes or their Landlord in the case of Housing Association Tenants.

DISCRETIONARY SUCCESSION

3.26 Housing law means that certain household members are entitled to succeed to a council tenancy when the tenant dies. This statutory right only applies to the first time that a succession occurs, but beyond this, the council will use its discretion to allow additional successions to take place in the following circumstances:

- The person applying for succession has lived continuously in the property as their principle home for twelve months before the death of the tenant and
- They are the spouse, civil partner, a close relative of the tenant, or someone who had to live with the tenant in order to provide them with care, without which the tenant could not have maintained their tenancy and
- They would qualify for the property they have applied to succeed to under the council's allocations policy.

Where a property is not suitable for the person applying to succeed, for example because it is too large, the Council will assist them to find alternative accommodation if they qualify for help under the allocations scheme, this could include an offer of accommodation in the private rented sector.

Where a discretionary succession is agreed, the tenancy will be treated as a new tenancy under the Council's Tenancy Strategy – this means that in most cases a flexible tenancy will be granted, unless the applicant falls within a category of people who will still be granted a lifetime tenancy, for example a former member of the armed forces.

SERVICE TENANCIES

3.27 Employees of the council or Barnet Homes who have a service tenancy associated with their employment may be rehoused by the council in certain circumstances as set out in Annex 4. This will be achieved outside of assisted choice through the operation of clause 4.11 of this scheme.

4. HOW THE COUNCIL ALLOCATES PROPERTIES

THE PROPERTY POOL AND ASSISTED CHOICE

- 4.1 Barnet Council operates a property pool and assisted choice lettings system. This means that the council will maintain a list of properties that are available to let to housing applicants who fall into one of the housing bands described in Annex 1. This will include properties in the council, housing association and private rented sectors.
- 4.2 Priority for council and housing association properties being let as secure or assured tenancies will be determined by housing band, with those applicants in Band 1 having a greater priority than those in bands 2-4, and those in band 2 having a greater priority than those in bands 3-4, and so on. Within bands, priority will be determined by date order⁶.
- 4.3 In considering priority for re-housing between applicants with a similar priority under the banding scheme, the Council will also take account of the immediacy of need of each applicant. This means, for example, that where two applicants in the same band are interested in the same property, preference may be given where one of the applicants is facing a more immediate loss of their existing home than the other.
- 4.4 To avoid the loss of properties available to the Council, properties in the private rented sector will normally be made available on a first come first served basis to applicants across bands 1-4. Where more than one applicant is being considered for a private sector property, priority will be determined by band and date in band.
- 4.5 Applicants will be **selected for a property from those that are available that meet their needs and will be required to accept this property as their offer of rehousing. Paragraph 4.20 below explains in more detail how the Council will determine the suitability of a property.**
- 4.6 If no suitable properties are available **at the time of banding**, the applicant's case will remain open until a property becomes available and their Housing Officer will work with **applicants to help** them to secure a home.

EXCEPTIONS TO ASSISTED CHOICE

- 4.7 Available properties which are adapted or which are suitable for adaptation and Extra Care and Sheltered Plus housing or which are otherwise potentially suitable for applicants with a substantial disability or other special or support needs may be allocated outside strict banding and date order priority.
- 4.8 An allocation may also be made outside banding priority in the case of a Council tenant who is willing to transfer from a property which s/he does not require and which is particularly suitable for an applicant with special or support needs.

⁶ Date order means that date that an applicant was placed in the housing band

- 4.9 Applicants who have a special need for an adapted property or other particular type of accommodation which is in very short supply may be invited to consider a suitable property which becomes available outside of the areas preferred by the applicants concerned.
- 4.10 Applicants who have given up their Council tenancy whilst they are in prison as set out in 3.23 above.
- 4.11 The Council reserves the right to restrict the operation of the property pool to certain groups of applicants or to make direct offers of accommodation to households waiting for re-housing in order to fulfill its fiduciary or housing management duties and responsibilities, including achieving a balance of lettings as set out in the Council's letting plan.
- 4.12 Special allocation arrangements may apply in respect of properties available for letting on new-build developments.
- 4.13 Decisions to allocate properties outside of the property pool and assisted choice under 4.7 to 4.12 will be authorised by a senior housing **options** officer. In addition, decisions under 4.11 and 4.12 will be notified to an appropriate senior representative of the Council.

PAN-LONDON MOBILITY

- 4.14 Barnet Council participates in pan-London mobility (PLM) arrangements⁷ and accordingly up to five percent of the properties that become available to the Council for re-letting or nomination each year will be made available to transferring tenants from other London local authorities participating in the scheme.
- 4.15 Homes under this scheme are allocated according to the PLM allocations scheme rules and not the rules outlined in this scheme. Full details of the PLM scheme can be found at www.london.gov.uk.
- 4.16 Existing tenants of Barnet Council can make transfer applications through PLM to be considered for vacancies in other London local authority areas.

TYPES OF PROPERTY

- 4.17 Some properties or blocks of properties are designated for allocation only to applicants sharing a common characteristic or need, for example:
- Properties in blocks of flats for people aged over 40, or aged over 50.
 - Properties in sheltered housing developments for people over 60,
 - Properties in supported housing schemes offering special services,
 - Individual properties which are adapted or otherwise particularly suitable for applicants who use a wheelchair, or
 - **Priority for ground floor, level access accommodation, will be given to customers with an assessed need for ground floor accommodation**

⁷Currently known as Housing Moves

SELECTION OF PROPERTIES

4.18 In selecting properties from the property pool for applicants to consider, the Council will normally take into account the following factors:

- The number of bedrooms required (see Annex 2)
- Any essential requirement concerning the type or location of rehousing
- The housing band into which the applicant's case falls
- **The suitability of the accommodation.**

4.19 The Council will not normally take into account:

- Non-essential preferences concerning the location or type of rehousing requested by the applicant.
- An applicant's preference as between an allocation of a Council property, a nomination to a housing association property or an allocation to the private rented sector.
- The standard, type or location of the applicant's current accommodation (except where this is related to the assessment of their need)

SUITABILITY OF OFFERS OF REHOUSING (This section is to be read in conjunction with the Placements Policy)

4.20 Where accommodation is offered through the assisted choice process described above, an applicant will normally be expected to accept an offer of a property that meets their specified needs. Suitable offers are those that are deemed as suitable and appropriate to meet the housing and medical needs of the household concerned **and are affordable to the applicant and his or her household.**

4.21 The Council will seek to take into account applicants' particular or special needs but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of Council **and other** accommodation and the demands placed upon it by all priority groups. **A suitable property may, therefore, be located outside the borough.**

4.22 As a guideline and subject to the individual circumstances of each application, the Council will normally consider that a property is suitable if:

- It is located close to an area which the applicant has selected or an area that the Council considers to be reasonable.
- If it is affordable **for the applicant and his or her household based on his or her financial circumstances at the time of offer.**
- It is sized in accordance with the criteria in Annex 2.
- It complies with any recommendation made by a Medical or other relevant advisor.
- In determining the suitability of accommodation, the council will consider the following:

- the significance of any disruption to the employment, education or caring responsibilities of the applicant or a member of the household;
- the accessibility of medical or other support facilities that are currently used by the applicant or a member of the household;
- the accessibility of local services, amenities and transport

If a suitable property is located outside of the borough's boundary then the Council has to take into consideration the distance from the applicant's existing accommodation in the borough.

4.23 If an applicant is assessed as having a need where adaptations are required but they are currently under-occupying their property, the applicant will be required to (a) move to a smaller property where appropriate adaptations are already in situ, (b) trade down to a smaller property and then have the adaptations or (c) attain a smaller property through a mutual exchange and then have the adaptations.

4.24 Applicants may be offered a property in the private rented sector. These offers are subject to specific regulations that protect the health and safety of tenants. Full details of these regulations are available on request.

4.25 An offer of accommodation which is arranged by way of a nomination to a housing association will be considered to be as reasonable as an offer of a council tenancy.

4.26 If a housing applicant refuses **one** reasonable offers of accommodation through the assisted choice scheme or a direct allocation, they will be removed from the banding system.

4.27 An applicant who **has been removed from the banding system** under 4.26 will not be entitled to be reconsidered for housing under this allocations scheme for a period of 12 months from the date that the Council notified them of its decision, except where there has been a material change in circumstances such that the offer of re-housing would no longer be suitable, for example because of an enlargement of the applicant's household or a deterioration in ill health.

PROCEDURE FOR APPEALS AND REVIEWS

- 5.1 All applicants have the right to request general information about their application, including whether they are entitled to any preference for housing and whether and when suitable accommodation will be offered to them. Decisions made under this policy will be notified to applicants in writing and applicants are entitled to request information concerning the facts of their case that have been taken into account.
- 5.2 Applicants who are unhappy with a decision made under this policy should in the first instance contact the housing officer who has dealt with their case and explain why they think that the decision is not reasonable.
- 5.3 The applicant will be notified whether the decision still stands and the reasons for this usually within 48 hours
- 5.4 If an applicant wishes to take the matter further, they can make a request for a formal review of the decision within 21 days. In these cases the applicant will be invited to make a written submission stating the reasons for their request for a review and the Council will seek any further information it requires, including advice from medical and other specialist advisors. Formal reviews will be conducted by a team leader or manager within the Council's Housing Service with no previous involvement in the case who will notify the applicant of the outcome of the review including the reasons for their decision within 56 days.
- 5.5 Where an applicant wishes to appeal the suitability of an offer of accommodation under 5.1 of this policy, the property will be held available whilst the appeal is considered where this is not likely to lead to an unreasonable delay in letting the property.
- 5.6 Where an applicant requests a formal review concerning the suitability of accommodation under 5.3 of this policy, the property will not normally be held available whilst the appeal is considered.

GENERAL RULES AND CONDITIONS

DECISIONS

- 6.1 All decisions taken under this policy will be by fully trained housing officers within the Council's Housing Service unless otherwise specified. Housing Officers are supported by Team leaders and Senior Managers.

REQUESTS FOR ASSISTANCE

- 6.2 Requests for housing assistance must be made to the Housing Service. The Council aims to notify applicants of the result of the assessment of their priority under the Housing Banding System within 14 days. However, in cases where a medical assessment or other special assessment is required, it may take longer to notify the result.

PERSONS ELIGIBLE FOR ASSISTANCE

- 6.3 Persons entitled to assistance must be members of the applicant's immediate family who normally reside with the applicant. Any other person or persons will only be considered as entitled if the Council is satisfied that it is reasonable for that person to reside with the applicant. This will normally exclude lodgers or anyone sub letting from the applicant.
- 6.4 The Council may also refuse to consider an application for assistance or someone's inclusion on an application if the person concerned (i.e. other than the applicant) has made a separate housing application.

EVIDENCE OF IDENTITY AND HOUSING CIRCUMSTANCES

- 6.5 All applicants must provide satisfactory evidence of identity and past and current residences for themselves and all household members. The Council will request documentary evidence from each applicant and will conduct such further enquiries as are reasonable in the circumstances. An application will be cancelled if the applicant has failed to provide documentary evidence or other information reasonably required by the Council in order to validate the application.
- 6.6 The Council will normally carry out a visit to each applicant's residence if their priority is sufficient for an allocation of housing under this scheme. Visits conducted will include an inspection of the accommodation and facilities and are normally but not necessarily arranged by appointment.

INCOME AND SAVINGS

- 6.7 All prospective new tenants will be required to supply evidence of their financial income and resources. Where applicants are not able to show current entitlement to Income Support, verification of income and savings will be required prior to applicants being offered accommodation. Households with children who have an income that is at median Barnet earnings (currently £36,200) or households without children who have an income at median Barnet earnings less 15% (currently

£30,770) will not normally be placed into a band or offered social housing. Similarly where applicants have resources above the level set by the Council (£30,000 capital or savings) they will not normally be placed into a band or offered social housing. Households with incomes or assets below these limits will only be banded if they meet the criteria set out in this scheme.

CHANGES OF CIRCUMSTANCES

6.8 Once placed in a priority band, applicants should notify the Council in writing of any material change in their circumstances that will affect their priority for housing, for example:

- a change of address, for themselves or any other person on the application.
- any additions to the family or any other person joining the application
- any member of the family or any other person on the application who has left the accommodation.
- any change in income or savings.

6.9 Applications may be temporarily suspended while the Council assesses the information provided by the applicant and completes further enquiries that may be necessary.

6.10 The Council will carry out an assessment of each applicant's entitlement to and priority for re-housing on the basis of information which has been provided by the applicant or otherwise received in connection with the applicant.

INVESTIGATION OF FRAUD

6.11 The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud. Such enquiries will be made in all cases where applicants appear to have sufficient priority for an offer for rehousing, and in other cases as resources allow and may be made at any time either at the time of application or subsequently including after any grant of tenancy. Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed.

6.12 Any applicant seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.

MEMBERS OF THE COUNCIL, STAFF MEMBERS AND THEIR RELATIONS

6.13 In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or rehousing from members of the Council, employees of the Council or associated persons must be disclosed. These applications will be

assessed in the normal way but any allocation of housing will require special approval by a Team Leader in the Housing Service.

EQUAL OPPORTUNITIES AND MONITORING

- 6.14 The Council is committed to the principle of equal opportunities in the delivery of all its services.
- 6.15 Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require other special services as a result of visual impairment, hearing difficulties or other disability.
- 6.16 Confidential interview facilities are provided at all housing offices. There is full access to the housing office at Barnet House for people who use a wheelchair. Home interview services are available for applicants who are elderly or who experience mobility difficulties.
- 6.17 The Council will seek to ensure that its allocation policies are being operated in a manner that is fair to all sections of the community regardless of nationality, ethnic origin, marital status, age, gender or disability. The information provided will be kept confidential and treated with respect. The council believes it is important to understand the different communities who apply for housing and it is only by asking these questions that we can check we are operating a fair system.
- 6.18 All applicants for housing or rehousing will be asked to provide details of ethnic origin, faith, sexuality and disability. This will not, however, be a requirement for acceptance of an application. Equalities records will be kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly.
- 6.19 Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.

CONFIDENTIALITY

- 6.20 The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.
- 6.21 The disclosure of information about any housing application to a third party is prohibited except on a "need to know" basis in the following circumstances:
- to plan and provide assistance jointly with health and social services agencies in appropriate cases.
 - for the purpose of fraud detection, the prevention of crime, and the promotion of community safety.
 - to enable efficient administration of offers of rehousing, lettings, housing association nominations, and rent and benefit accountancy etc.

- where disclosure is a legal requirement.

ACCESS TO PERSONAL DATA

- 6.22 The Data Protection Act 1998 (DPA) provides individuals with a right to request access to any of their personal data held by the Council, and a right to know where the data came from, how it is used and why it is held. Such a request is called a “subject access request” and applies to personal data in housing files.
- 6.23 Subject access requests should be made in writing to the Head of Housing and must describe the information sought. Applications must state their name and provide proof of their identity, such as a copy of a passport, driving license, or recent utility bill.
- 6.24 Any applications made by third parties on behalf an applicant (for example by a lawyer acting for a client) must be accompanied by written evidence of authority to act. If this is not possible by reason of disability then the Council should be contacted in order to make alternative arrangements.
- 6.25 The Council may charge a £10 fee to handle a subject access request. There is no charge for students, pensioners, staff, benefit claimants and those on Income Support.
- 6.26 Once the Council has received the information, documentation and fee (if charged) referred to above in paragraphs 6.23, 6.24 and 6.25, it must begin processing the request and respond within 40 calendar days. There is a limited range of exemptions from the right of subject access.
- 6.27 Housing files may contain information about other people (third parties), such as details of complaints made by other tenants, or comments made by housing staff. If the Council cannot respond to a request without giving information about other people, it is not obliged to include this information in its response unless they consent, or unless it thinks it is reasonable in all the circumstances to disclose this information without their consent.
- 6.28 Under the DPA applicants may also have the right to challenge tie information held on them and may request the correction of records which they believe to be inaccurate. Such challenges should be made in writing and addressed to the Head of Housing.

ACCESS TO OTHER INFORMATION

- 6.29 Anyone has the right to request access to recorded information held by the Council, either under the Freedom of Information Act 2000 (FOIA) or, for environmental information, the Environmental Information Regulations 2004 (EIRs).
- 6.30 Requests under the FOIA must be made in writing, must include the applicant’s name and a correspondence address and must specifically describe the

information requested. Requests under the EIRs must also comply with these regulations except that they can be made verbally. Please address requests under the FOIA or EIRs to the “FOI Officer” at the Council’s postal address or to foi@barnet.gov.uk.

6.31 Once a valid request has been reviewed the Council must usually respond within 20 working days.

6.32 Requests made by individuals for their own personal data will be treated as “subject access requests” under the DPA (see 6.22 to 6.28 above).

ANNEX 1 – BARNET HOUSING BANDS

Band 1: Urgent Need to Move due to Reasonable Preference PLUS additional priority and a local connection ⁸	
	Summary Guide of Criteria ⁹
Emergency medical or disability Reasonable preference category S.167(2)(d)	<ul style="list-style-type: none"> • Where an applicant's condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the provision of suitable care. • The condition is life threatening and the applicant's existing accommodation is a major contributory factor. • The applicant's health is so severely affected by the accommodation that it is likely to become life threatening. • The applicant has severe mobility issues, is housebound and is unable to leave their accommodation without assistance. They have an assessed need to move to accommodation that meets their needs. • The applicant is a wheelchair user who is unable to use their wheelchair within their current accommodation and has an assessed need to move to wheelchair suitable accommodation. • The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months. • Where overcrowding in the property leaves the applicant at risk of life threatening infection.
Exceptional Circumstances Welfare and Hardship Criteria Reasonable preference category S.167(2)(e)	<ul style="list-style-type: none"> • Emergency need to move determined by the Council and authorised by the Head of Housing Options or equivalent.
Exceptional need to move Reasonable preference category S.167(2)(e)	<ul style="list-style-type: none"> • Applicants who need to move due to domestic abuse, extreme violence or extreme harassment. • Extreme violence or harassment will be verified by the Police and/or other agencies as necessary. This may include where a move is necessary to protect a witness to criminal acts.

⁸ As defined in paragraph 3.4 of this scheme

⁹ This summary guide of criteria does not represent an exhaustive list of all applicants entitled to reasonable preference

	<ul style="list-style-type: none"> Agreed in exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling in the social or private rented sector and there is a high risk to the tenant or their family's safety if they remain in the dwelling/area. For social housing tenants transfers will be to properties of the same size or smaller if they are under-occupying and type where required, but locations or areas are likely to change. <p>Examples of exceptional circumstance cases are given in the policy at paragraph 3.9</p>
Disability need to move on hardship grounds Reasonable preference category S.167(2)(d)	<ul style="list-style-type: none"> This is any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces
Release of adapted property Reasonable preference category S.167(2)(e)	<ul style="list-style-type: none"> Where a tenant is willing to transfer to a suitable non adapted property and is releasing an adapted house or designated older persons property.
Statutory Overcrowded Reasonable preference category S.167(2)(c)	<ul style="list-style-type: none"> Tenants who are statutorily overcrowded
Acute Overcrowding Reasonable preference category S.167(2)(c)	<ul style="list-style-type: none"> Where a household is 3 bedrooms short of the bedroom standard outlined in Annex 2.
Private sector properties insanitary or unfit. Those living in insanitary conditions where the conditions pose an ongoing and serious threat to health; Reasonable preference category S.167(2)(c)	<ul style="list-style-type: none"> Private sector tenants and residents of dwellings that the Council's Private Sector Housing Team has determined that the property poses a category 1 hazard under the Housing Health and Safety Rating System (e.g.: crowding and space, excessive cold or risk of falls) and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, <u>and</u> there is no prospect of the problems being remedied within a 6 month time period. A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004.
Under-occupation Reasonable preference category	<ul style="list-style-type: none"> Where a secure Council tenant will release a home with two or more bedrooms by moving to a property with fewer bedrooms than they currently have.

S.167(2)(e)	<ul style="list-style-type: none"> Housing association tenants who will release a home with two or more bedrooms are eligible if their landlord agrees that the vacated property can be used for a nomination by the council
Major works or demolition Reasonable preference category S.167(2)(c)	<ul style="list-style-type: none"> Where a council tenant has to move either temporarily or permanently whilst major works are undertaken or where their home is due to be demolished
Foster carers referred by the Council's Children's Service Reasonable preference category 167(2) (d) or (e)	<ul style="list-style-type: none"> Foster carers approved by the Council whose housing prevents them from being able to start, or continue, to provide foster care.

Band 2 Need to move – Reasonable Preference plus Community Contribution and a local connection¹⁰

	Summary of Criteria
Homeless Households owed a full homeless duty under section 193(2) or 195(2). Reasonable Preference categories s167(2) (b)	<ul style="list-style-type: none"> People who are owed a duty under section 193 (2) Or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) -- This means households who are homeless or threatened with homelessness and in priority need Note for cases owed a full homeless duty by any other Council they will receive a reduced preference for not having a local connection to Barnet Council (until they acquire a local connection with the borough).
Overcrowded by the Bedroom standard. Reasonable Preference category s167(2)(c)	Where a household is 2 bedrooms short of the bedroom standard outlined in Annex 2.
Applicants living in unsatisfactory housing lacking basic facilities. Reasonable Preference category s167(2)(c)	<p>Applicants without access at all to any of the following facilities. No access to:</p> <ul style="list-style-type: none"> a bathroom or kitchen an inside WC hot or cold water supplies, electricity, gas or adequate heating <p>Applicants who occupy a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by Section 33 of the Housing Act 2004.</p> <p>Applicants who only have access to shared facilities in</p>

¹⁰ As defined in paragraph 2.4 of this scheme

	shared accommodation will not qualify under these criteria.
Medical grounds Reasonable Preference category s167(2)(d)	Where an applicant's housing is unsuitable for severe medical reasons or due to their disability, but who are not housebound or whose life is not at risk due to their current housing, but whose housing conditions directly contribute to causing serious ill-health.
Hardship or welfare need to move for care or support Reasonable Preference category s167(2) (c) and (d)	Those who need to move to give or receive care that is substantial and ongoing. Those who need to access social services facilities, and are unable to travel across the Borough. Those who need to take up (or continue) employment, education or a training opportunity that is not available elsewhere <u>and</u> who do not live within reasonable commuting distance.
Housing need due to age Reasonable Preference category s167(2)(d)	Older or disabled applicants seeking Retirement or Extra Care or Sheltered Plus housing
Ready to move on from Council accredited supported care schemes Reasonable Preference category s167(2)(c)	An applicant is ready to move to independent settled housing on the recommendation of the support worker or equivalent. The applicant is in need of medium to long term rather than short term ongoing tenancy support. That support package has been assessed and is in place.
Move on from Care Reasonable Preference category s167(2)(c)	A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living. They possess the life skills to manage a tenancy including managing a rent account. The care leaver is in need of either a long term or medium term tenancy support. That support package has been assessed and is in place.
Discretionary Succession	Where the Council has agreed to grant a tenancy under clause 3.26 of this policy.
Existing Foster carers approved by the Council willing to provide care for an additional child Reasonable preference category 167(2) (d) or (e)	Where a Foster carer already providing a home for at least one foster child offers to provide care for an additional foster child

Band 3 : Need to move – Reasonable Preference BUT no Community Contribution and a local connection¹¹

Summary of Criteria

Applicants in this Band will have the same element of housing need / Reasonable Preference as those applicants in Band 2 BUT will not have the Community Contribution or Working Household award as defined section 3 part 3 of the policy. Once a Community Contribution or Working Household award is given, the applicant will be moved into Band 2.

Band 4: Reduced Priority : Need to Move - Reasonable Preference but with Reduced Priority

Summary of Criteria

Applicants owed Reasonable Preference but who have been given reduced priority **but are owed, or are likely to be owed, the main homelessness duty under Housing Act 1996 Part VII) 193(2).**

No local connection

Unspent housing or welfare benefits convictions

Rent or other housing arrears

Income or assets exceeding the limits set out in paragraph 6.7

Breaches in tenancy conditions

Customers in this band have reduced preference and are extremely unlikely to be offered social housing but may be helped to find a home in the private rented sector.

¹¹ As defined in paragraph 2.4 of this scheme

ANNEX 2

SIZES OF HOMES

- The number of bedrooms you need depends upon the size of your family.
- The chart shows the size of home that we consider you need.
- A single parent is counted as a **single person** and an unborn baby is counted as a child.
- Single people without children are usually offered studios.
- **Single bedrooms will be used for one person not sharing (for example a single parent).**
- **Double bedrooms will be used for two people sharing (for example two children sharing)**
- **Where a single parent has a child under the age of one they will be offered a flat with one double bedroom.**
- Two children of the opposite sex under ten will be expected to share a bedroom.
- Some retiring staff are contractually entitled to one bedroom more than they need.
- Council or Housing Association tenants trading down from properties with three or more bedrooms may choose a property with one bedroom more than they need
- Sometimes Housing Associations adopt different criteria for determining the number of bedrooms a household requires.

SIZE OF FAMILY	SIZE OF PROPERTY
Single person	Bedsit/single person home- with single bedroom
A couple without children	1 bedroom
Two adults of the same sex and generation for example, flat sharers, or two brothers	1 bedroom
A couple expecting a child or with a child, including an adult son or daughter.	2 bedrooms
A couple with two children of the same sex	2 bedrooms
Two adults of opposite sex who do not live as a couple, for example, brother and sister	2 bedrooms
A couple with two children of opposite sex and both under ten	2 bedrooms
A couple with two children of opposite sex one of whom is over ten	3 bedrooms
A couple with three children	3 bedrooms
A couple with four children (all of the same sex or two of each sex)	3 bedrooms
A couple with two children of the opposite sex under ten and one dependant relative (for example, widowed mother)	3 bedrooms
A couple with four children (three of one sex and one of the opposite sex)	3 or 4 bedrooms depending on the age of the children

A couple with more than four children	4 bedrooms
A couple with three children and one dependant relative	4 bedrooms
*This does not apply to parents/children	

ANNEX 3

COMMUNITY CONTRIBUTION: HOW PRIORITY IS AWARDED

Community Contribution

People who play a part in making their neighbourhood strong, stable and healthy – those who help make it a good place to live, work and play – are valuable people. They are the backbone of their community, and the Council believes such people should be allocated social housing to continue contributing to sustaining local communities in the area where they contribute.

The Community Contribution priority scheme is a Barnet Council policy which gives the main applicant or partner increased priority for housing when they have reasonable preference and qualify under the community contribution criteria described below. These applicants will be placed in Band 2 by virtue of this award.

Community Contribution Awards – How they work in practice

Community contribution can only be awarded to the main applicant or their partner.

Applicants or their partners and all household members must have a *current positive residence history* to qualify for a Community contribution award.

1. No on-going culpable involvement in anti-social behaviour or criminal activities.
2. No breaches of tenancy within the last 3 years
3. No outstanding lawfully recoverable housing-related debt over £100.
4. Not have an outstanding unspent conviction

Increased priority for housing is given to those applicants who demonstrate a commitment to contribute to the Borough's economic growth as working households or who make a contribution by their contribution within communities.

Applicants or their partners awarded community contribution must also fulfil the eligibility criteria in section 3 of the housing allocations scheme.

Applicants can access increased priority for housing in five ways;

1. Working Households

This policy aims to support the economic growth of Barnet.

We want to encourage people who can, to work and want to raise levels of aspiration and ambition. We will offer increased priority to applicants who are working but are on a low income and will therefore find difficulty in accessing outright Home Ownership or Low cost low Ownership. Applicants who have reasonable preference can receive increased priority to Band 2 by virtue of their "working" status.

Definition of Working Households

Households where the applicant or their partner is in employment.

For the purposes of this Allocations Policy employment is described as having a permanent contract, working as a temporary member of staff or being self-employed. Applicants will only qualify if the worker has been employed for 6 out of the last 12 months. **Applicants who are on maternity leave but remain in employment can also qualify for this award.** Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper in order to qualify.

2. Volunteering

Households where the main applicant or their partner is volunteering.

Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application and continuously until the point of offer. Volunteering must be for a not-for profit organisation that is registered with the Volunteer Centre Barnet or recognised by the Council, or a charity that is registered with the Charity Commission or is funded by the Council or another local authority or a faith based community group or organisation. Tenants and Residents Associations which are constituted are classified as not-for-profit organisation. They must be registered with Barnet Council or a Registered Social Landlord to qualify.

Volunteering must be for a minimum of 10 hours per month.

Evidence required for voluntary work.

A letter on the organisation's headed paper from the manager responsible for volunteers confirming the applicant's involvement in a minimum of 10 hours per month of voluntary work for at least 6 months. This person must not be related to the applicant in any way.

3. Training or Education

Households where the main applicant or their partner is in training or education.

We want to encourage people to move closer to gaining paid employment by gaining employability skills and becoming job ready. This may be achieved by attending higher or further education or by accessing a longer vocational course of study or engaging in a programme of work-related training courses. In all cases the course of study must lead to achieving accredited qualifications and / or certification by a registered awarding body.

Study or training may be undertaken at a range of recognised institutions and organisations such as: Further Education College; registered Private Training Provider; registered Voluntary Sector Organisation or University.

To be eligible for the vocational training award a person must initially access a recognised Information, Advice and Guidance (IAG) service, such as *Next*

Steps for Adults or Connexions for young people up to age 19 years to develop an agreed employment action plan and to be signposted to relevant training providers. Candidates must be working towards gaining employment in a vocational occupation.

A person must have been studying or training against the eligible criteria and definition outlined, for a continuous period of at least 6 months up to the point of application **and continuously until the point of offer**. Applicants eligible for out-of-work related benefits must also be registered with Job Centre Plus and accessing mainstream job brokerage provision, thus actively seeking work (this may not apply to full time students dependent on the hours they are studying). This training must be in addition to, or supplementary to any mandatory training required and may be undertaken in conjunction with volunteering to gain further knowledge and experience.

Some people undertaking training are not actively seeking work. Where the Benefits Agency can confirm that the applicant is not required to actively seek work because of their circumstances, for example they have caring responsibilities, their training can be recognised in this policy.

All training must be a minimum of 10 hours a month.

Evidence required for Training element

Further/higher education candidates must supply evidence of:

- letter from college or university confirming participation in course of study for period of 6 months

For vocational training award the following evidence must be provided:

- an agreed employment action plan developed through a recognised IAG service plus verification of steps taken towards achievement of action plan targets
- certificate or letter from a registered awarding body for the course or by a recognised training provider as evidence of gaining a recognised vocational qualification or successfully completing accredited work-related training (over a continuous period of at least 6 months)

4. Ex service personnel

Applicants **or their partner**, who have served in the British Armed Forces and lived in Barnet for at least 6 months immediately prior to enlisting, will qualify for a community contribution award automatically, with the exception of those who have been dishonourably discharged. This includes people who have served in the Royal Navy, Royal Air Force and British Army.

Service with the armed forces will be confirmed with the Royal British Legion.

5. Registered Foster Carers

We recognise the contribution that Barnet foster carers make towards ensuring that children in Barnet's care receive a good service. In order to qualify for a

community contribution award under this policy, applicants will require a letter from the council's Children's Service confirming that they have been approved as a Barnet foster carer and that they are in a position to take one or more placements.

6. Carers

An applicant or their partner who is receiving carers allowance for caring for a person who is in receipt of DLA higher rate will qualify for the community contribution award under this policy.

7. People with disabilities and older residents

Whilst many older people and those with disabilities work or volunteer, there may be circumstances in which frailty or a disability prevents this, or means that the full eligibility criteria set out above can not be met. Housing Officers will consider such cases on an individual basis and use their discretion to award a community contribution where they consider this is appropriate.

8. Young people

Generally young people (applicants aged 25 and under) will be required to meet the full community contribution criteria outlined above. However housing needs officers will have discretion with regard to the length of time a young person has been in employment. In addition where a young person is able to participate in volunteering and is not in employment or training the number of hours per month required is 20 hours.

Young people referred by Children's Services

In some circumstances a young person in supported housing may not have a full current positive residence history. Where the scheme manager is satisfied that the young person is no longer in breach of their tenancy agreement or licence and is complying with the conditions of the tenancy Housing Officers will consider such cases on an individual basis and use their discretion to award a community contribution where they consider this is appropriate.

Where a young person has been referred by Children's Services the following will qualify for community contribution award:

- Firm offer and proof of acceptance onto formal study or training as set out in paragraph 3 above
- In employment
- Volunteering for 20 hours per month. Volunteering defined in paragraph 2 above

Annex 4

SERVICE TENANCIES

Re-housing for former Service Tenants Length of Service	Eligibility	Entitlement
Less than 7 years	<ul style="list-style-type: none"> • Retiring or transferring to non-residential employment • Was a council tenant before taking a service tenancy • Dependent children • Vulnerable because of ill health or disability 	Bedrooms according to need (as defined in annex 2 of this Scheme)
More than 7 years	<ul style="list-style-type: none"> • Any service tenant leaving employment or transferring to non-residential employment • Spouses/partners left on death or separation 	Bedrooms according to need
More than 15 years	<ul style="list-style-type: none"> • Retiring or transferring to non-residential employment 	1 extra bedroom

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APPENDIX 3- DRAFT PLACEMENTS POLICY

BARNET COUNCIL'S POLICY WITH REGARD TO THE MAKING OF PRIVATE RENTED SECTOR OFFERS TO FULLY DISCHARGE A HOMELESS DUTY

1. Background

The introduction of the Localism Act 2011 will have a significant impact on the way in which Local Authorities can deal with applications for social housing and homelessness applications under Parts 6 and 7 of the Housing Act 1996. The Homelessness changes were enacted on 9th November 2012.

Under the previous legislation, Local Authorities were able to discharge their main homelessness duty to applicants who were homeless, eligible for assistance, in priority need and not intentionally homeless by

- securing suitable social housing accommodation under Part 6 (unless a referral to another Local Authority can be made under the local connection provisions)
- offering privately rented accommodation only with the applicants explicit agreement

From 9th November 2012, the Localism Act enables Local Authorities to fully discharge the full housing duty by a 'private rented sector offer' PRSO (s193(7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011.

These changes apply only to new applicants approaching local authorities as homeless or threatened with homelessness after the commencement date of 9th November.

Following enactment of the relevant parts of the Localism Act on 9th November, anyone provided with accommodation in the private rented sector as final discharge of a homelessness duty is no longer considered to have a 'Reasonable Preference' for an allocation of permanent housing by reason of homelessness.

This will end a significant link between Parts 6 and 7 of the Housing Act 1996.

On the 9th November 2012, the Government introduced new guidance for Local Authorities covering homelessness and Suitability of Accommodation for private rented sector offers. Officers are required to have regard to this guidance when seeking to discharge the full homelessness duty into the private rented sector.

It is important to note that existing guidance on suitability contained in the Homelessness Code of Guidance 2002 continues to apply.

2. Policy for discharging statutory homeless duties

Policy Statement

Barnet Council sets out its vision for responding to homelessness in the Area in the authority's Housing Strategy.

3. Policy overview

This document relates to the policy and procedural arrangements for discharging the statutory homeless duties into the private rented sector following the enactment of the Localism Act. The document will be referred to as "the policy".

The policy operates in conjunction with the authority's existing Allocation Scheme and will be reviewed in parallel with any future proposed changes to that Allocation Scheme.

Any amendments to the policy will be included on the version that the authority provides on its website. This will always be the current version of the policy.

The policy complies with:

- ✓ The Housing Act 1996, as amended by the Homelessness Act 2002
- ✓ The Localism Act 2011
- ✓ Equality Act 2010
- ✓ Suitability of Accommodation Order October 2012
- ✓ The Homelessness Code of Guidance
- ✓ The Strategic Tenancy Policy 2012

4. The Policy aims and objectives

The authority will adopt the following policy.

Barnet Council intends to fully discharge any full housing duty by way of a 'private rented sector offer' made using the power granted to it (s193(7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011. For all cases subject to a Part 7 Homeless Application from the 9th November 2012 and where that application has resulted in a full housing duty being owed the presumption will be that the authority intends to discharge that duty by arranging for a private landlord to make an offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months ("a private rented sector offer"). This is not a blanket application of the new power. A decision will be taken after a full consideration of household's individual circumstances and the facts that apply to that case. Having undertaken this consideration if the council is satisfied that it is appropriate to exercise the power given to it under the Housing Act 1996 (as amended) it will discharge its duty by arranging for a private landlord to make a suitable offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months ("a private rented sector offer").

Each private rented sector offer will be assessed for suitability against the Homelessness (Suitability of Accommodation) (England) Order 2012 Part2 and matched to an individual household.

A suitable offer will only be made where the Council have fully considered

- 1) The Homelessness (Suitability of Accommodation) (England) Order 2012 and specifically all the statutory requirements in part 1 which cover the suitability of the location of accommodation and Part 2 which sets out the circumstances in which accommodation is not to be regarded as suitable for a person.
- 2) That the property is suitable in relation to existing suitability requirements that relate to space and arrangement.
- 3) Any other subjective matters and issues that relate to your circumstances and that of any other household members obtained by the Council from our investigation of your application.
- 4) That the accommodation is affordable having fully considered the cost of the rent and any other expenditure relating to the property compared to the income available to you with or without benefits and specifically the outgoings which are needed for you to feed and clothe yourself and your household; heat the property, plus any other expenditure that we are satisfied is essential to meet the ordinary necessities of life, plus all other reasonable living expenses
- 5) All existing legislation, statutory guidance and caselaw relating to making suitable offers of accommodation and specifically paragraphs 17.40 and 17.41 of the Homelessness Code of Guidance.

5. How the Policy will be applied

The level of PRS supply will determine the number of households that will have their full duty ended with a suitable PRSO offer.

For any applicant that has made a Homeless Application after November 9th and is owed a full duty that duty will remain until either the authority arrange for a private landlord to make an offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months (“a private rented sector offer”), or one of the following actions or events occur which by law will also bring the duty to an end. These are:

- If the applicant accepts an offer of settled accommodation from the council (in accordance with Part VI of the Housing Act 1996)
- If the applicant refuses an offer of suitable temporary accommodation or a Social Housing Tenancy offered under the council’s Allocation scheme which the authority are satisfied is suitable for their needs, and the authority inform the applicant that it regards itself as having discharged its duty under Section 193 of the Housing Act 1996.
- If the applicant becomes intentionally homeless from the suitable accommodation made available for his/her occupation
- If the applicant ceases to be eligible for assistance due to their immigration status.
- If the applicant otherwise voluntarily ceases to occupy as their only or principal home, the accommodation made available to them to meet the full housing duty.

Where there are more households owed the full homeless duty than properties available in the private rented sector to end the duty, applicants will be selected to be offered a PRSO offer using criteria set to meet the operational needs of the service and the financial impact on the authority. Criteria may change subject to operational or financial circumstances and a copy of the current criteria used will always be available for any applicant, or member of the public, who requests a copy. Criteria may include (the following are examples and are for illustrative purposes only).

Example criteria for selecting applicants to be made a PRSO offer to fully discharge the homeless duty

Applicants owed a full housing duty that:

- ✓ Have expressed a preference to live in a particular area. Area choice will be considered when making a PRSO but cannot be guaranteed.
- ✓ Are in temporary accommodation where there is a cost to the council
- ✓ Are in temporary accommodation where due to the level of rent charged there is a cost to the applicant
- ✓ Are in temporary accommodation and require longer term accommodation as a matter of urgency.
- ✓ That have been accepted as being threatened with homelessness and owed a full housing duty and where a PRSO offer will avoid the need for the household to go into temporary accommodation.
- ✓ Where there no exceptional circumstances relating to the need for the provision of long term social housing to provide longer term stability for a household (this could be where a household has a child or children on the at risk register or where a household requires an adapted property to meet their long term disability needs)
- ✓ That are owed the full homeless duty and have been waiting longest
- ✓ That are owed the full homeless duty and have been waiting shortest period

One or several criteria may apply at the same time. Regardless of the fact that an applicant has met the criteria for being considered for a PRSO offer the authority will still ensure that it only makes a PRSO offer after a full consideration of household's individual circumstances and the facts that apply to that case. Having undertaken this consideration if the council is then satisfied that it is appropriate to exercise the power given to it under the Housing Act 1996 (as amended) it will discharge its duty by arranging for a private landlord to make a suitable offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months.

6. Actions to be taken to implement the Policy

Once this policy is adopted the Housing Options Department within Barnet Homes will adopt a policy statement which will be summarised and communicated to all applicants where a homeless application has been made after the 9th November 2012 and where a full housing duty is owed. A copy of this full policy will be available to applicants via the Council's website.

This policy will also be sent to all relevant stakeholders in the Area along with the draft Allocation Policy for Barnet Council. The key messages that will be communicated to applicants and stakeholders are:

- a) Barnet Council intends to fully discharge any full housing duty by way of a 'private rented sector offer' made using the power granted to it under the Localism Act 2011.
- b) For all cases subject to a Part 7 Homeless Application from the 9th November 2012 and where that application has resulted in a full housing duty being owed the presumption will be that the authority intends to discharge that duty by arranging for a private landlord to make an offer of an assured short-hold tenancy in the private rented sector for a period of at least 12 months
- c) This is not a blanket application of the new power. A decision will be taken after a full consideration of household's individual circumstances and the facts that apply to that case. Having undertaken this consideration if the council is satisfied that it is appropriate to exercise the power given to it under the Housing Act 1996 (as amended) it will discharge its duty by

arranging for a private landlord to make a suitable offer of an assured short-hold tenancy in the private rented sector

- d) Although cases that are owed a full homelessness duty following an application after the 9th November will still be owed reasonable preference priority because of that duty as soon as a suitable PRSO offer is made and the full homeless duty discharged the applicant will have their reasonable preference priority removed at that point.
- e) The Council anticipates that the majority of households owed the full duty will have that duty ended with a PRSO offer.
- f) The Council has developed an Allocation Policy which will give priority for applicants in the highest housing need as well as applicants that are able to meet the community contribution criteria. This will include households who work, are in training and who volunteer.

7. How will the Policy be applied to households who approach the authority claiming to be homeless or threatened with homelessness

Where a household approach the authority claiming to be homeless or at risk of homelessness they will receive a Housing Needs assessment.

Depending on their circumstances they will be given appropriate advice on how to prevent their homelessness; and advice on their housing options and housing prospects regardless of whether they have dependent children or any form of vulnerability

For those households who may meet the test of priority need and may be homeless the PRSO policy messages outlined above (a-f) will be explained to the person.

Where a homelessness application would be lawfully triggered, on the basis that the applicant is applying for accommodation or assistance in obtaining accommodation and the authority have reason to believe that the person is or may be homeless or threatened with homelessness within 28 days, the person will be given a choice of pursuing a homelessness application after the facts have been explained to the applicant that if a full duty is accepted that duty is likely to be ended with a PRSO offer. It is expected that some applicants will at this point chose not to pursue their homelessness application but this will be the clear choice of the applicant.

This action will result in either:

1. Applicants whose circumstances would have lawfully triggered a homelessness application but who have chosen to pursue help and advice from the authority to prevent their homelessness through resolving any threat of homelessness or through the provision of accommodation in the PRS to prevent them from becoming homeless. The authority intends to develop its approach to preventing homelessness properties to ensure that the standards and checks for any property or offer made through its prevention of homelessness policy are the same as would be if the applicant were to be owed a homeless duty and had that duty discharged with a PRSO offer.
2. Applicants whose circumstances have lawfully triggered a homelessness application and have chosen to pursue that application will be subject to enquiries into the statutory tests under section 184 of the Housing Act 1996 and in parallel to those enquiries actions and advice to seek to prevent their homelessness by keeping them in their existing home or through offering

alternative accommodation to prevent their homelessness which the applicant can choose to accept or reject.

Applicants that choose 1 above will be treated as a prevention of homelessness case and will be offered the choice of:

- a) Remaining with relatives or friends and finding PRS accommodation themselves in their own timescale backed by any PRS landlord incentive schemes including the authority's Let2Barnet service.
- b) Remaining with relatives and friends and receiving an offer of PRS accommodation as soon as one becomes available. Private rented properties will be sourced to prevent homelessness as well as to meet and end any homeless duty.
- c) If they are physically homeless and have no relatives or friends to stay with the Council can make one offer of PRS accommodation on that day to prevent homelessness.

Applicants that are dealt with under 2 above will be subject to a homelessness application, investigation and decision. They will be subject to investigations into the statutory tests under section 184 of the Housing Act 1996 and, in parallel to those enquiries; the authority will take any action and provide any advice it can to seek to prevent their homelessness by keeping them in their existing home or through offering alternative accommodation. Where enquiries are completed and at that stage actions to prevent their homelessness have not been successful a decision will be taken under section 184 Housing Act 1996 as to whether a full duty is owed to the applicant. If it is owed the presumption will be that the duty will be discharged with one suitable PRSO offer.

8. How the Council will ensure it makes suitable offers of accommodation to discharge the full homeless duty.

Under the Policy the Council will make suitable offers of accommodation to discharge their homeless duty following 4 core tests.

Test 1 – Is the offer suitable on the facts of the property itself – space and arrangement – this is an existing requirement that applies to all offers of temporary accommodation (TA) as well as a PRSO offer

Test 2 – Is the offer affordable which will require an income and expenditure assessment for each case – this is an existing requirement that applies to all offers whether of TA or a PRSO

Test 3 – Is the property suitable for that applicant considering the Homelessness (Suitability of Accommodation) (England) Order 2012 – Part 1 which requires a consideration of the suitability of the property location and in particular the significance of any impact on education, health, employment, support. This will also include an assessment of any subjective matters based on the applicant's circumstances which are relevant to whether the offer of accommodation is suitable.

Test 4 – For PRSO offers only the offer can only be suitable if it meets the Homelessness (Suitability of Accommodation) (England) Order 2012 – Part 2 which relate to property standards and management.

Matters contained in test 1 (space and arrangement) have been included in the section on property standards and management – test 4. The Policy sets out the approach the authority will take to ensure that the offer of accommodation is suitable. This is set out against the suitability of the property regarding 1) the property standards and management; 2) the affordability of the property for the applicant and 3) the suitability of the property in regard to its location and any other subjective matters.

Test 1: Suitability and property standards and management.

The Homelessness (Suitability of Accommodation) (England) Order 2012 – Part 2 sets out a list of requirements relating to the property and its management that must be met in order for the property to be suitable.

The local authority must be of the view that the accommodation is in reasonable physical condition. The authority must also satisfy itself that the property is suitable in relation to:

- ✓ Certain electrical regulations
- ✓ Fire safety
- ✓ CO poisoning – there must be adequate carbon monoxide alarm/s
- ✓ HMO licensing
- ✓ The property has a valid energy performance certificate (EPC)
- ✓ Gas safety record
- ✓ That a written tenancy agreement will be provided
- ✓ And that the landlord is a fit and proper person to act in the capacity of landlord.

To ensure suitability against these statutory standards a property will always be visited by an officer from the authority's Let2Barnet service or undertaken by the authority's agent. A standard checklist which sets out the statutory tests will be used for this purpose (attached at appendix 1).

There is no requirement in the suitability order for a technical inspection to be undertaken by qualified HHSRS officer but where an officer or the authority's agent have any concern that a Category 1 hazard may be present they will refer the property on for a technical assessment under Section 4 of 2004 housing Act.

Test 2: Suitability and ensuring that the property is affordable

For the property to be suitable it must be affordable under Homelessness (Suitability of Accommodation) Order 1996 (SI 1996 No. 3204).

The following procedure will be undertaken to ensure that the property is affordable:

- Where an applicant is on benefits and qualifies for local housing allowance the rent required will be considered against the amount of benefit the applicant will receive under the local housing allowance (LHA) scheme.
- Where an applicant is on benefits and qualifies for local housing allowance the rent required will be considered against the amount of benefit the applicant will receive under the LHA scheme. Where there is a shortfall between the rent required and the amount of benefit the applicant will receive under the LHA scheme and the rent cannot be reduced through negotiation with the

landlord the authority will consider the applicant's residual income after meeting the costs of the accommodation including the shortfall and all other expenditure required for that applicant to provide the ordinary necessities of life. If following this assessment the applicant is not left with a residual income that is less than the level of income support or income-based jobseeker's allowance the property then the property will be deemed to be suitable.

- Where an applicant is working and is not in receipt of LHA or partial LHA the authority will consider whether the applicant's residual income after meeting the costs of the accommodation and all other expenditure required for that applicant to provide the ordinary necessities of life. If following this assessment the applicant is not left with a residual income that is less than the level of income support or income-based jobseeker's allowance that would be applicable if he or she was entitled to claim such benefit the property then the property will be deemed to be suitable.

In assessing affordability the authority will consider not only if it is affordable now but whether it will be affordable in the next 12 months if it is known that the household based on their known circumstances is likely to receive a reduction in income due to changes in benefit entitlement due to welfare reform.

In considering affordability the authority may consider any access to Discretionary Housing payments (DHPs) which may reduce any rent shortfall to a level where the rent is affordable.

The authority will strictly assess affordability under the suitability order 1996 and having had regard to the Homelessness Code of Guidance and existing caselaw. Under these statutory requirements any accommodation offered will not be reasonable if the cost of paying it would deprive the applicant of the means to provide the ordinary necessities of life. What constitutes the ordinary necessities of life is a question of fact that will vary according to each applicant's needs and this will be considered on an individual basis.

The authority will undertake an income and expenditure assessment on every applicant prior to making an offer in the private rented sector of accommodation whose purpose is either to meet a homeless duty or end any duty through an offer of a PRSO.

The ordinary necessities of life will always be the amount of income required for heating, eating, and clothing and may depending on the individual household also include child care costs, travel costs, and any other expenditure which when considering the individual circumstances of that household is deemed to be essential. For heating the authority will consider the Energy Performance Certificate for the property proposed and calculate the likely cost of heating that property set against the income received.

Where an applicant has debts whether credit cards, loans or other debts advice will be given on priority debts and a referral made to money advice to support the applicant in any negotiation with creditors and to ensure that they are able to access all benefits they are legally entitled to.

At the end of this assessment the authority will have considered the whole of the applicants financial resources set against the cost of accommodation; ordinary necessities of life for that applicant and any other reasonable living expenses. Before deeming the property to be suitable the authority will consider paragraph 17.40 of the Homelessness code of guidance which states:

‘In considering an applicant’s residual income after meeting the costs of the accommodation, the secretary of state recommends that housing authorities regard accommodation as not being affordable if the applicant would be left with a residual income which would be less than the level of income support or income-based jobseeker’s allowance that is applicable in respect of the applicant, or would be applicable if he or she was entitled to claim such benefit.’

If the decision is to depart from the code because despite there being a rent gap the authority has identified income that is not required to meet the ordinary necessities and other reasonable living expenses.

Test 3: Suitability and property location and subjective circumstances of the applicant

The Homelessness (Suitability of Accommodation) (England) Order 2012 – Part 1 sets out by regulations a list of statutory matters that a local authority must consider when making an offer of suitable PRSO accommodation (N.B. these also applies to offers of PRS accommodation to meet a homeless duty). These regulations are grouped under the title Location of accommodation.

In addition although the second test of suitability set by caselaw – which was whether the property is it reasonable for the applicant to accept has been repealed and redefined by the Localism Act 2011 existing caselaw and the statutory code of guidance (par 17.41 of the code of guidance) still applies and requires an authority to take into account any subjective matters in making a suitable offer of accommodation. Barnet Council consider that although suitability is primarily a matter of space and arrangement other matters may be material.

The suitability Regulations relating to Location

Extract from the Homelessness (Suitability of Accommodation) (England) Order 2012 – Part 1

Matters to be taken into account in determining whether accommodation is suitable for a person

In determining whether accommodation is suitable for a person, the local housing authority must take into account the location of the accommodation, including—

(a) Where the accommodation is situated outside the district of the local housing authority, the distance of the accommodation from the district of the authority;

(b) The significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person’s household;

(c) The proximity and accessibility of the accommodation to medical facilities and other support which—

(i) Are currently used by or provided to the person or members of the person’s household; and

(ii) Are essential to the well-being of the person or members of the person’s household; and

(d) The proximity and accessibility of the accommodation to local services, amenities and transport.

Each case where a PRSO offer is to be made will be assessed against the location regulations using a standard checklist (an example is attached at appendix 1 to the policy but is subject to change depending on operational experience). The authority will assess on the facts and circumstances of the case the significance of any disruption caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household and the proximity and accessibility of the accommodation to medical facilities and other support which are currently used and are essential to the wellbeing of the applicant and any member of their household.

Suitability and the consideration of any other subjective matters

All matters relating to employment, caring responsibilities or education and accessibility of the accommodation to medical facilities and other support will be considered specifically under the suitability order regulation requirements.

In addition any other subjective matters which on the facts and circumstances relating to the applicant or a member of their household may affect the suitability of the property offered will also be considered at the point the property is matched to the applicant and where any subjective matters are raised by an applicant as the reason that they wish to reject the offer as being unsuitable. The list below contains examples of the type of subjective matters that may be relevant and will be taken into account. It is to illustrate matters that the authority will consider and is not an exhaustive list of all subjective matters the authority will take into account.

- ✓ Any safety issues relating to possible harassment or domestic abuse that relate to the location of the accommodation offered.
- ✓ Any medical issues which do not relate proximity and accessibility of the accommodation to medical facilities
- ✓ Any issues of support which do not relate proximity and accessibility of the accommodation to medical facilities
- ✓ The size of the accommodation offered in respect of bedroom eligibility under the Local Housing Allowance rules.
- ✓ Any physical, mental health, or addiction issues and the impact of the accommodation on any of these issues.
- ✓ Any claim that the property is too far away from a church or mosque
- ✓ Any claim that the property is a flat and has no access to a garden which is essential.
- ✓ Any claim that the property location will impact on the ability of the applicant to access childcare which is essential for an applicant to continue in education or training.

Where suitable accommodation has to be provided outside the authority's district

Accommodation has to be provided in district as far as reasonably practicable (Section 208 Housing Act 1996). There may be some occasions where an offer of accommodation needs to be made in a neighbouring Borough or the sub region or beyond and this may be due to a lack of PRS supply or the rental level make it unaffordable for a particular household to receive an offer of accommodation within the authorities district. In such cases the shortage of accommodation and cost of accommodation are issues that an authority can take into account in deciding to make a suitable offer of accommodation outside of its area. Accommodation that is not affordable cannot

be suitable and due to welfare reform and overall benefit cap which is to be fully enacted by October 2013 there may be cases where a PRSO property is not affordable in the Area and where the authority can only meet or discharge its legal duty to an applicant by providing accommodation out of the area where it may be affordable and there are no reasons why the provision of a suitable offer of accommodation for any other reason other than affordability can only be provided in the Area boundaries.

Where this is the case the authority should record that there was no other suitable accommodation 1 – within its district and 2 geographically closer to the authority than where the offer was made.

9. Action following acceptance of a PRSO offer

Homeless services will ensure that all households who have accepted a PRSO are kept under review for the length of the tenancy period in order to actively manage those cases approaching expiry of 12 month Assured Shorthold Tenancy.

10. Dealing with Fresh applications

If within 2 years of accepting the offer an applicant re-apply for accommodation, or for assistance in obtaining accommodation, and the authority is satisfied that they are homeless, or threatened with homelessness, and eligible for assistance, and not satisfied that they became homeless intentionally, then a new duty to secure that accommodation will fall to the authority. An applicant who reapplies will be considered to be homeless, or threatened with homelessness, if they have been served with a valid notice under s.21 Housing Act 1988 by the landlord of the private rented sector property.

11. Reviewing the Policy

The Policy will be monitored and reviewed formally within the first 12 months of implementation to ensure effectiveness. If changes are required these will be made as and when required.

The Policy may also be reviewed at any time, in line with any relevant changes in legislation or Guidance issued by relevant Government Departments.

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APPENDIX 4- EQUALITIES IMPACT ASSESSMENT- HOUSING ALLOCATIONS SCHEME AND PLACEMENTS POLICY

1. Introduction

The Council has proposed some amendments to the housing allocations scheme. This is the set of rules used to decide who gets priority for housing in the borough.

The proposed amendments include:

- Making only one offer of a suitable property rather than the current position where some applicants have up to two offers

In addition, the provision of accommodation for homeless applicants will be clarified by

- The introduction of placements policy. This will consider the suitability of offers of private rented sector homes in terms of housing condition, distance from work or support networks and also affordability of the rent. This may see some households moving into more affordable areas outside of the borough.

These proposals build upon the scheme that was first introduced in April 2011. This saw a series of major reforms, including closing an open housing waiting list and recognising the community contributions of applicants also in housing need (for example: workers, volunteers, people in training or education and former members of the armed forces).

Under the Equality Act 2010, the Council must have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; c) promote good relations between those with a protected characteristic and those without. The 'protected characteristics' referred to are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.

This equalities impact assessment assesses the impact of the proposed changes on protected groups and suggests appropriate mitigation actions.

APPENDIX 4- EQUALITIES IMPACT ASSESSMENT- HOUSING ALLOCATIONS SCHEME AND PLACEMENTS POLICY

2. One offer only policy

What happens now	Applicants can refuse the first offer of a property regardless of whether they appeal successfully against it. Applicants refusing a second offer are removed from the banding system for 12 months, unless there are changes to their household's circumstances that merit a full review.
What is proposed	Applicants will only receive the one offer and be expected to accept this, unless there is a review of the offer and it is found to be unreasonable. Applicants who refuse the first offer and/or are not successful in challenging the reasonableness of the offer will be removed from the banding system and will not be eligible to be rehoused by the council for 12 months.
Rationale	22% of applicants banded in 2012/13 refused their first offer causing a delay in the properties being let successfully. The number of housing applications has increased by 25% in 1 year and the number of banded applicants increased by 29%. Supply is not keeping up with demand and it is difficult to procure affordable private sector accommodation meaning the council has to be realistic about the number of offers that it can reasonably give.

Equalities question	Issues/risks	Mitigations/comments
Are there differential service outcomes for the different communities using our services?	<p>Analysis of data on housing applicants who were banded in the year 1st April 2012 to 31st March 2013 indicates the following:</p> <ul style="list-style-type: none"> • Older people aged over 55 are more likely to refuse an offer of accommodation than all households • People aged 16 to 44 are less likely to refuse an offer of accommodation than all 	<p>Housing Revenue Account self-financing is being used to increase the number of housing units for specific customers, including older people and people with needs for wheelchair accessible homes. This will improve the offer of housing to these groups</p> <p>Applicants with an assessed need for level access accommodation will be offered level access accommodation</p>

APPENDIX 4- EQUALITIES IMPACT ASSESSMENT- HOUSING ALLOCATIONS SCHEME AND PLACEMENTS POLICY

Equalities question	Issues/risks	Mitigations/comments
	<p>households</p> <ul style="list-style-type: none"> Some ethnic groups are more likely to refuse an offer of accommodation than all households (particularly Black African, Black Other), other groups less likely (Asian British/Other, White Other) There is very little information available on disability but from the data that is available disabled applicants appear to be no more likely to refuse an offer than non-disabled applicants. <p>There is a risk that that these communities will be adversely affected by the enforcement of a one-offer only policy and that they will be removed from the banding system and not have their housing needs met because they refused a further offer of accommodation.</p>	<p>under the proposals whereas at present these properties are not reserved for this group.</p> <p>Young people may be offered shared accommodation where this means that the accommodation is affordable and will help the young person to obtain skills in managing a tenancy.</p> <p>Access to different community facilities, including faith, will be important in assessing the suitability of offers of accommodation under the proposed Placements Policy.</p> <p>Regular analysis of the applicants removed from the banding system because they refused an offer will be needed to ensure that specific groups are not being adversely affected.</p>
<p>Will the delivery of any proposed new services or functions increase satisfaction ratings amongst different groups of residents'?</p>	<p>Applicants may be less satisfied with their offer if they feel that they have been forced into a property that they feel does not meet their needs.</p>	<p>It will be important to clearly communicate the suitability of a property to enable them to understand that the property meets their assessed needs. Applicants will have the right of a review of their offer if they feel that it is unsuitable and if the review</p>

APPENDIX 4- EQUALITIES IMPACT ASSESSMENT- HOUSING ALLOCATIONS SCHEME AND PLACEMENTS POLICY

Equalities question	Issues/risks	Mitigations/comments
	<p>Barnet Homes currently monitors new tenant satisfaction with their homes and will be able to assess whether satisfaction increases or declines as a result of the one-offer only policy.</p> <p>Applicants may be less satisfied if their one offer is to a property outside of the borough in a place where they do not have support networks.</p> <p>Barnet is a popular place in which to live and work and there is high demand for housing. The allocations scheme has to reflect the fact that there are limited properties available that are affordable,</p>	<p>finds that an offer was not suitable will be given a second offer.</p> <p>Regular analysis of the applicants who are successful in a review of offer will be needed to ensure that specific groups are not being adversely affected.</p> <p>Monitoring of suitability of the offers made by officers is required to ensure consistency of approach.</p> <p>Property satisfaction monitoring could be extended to include private rented sector offers when they are used to discharge duty.</p> <p>The Placements Policy will ensure that consideration is given to access to support networks when assessing the suitability of an offer of accommodation.</p> <p>Barnet will continue to be a good place in which to live and work. The Allocations Scheme is reviewed on a regular basis to ensure that it meets housing needs and reflects the reality of the housing market.</p>
<p>Does the proposal enhance Barnet's reputation as a good place to work and live?</p>		

APPENDIX 4- EQUALITIES IMPACT ASSESSMENT- HOUSING ALLOCATIONS SCHEME AND PLACEMENTS POLICY

Equalities question	Issues/risks	Mitigations/comments
<p>Will members of Barnet's diverse communities feel more confident about the council and the manner in which it conducts its business?</p>	<p>particularly for households affected by welfare reforms.</p> <p>Communication of the one offer only policy is essential to ensure that applicants understand that their needs have been assessed and that the offer of a property is reasonable and fair.</p>	<p>The re-housing process will be more efficient with the use of the one-offer only policy as it will reduce the amount of time properties are left empty and reduce void costs. Applicants will have their housing needs met quickly.</p> <p>Regular updates on the Barnet Homes website on housing supply and demand will help reinforce the message to housing applicants that it is reasonable for one offer to be made.</p>
<p>How will the new proposals enable the council to promote good relations between different communities?</p>	<p>There is a risk that a vulnerable applicant moves into a property and does not have access to or engage with local services or does not get on with their neighbours.</p> <p>Vulnerable applicants placed into the private sector may not sustain their tenancy,</p>	<p>The allocation of housing is used to ensure that housing need is met in a sustainable and affordable way which helps to promote good relations between different communities.</p> <p>Barnet Homes will offer support and tenancy training to applicants placed into the private sector</p>
<p>How have residents with different needs been consulted on the anticipated impact of this proposal? How have any comments influenced the final proposal?</p>	<p>The Council has consulted with residents with different needs in a number of ways, including:</p> <ul style="list-style-type: none"> • Through a citizens panel event • Focus group of housing applicants 	<p>Residents were concerned about being forced to accept an unsuitable offer and how they will be informed about this.</p> <p>The holistic assessment process has</p>

APPENDIX 4- EQUALITIES IMPACT ASSESSMENT- HOUSING ALLOCATIONS SCHEME AND PLACEMENTS POLICY

Equalities question	Issues/risks	Mitigations/comments
	<ul style="list-style-type: none"> • Online survey. 	<p>been reviewed to ensure that it adequately captures housing and support requirements of applicants.</p> <p>Where an applicant successfully appeals against being offered an unsuitable property they will be offered another property.</p>

3. Placements policy

What happens now	<p>The council can not currently enforce placements into the private sector in discharging homelessness duty. Temporary accommodation used for housing homeless applicants is often in the private rented sector and subject to market rents.</p>
What is proposed	<p>The proposed placements policy sets out key tests, including affordability, for using the private sector for temporary accommodation and also for discharging homelessness duty into the private sector. Properties may be located in affordable locations outside of the borough.</p>
Rationale	<p>Private rented sector homes in Barnet will no longer be affordable for larger households affected by the Overall Benefit Cap and consideration will have to be given to properties located in more affordable areas. £1m was spent on temporary accommodation units above the subsidy limit in 2012/13 and this is unsustainable in the long term</p>

APPENDIX 4- EQUALITIES IMPACT ASSESSMENT- HOUSING ALLOCATIONS SCHEME AND PLACEMENTS POLICY

Equalities question	Issues/risks	Mitigations/comments
<p>Are there differential service outcomes for the different communities using our services?</p>	<p>Analysis of equalities data of households placed into temporary accommodation inside and outside of the borough in the year 1st April 2012 to 31st March 2013 indicates the following:</p> <ul style="list-style-type: none"> • More 16 to 24 year olds were placed inside of the borough than outside • More 25 to 44 year olds were placed outside of the borough than inside • More 45 to 64 year olds were placed inside the borough than outside • More 65 plus year olds were placed outside the borough than inside but the overall numbers were small • More White British households were placed in borough than out and more Asian Other and Black African households were placed outside the borough than inside • There are almost twice as many females in the sample than male, probably because females are more likely to make the application for housing on behalf of their families but the data shows that 	<p>The Placements Policy will take a number of issues into consideration in deciding the suitability of a property, including the location. Each applicant will have their own circumstances considered on their merits. An older person, for example, may need to be placed in a property that enables them to continue to receive critical treatment for an ongoing condition. An applicant who is fleeing domestic violence will be considered for a safe property away from the perpetrator.</p> <p>The aim is to secure a property that meets their needs, that is in a good condition, is affordable and provides access to any essential services.</p> <p>Applicants who disagree with a placement decision will be able to have a review of that decision.</p> <p>Regular analysis of the results of the Placements Policy will be needed to ensure that specific groups are not being adversely affected.</p> <p>Regular analysis of the placement decisions successfully appealed will</p>

APPENDIX 4- EQUALITIES IMPACT ASSESSMENT- HOUSING ALLOCATIONS SCHEME AND PLACEMENTS POLICY

Equalities question	Issues/risks	Mitigations/comments
	<p>proportionally more females are placed in borough and more males placed out of borough.</p> <p>There is a risk that applicants are placed in a property that does not meet their needs. Without consideration of affordability applicants may face financial difficulties that results in them loosing their home.</p>	<p>be needed to ensure that specific groups are not being adversely affected.</p>
<p>Will the delivery of any proposed new services or functions increase satisfaction ratings amongst different groups of residents'?</p>	<p>Applicants may be reluctant to move outside of the borough and be dissatisfied with such a decision.</p> <p>Some applicants may be reluctant to move into the private rented sector even though this meets their assessed needs and is affordable. Where they are placed into a private sector property and are made homeless within the next 2 years they will be able to come back to the Council to be re-housed again.</p>	<p>Communication of the aims of the policy will be needed when assessing an applicant's needs and talking to them about the options for meeting their housing situation in an affordable way.</p> <p>The Council and Barnet Homes will be able to enforce private sector offers that it makes under the Localism Act.</p> <p>It will be important to promote good tenancy relations through services such pre-tenancy training for tenants and in continuing to subsidise landlord accreditation to increase the sustainability of private sector placements.</p>

APPENDIX 4- EQUALITIES IMPACT ASSESSMENT- HOUSING ALLOCATIONS SCHEME AND PLACEMENTS POLICY

Equalities question	Issues/risks	Mitigations/comments
	<p>Applicants may require further support or information to relocate to an area outside of the borough.</p>	<p>In making an offer outside of the borough it will be useful for the applicant to receive details of how to access local services.</p> <p>According to the regulations, Barnet Homes will be required to notify the receiving local authority within 14 days. This notice will be used to highlight support needs for applicants placed outside of Barnet.</p>
<p>Does the proposal enhance Barnet's reputation as a good place to work and live?</p>	<p>The reality of the housing market in Barnet means that it is unaffordable for some families to live in the borough and it is therefore in their interests to move outside of the borough.</p>	<p>Barnet Homes will continue to procure accommodation in the borough that is affordable as well as offer affordable options outside of the borough for applicants that cannot afford to live in the borough.</p>
<p>Will members of Barnet's diverse communities feel more confident about the council and the manner in which it conducts its business?</p>	<p>Applicants may feel less confident about the council if they have been moved outside of the borough.</p>	<p>If the placements policy is communicated to the applicant and they understand that the property being offered to them meets their needs and is at a price they can afford then they can feel confident that the Council is meeting their housing need in a sustainable way.</p>
<p>How will the new proposals enable the council to promote good relations</p>	<p>Applicants who are placed outside of the borough in a location away from family</p>	<p>The Placements Policy will ensure that circumstances have been considered in</p>

APPENDIX 4- EQUALITIES IMPACT ASSESSMENT- HOUSING ALLOCATIONS SCHEME AND PLACEMENTS POLICY

Equalities question	Issues/risks	Mitigations/comments
between different communities?	and support networks may require the services of another council, adding to the pressure on its local services.	terms of location, for example, access to work, health or support facilities. Applicants may need additional signposting to access support services in the new location.
How have residents with different needs been consulted on the anticipated impact of this proposal? How have any comments influenced the final proposal?	The Council has consulted with residents with different needs in a number of ways, including: <ul style="list-style-type: none"> • Through a citizens panel event • Focus group of housing applicants • Online survey. 	Residents were concerned about accessing services when being placed into a property outside of the borough. The placements policy will consider access to essential services as well as property condition and affordability.

4. Other issues

Proposal	Comments
Houses with gardens will not be reserved for households with children under 10	Given the shortage of housing available this will ensure that larger properties are available to all families, irrespective of the age of the children and will help reduce void times which can result when waiting to allocate to families with younger children.
Applicants assessed as requiring ground-floor level access	This will ensure that applicants with an assessed need for

APPENDIX 4- EQUALITIES IMPACT ASSESSMENT- HOUSING ALLOCATIONS SCHEME AND PLACEMENTS POLICY

<p>accommodation will be given priority for ground floor level access properties</p>	<p>ground-floor level access accommodation can be suitably housed in appropriate properties.</p>
<p>Applicants requiring adaptations and currently under-occupying will be expected to move to a smaller property and then have the adaptations done</p>	<p>It is reasonable given the shortage of accommodation that households are required to move into suitably sized accommodation before adaptations are made, especially if the household is working age and affected by the under-occupancy charge.</p>
<p>Young people leaving care may be allocated shared accommodation</p>	<p>In some cases it will be appropriate for a young person to live in a shared house and Barnet Homes has established a supported housing project for young people. Given that young people under the age of 35 only receive a shared room rate under housing benefit regulations this may be a more affordable and sustainable option and enable the young person to undertake training or obtain employment.</p>
<p>Single adults may be allocated a single bedroom</p>	<p>There is a shortage of accommodation and a single bedroom meets the size requirement for a single person.</p>
<p>Adult sharers may be allocated a double bedroom</p>	<p>Given the shortage of accommodation this may be appropriate for some adult sharers, e.g.: brothers to be allocated a double bedroom.</p>

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Appendix 5- summary of online survey responses

A total of 90 respondents completed the online survey inviting comments on the proposed changes to the Housing Allocations Scheme and the introduction of a Placements Policy. A summary of the responses is shown below.

How much do you agree or disagree with the proposed one offer only policy?

More respondents disagree with the proposal to only make one offer of re-housing than they agree.

Strongly agree	Agree	Neutral	Disagree	Strongly disagree
16	21	10	11	32
41.1%		11.1%	47.8%	

33 respondents made additional comments on this proposal. The comments highlighted concerns about the suitability of properties and the need for individual circumstances of applicants to be taken into account if they are only to be allowed one offer before refusals result in removal from the banding system.

How much do you agree or disagree with the placements policy approach?

More respondents agree with the proposed placements policy than they disagree.

Strongly agree	Agree	Neutral	Disagree	Strongly disagree
17	25	7	18	19
48.8%		8.1%	43.0%	

(4 people did not answer this question)

27 respondents made additional comments on this proposal, primarily to make the point that in deciding the location of the property, consideration should be given to access to local schools and support networks.

Which of the following best describes you?

Respondents were invited to pick a category that best describes them and there is a spread of local residents living in different housing tenures and also representatives of local organisations.

Type	Number	%
Council tenant	20	25.9%
Housing applicant	4	5.2%

Living in PRS	9	11.6%
Local resident	23	29.8%
Other	8	9.5%
Public sector organisation	8	10.3%
Voluntary organisation	5	6.4%
Total answered	77	
No response	13	

Appendix 6- summary of focus groups

A total of 13 residents attended two independently facilitated focus groups as part of the consultation on the proposed changes to the Housing Allocations Scheme and the introduction of a Placements Policy.

The first group was made up of Citizens Panel members from a range of housing tenures and the second group was made up of current housing applicants.

LBB Citizen Panel

- 7 residents attended from a range of housing tenures (council, private rented, home ownership).
- The majority felt the one offer policy was reasonable as long as applicants got as much information about the property, e.g.: dimensions before they picked it from the portfolio shown to them and then had a chance to view inside before making their decision.
- The majority felt that taking account of affordability was also crucial and all felt that the placement policy was appropriate as long as all factors are taken into consideration such as support to access services, employment, schools, etc.
- With regard to the other minor issues they were agreeable to them all.

Tenant/Applicant Panel

- 5 attendees although only 4 commented as one had to leave very early in the session. The majority were or thought they were in temporary accommodation and all had children.
- None of them favoured the one offer policy as they were concerned that the property would be unsuitable. The attendees were concerned about communication and lack of access to information from their officer about the progress of their application.
- With regard to affordability they were agreeable to this but felt that affordability of modern requirements such as broadband should be taken into account.
- With regard to the placement policy all disagreed with this approach. They understood the issues around lack of affordable housing and turnover of stock and the need to get out of temporary accommodation asap but again the issue of lack of communication and taking their individual needs into consideration was raised hence why there were negative about it.
- With regard to the other issues they were happy with all of them.

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Appendix 7 - Summary of consultation responses and Council's response

Subject	Comments	Response
Existing council tenants with rent arrears resulting from the under-occupancy charge	The allocations scheme excludes applicants with rent arrears. What will this mean for existing council tenants affected by the under-occupancy charge who would like to move to a smaller property where the benefit will cover the eligible rent and prevent further arrears from building up?	Exclusions under "CLASSES OF PERSON THAT DO NOT QUALIFY" can be waived in exceptional circumstances but it is appropriate to make a slight change to category K to read as follows: "Existing council tenants with rent arrears because they have been affected by the under-occupancy charge will not normally be excluded where a move will prevent further arrears building up".
Proximity to support organisations	Concerns about placements policy moving applicants away from essential services and support organisations	Each case will be considered on its merits. The placements policy will include the following key tests: <ul style="list-style-type: none"> + Ensuring that a property meets the standards set out in the Suitability regulations + Ensuring that the circumstances (e.g.: access to work or medical facilities) have been considered in terms of location + Ensuring that the applicant can afford to live in the property taking into account their income after they have paid their rent <p>Where a property is located in another borough, the receiving local authority will be advised of an applicant's requirements for support services.</p>
Bad landlords	What will happen if an out of borough landlord is a bad landlord?	Barnet Homes is continuing to promote and subsidise membership of London Landlord Accreditation Scheme for landlords accessing Let2Barnet services. Barnet Homes can also provide support for tenants in terms of tenancy sustainment. Where Barnet Homes finds evidence of bad landlord or managing agent practice in other boroughs, it will report this to the relevant local authority. Tenants can be re-housed in alternative properties where this is appropriate.
Affordability of private rented sector in Barnet	Barnet's private rented sector is unaffordable for many applicants and they will be forced out of the borough	This is why the placements policy is being introduced- to assess the affordability of private sector accommodation as well as ensure that the accommodation is good quality and provides

Appendix 7 - Summary of consultation responses and Council's response

Subject	Comments	Response
Care leavers	<p>into unsuitable properties. This might increase appeals on suitability grounds</p> <p>The council has a duty of care as a corporate parent for care leavers until they reach 25. Is shared housing an appropriate housing choice for these young people?</p>	<p>access to essential services. Consideration will also be given to the disruption caused to the household by the location of a property. The policy will ensure that private sector offers are suitable for applicants.</p> <p>Each case will be considered on its merits on an assessment of risk and also in terms of the types of accommodation that is available at the time the young person leaves care.</p> <p>Shared housing might be a positive choice for some young people to obtain some level of independence while learning how to manage a tenancy. It is also likely to be affordable for them given the fact that under 35s are only entitled to a shared room rate under Local Housing Allowance regulations. Depending on their housing needs, some young people will also be allocated self-contained council housing on a flexible tenancy.</p>
Condition of properties	<p>How will the condition of properties located outside of the borough be checked? What happens if a tenant is placed into a property in poor condition?</p>	<p>Suitability assessments will have to be undertaken on offers of private sector accommodation that discharge homeless duty. This includes property conditions.</p> <p>It is not always possible to pre-check the condition of emergency accommodation that is made available on a nightly basis but a programme of occupancy checks includes checking conditions. Where conditions are poor applicants will be found alternative accommodation subject to its availability and affordability.</p>
One offer only	<p>Concerns about the restriction of choice by making only one offer. What if this offer is not suitable?</p>	<p>There is a limited supply of properties and this is why the Council has decided to implement one offer only. Applicants will receive a further offer if upon review the first offer is found to be unsuitable.</p> <p>The placements policy will ensure that offers in the private sector are suitable and take account of personal circumstances.</p>
Prospective tenants not accepting properties	<p>Housing associations agree with the one-offer-only policy because it will reduce void times resulting from applicants not accepting properties. This also means that as many as 12</p>	<p>If the one-offer-only policy is implemented, housing associations agree that Barnet Homes can reduce the number of applicants invited to a viewing to 3 as long as the applicants have been well assessed and are likely to accept the property.</p>

Appendix 7 - Summary of consultation responses and Council's response

Comments		Response
Subject		
Transparency of current system	<p>applicants are "shortlisted" for a property and invited to a viewing.</p> <p>How do applicants or their representatives know that they have been considered for a property?</p> <p>Have properties been allocated to applicants in the greatest housing need?</p>	<p>These issues are not currently up for consultation.</p> <p>The system works as follows- applicants are placed into a band if they have a housing need. Properties are allocated by highest band first (band 1) and then by date into band.</p>
Allocations on regeneration estates	<p>Does the scheme recognise that regeneration estates may operate some rules outside of the overall housing allocations scheme, for example in West Hendon tenants have been promised like for like replacement properties?</p> <p>Concerns about applicants being placed in private sector and being good neighbours to other residents.</p>	<p>Paragraph 3.22 covers this: "Under this allocations policy, existing secure tenants whose homes are being demolished will have priority for the new replacement homes being provided on their estate in accordance with the provisions agreed for each estate, before they are made available for to any other applicants"</p>
Tenants placed in private rented sector	<p>A homeless application is not opened for some applicants voluntarily surrendering a tenancy and they cannot therefore be excluded under class 'e' homelessness (intentionality)</p>	<p>Applicants will be supported through tenant training to enable them to effectively manage and maintain their tenancy.</p>
Classes of person that do not qualify	<p>Applicants may be disqualified under section 214 of the Housing Act 1996 because of withholding of information, false statements and failure to inform of change of circumstances. This should be included as a separate class.</p>	<p>m. Applicants that have in the 12 months prior to making an application, voluntarily surrendered any tenancy that would have been reasonable for them to continue to occupy</p> <p>Applicants who gave up tenancies in good faith will not be affected as there is discretion to waive the rule in these circumstances.</p>
Classes of person that do not qualify		<p>n. Applicants in breach of Section 214 of the Housing Act 1996.</p>

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Meeting	Special Business Management Overview and Scrutiny Committee
Date	16 September 2013
Subject	Advanced Notification of Executive Decisions
Report of	Scrutiny Office
Summary	This report gives details of proposed decisions due to be taken under Executive functions, together with information as to whether any proposed decisions are subject to an exempt report, consideration of which will not be in public session. The report also indicates any of the decisions which at this stage are intended to be classified as 'key'.

Officer Contributors	Andrew Charlwood, Overview & Scrutiny Manager
Status (public or exempt)	Public
Wards affected	All
Key Decision	No
Enclosures	Appendix A – Advanced Notice of Executive Decisions
Reason for urgency / exemption from call-in	N/A
Contact for Further Information:	Andrew Charlwood, Overview and Scrutiny Manager, 020 8359 2014, andrew.charlwood@barnet.gov.uk

1. RECOMMENDATION

- 1.1 That the Committee comment on and consider the Advanced Notification of Executive Decisions when identifying areas of future scrutiny work.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Overview and Scrutiny Committees must ensure that the work of Scrutiny is reflective of the Council's priorities.
- 3.2 The three priority outcomes set out in the 2013 – 2016 Corporate Plan are;
- Promote responsible growth, development and success across the borough;
 - Support families and individuals that need it – promoting independence, learning and well-being; and
 - Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.

4. RISK MANAGEMENT ISSUES

- 4.1 None in the context of this report.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Pursuant to the Equality Act 2010, the Council has a legislative duty to have 'due regard' to eliminating unlawful discrimination, advancing equality and fostering good relations in the contexts of age, disability, gender reassignment, pregnancy, and maternity, religion or belief and sexual orientation.
- 5.2 In addition to the Terms of Reference of the Committee, and in so far as relating to matters within its remit, the role of the Committee is to perform the Overview and Scrutiny role in relation to:
- The Council's leadership role in relation to diversity and inclusiveness; and
 - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 None in the context of this report.

7. LEGAL ISSUES

- 7.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 removes the requirement for local authorities to publish a Forward Plan of Key Decisions. This has been replaced with a requirement to publish an Advance Notification of Executive decisions which the Council has been compliant with since the regulations came into force on 10 September 2012.

8. CONSTITUTIONAL POWERS

- 8.1 The scope of the Overview and Scrutiny Committees is contained within Part 2, Article 6 of the Council's Constitution.
- 8.2 The Terms of Reference of the Scrutiny Committees are included in the Overview and Scrutiny Procedure Rules (Part 4 of the Council's Constitution).

9. BACKGROUND INFORMATION

- 9.1 Under the current overview and scrutiny arrangements, the Business Management Overview & Scrutiny Committee will ensure that the work of scrutiny is reflective of Council priorities, as evidenced by the Corporate Plan and the programme being followed by the Executive.
- 9.2 The Advanced Notification of Executive Decisions will be included on the agenda at each meeting of the Business Management Overview Scrutiny Committee as a standing item.
- 9.3 The Committee is encouraged to comment on the Notification.
- 9.4 The Committee is asked to consider items contained within the Advanced Notification of Executive Decisions to assist in identifying areas of future scrutiny work, particularly focussing on areas where scrutiny can add value in the decision making process (pre-decision scrutiny).
- 9.5 When identifying items for pre-decision scrutiny, the Committee are requested to provide specific information on the rationale behind the pre-decision scrutiny request and the expected outcome to enable Cabinet Members and officers to prepare appropriately.
- 9.6 Any further Advanced Notices which become available will be tabled at the meeting.

10. LIST OF BACKGROUND PAPERS

- 10.1 None

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London Borough of Barnet Decisions Taken Under Executive Functions – Advance Notice of Proposed Items for Decision and Parts of Meetings which will not be held in public session ('subject to exempt report').

This notice gives details of proposed decisions due to be taken under Executive functions, together with information as to whether any proposed decisions are subject to an exempt report, consideration of which will not be in public session. The document below is also indicative of the decisions which at this stage are intended to be classified as 'key'. For the purposes of complying with the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 however, all prospective decisions listed below are to be regarded as potentially key or potentially subject to a separate exempt report (not held in public session).

Please note: this plan lists prospective decisions. The final agenda for each meeting, which may not include all prospective decisions listed for that meeting on this document, will be published five clear working days prior to the meeting on the authority's website: <http://barnet.moderngov.co.uk>

Title	Description of proposed decision	Cabinet Member	Key Decision (Y/N).	Subject to Exempt Report (Y/N).
CABINET, 24 SEPTEMBER 2013 Hendon Town Hall, The Burroughs, NW4 4BG				
Draft Proposed Equalities Policy and 'Communities Together' Action Plan	To note the draft Equalities Policy and agree to an eight week public consultation period and to agree the approach outlined in the Community Cohesion Action Plan.	Leader of the Council and Cabinet Member for Safety and Resident Engagement	Yes	No
Safeguarding in Barnet	Note the overview of governance arrangements and activity as it relates to the Council's safeguarding responsibilities.	Cabinet Member for Education, Children and Families Cabinet Member for Adults Cabinet Member for Safety and Resident Engagement Cabinet Member for Public Health	No	No
Amendments to Housing Allocations Scheme and the introduction of a Placements Policy	Approval for a revised Housing Allocations Scheme and introduction of a Homelessness Placements Policy following a period of consultation which ended on 7 August 2013.	Cabinet Member for Housing	Yes	No

CABINET RESOURCES COMMITTEE, 24 SEPTEMBER 2013
Hendon Town Hall, The Burroughs, NW4 4BG

Avenue House Estate Trust - grant award	Approval for a grant of £250,000 over three years to Avenue House Estate Trust (AHET) towards a programme of capital improvements to the outbuildings and grounds.	Cabinet Member for Resources and Performance	No	No
Report of waiver of CPRs - Interim EDRMS Support Solution	Notes the decisions taken by delegated powers to enter into an emergency interim 12 month contract for IT services.	Cabinet Member for Resources and Performance	No	No
Dollis Valley Regeneration Scheme	This report seeks a resolution from the Committee to make a Compulsory Purchase Order (CPO) in respect of all third party property and other proprietary interests in the Dollis Valley Regeneration Area	Cabinet Member for Regeneration	Yes	No
Extension of Term Maintenance Contracts	To extend the existing Term Maintenance Contracts for building, mechanical, electrical, lifts, water hygiene and fire beyond the contracted dates for a period of four months	Cabinet Member for Resources and Performance	No	No
Procurement Forward Plan 2014/15	Approval sought for approval of Procurement Forward Plan	Cabinet Member for Resources and Performance	No	No
Quarter 1 Monitoring and Performance Report	To consider the quarter 1 2013/14 report on performance and finance and approval of the proposed intervention levels	Cabinet Member for Resources and Performance	Yes	No
Provision of therapies to Children with Special Educational Needs and placements to children in care	Authority is sought to extend the use of therapy providers for Children with a statement of Special Educational Needs. Authority is also sought to enter into contracts with providers of placements to children in care	Cabinet Member for Education, Children and Families	Yes	No

Future options for land at Pavilion Way, Deansbrook, Burnt Oak	To consider options and agree the future use of the site at Pavilion Way, Deansbrook, Burnt Oak	Cabinet Member for Resources and Performance	Yes	Yes
Contract Extension – Metropolitan Support Trust Extra Care Scheme, Wood Court, Edgware	Waiver to the Contract Procedure Rules (12 months)	Cabinet Member for Adults	No	No
Disposal of former nursery site Burtonhole Lane, Mill Hill	Approval sought for disposal of freehold	Cabinet Member for Resources and Performance	No	Yes

Notice published: 27 August 2013

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Meeting	Business Management Overview and Scrutiny Committee
Date	16 September 2013
Subject	Business Management Overview & Scrutiny Committee Forward Work Programme 2013/14
Report of	Scrutiny Office
Summary	This report outlines the Committee’s work programme for 2013/14

Officer Contributors	Andrew Charlwood, Overview and Scrutiny Manager
Status (public or exempt)	Public
Wards affected	All
Key Decision	No
Enclosures	Appendix A – Business Management Overview and Scrutiny Committee Work Programme 2013/14
Reason for urgency / exemption from call-in	N/A
Contact for Further Information:	Andrew Charlwood, Overview and Scrutiny Manager, 020 8359 2014 andrew.charlwood@barnet.gov.uk

1. RECOMMENDATION

- 1.1 That the Committee consider and comment on the items included in the 2013/14 work programme of the Business Management Overview & Scrutiny Committee (Appendix A).**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1. The Overview and Scrutiny Committees must ensure that the work of Scrutiny is reflective of the council's priorities.
- 3.2. The three priority outcomes set out in the 2013 – 2016 Corporate Plan are;
- Promote responsible growth, development and success across the borough;
 - Support families and individuals that need it – promoting independence, learning and well-being; and
 - Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.

4. RISK MANAGEMENT ISSUES

- 4.1 None.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 In addition to the Terms of Reference of the Committee, and in so far as relating to matters within its remit, the role of the Committee is to perform the Overview and Scrutiny role in relation to:
- The Council's leadership role in relation to diversity and inclusiveness; and
 - The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 None in the context of this report.

7. LEGAL ISSUES

- 7.1 None in the context of this report.

8 CONSTITUTIONAL POWERS

- 8.1 The scope of the Overview and Scrutiny Committees is contained within Part 2, Article 6 of the Council's Constitution.
- 8.2 The Terms of Reference of the Scrutiny Committees are included in the Overview and Scrutiny Procedure Rules (Part 4 of the Council's Constitution).

9. BACKGROUND INFORMATION

- 9.1 The Business Management Overview and Scrutiny Committee's Work Programme 2013/14 indicates items of business previously considered by the Committee and forthcoming items.
- 9.2 The work programme of this Committee is intended to be a responsive tool, which will be updated on a rolling basis following each meeting, for the inclusion of areas which may arise through the course of the year.
- 9.3 The Committee is empowered to agree its priorities and determine its own schedule of work within the programme.

10. LIST OF BACKGROUND PAPERS

- 10.1 None.

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**London Borough of Barnet
Business Management Overview
and Scrutiny Committee
May 2013 – May 2014**

Contact: Andrew Charlwood, 020 8359 2014, andrew.charlwood@barnet.gov.uk

Subject	Decision requested	Cabinet Member	Author
3 July 2013			
Call-ins	<p>The Committee considered the following call-ins of decisions taken at Cabinet / Cabinet Resources Committee on 24 June 2013:</p> <ul style="list-style-type: none"> - Development and Regulatory Services; - Housing Allocations Scheme Review; and - Sale of the Former Hendon Football Club Site 	Leader of the Council / Deputy Leader of the Council / Cabinet Member for Resources and Performance / Cabinet Member for Environment	N/A
Task and Finish Groups Recommendation Tracking – Early Intervention and Prevention Update	The Committee received an update on the methodology used by Delivery Units to RAG rate the progress made in implementing recommendations made by task and finish groups (with specific reference to the Early Intervention TFG reported to committee on 2 May 2013)	N/A	Family Services / Scrutiny Office
Members' Item – Scrutiny Review of Your Choice Barnet	The Committee considered a Members' Item in the name of Councillor Barry Rawlings and agreed to establish a task and finish group review of Your Choice Barnet	Cabinet Member for Adults	Scrutiny Office

Subject	Decision requested	Cabinet Member	Author
16 September 2013			
Housing Allocations Scheme Review and Introduction of a Placements Policy	In accordance with the request made at the 4 July 2013 meeting, the Committee will scrutinise the consultation findings, Housing Allocations Scheme Review and Placements Policy in advanced of Cabinet taking a decision on 24 September 2013.	Cabinet Member for Housing	Scrutiny Office / Director for Place
7 October 2013			
Task and Finish Groups / Scrutiny Panels - Recommendation Tracking	Ongoing monitoring of implementation of recommendations made by Task and Finish Groups and Scrutiny Panels (accepted by Cabinet only) at six-monthly intervals. <ul style="list-style-type: none"> • Contract Monitoring and Community Benefit TFG • Carbon Footprint TFG • Health and Social Care Integration TFG 	N/A	Scrutiny Office
Saracens Controlled Parking Zone	The Committee are to receive an update of the review of the Saracens Cophall CPZ scheme conducted at the end of the current season.	N/A	Development and Regulatory Services
Enterprise Strategy	Committee to receive a report which details the Council's approach to developing an Enterprise Strategy	Leader of the Council	Director for Place / Enterprise and Regeneration Lead Commissioner

Subject	Decision requested	Cabinet Member	Author
Petition WalkSafeN14	Committee to receive a petition which has received in excess of 2,000 signatures submitted by the WalkSafe N14 group	Cabinet Member for Environment	Scrutiny Office
18 November 2013			
Task and Finish Groups / Scrutiny Panels - Recommendation Tracking	<p>Ongoing monitoring of implementation of recommendations made by Task and Finish Groups and Scrutiny Panels (accepted by Cabinet only) at six-monthly intervals.</p> <ul style="list-style-type: none"> • Secondary School Places OSP • Early Intervention and Prevention Services (Children's Services) TFG • Education Strategy 	N/A	Scrutiny Office
Regeneration Annual Report	Committee to receive the Regeneration Annual Report to include Brent Cross / Cricklewood	Leader of the Council	Director for Place / Enterprise and Regeneration Lead Commissioner / DRS
Equalities & Social Cohesion	Consideration of the draft Equalities and Social Cohesion Strategy	TBC	Commissioning Group

Subject	Decision requested	Cabinet Member	Author
6 January 2014			
Housing Strategy	Committee to receive a report on the process for developing a Housing Strategy for Barnet	Cabinet Member for Housing	Director for Place / Housing and Environment Lead Commissioner / The Barnet Group (Barnet Homes)
11 March 2014			
Housing Development	Committee to receive an update on the progress of housing schemes agreed by Cabinet Resources Committee in June 2013.	Cabinet Member for Housing	Director for Place / Housing and Environment Lead Commissioner / The Barnet Group (Barnet Homes)
23 April 2014			
Overview and Scrutiny Annual Report	Members are requested to consider the Overview and Scrutiny Annual Report 2013/14 for reporting to Annual Council.	N/A	Scrutiny Office
Items to be allocated			
North London Waste Authority	Committee to consider arrangements for scrutiny of the work of the North London Waste Authority (including possible joint scrutiny arrangements with other constituent boroughs)	Cabinet Member for Environment	TBC

Subject	Decision requested	Cabinet Member	Author
Crime and Disorder Scrutiny	<p>Committee to determine arrangements for crime and disorder scrutiny 2013/14 to include:</p> <ul style="list-style-type: none"> - New Policing Model; - Enhancements to Safer Communities Strategy; - Delivery against the Safer Communities Strategy 2011 – 2014; and - Update from the Barnet Community Safety Engagement Group 	Cabinet Member for Resident Safety and Engagement	Community and Well Being Assistant Director / Head of Community Safety
Skills, Enterprise and Employment Action Plan	Committee to receive an update on progress made in delivering of the Skills, Employment and Enterprise Action Plan 2012 – 2015.	Leader of the Council	Assistant Director Commissioning Strategy