

MEETING

HOUSING COMMITTEE

DATE AND TIME

MONDAY 2ND FEBRUARY, 2015

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF HOUSING COMMITTEE (Quorum 3)

Chairman: Councillor Tom Davey
Vice Chairman: Councillor Lisa Rutter

Councillors

Val Duschinsky	Kath McGuirk	Shimon Ryde
Ross Houston	Bridget Perry	Tim Roberts
Adam Langleben		

Substitute Members

Maureen Braun	Charlie O'Macauley	Amy Trevethan
Alison Cornelius	Jim Tierney	Peter Zinkin

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

Andrew Charlwood – Head of Governance (Acting)

Governance Services contact: Faith Mwende 020 8359 4917 faith.mwende@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

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3.	Declarations of Members Disclosable Pecuniary Interests and Non-Pecuniary Interests	
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FACILITIES FOR PEOPLE WITH DISABILITIES

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Decisions of the Housing Committee

27 October 2014

Members Present:-

AGENDA ITEM 1

Councillor Tom Davey (Chairman)
Councillor Lisa Rutter (Vice-Chairman)

Councillor Val Duschinsky	Councillor Bridget Perry
Councillor Ross Houston	Councillor Shimon Ryde
Councillor Adam Langleben	Councillor Tim Roberts
Councillor Kath McGuirk	

Also in attendance:
Councillor Reema Patel

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting held on 30 June 2014 be approved as a correct record, subject to the addition of the following under minutes item 2 (Declarations of Members Disclosable Pecuniary Interests and Non-Pecuniary Interests):

“Councillor Ross Houston declared a non-pecuniary interest as a Council appointed representative on the Board of The Barnet Group Ltd.”

2. ABSENCE OF MEMBERS

None.

3. DECLARATIONS OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

Councillor Ross Houston declared a non-pecuniary interest as a Council appointed representative on the Board of The Barnet Group Ltd.

Councillor Adam Langleben declared a non-pecuniary interest as a Member of the West Hendon Regeneration Partnership Board.

Councillor Kath McGuirk declared a non-pecuniary interest in agenda item 9 (Housing Allocations Scheme) as someone who had been affected personally by domestic violence.

Councillor Shimon Ryde declared a non-pecuniary interest as a Board Member of the Agudas Israel Housing Association.

Councillor Tim Roberts declared a non-pecuniary interest as an owner of property in the borough.

4. PUBLIC QUESTIONS AND COMMENTS

Details of the questions asked and the published answers were provided with the agenda papers for the meeting.

The Committee received public comments from Mr Daniel Hope prior to consideration of minute item 7 (Any Other Items the Chairman Decides are Urgent – Article 4 Direction for Houses in Multiple Occupancy).

5. MEMBERS' ITEMS (IF ANY)

None.

6. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

The Chairman announced a variation in the order of the agenda. Agenda Items 13 (Urgent Item – Article 4 Direction for Houses in Multiple Occupancy) and 9 (Housing Allocations Scheme) would be considered before Agenda Item 7 (Housing Strategy).

7. URGENT ITEM - ARTICLE 4 DIRECTION FOR HOUSES IN MULTIPLE OCCUPANCY

As set out at minute item 5, the Committee received a public comment from Mr Daniel Hope.

The Chairman introduced the report.

RESOLVED that:

- 1. The Committee note the proposed costs set out in paragraph 5.2.3 for compiling a comprehensive evidence base and undertaking the process of making and confirming an Article 4 Direction as set out in the Project Plan at Appendix A.**
- 2. The Committee note that the introduction of an Article 4 Direction could complement Additional Licensing of HMOs as proposed to this Committee.**
- 3. The Committee approve a maximum amount of £17,000 from the New Homes Bonus / Infrastructure Reserve to cover costs of compiling the evidence base and making and confirming any necessary Article 4 Direction.**

8. HOUSING ALLOCATIONS SCHEME

In accordance with Meeting Procedure Rule 7, Councillor Reema Patel addressed the Committee on the proposed Housing Allocations Scheme.

The Chairman introduced the report.

RESOLVED that the Committee approve the proposed revisions to the Council's Housing Allocations Scheme following on from a period of public consultation, subject to a review of the proposal to remove the reasonable preference category in Band 1 relating to applicants who need to move because there is a risk of violence or threat to life.

RESOLVED that the Committee delegate authority to the Strategic Director for Growth & Environment to approve the amended Housing Allocations Scheme following consultation with the Housing Committee Chairman (Councillor Tom Davey) and the Labour Spokesperson for Housing (Councillor Ross Houston). The Committee agreed that if the Chairman and the Labour Spokesperson for Housing were unable to agree amendments to the sections Housing Allocations Scheme relating to households at risk of violence, the decision on the Scheme would be referred back to the Housing Committee on 2 February 2015 for decision.

9. HOUSING STRATEGY

The Committee considered the report.

Having been put to the vote the Committee voted:

In Favour: 5
Against: 0
Abstentions: 4

RESOLVED that:

- 1. The Committee approve the proposed draft Housing Strategy for public consultation, subject to officers considering the feasibility of promoting self-build properties within the Strategy.**
- 2. The Committee authorises officers to commence public consultation from 1 December 2014 to 28 February 2015 inclusive, or on other appropriate dates as soon as possible if these dates cannot be met.**
- 3. That the results of the consultation be reported back to Committee on 22 April 2015 together with officer recommendations and a revised Strategy if appropriate.**

10. HOUSING BUSINESS PLANNING

The Committee considered the report.

Having been put to the vote the Committee voted:

In Favour: 5

Against: 0

Abstentions: 4

RESOLVED that:

- 1. The Committee approves the Commissioning Plan (Appendix A), subject to consultation. The Commissioning Plan sets out the strategic priorities, commissioning intentions, outcome measures, revenue budgets and capital requirements for recommendation to the council's Policy and Resources Committee on 2 December 2014.**
- 2. The Committee agrees to public consultation on the Commissioning Plan commencing immediately following Policy and Resources Committee on 2 December 2014, before final Commissioning Plans are agreed by Policy and Resources on 17 February 2015.**

11. EMPTY PROPERTIES COMPULSORY PURCHASE ORDERS (1)

The Committee considered the report.

RESOLVED that:

- 1. The Committee approve the making of Compulsory Purchase Orders (CPOs), under Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981 in respect of the properties identified as 'A' and 'B' in the exempt report.**
- 2. Subject to the authorisation for the making of the Compulsory Purchase Orders referred to in decision 1 above, the Orders be submitted to the Secretary of State at the Department for Communities and Local Government for consideration and confirmation.**
- 3. In the event of the Secretary of State at the Department for Communities and Local Government returning the Orders for confirmation by the Council, the Order be confirmed on behalf of the Council.**
- 4. Following confirmation of the Orders, that Housing Committee approve the entry into a Cross-Undertaking with the owner(s) of the relevant property not to implement the Order on the condition that the owner(s) agree(s) to bring their property back into use within a reasonable time.**
- 5. In the event that a Cross-Undertaking is not entered into as referred to in recommendation 4. above, or the terms of the Cross-Undertaking are not adhered to by the owner, that authority be delegated to the Strategic Director for Growth and Environment to proceed with the compulsory acquisition of the properties in question.**
- 6. Following the compulsory acquisition of any of the properties, an options paper on the onward disposal be brought to the Housing Committee for decision.**

7. The Committee approve that the financial costs of the Compulsory Purchase Orders be indemnified through the Corporate Capital Programme.

12. HOUSES IN MULTIPLE OCCUPANCY - VERBAL UPDATE

This item was WITHDRAWN from the agenda.

13. COMMITTEE FORWARD WORK PROGRAMME

The Committee noted that the item on Management Agreements (Business Planning) was likely to be progressed outside of the committee cycle.

Councillor Houston requested that an item on Homelessness be added to the work programme. The Chairman requested that Councillor Houston provide additional information on the proposed item to the Governance Officer prior to the item being added onto the work programme.

The Committee noted that the item titled 'Service Charge Policy Options Review including Amendments to Discretionary Loan Scheme for Leaseholders' which had been included in the September 2014 version of the committee work programme had been withdrawn from the agenda by the Chairman.

RESOLVED that the Committee approve the Forward Work Programme.

14. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 9 of Part 1 of Schedule 12A of the Act (as amended)

15. EMPTY PROPERTIES COMPULSORY PURCHASE ORDERS (1) (EXEMPT)

RESOLVED that the information contained in the exempt report be noted.

16. ANY OTHER EXEMPT ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 9.02 pm

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	AGENDA ITEM 5
	<h2>Housing Committee</h2> <h3>2 February 2015</h3>
Title	Member's Item – Viability Reports
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Faith Mwende, Faith.Mwende@Barnet.gov.uk , 020 8359 4917

<h3>Summary</h3>
The report provides detail of a Member's item submitted for the Housing Committee to consider at its meeting of 2 February 2015

<h3>Recommendation</h3>
That the Housing Committee's instructions are requested in relation to the item submitted by a Member at paragraph 1 below

1. WHY THIS REPORT IS NEEDED

- 1.1 Councillor Ross Houston has requested that a Member's Item be considered on the following matter

"To ask for copies of all viability reports and independent assessments for each of the major regeneration projects in the borough."

2. REASONS FOR RECOMMENDATIONS

- 2.1 No recommendations have been made. The Housing Committee is requested to give consideration and provide instruction.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 When matters raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution Responsibility for Functions, section 6 illustrates that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members items must be within the term of reference of the decision making body which will consider the item.

- 5.3.2 There are no legal references in the context of this report.

5.4 Risk Management

- 5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 Member's Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.


5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 Email to Governance Service, dated 21 January 2015.

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	AGENDA ITEM 6
	<h2>Housing Committee</h2> <h3>2 February 2015</h3>
Title	Member's Item – Barnet Homes Management Agreement
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Faith Mwende, Faith.Mwende@Barnet.gov.uk , 020 8359 4917

<h2>Summary</h2>
The report provides detail of a Member's item submitted for the Housing Committee to consider at its meeting of 2 February 2015

<h2>Recommendation</h2>
That the Housing Committee's instructions are requested in relation to the item submitted by a Member at paragraph 1 below.

1. WHY THIS REPORT IS NEEDED

- 1.1 Councillor Kath McGuirk has requested that a Member's Item be considered on the following matter:

"To ask that the Committee start the process to agree a 10 year management agreement with Barnet Homes to allow them to retain and recruit quality staff and put concrete plans in place to improve housing and other services to Barnet's residents, taking into account that fact that there isn't any opposition to this approach."

2. REASONS FOR RECOMMENDATIONS

- 2.1 No recommendations have been made. The Housing Committee is requested to give consideration and provide instruction.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 When matters raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution Responsibility for Functions, section 6 illustrates that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members items must be within the term of reference of the decision making body which will consider the item.

- 5.3.2 There are no legal references in the context of this report.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 Member's Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.

5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 Email to Governance Service, dated 21 January 2015.

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	AGENDA ITEM 7
	<h2>Housing Committee</h2> <h3>2 February 2015</h3>
Title	Member's Item – Mutual Housing Providers
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Faith Mwende, Faith.Mwende@Barnet.gov.uk , 020 8359 4917

<h3>Summary</h3>
The report provides detail of a Member's item submitted for the Housing Committee to consider at its meeting of 2 February 2015

<h3>Recommendation</h3>
That the Housing Committee's instructions are requested in relation to the item submitted by a Member at paragraph 1 below.

1. WHY THIS REPORT IS NEEDED

- 1.1 Councillor Tim Roberts has requested that a Member's Item be considered on the following matter:

"To ask for an update on what the council is doing to promote and work with mutual housing providers in the Borough, and whether there is a list of such providers operating in Barnet, and if so could the committee have the details of those."

2. REASONS FOR RECOMMENDATIONS

- 2.1 No recommendations have been made. The Housing Committee is requested to give consideration and provide instruction.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 When matters raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution Responsibility for Functions, section 6 illustrates that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members items must be within the term of reference of the decision making body which will consider the item.

- 5.3.2 There are no legal references in the context of this report.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 Member's Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.


5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 Email to Governance Service, dated 21 January 2015.

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	AGENDA ITEM 8
	<h2>Housing Committee</h2> <h3>2 February 2015</h3>
Title	Member's Item – Barnet Regeneration Estates
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Faith Mwende, Faith.Mwende@Barnet.gov.uk , 020 8359 4917

<h3>Summary</h3>
The report provides detail of a Member's item submitted for the Housing Committee to consider at its meeting of 2 February 2015

<h3>Recommendation</h3>
That the Housing Committee's instructions are requested in relation to the item submitted by a Member at paragraph 1 below.

1. WHY THIS REPORT IS NEEDED

- 1.1 Councillor Adam Langleben has requested that a Member's Item be considered on the following matter

"To ask for the committee to grant all longstanding non-secure tenants on Barnet's regeneration estates flexible tenancies of 5 years"

2. REASONS FOR RECOMMENDATIONS

- 2.1 No recommendations have been made. The Housing Committee is requested to give consideration and provide instruction.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 When matters raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution Responsibility for Functions, section 6 illustrates that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members items must be within the term of reference of the decision making body which will consider the item.

- 5.3.2 There are no legal references in the context of this report.

5.4 Risk Management

- 5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 Member's Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.


5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 Email to Governance Service, dated 21 January 2015.

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	AGENDA ITEM 9 <h2 style="text-align: center;">Housing Committee</h2> <h3 style="text-align: center;">2nd February 2015</h3>
<p style="text-align: right;">Title</p>	<p>Empty Property Task and Finish Group</p>
<p style="text-align: right;">Report of</p>	<p>Cath Shaw Director of Commissioning – Growth and Development</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A – Report of the Empty Properties Task and Finish Group Appendix B – Amendments to the Private Sector Housing Financial Assistance Policy</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Belinda Livesey – Group Manager (Private Sector Housing) 0208 359 7438 belinda.livesey@barnet.gov.uk</p>
<h2>Summary</h2>	
<p>It was resolved by a Management Overview and Scrutiny Committee, 7 October 2013 that a Task and Finish Group review of Empty Properties be convened to complete by the end of March 2014.</p> <p>The conclusions from this group were presented to Budget and Performance Overview and Scrutiny Committee 13th March 2014 and Cabinet 2 April 2014. This report provides an update on the recommendations made by Cabinet.</p>	

<h2>Recommendations</h2>	
<ol style="list-style-type: none"> 1. That the Committee note the follow up action taken in relation to the recommendations from Cabinet in relation to long term empty properties. 2. That the Committee note that the funding of empty property work is dependent on external funding and as such proactive work to tackle empty properties is at risk when the funding ceases. 	

1. WHY THIS REPORT IS NEEDED

1.1 This report was requested by Cabinet on 2nd April 2014 prior to changes in the committee structure.

1.2 The recommendations agreed by Cabinet were:

Recommendation 1: The Council should substitute the existing 'refurbishment loan offer with a competitive grant funding option tied to tenancy nomination rights. Officers should evaluate the offer against those of comparable local authorities and review annually.

1.2.1 The existing "refurbishment loan" was replaced with an Empty Property Grant in June 2014. This was combined with external funding. Details are contained in Appendix B.

1.2.2 There has been one case completed, and nine definite grants in the pipeline. These properties will provide a total of 22 bedrooms for Barnet Homes to make available to tenants for a period of five years. Whilst it has taken a long time to build up some momentum in the programme, this is a significant improvement on the period 2012-14, when only 2 cases were completed.

Recommendation 2: Barnet Homes should be encouraged to develop a clearer range of competitive offers for owners of empty properties.

And;

Recommendation 3: In partnership with Barnet Homes, the Private Sector Housing team should develop a cohesive promotional programme to raise awareness of work being done to address empty properties in the borough.

1.2.3 The Environmental Health Department in Regional Enterprise (Re) continue to work with Barnet Homes to ensure that the available grant product is attractive to prospective landlords.

1.2.4 The grant was promoted jointly to owners of empty properties in the borough at an Empty Property Work Shop in November 2014. The event was positively received by owners and two more sessions will be run in 2015. The grant will also be promoted through the Landlords Forum and London Landlord Accreditation Sessions to be run in Barnet in 2015.

1.2.5 The grant is also promoted through the Barnet website and was the subject of a press release in August 2014.

1.2.6 Leaflets promoting the grant scheme have been updated and made available to empty property owners and are also available in key public locations across the borough.

1.2.7 Mailshots promoting the scheme are routinely sent to the owners of all empty properties of which the Council is aware.

1.2.8 Social media, such as Twitter is also used to promote the scheme.

Recommendation 4: Information outlining the various options available and highlighting penalties to be imposed for failing to comply with the Council's requirements concerning bringing empty properties back in to use should be produced and distributed with the 2015/16 council tax billing letter. The same information should be sent out every time an owner registers their empty property with the council tax team.

1.3.0 The Environmental Health Service in Re continue to work with Council Tax colleagues to ensure that the scheme is promoted to Empty Property Owners liaising with Council Tax colleagues

1.3.1 The billing letter is deemed to have too much content already to accommodate empty property information, but Council Tax colleagues are exploring the possibility of printing information regarding empty property grants on the envelope that contains the billing letter. It is hoped this will encourage owners to contact the Council.

1.3.2 According to the Council Tax Team's database there are currently 64 Council owned long term empty properties, and 3,892 long term empty properties/second homes. Often properties recorded as second homes with the Council Tax Team are actually long term empty properties. The Environmental Health Service work with the Council Tax Service to rectify any inaccurate recording of the status of a property.

Recommendation 5: To maintain the success of the current empty property programme the Council should develop a comprehensive strategy for the long-term identification and enforcement of empty properties. Enforcement action should be considered readily where it is appropriate to do so. The element of New Homes Bonus received by the Council as a result of empty properties being brought back into use should be disaggregated from the total and reinvested in the programme to support on-going work in this area; alongside other income received as a direct result of action on empty properties. (Note: Cabinet Recommendation 2nd April 2014: with respect to recommendation 5; that funding for work on empty homes is part of the wider contractual funding relationship with Re, and that further work will be needed to identify the funding available for the programme.

1.3.3 The Environmental Health Service (EH) in Re continue to implement an identification and enforcement programme in relation to bringing empty properties back into residential use. There are currently 596 service requests relating to long term empty properties that have been risk assessed and prioritised for enforcement action. In the past 12 months 60 service requests have been received regarding empty properties. The team is also prioritising a new batch of properties from Council Tax colleagues records and targeting owners with multiple empty properties.

1.3.4 EH work with empty property owners to secure property improvement and reoccupation. This is achieved through a combination of offering; in the first instance advice, support and financial assistance, to owners. In 2014 to date,

120 properties have been brought back into residential use. Where this fails to be effective, the appropriate enforcement action is taken. This can be in the form of minor enforcement action to require improvement and/or securing the property, or more severe action with the Council taking over ownership of the property through Compulsory Purchase powers. The Council has an active Compulsory Purchase programme, with 5 cases having been previously approved by the Council. These are currently at various stages of this enforcement action process:

- 1 case at the Lands Tribunal
- 1 case assessed by the District Valuer through the untraced owner process
- 1 case subject to Public Inquiry
- 1 case approved by Committee and investigations due to commence in Hong Kong to trace the owner
- 1 cross undertaking in place

Four more cases have been agreed by the Empty Property Steering Group for a referral to be made to Housing Committee for approval for CPO action to be undertaken.

- 1.3.5 Social media, such as Twitter is regularly used to encourage the public to report empty properties.
- 1.3.6 Environmental Health Services in Re have been organised to ensure that officers routinely out in the borough can readily identify empty properties when carrying out their duties. They also liaise with the police and other street based officers, who have been briefed on helping the Council to identify properties. Officers are trained to identify both empty properties and houses in multiple occupation that require follow up action.

Recommendation 6: The Council should consider replacing the current temporary posts (due to terminate in 2014) within the Private Sector Housing Team with permanent posts dedicated to the identification, recording and inspection of empty properties and Houses of Multiple Occupancy (HMO). This could also maximise potential for fraud referrals to the Council's Corporate Anti-Fraud Team (CAFT).

- 1.3.7 In the Private Sector Housing Team there are two officers that deal jointly with HMOs and Empty Properties, in addition to an officer dedicated to HMO Licensing and a further officer dedicated to empty properties. The staff in the dedicated posts deal with the more complex/substantial areas of work for example CPOs, and consideration of Additional Licensing.
- 1.3.8 Although the staff employed for empty property enforcement were appointed on temporary contracts, the length of the funding stream from the North London Housing Sub-Region for empty property work meant that the staff are, under employment law, in effect, permanent staff. Permanent contracts are being put in place to deal with this issue. However, it should be noted that

when the funding stream comes to an end, these posts will not be funded. Re is contracted to undertake empty property enforcement, however this would be on a purely reactive basis, rather than a dedicated team of officers concentrating solely on this work.

- 1.3.9 The introduction of an Additional Licensing scheme (Licensing of two-storey HMOs) is currently under consideration. If there is sufficient evidence to support the introduction of such a scheme and this is approved by Housing Committee, this scheme will significantly assist in the identification of Houses in Multiple Occupation.

Recommendation 7: The Council should consider introducing a commission scheme to encourage public reporting of empty properties. A cash reward could be paid to anyone reporting a previously unknown empty property that is subsequently brought back in to use and results in New Homes Bonus income being received. This arrangement would provide a benefit to the Council.

- 1.4.0 Council Tax colleagues have not to date found a mechanism for doing this but it is still under investigation.

Recommendation 8: Vacant, or otherwise available, commercial units in the borough should be evaluated in partnership with Barnet Homes for possible conversion to residential use.

- 1.4.1 Where an owner is interested in converting a vacant commercial unit to residential use this is evaluated by EH in partnership with Barnet Homes. Such cases are undertaken on a reactive basis. Conversions from offices to residential apartments are automatically permitted under the new Class J of the Permitted Development Order but may require express planning permission for any external alterations or additions.

Recommendation 9: Officers working on Town Centre Regeneration projects should be required to report possible opportunities for residential use of spaces above shops.

- 1.4.2 Whilst this is not a specific Commitment in the Re contract, it will be undertaken by officers involved in TCs (across Planning Policy and Economic Development).

2 REASONS FOR RECOMMENDATIONS

- 2.1 An update on the recommendations of the Task and Finish Group was requested to be brought forward by Cabinet under the Council's previous governance arrangements.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None

4 POST DECISION IMPLEMENTATION

4.1 EH will continue to:

- work with Barnet Homes to promote Empty Property Grants
- promote identification of long term empty properties
- assist empty property owners to bring them back into residential use
- risk assess long term empty properties and take the appropriate enforcement action with the available resources
- work with all key partners in the Council through the Empty Property Steering Group to ensure a joined up approach to bringing long term empty properties back into residential use.

4.2 Bringing 100 long term empty properties back into residential use is one of the Key Performance Indicators used to monitor the performance of Re. Performance against the target is measured on a monthly basis. The target for 2014/15 has already been exceeded with 120 properties brought back into residential use. This allows the team to focus on the more complex enforcement cases as listed in 4.1. Performance against this and future years targets will continue to be monitored by Performance and Contract Monitoring Committee.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The empty property programme meets the Council's key Corporate Priorities detailed in the Barnet Corporate Plan 2013-2016 as follows:-

- Create the right environment to promote responsible growth, development and success across the borough: Bringing empty properties back into use preserves the housing stock and improves its energy efficiency. Renovating existing homes has around a 33% smaller carbon foot print than building new homes.
- Support families and individuals that need it, promoting independence, learning and well-being:- Increasing the available housing stock that meets minimum standards will help ensure that more families have access to accommodation which will enable stability in schooling, health care etc.
- Improve the satisfaction of residents and businesses within the London Borough of Barnet as a place to live, work and study: Empty properties can be a magnet to criminal behaviour leading to increased crime in the local area. Bringing empty properties back into residential use will reduce crime and reduce the fear of crime for local residents which will increase residents' satisfaction with their local community.

5.1.2 Barnet's Housing Strategy 2010-2025 key objective is to increase the housing supply, including family sized homes, to improve the range of housing choices and opportunities available to residents. This strategy contributes to this by improving the condition and sustainability of the existing housing stock.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The funding of empty property work is still dependant on external funding and as such this area of work is at risk when this ceases. Re has a commitment to ensure that this area of work continues, but the scale is dependent on the resources available.

5.2.2 At the start of financial year 2014/15 there was a reserve available of £0.491m available to support Re staff costs in relation to empty property work. This will be partly utilised at the end of March 2015 to fund the current financial year staff costs.

5.2.3 No additional IT is required to undertake this work.

5.2.4 There are no procurement issues to be considered in relation to this report

5.3 Legal and Constitutional References

5.3.1 Annex A To Responsibility for Functions - Membership and Terms of Reference of Committees and Partnership Boards" – sets out the terms of reference of the Housing Committee which includes "All matters relating to private sector housing including Disabled Facilities Grants"

5.4 Risk Management

5.4.1 There is a risk in not dealing with empty properties both in the way Central Government assesses our strategic housing performance and in the way residents see the ability of the Council to intervene in the problems which beset them.

5.5 Equalities and Diversity

5.5.1 Empty and neglected properties can be a blight on the area and the local community that can lead to residents having an increased level of area insecurity and fear of crime in their neighbourhood. Bringing these properties back into use will benefit all members of the Borough's diverse communities.

5.5.2 Any regulatory activity will be carried out in accordance with the current Development and Regulatory Services Enforcement Policy to ensure the objective application of powers and responsibilities.

5.6 Consultation and Engagement

5.6.1 Consultation was completed as part of the original work of the Task and Finish Group.

6. BACKGROUND PAPERS

- 6.1 Business Management Overview and Scrutiny Committee, 7 October 2013, Item 10 - Task and Finish Group Updates – the Committee resolved that a Task and Finish Group review of Empty Properties be convened to complete by the end of March 2014
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=119&MID=6583>
- 6.2 Decisions of the Budget and Performance Overview and Scrutiny Committee 13th March 2014
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=123&MID=7476>
- 6.3 Minutes of Cabinet 2nd April 2014
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=120&MID=7519#A16793>
- 6.4 Action taken under Delegated Power by Officer 24th June 2014 – Private Sector Housing Financial Assistance Policy Review in Relation to Empty Properties

Task and Finish Group Review:

Empty Properties

Final Report

February 2014

Executive Summary

Properties that stand empty are a wasted resource for the owner and the community.

With over 1,700 properties recorded as empty, representing 1.2% of total residential dwellings, Barnet has the 9th highest proportion of all London boroughs. In line with the national agenda, the Council's policy is to develop initiatives to encourage owners to bring long-term vacant properties back in to use.

The Empty Properties Task and Finish Group was set up to consider the approach being taken to tackling the challenge of empty properties in the borough.

This report provides a summary of the Group's approach and the research conducted to inform their review. Conclusions detail comments and recommendations relating to Council objectives and policies for bringing empty properties back in to residential use.

To pursue its aims, the Group received and discussed papers from Officers detailing the background to the subject and on policy and implementation. The Group also received evidence from a range of agencies which was subject to scrutiny and debate. Additional written and oral responses were received from Officers of the Council.

The Budget & Performance Overview and Scrutiny Committee will be requested to consider this report before the findings and recommendations are formally reported to the Cabinet. The Group recognise that some of the recommendations made may require the Council's partners, Re. Ltd. and Barnet Homes, to respond to and implement.

However the Cabinet Member for Housing is responsible for the portfolio of services provided by the Private Sector Housing team and Cabinet endorsement will be required to give effect to the recommendations. In order to track the implementation of any accepted recommendations, the Housing Committee (which will come in to effect on 2 June 2014) will be asked to monitor the implementation of any recommendations agreed by Cabinet.

Key recommendations emerging from the review were:

1. The Council should substitute the existing 'refurbishment loan' offer with a competitive grant funding option tied to tenancy nomination rights. Officers should evaluate the offer against those of comparable local authorities and review annually.
2. Barnet Homes should be encouraged to develop a clearer range of competitive offers for owners of empty properties.
3. In partnership with Barnet Homes, the Private Sector Housing team should develop a cohesive promotional programme to raise awareness of work being done to address empty properties in the borough. To be rolled out over the next 12 months and emphasising the following:

- rewards available for reporting previously unidentified empty properties which subsequently results in a New Homes Bonus payment being due to Council;
 - the revised Financial Assistance policy; and
 - the full range of support available from the Council and Barnet Homes.
4. Information outlining the various options available and highlighting penalties to be imposed for failing to comply with the Council's requirements concerning bringing empty properties back in to use should be produced and distributed with the 2015/16 council tax billing letter. The same information should be sent out every time an owner registers their empty property with the council tax team.
 5. To maintain the success of the current empty property programme the Council should develop a comprehensive strategy for the long-term identification and enforcement of empty properties. Enforcement action should be considered readily where it is appropriate to do so. The element of New Homes Bonus received by the Council as a result of empty properties being brought back in to use should be disaggregated from the total and reinvested in the programme to support on-going work in this area; alongside other income received as a direct result of action on empty properties.
 6. The Council should consider replacing the current temporary posts (due to terminate in 2014) within the Private Sector Housing Team with permanent posts dedicated to the identification, recording and inspection of empty properties and Houses of Multiple Occupancy (HMO). This could also maximise potential for fraud referrals to the Council's Corporate Anti-Fraud Team (CAFT).
 7. The Council should consider introducing a commission scheme to encourage public reporting of empty properties. A cash reward could be paid to anyone reporting a previously unknown empty property that is subsequently brought back in to use and results in New Homes Bonus income being received. This arrangement would provide a benefit to the Council.

Two additional recommendations were also put forward by the Group for consideration:

8. Vacant or otherwise available commercial units in the borough should be evaluated in partnership with Barnet Homes for possible conversion to residential use.
9. Officers working on Town Centre Regeneration projects should be required to report possible opportunities for residential use of spaces above shops.

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1 BACKGROUND INFORMATION

1.1 For the purposes of the review, an empty property is defined as a residential dwelling that has been left empty and unoccupied for at least 6 months.

1.2 At the Business Management Overview and Scrutiny Committee meeting of 3 October 2013 it was agreed that a Task and Finish Group should be convened to review Council's approach to tackling empty properties.

1.3 The membership of the Group (as appointed by the Conservative and Labour Group Secretaries) was as follows:

Councillor Brian Salinger (Chairman)
Councillor Graham Old
Councillor John Hart
Councillor Julie Johnson
Councillor Ross Houston

Substitutes were:

Councillor Rowan Quigley Turner
Councillor Zakia Zubairi
Councillor Jim Tierney

1.4 The Group held its first meeting on 14 January 2014 to discuss the scope of the review. In order that recommendations emerging from the review could be considered at the 2 April Cabinet meeting, it was agreed that the review be conducted over two meetings at Hendon Town Hall during January.

1.5 The review focused on the policies and actions being taken to identify empty properties in the borough and the challenge of returning them to residential occupancy. Key lines of enquiry centred on:

- Identifying and tracking empty properties
- Current approach and methods available to bring empty properties back in to use
- Local awareness and engagement

1.6 Following protocol guidelines stipulated in the Council's Constitution under Overview and Scrutiny Procedure Rules, the Group considered a range of evidence provided by the following key stakeholders:

- Private Sector Housing Manager (Re. Ltd)
- Revenues Operations Manager, Revenues (CSG)
- Project Manager (Barnet Homes)
- Deputy Chief Operating Officer (LBB)
- National Landlords Association

1.7 To support the review, research was undertaken to provide Members of the Group with case study information on other local authorities. The work of the Group was promoted alongside a call for evidence asking for the views of owners of empty properties in the borough.

2 NATIONAL CONTEXT

- 2.1 710,000 homes are currently empty in England, according to the Homes From Empty Homes statistics¹. Of these, 259,000 have been empty for more than 6 months. Empty homes account for approximately 3% of the total housing stock in England.
- 2.2 Bringing empty homes back in to use is a priority set out by the Government's Housing Strategy²; Chapter 5 identifies the importance of tackling empty homes as a means of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities. Empty homes can quickly start to cause problems for neighbours, depressing the value of adjacent properties and attracting nuisance, squatting and criminal activity. Creating additional burdens on local authorities and the emergency services.
- 2.3 Actions set out in the Strategy include:
- Awarding the New Homes Bonus for empty homes brought back in to use. New Homes Bonus is paid to Local Authorities to match fund the Council Tax receipts for a period of six years;
 - Providing an 'Empty Homes Toolkit' available on the Homes and Communities Agency website;
 - Providing practical advice to local authorities and local community groups to help them to address empty homes;
 - Using £100 million of the Affordable Housing Programme to fund bringing empty properties (including non-residential properties) in to use as affordable homes;
 - The Government has given council tax billing authorities the discretion to levy an 'empty homes premium' of up to 50% in addition to the normal council tax payable from 1 April 2013. The premium may be imposed once a property has remained vacant, that is unoccupied and substantially unfurnished, for two years; and,
 - Proposed changes to Empty Dwelling Management Orders to limit their use to properties which have been empty for over two years and can be shown to have caused a nuisance. Local Authorities have to demonstrate that there is community support for the proposal.
- 2.4 The reasons homes are left empty are often complex – and can include inheritance, the cost of financing repairs, inability to achieve a desired sale or rental price, and stalled redevelopment or a decision to retain the property to benefit from house price increases. The Government has made tackling empty homes a priority within the Affordable Housing Programme with specific allocations targeted at bringing empty homes back in to use.

1 <http://www.emptyhomes.com/statistics-2>

2 Laying the Foundations (November 2011)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7532/2033676.pdf

- 2.5 The National Planning Policy Framework³ encourages Councils to use their Compulsory Purchase Order (CPO) powers to bring empty properties back in to use. Paragraph 51 states:
"Local planning authorities should identify and bring back in to residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers".
- 2.6 On 17th December 2013 the Government reported that a record 37,414 long term empty homes came back in to use in England in the year (Oct 2012- Oct 2013), reducing the total number of long-term empty homes to 222,428, its lowest ever recorded number. The drop is also the biggest ever annual drop. In the previous year (Oct 2011- Oct 2012)the total dropped by 17,945⁴.

3 LOCAL & REGIONAL CONTEXT

- 3.1 London is divided in to 5 Housing sub-regions. Barnet is in the North London region (with Camden, Enfield, Haringey, Islington and Westminster).
- 3.2 In 2012, the North London boroughs jointly secured Empty Homes Programme (2012-2015) funding from the Homes & Communities Agency (whose powers in London have since been devolved to the Greater London Authority (GLA)).
- 3.3 As at October 2013, council tax base statistics⁵ published by the Department for Communities and Local Government (DCLG) show Barnet as having 1,707 properties recorded as long-term empty. Barnet ranks third in the North London sub-region (ninth in London) with 1.2% of its 142,474 residential dwellings standing empty (3.4 - Table 1).

³ National Planning Policy Framework (2012)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

⁴ <http://www.emptyhomes.com/2013/12/17/2013-a-record-year-for-empty-homes-coming-back-into-use/>

⁵ <https://www.gov.uk/government/publications/council-taxbase-2013-in-england>

3.4 Council Tax Base (London) 2013 - Table 1 :

Borough	Total residential dwellings	Total long-term empty	% long-term empty
Kensington & Chelsea	87,393	2,301	2.63%
Camden	104,721	1,837	1.75%
Westminster	122,693	2,013	1.64%
Sutton	80,788	1,075	1.33%
Hackney	106,694	1,400	1.31%
Bromley	136,706	1,784	1.30%
Kingston upon Thames	65,152	812	1.25%
Havering	101,328	1,238	1.22%
Barnet	142,474	1,707	1.20%
Greenwich	106,039	1,221	1.15%
Islington	102,960	1,151	1.12%
Enfield	122,329	1,330	1.09%
Ealing	130,649	1,350	1.03%
Merton	82,241	789	0.96%
Hounslow	97,931	938	0.96%
Lewisham	120,684	1,145	0.95%
Croydon	148,625	1,376	0.93%
Lambeth	135,153	1,245	0.92%
Southwark	130,412	1,147	0.88%
Waltham Forest	100,068	847	0.85%
Hammersmith & Fulham	83,563	706	0.84%
Tower Hamlets	115,389	901	0.78%
Redbridge	101,781	759	0.75%
Barking & Dagenham	72,361	517	0.71%
Haringey	105,390	715	0.68%
Harrow	87,867	588	0.67%
Richmond upon Thames	82,617	489	0.59%
Bexley	95,731	513	0.54%
Hillingdon	107,706	556	0.52%
Newham	106,056	528	0.50%
Wandsworth	136,771	669	0.49%
Brent	113,530	355	0.31%
City of London	6,429	0	0.00%
TOTAL	3,440,231	34,002	0.99%

3.5 Bringing empty properties back in to use represents value for money for Barnet. For every property that moves from an unoccupied to occupied banding on council tax records, the Council is allocated New Homes Bonus for six years (a total of £8,734 per Band D property). This is in addition to council tax paid by the new resident.

- 3.6 Working with Barnet Homes and housing associations to increase the number of properties with nomination rights reduces the number of persons currently placed in nightly purchased accommodation. This currently costs the Council £2,345.89 per annum for an average for a two bed property. There is no net cost for the same size accommodation under the Private Sector Leasing Scheme.
- 3.7 The Council adopted an Empty Property Strategy (Appendix 1) and amendments to the Private Sector Financial Assistance Policy (Appendix 2) on 30 May 2013.
- 3.8 The amendments to the Private Sector Financial Assistance Policy and introduction of an Empty Property Strategy were designed to ensure that:
- Resources are effectively targeted
 - The work programme is in line with the Council's objectives
 - Maximum use is made of the resources available and
 - The team's objectives are transparent.
- 3.9 Despite the amendments, the Private Sector Financial Assistance Policy has not resulted in significant interest from property owners (two in the last year only) and is to be reviewed to try and secure more properties for Barnet Homes.
- 3.10 Council's key Corporate Priorities detailed in the Barnet Corporate Plan 2013-2016 which relate to this review as follows:
- Create the right environment to promote responsible growth, development and success across the borough – Bringing empty properties back in to use preserves the housing stock and improves its energy efficiency. Renovating existing homes has around a 33% smaller carbon foot print than building new homes;
 - Support families and individuals that need it, promoting independence, learning and well-being- The additional housing secured through Landlord Empty Property Assistance will assist in reducing the number of persons in nightly purchased accommodation used by Barnet Homes. This will enable more homeless families to be provided with secure accommodation which will enable stability in schooling, health care etc.;
 - Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study - The nomination rights secured through Empty Property Financial Assistance will provide more housing security for some of Barnet's most vulnerable residents. Empty properties can be a magnet to criminal behaviour leading to increased crime in the local area. Bringing empty properties back in to residential use will reduce crime and reduce the fear of crime for local residents which will increase residents' satisfaction with their local community.

4 REVIEW FINDINGS

4.1 Identifying and Recording Empty Properties

- 4.2 As at the 1st April 2013, there were 1,707 residential properties recorded as being empty for longer than six months in Barnet.
- 4.3 The Group learned that a total of 290 properties were recorded as being brought back in to use in 2012/13. The Corporate Plan 2013-2016 set a target to bring 100 empty properties back in to use for the year 2013-14 (CPI 6003). Performance reports for Quarter 2 2013/14 recorded that a total of 186 properties had been brought back in to use. Although this year's annual target had already been exceeded, it was thought that this could be attributed to less complex cases being successfully brought back in to use. It is believed that the rate of improvement will dip during the remainder of the year as more complex cases are being tackled that require more effort, time and resources to complete.
- 4.4 The Council's Empty Property Team, sits within the Private Sector Housing Team as part of a range of services delivered by Re. Ltd. along with HMO (House in Multiple Occupancy) Licensing, Housing Enforcement, DFGs (Disabled Facilities Grants) and other minor works grants, under the Enforcement and Grants Team Leaders and the Private Sector Housing Manager. The team has been up and running in its current format for a year and currently consists of 1.5 Environment Health Officers, 2 Technical Officers, and a Technical Support Officer (4 days per week).
- 4.5 The current team has another 12 months to run, although the existing funding from the North London Sub Region will be stretched out for as long as possible in conjunction with 10% capitalisation from the £600,000 annual funding from Council. After this time there are staffing costs through capitalisation for one officer until December 2017.
- 4.6 The majority of empty properties are identified through the council tax database. Regular surveys (every year or so) are undertaken of all properties registered on the database as long-term empty. Data is updated based on the evidence provided from surveying officers. Empty properties may also become known through; referrals from other departments within the Council, being reported by members of the public or from other agencies such as the Police and Fire Brigade. However the properties on the database are dwindling following the removal of the empty property council tax exemption.
- 4.7 Since 1st April 2013, aside from properties meeting certain exemption criteria, Council Tax discounts for unoccupied properties (including homes undergoing major repair) were removed. The Council also used its discretionary power to impose a Council Tax premium of up to 50% for properties which have remained vacant for more than two years.
- 4.8 The Group considered that the removal of council tax discounts and the imposition of the premium had created a financial incentive for owners of

registered empty properties to let or sell the property, therefore, bringing it back in to use. However, the removal of these discounts no longer incentivises property owners to declare their property as empty. This loss of self-reporting has presented the Private Sector Housing team with a challenge in how to update and keep an accurate database of Empty Properties. In turn this poses a risk for the Council in no longer being able to collect evidence and pursue owners of empty properties to avoid deterioration of local communities and loss of housing units in the borough.

4.9 The Group were pleased to note that Officers working on empty properties were given appropriate access to the council tax database. However, it was thought that many empty properties were now being reported as second homes. This reduces Council income and is detrimental to on-going enforcement cases. Extra work to investigate properties is needed to be able to maintain the accuracy of Council-held information on empty properties. More work is also required on ensuring that the work completed by the Empty Property Team is being accurately recorded on the Council Tax data base. There was currently just one Council Tax Inspection Officer dedicated to this task.

4.10 Through discussion with the Private Sector Housing Manager for Re. Ltd., the Group heard that properties may become empty for short periods as part of the normal churn in the property market. Those that remained empty for the longer term were variously challenging and there could be a number of reasons that they had become long-term vacant.

4.11 Properties are assessed as high, medium or low-risk and owners are targeted accordingly. Risks could include:

- Nuisance to neighbours
- Dereliction/Disrepair
- Environmental health (rubbish, rats etc.)
- Squatters

4.11 The average timescale for bringing an empty property back in to residential use since the start of 2013/14 was 633 days, compared to 110 days for all other private sector housing service requests. The Council has been involved in 569 empty properties coming back in to residential use to date 2013/14. The majority of these were “easy hits” (i.e. cases where the Council has completed informal or advisory action).

4.12 The Group learned that some properties remain empty for a combination of complex reasons including: death; family breakdown; and personal health problems. Working with owners of such properties to bringing them back in to residential use is often a long and complicated process.

4.13 Enforcement Options

4.14 The preferred option is to work with owners of empty dwellings to bring them back in to use; enforcement powers are resource-intensive to implement and

are not appropriate in all cases. However, in rare cases of non-cooperation, Barnet uses its powers to bring these empty properties back in to use.

- 4.15 In dealing with an empty property, Officers first attempt to contact the owner to discover the reason for the property being empty and any issues in returning them back in to use. Support is offered, whether this be through advising of potential financial assistance or providing contact details of local builders/letting agents. If on-going discussion does not lead to positive action being taken, enforcement is considered and may be pursued. Options for enforcement are detailed at Appendix 3 – Local Authority Action on Empty Homes.
- 4.16 If enforcement is being considered, two reminder letters are sent detailing the enforcement action which will be taken if the owner doesn't bring the property back in to residential use. Private Sector Housing work closely with the Planning department and, where the property is detrimental to the local amenity, enforcement action will be taken by Planning. If the Council is still ignored, the property is referred to the Empty Property Steering Group for a decision of the next step (e.g. referral to the Cabinet Resources Committee (CRC) for a Compulsory Purchase Order (CPO), Empty Dwelling Management Order, Enforced Sale etc.) At this stage more often than not the owner will either sell the property or commence improvement. To date out of more than 30 cases that have been referred to CRC for approval for CPO, two properties are now in the Council's ownership and two more are due to go to the Secretary of State.
- 4.17 A property is identified for enforcement depending on the condition of the premises, impact on the local community and the level of co-operation from the owner. Successful enforcement is dependent on robust evidence of significant consultation with the owner, key procedures being in place and followed and comprehensive legal support. Where enforcement action is required, this elongates the process further due to the extreme nature of EDMOs, CPOs, Enforced Sales etc.

4.18 Financial Assistance Policy

- 4.19 The Group was advised that Council's current Financial Assistance Policy scheme was revised in May 2013 to make it more attractive to owners of empty properties. Currently, owners could apply to receive a loan towards improving the property, subject to agreeing to a minimum tenancy of through Barnet Homes. However, only two owners in the last twelve months had taken up the offer. For many owners, the incentives did not stack up as a business case when compared to the market for private tenants.
- 4.20 Bringing an empty property back in to use can be costly. However, as well as environmental and social benefits, bringing an empty property back in to use provides a source of income to the Council though the New Homes Bonus scheme.

- 4.21 Supported by the Deputy Chief Operating Officer, the Group investigated whether there would be a benefit to reintroducing a shorter, six-month, exemption period to encourage owners to report their property as becoming empty. It was confirmed that the council tax exemptions cost the Council an average of £2.2m a year, £2m of which was apportioned to vacant dwellings. The remainder (£200,000) to second homes. Long-term empty properties (those which were empty for six-months or longer) comprised £1.6m-£1.8m of the overall cost.
- 4.22 Income from the New Homes Bonus for properties brought back in to use is offset against those that became empty in the same year. Given the present housing trajectory, properties being brought back in to use were projected to provide a net annual income resulting from the New Homes Bonus of around £40,000.
- 4.23 The Deputy Chief Operating Officer confirmed that income from the New Homes Bonus was added to the Council's General Fund and would commonly be used towards infrastructure projects.
- 4.24 The Group accepted that there was no financial viability for bringing back the council tax exemption for empty properties. However, the Group explored how the element of the New Homes Bonus attributed to empty properties being brought back in to use may be disaggregated from the total and be used to support funding for work on empty properties.
- 4.25 The Group made enquiries as to whether flats or spaces above shops were being investigated. Officer reported that priority had been given to houses due to them posing a greater risk and higher value return. Houses were also in greater demand for homing families in the borough.
- 4.26 Engaging With Property Owners**
- 4.27 Following investigation on how other local property owners were being engaged with, the Group learned that work was underway to identify key sites and initiate a dialogue with the NHS (to discuss the regeneration of sites such as Elmbank House in Barnet Road), the Police (to investigate the potential of residential use of their property portfolio), and commercial property owners for example Tescos. The Group were informed that there is additional funding available from the GLA which it may be possible to use to convert commercial properties.
- 4.28 The Group met with an Officer from Barnet Homes to discuss their work undertaken in relation to empty properties. It was noted that Barnet Homes was a member of the Empty Homes Steering Group and also managed an online Landlords' Forum Network with over 300 landlords registered.
- 4.29 Barnet Homes reported that by increasing the management of units under their Private Sector Lease Scheme they would seek to mitigate the cost of providing temporary accommodation. Landlords in this scheme were being offered up to 100% of the local housing allowance. The Group noted that

following referrals there were two more previously empty properties being managed in this way, another being finalised and a further 31 properties were in the pipeline. In addition, Barnet Homes were working on turning a former office block in to 18 residential units.

- 4.30 The Group discussed the need for a flexible offer that was competitive and widely-promoted in order to attract experienced landlords as well as those who may need support and advice with their property. Through discussions on the competitiveness of the present offer, the Group learned that established landlords were more likely to rent to the private sector due to the limitations under Local Housing Allowance rates. Barnet Homes were open to review its current offer, possibly adding practical support with refurbishments, in order to develop a more attractive package.
- 4.31 The Group heard that Barnet was competing with other local authorities for tenancy contracts with property owners. Case study information on neighbouring local authorities confirmed the assertion that, where offered, financial assistance tied to nomination rights was available as a grant. By contrast, the funding offered from Barnet was through a repayable loan. The Group noted that local authorities as far away as Croydon Council were canvassing property owners in Barnet, offering enhanced incentives.

5 CASE STUDIES

- 5.1 The Group were provided with a report giving an overview of the resources and approach taken by Brent, Harrow, Haringey and Enfield councils with regards to empty properties.

5.4 London Borough of Harrow

- 5.4.1 In the period April 2009 to March 2012, Harrow Council enabled around 800 empty private sector properties to be brought back in to use through a combination of grant assistance and collaborative working with landlords.
- 5.4.2 As of 1st May 2012, there were 946 (1%) vacant private sector properties in Harrow, of which 302 (0.3%) had been empty for 6 months or more. Harrow state that their target is to bring 45 empty private sector properties in to use per annum.
- 5.4.3 In May 2012, a new Council-funded grant scheme called “Repair to Lease” was introduced in response to challenges arising from the housing market and government reform. The scheme aims to encourage more landlords to work with the Council and bring empty properties back in to use. The Repair to Lease scheme gives a grant in exchange for full nomination rights to the property for up to three years through the Council’s Help2Let scheme. Harrow’s Help2Lease scheme also provides management services for owners who are looking to rent out their properties.

- 5.4.4 Harrow has a funding allocation to bring empty properties back in to use and grants are offered for owners to turn empty properties in to homes for local residents if owners agree to work with local letting agency Help2Let to generate rental income.
- 5.4.5 From 1 April 2013 the exemption period for owners of empty properties was removed, and council tax rates increased for properties that had been empty for two years or more.

5.5 London Borough of Haringey

- 5.5.1 Haringey do not currently award grants or offer financial assistance to owners of empty properties. Pending the outcome of the recent bid for funding through the Greater London Assembly (GLA), a new financial assistance policy is proposed. This will detail how up to £13,000 per unit from a funding total of £180,000 may be used.
- 5.5.2 As with many other local authorities, Haringey revised its council tax exemption policy following the Local Government Finance Act 2012. From 1st April 2013, any property that registered as empty is given one month exemption from council tax, following which there are no discounts. Also from this date if a property has been empty and unfurnished for two years or more owners are charged an additional 50% premium.
- 5.5.3 Empty properties are flagged through council tax records or via public reporting or Environmental Health becoming made aware of problems. Staff working on empty properties are given access to the council tax database. Haringey currently have a 0.5 FTE member of staff working on empty properties.
- 5.5.4 Pressure to bring an empty property back in to use is through enforcement only. This resulted in 52 properties being brought back in to use in last year.

5.6 London Borough of Brent

- 5.6.1 Brent employs one Empty Property Officer, supported by a Surveyor. Previously the team consisted of two full-time Empty Property Officers, one Surveyor and a Team Leader.
- 5.6.2 As with the other examples, empty properties are identified on council tax records. There are no longer exemptions given for empty properties and a council tax premium of 150% is levied for properties that remain empty for over two years.
- 5.6.3 Following the successful bid for funding from the GLA, since April 2012 Brent has met a target of bringing 70 empty properties back in to use.
- 5.6.4 Brent offer grants to bring empty properties up to a standard suitable for letting. In return, owners must sign up to one of the council lettings schemes for five years. A grant may be approved for up to 70% of the cost of the work,

depending on the size of property (one-bedroom 50%, two-bedroom 60%, three-bedroom or larger 70%) or £6,500 for every person that could be accommodated to the lower of the two calculations.

5.6.5 The types of grant available are:

- Refurbishment Grant - to cover works such as faulty and unsafe electrics, inferior heating system, windows that are so faulty as to be provide very poor insulation, inadequate kitchen food safety or food preparation arrangements and bathrooms that are very old. It may also cover work to provide an additional bedroom, subject to relevant planning and building control approval.
- Conversion Grant - towards conversion of a large empty house to smaller units, or for conversion of empty commercial premises to residential units. Subject to full planning consent.
- Interest Free Loan - As an alternative to the grant scheme, an interest free loan for properties that have been empty for two years. The loan could be up to £30,000 and is repaid from rental income. This is subject to a five-year nomination or lease agreement with the council or partner housing associations.

5.7 London Borough of Enfield

5.7.1 Enfield offer Renovation Grants to owners of long term empty homes up to 80% of the cost of major repairs (subject to the maximum grant limit of £25,000). The grant is able to be used towards replacement windows, central heating, roofing and electrical works and does not have to be paid back. In return owners are asked to lease the home to a family nominated by the Council for a minimum period of five years. During this five year period, owners receive a guaranteed rental income and full management service.

5.7.2 As with most of the other examples, there are no longer exemptions given for empty properties and a council tax premium of 150% is levied for properties that remain empty for over two years.

5.7.3 There are currently 1.5FTE staff working on empty properties in Enfield.

5.6 Results

5.6.1 Empty properties brought back in to use between October 2011 and October 2012 for each of the local authorities researched was:

Local Authority	Number of Empty Properties brought back in to use (Oct 2011 – Oct 2012)
Barnet	295
Brent	19
Enfield	293
Harrow	44
Haringey	-179

5.6.2 Financial assistance available to owners of empty properties was:

Local Authority	Financial Assistance	Nomination Rights
Barnet	Loan	3 years
Brent	Grant	5 years
Enfield	Grant	5 years
Harrow	Grant	3 years
Haringey	Currently none (pending outcome of GLA bid)	N/A

5.6.3 The cases studies show how other local councils have chosen to exercise powers to revise council tax exemption policies in a similar way following the Local Government Finance Act 2012.

5.6.4 Barnet has taken a unique approach to its financial support policy. Of the local authorities researched, each one either offered, or sought to offer, financial support through grants. Barnet's financial support is currently offered as a repayable loan. The Group agreed that that this was an uncompetitive offer and supported the notion that a carefully considered grant offer would be more attractive to property owners.

6 CONSULTATION

6.1 Call for Evidence

6.1.1 The Group issued a press release promoting the review which was subsequently published in a local newspaper⁶. The work of the Group was further promoted on the Council's website and via its Twitter feed. 334 letters were sent directly to known owners of empty properties.

6.1.2 Media promotion of the review encouraged owners of empty properties to fill out an online survey asking the following questions:

1. How long has the property been empty?
2. Why is the property empty?
3. What options are being considered for the property and have any decisions been made?
4. What are the barriers for bringing your property back in to use?
5. Are you aware that the Council offers financial assistance to help you bring the property back in to use? If so, what prevented you from taking up this offer? If not, how could the Council be communicating its policies better?
6. What could the Council be doing to assist you with bringing your property back in to use?
7. Do you have any other comments you feel are relevant to the review?

⁶ <http://www.barnet-today.co.uk/News.cfm?id=3256&headline=Owners+urged+to+help+with+bid+to+revive+empty+homes>

6.1.3 Despite the press coverage and direct mail-out only three responses (one of which was not from an owner of an empty property) were received. However, the low turnout and nature of the responses confirmed the Group's assertion that identifying and engaging with owners of empty properties was a significant challenge.

6.2 The National Landlords Association

6.2.1 The National Landlords Association (NLA) represent 1.4 million landlords in the United Kingdom. To learn more about the reasons for properties standing empty, the Group invited the NLA to provide a written submission for consideration. Their response was as follows:

What leads to landlords letting their properties become empty?

Commonly landlords will not leave a property empty for any extended period of time. The letting of private residential property is a business; other than to have renovation work on the premises it doesn't make financial sense to leave a property empty between tenancies as it is an inefficient way of generating rent.

The majority of unoccupied residential housing is most likely to belong to property owners rather than landlords; for example property acquired through inheritance.

Does the NLA give support to landlords who have 'empty dwellings', and what advice do you provide them?

Landlords who do not wish to manage their properties should instead enlist the services of a reputable letting agent.

Alternatively many landlords work with local authorities to bring empty and disused properties back in to use. For example, Private Sector Leasing Schemes and Social Letting Schemes allow local councils to let out private properties on behalf of their owners. This proves a successful way of bringing properties back in to use and provides a valuable source of good quality and affordable accommodation for low income or vulnerable tenants who may otherwise only have access to temporary accommodation.

Are landlords trying hard enough to re-house their empty properties, and are these empty properties high on the NLAs agenda to help fix?

The letting of private residential property is a business and it doesn't make financial sense to leave a property empty for any prolonged period of time. The UK is in the midst of a housing crisis. Along with building many more homes, local authorities must use every tool at their disposal to bring the estimated 800,000 empty properties back in to use.

Gavin Dick, Senior Policy Officer at the NLA, wrote:

The National Landlords Association (NLA) supports proposals that focus on promoting and assisting with the renovation and restoration of empty

properties in Barnet and welcome efforts to work closely with landlords to bring empty homes back in to use.

It is important to note that landlords do not leave properties empty; void periods represent waste in terms of a failure to meet housing needs and in generating financial returns. Most commonly landlords will only leave a property unoccupied in order to have restoration or improvement work undertaken between tenancies, with the ultimate aim of bringing the property back onto the market.

We support the removal of tax exemptions for long-term empty properties as they are a blight on communities, bring with them an increased risk of squatting and criminal damage, act as a disincentive to investment and reduce local house prices.

However, we advocate the maintenance of current tax exemptions for short-term empty homes as this enables landlords to effectively prepare their property to be re-let.

- 6.2.2 In consideration of the response from the NLA, the Group acknowledged that experienced landlords were largely self-motivated and commercially focused towards bringing properties back in to use in a timely manner. The Group therefore did not consider this demographic to be the most challenging in terms of preventing long-term empty properties from being brought back in to use. However, the Group did agree that promoting competitive policies for assisting with the renovation and restoration of empty properties would support more empty homes being brought back in to use earlier.

7 CONCLUSIONS & RECOMMENDATIONS

- 7.1 Having considered the actions being taken to bring empty properties back in to use, the Group agreed that Barnet was performing well. However, some key challenges to maintaining success in this area were identified during this review.
- 7.2 Barnet's Financial Assistance Policy is unusual, when compared to its neighbours, in offering a repayable loan. The existing policy has not proved popular and has resulted in only two applications in the past year.

Recommendation 1:

The Council should substitute the existing 'refurbishment loan' offer with a competitive grant funding option tied to tenancy nomination rights. Officers should evaluate the offer against those of comparable local authorities and review annually.

- 7.3 Engaging with owners of empty properties is the first step to success. The Group noted that this was an area of particular challenge. Priority should therefore be given to raising the profile of a high quality, competitive offer available from Barnet Homes and the assistance available from the Council. Consideration should be given to providing a range of attractive options;

comprehensive management for hassle-free guaranteed income (i.e. owner is totally hands-off, Barnet Homes carry out inspections/refurbishment and provide necessary certificates in return for a management fee), to the basic tenant-finding service (whereby owners are paid an incentive in return for a tenancy being arranged by Barnet Homes).

Recommendation 2:

Barnet Homes should be encouraged to develop a clearer range of competitive offers for owners of empty properties.

Recommendation 3:

In partnership with Barnet Homes, the Private Sector Housing team should develop a cohesive promotional programme to raise awareness of work being done to address empty properties in the borough. To be rolled out over the next 12 months and emphasising the following:

- *rewards available for reporting previously unidentified empty properties which subsequently results in a New Homes Bonus payment being due to Council;*
- *the revised Financial Assistance policy; and*
- *the full range of support available from the Council and Barnet Homes.*

Recommendation 4:

Information outlining the various options available and highlighting penalties to be imposed for failing to comply with the Council's requirements concerning bringing empty properties back in to use should be produced and distributed with the 2015/16 council tax billing letter. The same information should be sent out every time an owner registers their empty property with the council tax team.

- 7.4 The focus given to empty properties is founded on external funding received from the GLA, which is not guaranteed to be supported in the long-term. However, bringing empty properties back in to use should remain a priority for the Council due to the positive financial (reducing nightly purchased accommodation costs), social and environmental impacts. Notwithstanding these benefits, additional income is generated from New Homes Bonus payments (or sale of assets following enforcement action).

Recommendation 5:

To maintain the success of the current empty property programme the Council should develop a comprehensive strategy for the long-term identification and enforcement of empty properties. Enforcement action should be considered readily where it is appropriate to do so. The element of New Homes Bonus received by the Council as a result of empty properties being brought back in to use should be disaggregated from the total and reinvested in the programme to support on-going work in this area; alongside other income received as a direct result of action on empty properties.

- 7.5 The council tax database remains the key information source for identification of empty properties. Changes to council tax rules from April 2013 –

particularly the removal of discounts for empty properties and the introduction of a premium 150% rate for those properties empty for longer than two years - has compromised the value of this data and has led to some empty properties not being reported. In turn, this may prevent timely enforcement being achievable. The Group agreed that the removal of council tax exemptions for empty properties incentivises owners to bring back in to use those properties already known to be empty. However, there was now no incentive for owners to self-report as a property became vacant. Though there is no financial case for bringing back council tax exemptions, investing in resources to support identification of empty properties could provide a potential benefit for Council.

Recommendation 6:

The Council should consider replacing the current temporary posts (due to terminate in 2014) within the Private Sector Housing Team with permanent posts dedicated to the identification, recording and inspection of empty properties and Houses of Multiple Occupancy (HMO). This could also maximise potential for fraud referrals to the Council's Corporate Anti-Fraud Team (CAFT).

- 7.6 Given the size of the borough and diminished ability to rely on the council tax database, other methods of reporting empty properties will become increasingly valuable.

Recommendation 7:

The Council should consider introducing a commission scheme to encourage public reporting of empty properties. A cash reward could be paid to anyone reporting a previously unknown empty property that is subsequently brought back in to use and results in New Homes Bonus income being received. This arrangement would provide a benefit to the Council.

- 7.7 Though outside the scope of the review, the Group considered that the following additional recommendations had direct relevance to Council's housing strategy and should be considered:

Recommendation 8:

Vacant, or otherwise available, commercial units in the borough should be evaluated in partnership with Barnet Homes for possible conversion to residential use.

Recommendation 9:

Officers working on Town Centre Regeneration projects should be required to report possible opportunities for residential use of spaces above shops.

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APPENDIX B – AMMENDMENTS TO THE PRIVATE SECTOR HOUSING FINANCIAL ASSISTANCE POLICY

Empty Property Assistance Criteria

Budget permitting, assistance is available from the Council for bringing long-term empty residential properties in the Borough back into use under the Regulatory Reform (Housing Assistance) Order 2002.

Following the initial letter offering Empty Property Financial Assistance, the offer will remain open for a maximum of six months. After this time the offer of grant would normally be withdrawn.

Four types of Empty Property Grants are available:

- Empty Property (Returning From Care) Grant
- Empty Property (Key Workers) Grant
- Empty Property Landlords Grant
- Empty Property Landlords Grant (where work is undertaken by agreement with LBB or an alternative agreed provider)

Empty Property (Returning From Care) Grant

The Council may offer a grant to owner-occupiers who wish to return empty properties to housing use in the following circumstances:

- the applicant is in long term care and due to disrepair is unable to return to their property;

Empty Property (Key Workers) Grant

The Council may offer a grant to key workers where:

- the purchase price of the property was £500,000 or less.
- the applicant owns no other properties.

A Key Worker is defined as a Public Sector Employee who is considered to provide an essential service.

Specific Conditions for Both Types of Owner Occupier Grant

- the property has been empty for 6 months or more
- the applicant owns the freehold of the property and is responsible for all structural repairs, or the applicant has a lease with at least 8 years to run and any required freeholder permission for the proposed works is obtained
- the property does not meet the Decent Homes Standard.
- the applicant has Planning Permission, for the proposed works or an Established Use Certificate and Building Regs approval
- the applicant has no outstanding debts to the Council e.g. Council tax arrears
- applicants who wish to convert a larger property into flats, and move into one of the units will be entitled to a Landlord's Empty Property Grant for the work

(see below)

- the property must remain occupied by the applicant or immediate family for 5 years
- the maximum grant for owner-occupiers is £20,000, subject to a reasonable cost assessment. The applicant's eligibility will be determined by a means test using the formula or method dictated by the Housing Renewal Grants Regulations 1996 (as amended).
- the property shall be occupied within 1 month of completion of the work
- a charge is registered against the property so that if the property is sold, or the deeds are transferred within 5 years, the grant must be re-paid. In addition, if the property is allowed to fall vacant unreasonably, for a period of 6 months or more, the grant must be repaid. If any of the conditions are contravened following the completion of the works then the full sum will have to be repaid to the Council.

The Council has the discretion to pay 50% of the money before completion of the works e.g. where works to properties have stalled due to a lack of funds. Where the applicant has a contribution this must be paid before any payments are made by the Council.

Empty Property Landlords Grant

This grant may be used for work to:

- bring a residential property up to the Decent Homes standard and/or,
- conversion of the property into self-contained flats and/or,
- demolition and rebuild (providing there is an increase in the units of available housing) or,
- assisting with the purchase of a long term empty property or,
- conversion of a commercial unit into residential accommodation.

The council may offer a grant to landlords to return empty properties to housing use in the following circumstances:

- the property has been empty for 6 months or more
- the applicant is/will be the owner or long leaseholder of the property and is responsible for all structural repairs
- the property does not meet the Decent Homes Standard
- the applicant intends to (and the property is acceptable) rent out the property for a minimum of five years to Barnet Homes or an alternative Social Housing provider approved by the Council, to house people in housing need nominated by the Council
- the applicant has any required Planning Permission for the proposed works or an Established Use Certificate and , Building Regulation Approval)
- the applicant has any required freeholder permission for the proposed works
- the landlord is a "fit and proper person" as defined under section 66(2) of the Housing Act 2004 this includes not contravening any provision of the law relating to housing or landlord and tenant law.

The maximum sums for Landlord Grants are shown in the following table. This policy

provides the discretion to reduce the “Maximum Grant” through an Officer Agreed Delegated Powers Report where demand outweighs the budget available.

Number of Bedrooms on Completion	Maximum Assistance	Incentive Scheme * See below
1	£15,000	£1,500
2	£20,000	£2,000
3+	£25,000	£2,500

* This policy provides the discretion to add top ups to the grant to promote the scheme, or where landlords work closely with the Council. This can include but is not limited to:

- an Early Bird Incentive (full application before a certain date),
- a Certificate Service (for example where the Council will provide Energy Performance, Gas Safe Certificate and Electrical Condition Report)
- A Loyalty Scheme for landlords signing up for extended nomination rights

Applicants can apply for up to a maximum of 6 units per property. Additional units may be agreed at the discretion of the Private Sector Housing Manager.

Empty Property Landlords Grant (where work is undertaken by agreement with LBB or an alternative agreed provider)

This policy provides the discretion to provide this grant if it is found to be viable. The Council is currently investigating the practicalities of this option. The service would enable landlords without access to funds up front, willing to let the property through Barnet Homes, or an alternative agreed provider to agree to LBB or alternative agreed by LBB completing the necessary works. The owner would need to agree formally to any costs not covered by the grant plus an administrative fee being accrued back through the rental income.

The property must be let to Barnet Homes or an alternative Social Housing provider approved by the Council to house people in housing need nominated by the Council for five years or until the assistance plus fee has been repaid, whichever is the longer.

Empty Property Landlord Grants Specific Conditions

- the property must be let for a minimum of five years to Barnet Homes or an alternative Social Housing provider approved by the Council to house people in housing need nominated by the Council.
- Alternatively where accommodation is owned by a charity and tied to occupation by a specific client group, this may be agreed at the discretion of the Private Sector Housing Manager where the client group can be proved to be vulnerable.
- applicants are required to convert or improve the property to Barnet Homes Property Standards (or an alternative agreed by LBB) and the Decent Homes

Standard

- the property (and its fixtures, fittings and furniture) must be fully insured. The Council will require a copy of the current insurance certificate to be provided before the assistance can be paid
- all works listed on the specification of works and all units within the property must be completed before the final payments can be made
- final payments are subject to confirmation from Barnet Homes (or an alternative agreed by LBB) that the works meet the standards agreed
- the owner (or agent, if any) must be accredited under the London Landlords Accreditation Scheme before final payment can be made
- works should be started within 3 months and completed within 9 months of approval
- to claim the payments a copy of the builder's final account with all relevant certificates e.g. building control, gas/electrical certificates, roof/damp guarantees etc must be provided on completion.
- the property shall be occupied within 1 month of completion of the work
- a charge is registered against the property so that if the property is sold, or the deeds are transferred within 5 years from completion of the grant, the grant must be re-paid in full. In addition, if the property is allowed to fall vacant unreasonably, for a period of 6 months or more, the financial assistance must be repaid.
- If any of the conditions are contravened following the completion of the grant then the full sum will have to be repaid to the Council

The Council has the discretion to pay 50% of the money before completion of the works e.g. where works to properties have stalled due to a lack of funds. Where the applicant has a contribution this must be paid before any payments are made by the Council.

Empty Property HCA Funding

Homes and Communities Agency (HCA) funding is an additional grant of up to £13,000 per empty property to support the main Empty Homes Programme. On completion they must be let at Local Housing Allowance rates.

Empty Property HCA Funding Conditions

- the property has been empty for 1 month or more
- the applicant is/will be the owner or leaseholder of the property and is responsible for all structural repairs
- the property does not meet the Decent Homes Standard
- the applicant has any required Planning Permission for the proposed works or an Established Use Certificate (including Building Regulation Approval)
- the landlord is a "fit and proper person" as defined under section 66(2) of the Housing Act 2004 this includes not contravening any provision of the law relating to housing or landlord and tenant law.
- the property must be let through a lease for a minimum of five years to Barnet Homes.
- the property (and its fixtures, fittings and furniture) must be fully insured. The Council will require a copy of the current insurance certificate to be provided

before the assistance can be paid

- all works listed on the specification of works and all units within the property must be completed before the final payments can be made
- final payments are subject to confirmation from Barnet Homes that the works meet the standards agreed
- Payments can only be made on completion of the work
- the owner (or agent, if any) must be accredited under the London Landlords Accreditation Scheme before final payment can be made
- works should be started within 3 months and completed within 9 months of approval
- to claim the payments a copy of the builder's final account with all relevant certificates e.g. building control, gas/electrical certificates, roof/damp guarantees etc must be provided on completion.
- the property shall be occupied within 1 month of completion of the work
- This grant is not repayable although it will be reclaimed if the landlord terminates the lease within the initial five year period and/or the above conditions are not complied with. It is repayable on a pro-rata basis.


This funding may be used:

- Independently
- in conjunction with the Council's Empty Property Landlords Grant for work to bring the property up to the decent homes standard
- in conjunction with the Council's Empty Property Landlords Grant where the grant has been put towards the cost of purchasing a long term empty property.

All works must be completed by March 31st 2015 for this funding stream.

This policy provides the discretion to use any new funding secured from this or any alternative funding streams in line with the funding criteria and in addition to the financial assistance provided through this policy. It will not be used as an alternative to the proposals contained in this policy.

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AGENDA ITEM 10	
	<h2>Housing Committee</h2> <h3>2 February 2015</h3>
Title	Annual Review of Council Dwelling Rents and Service Charges for 2015/16
Report of	Commissioning Director- Growth and Development
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Cath Shaw, cath.shaw@barnet.gov.uk , 020 8359 4716 Paul Shipway, paul.shipway@barnet.gov.uk , 020 8359 4924 Chloe Horner, chloe.horner@barnet.gov.uk , 020 8359 4775

Summary
<p>The report seeks approval of proposals for increases to council dwelling rents and service charges that will be recommended to Policy and Resources Committee for adoption and to take effect from April 2015.</p>

Recommendations
<p>1. That the Committee consider and approve the proposed rent increase of Consumer Prices Index (CPI) plus 1% for council dwellings as set out in paragraph 1.6 and to recommend for adoption by Policy and Resources Committee so as to take effect from 1 April 2015.</p>
<p>2. That the Committee approves the proposed increase in service charges as set out in paragraph 1.7, and to recommend for adoption by Policy and Resources Committee so as to take effect from 1 April 2015.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council is required to set council dwelling rents and associated service charges on an annual basis.
- 1.2 The Local Government & Housing Act 1989 requires the Housing Revenue Account (HRA) to be maintained as a ring-fenced account and prescribed the debits and credits for it. The principal items of expenditure within the HRA are management and maintenance costs, together with charges for capital expenditure (depreciation and interest). This is substantially met by rent and service charge income from dwellings, garages and commercial premises.
- 1.3 Although the HRA settlement assumed that rents would continue to increase in line with the formula Retail Prices Index (RPI) + 0.5% + £2 until convergence was achieved with housing association rents, Local Authorities are now at liberty to set rent locally. The only potential financial constraint is the rent rebate limit, which determines the subsidy that the Council can claim from the Treasury for housing benefit payments made to tenants, if the average council rent exceeds the rent rebate limit rent, the Council cannot claim full housing benefit subsidy on this additional amount.
- 1.4 More recently government has made changes to the guidance on rent increases in that it is recommended that council rents are increased annually by Consumer Prices Index¹ at September of the previous year plus 1%.

Council dwelling rents

- 1.5 It is proposed that council dwelling rents are increased by Consumer Prices Index (September 2014) plus 1%. This will mean the average weekly rent on a 52 week basis will be £103.27, an increase of £2.34 per week.

Service Charges and Garages

- 1.6 Service Charges have been reviewed and the following changes² are recommended to take effect from 1 April 2015 in line with CPI inflation based increases for other Council fees and charges:

¹ CPI and RPI are both economic measures of inflation but they come up with different values because they use different items, For example, RPI includes council tax and mortgage interest payments and CPI does not. CPI generally comes up with lower figures than RPI and has become the main inflation measure used by the government.

² All charges in this table are shown on 48 week basis and rounded to the nearest penny

	2014/15	2015/16	Increase	% Increase
Grounds Maintenance	£1.81	£1.85	£0.04	2%
Lighting	£1.12	£1.14	£0.02	2%
Heating - Grahame Park	1 Bed- £11.73 2 Bed - £16.26 3 Bed - £17.56	1 Bed- £11.96 2 Bed - £16.59 3 Bed - £17.91	1 Bed- £0.23 2 Bed - £0.33 3 Bed - £0.35	2%
Heating – excluding Grahame Park	2%			
Digital Television	£0.80	£0.82	£0.02	2%
Weekly Caretaking	£6.35	£6.48	£0.13	2%
Caretaking Plus	£8.20	£8.36	£0.16	2%
Quarterly Caretaking	£1.28	£1.31	£0.03	2%
Enhanced Housing Management and Alarm Service (sheltered housing)	2%			
Garages	2%			

2. REASONS FOR RECOMMENDATIONS

- 2.1 The proposed rent increase will generate an additional annual income of £1,250,000 per year in line with the Housing Revenue Account (HRA) Business Plan.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Council could increase council dwelling rents by CPI plus 1.5% as proposed in the draft Housing Commissioning Plan. This would provide an additional annual income of £276,000. Alternatively, the Council could follow the proposal in the draft Housing Strategy to charge affordable rents at 80% of the market average. However, for council dwelling rents in 2015/16 it has been decided to follow the current government guidance for council dwelling rents which is CPI plus 1% so that the Council does not pre-empt the outcome of the consultation.

4. POST DECISION IMPLEMENTATION

- 4.1 Following approval the Council will instruct Barnet Homes to issue a statutory notice of variation to council tenants.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The draft Commissioning Plan to be approved by the Policy and Resources Committee on 17 February 2015 includes the rent policy of increasing council rents 0.5% above CPI plus 1% for the next five years. This will enable the Council to make the most effective use of the HRA headroom to achieve the following priorities:

- General fund savings, particularly social care pressures and costs of emergency accommodation;
- Tackling Homelessness;
- Regeneration and Growth.

5.1.2 The Council is currently consulting on a draft Housing Strategy to address the challenges of a growing population, increased housing demand, and the impact of austerity, growth and regeneration on the borough. Increased housing demand is evident with higher house prices, higher rents and increased levels of homelessness and people in emergency temporary accommodation.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 A national HRA subsidy system ended in April 2012 and was replaced with self-financing. The move to self-financing in the HRA was achieved by the Council making a payment of £103 million to the Treasury; the payment of negative subsidy being replaced with the cost of servicing this additional debt. The HRA settlement also included the calculation of a notional debt figure that was higher than the actual HRA debt held by Barnet, generating the capacity for additional borrowing headroom of £39m. The Council has developed an investment model to make decisions about how to spend the headroom over the next five years which is included with the draft Commissioning Plan due to be approved at the Policy and Resources Committee on 17 February 2015.

5.3 Legal and Constitutional References

5.3.1 The Localism Act 2011 introduced self-funding for council housing. The national subsidy system has been abolished and a new funding regime introduced giving local authorities more autonomy to set Council rents.

5.3.2 Under the Housing Act 1985 – Section 102, the Council is obliged to serve a statutory notice of variation on council tenants if it wishes to increase the rent. This will be done subject to the decision of this committee.

5.3.3 The Housing Act 1985 does not require that there be consultation in respect of rent payable under secure tenancies or for charges for services or facilities.

5.3.4 The Council's Constitution (Responsibly For Functions, Annex A) sets out the responsibilities of the Housing Committee which includes "to work with Barnet

Homes, RSLs and social housing providers to ensure the optimum provision of housing and associated facilities for those who require social housing.” The Housing Committee also has the specific responsibility to “Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee

5.4 Risk Management

5.4.1 There is a risk that increasing the rent will make it more difficult for tenants to pay and impact adversely on the Housing Revenue Account (HRA) Business Plan by making rent collection more difficult. This is considered to be a low risk as the rent increase is low and for most tenants housing benefit will continue to cover the rent.

5.5 Equalities and Diversity

5.5.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups.

5.5.2 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The duty also applies to marriage and civil partnership, but only in relation to (a) above.

5.5.3 Consideration has therefore been given to the report’s relevance to equality issues in accordance with the public sector equality duty. This report is primarily to set rents and associated charges which will be applied to all Council dwellings and will therefore affect all Council tenants. As the increases are not of a personal nature, it is not considered that they target or disproportionately affect any group of people based any of the protected characteristics.

5.5.4 However, it is recognised that increases in rents and service charges may present particular difficulties for people on low incomes, but that rents and the majority of tenant service charges are eligible for housing benefit.

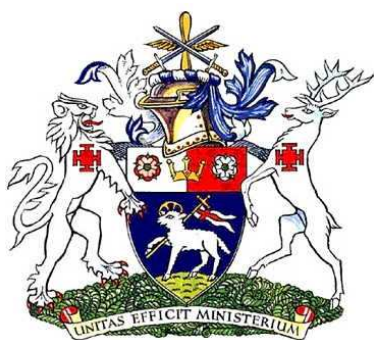
5.6 Consultation and Engagement

5.6.1 The Council is currently undertaking a consultation on the draft Housing Commissioning Plan and will take into account any consultation responses in the final Commissioning Plan to be agreed by the Housing Committee on 27 April 2015.

6 BACKGROUND PAPERS

6.1 Relevant previous decisions are listed in the table below.

Item	Decision	Link
Cabinet, 25 February 2014- Business Planning 2014/15- 2015/16	Approved proposed increases in council dwelling rents and service charges, and the proposed increase in council garage rents, all effective from 1 April 2014	http://barnet.moderngov.co.uk/documents/s13295/Budget%20report%20Feb%20Cab%20v5.pdf
Cabinet Resources Committee, 25 February 2013	Approved proposed increases in council dwelling rents and service charges, and the proposed increase in council garage rents, all effective from 1 April 2013	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=6758&Ver=4
Cabinet, 25 February 2013 – Business Planning 2013/14 – 2015/16	Approved the Business Planning document for the Council’s business plan 2014/15 including the Housing Revenue Account (HRA) Business Plan.	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=6751&Ver=4
Cabinet Resources Committee, 24 June 2013	Approved a programme for Barnet Homes to build 41 new affordable dwellings on behalf of the Council.	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=7457&Ver=4



Housing Committee 2nd February 2015

Title	Review of Regulation of Houses in Multiple Occupation
Report of	Cath Shaw: Commissioning Director – Growth and Development
Wards	All
Status	Public
Enclosures	<p>Appendix 1 - Legal Definition of an HMO</p> <p>Appendix 2 - Estimate of HMOs within the London Borough of Barnet</p> <p>Appendix 3 - How Could An Additional Licensing Scheme Work?</p> <p>Appendix 4 - Criteria to Consider Before Introducing An Additional Licensing Scheme.</p> <p>Appendix 5 - Fit and Proper Person Test</p> <p>Appendix 6 - Proposed Licensing Terms and Conditions</p> <p>Appendix 7 - Council’s Adopted Standards for Houses in Multiple Occupation</p>
Officer Contact Details	<p>Belinda Livesey – Group Manager (Private Sector Housing) 0208 359 7438 belinda.livesey@barnet.gov.uk</p> <p>Richard Pixner- Principal Environmental Health Officer 0208 359 7457 richard.pixner@barnet.gov.uk</p>

Summary

Well managed houses in multiple occupation (hereinafter referred to as “HMOs” or “HMO”) play a key role in meeting the housing needs of residents in the borough. It is recognised that there are many good landlords working within Barnet. Unfortunately there are also those who do not maintain their properties, leaving tenants at risk and leading to nuisances which affect neighbouring premises.

Enforcement action against HMOs is costly, resource intensive and complicated. The Environmental Health Service is currently only resourced to a level to deal on a reactive basis with the worst premises and those where there is a mandatory duty to licence or take enforcement action. This has led to a fragmented approach to enforcement in relation to

HMOs. This report considers the current situation in Barnet in relation to HMOs, the approach to dealing with them and reviews the options for dealing with this type of accommodation.

If an Additional Licensing scheme were introduced, the focus would be on enabling and supporting landlords who are or wish to be compliant, whilst targeting those landlords who do not wish to comply with the legislation for enforcement action.

Recommendations

1. That the Committee note:

- 1.1 The results of the evidence gathering exercise completed to date and that further evidence will be gathered.
- 1.2 The role that Additional Licensing could play in improving the current approach to HMO enforcement.
- 1.3 That a borough wide Additional Licensing scheme could complement the introduction of an Article 4 Direction under the Town and Country (General Permitted Development) Order 1995 in controlling the condition of existing houses in multiple occupation.

2. That the Committee authorise the Commissioning Director – Growth and Development:

- 2.1 To carry out a public consultation on the introduction of an Additional Licensing Scheme based on the proposals outlined in section 1.11 of this report, over a minimum 10 week period.
- 2.2 That in the event that the borough wide consultation indicates that an area based scheme would be a more appropriate approach, a further public consultation exercise be undertaken in relation to an area based scheme.
- 2.3 To bring a further report to a future meeting of the Housing Committee, for the Committee to consider the findings of the public consultation(s) together with details of an evidence base, so that the Committee can determine whether an Additional Licensing Scheme (borough wide or area based) should be adopted in Barnet.

1. WHY THIS REPORT IS NEEDED

- 1.1 Houses in multiple occupation are properties that are occupied by at least three different tenants, forming more than one household and the tenants share or lack a toilet, bathroom or kitchen facilities. The definition of an HMO includes bedsits, shared houses, lettings with their own facilities but which are not self-contained, and hostels. The definition also includes some types of poorly converted self-contained flats. The full legal definition is provided in Appendix 1 of this report. Where the properties are well

managed they have been recognised by the Council to provide a necessary part of the more affordable accommodation in the borough.

- 1.2 Having more than one household living in a property can increase the risk to the health, safety and welfare of the occupiers if the property is not properly managed.
- 1.3 It is recognised that there are many good landlords working within Barnet. Unfortunately there are also those who do not maintain their properties, leaving tenants at risk and leading to nuisances which affect neighbouring premises.
- 1.4 Enforcement action against HMOs is costly, resource intensive and complicated. The Environmental Health Service is only resourced to a level to deal on a reactive basis with the worst premises and those where there is a mandatory duty to licence or take enforcement action. This has led to a fragmented approach to enforcement in relation to HMOs. This report considers the current situation in Barnet in relation to HMOs, the approach to dealing with them and reviews the options for dealing with this type of accommodation.
- 1.5 Detailed below are the types of conditions found during inspections of HMOs in Barnet:
 - Overcrowding, where rooms are either too small for the number of residents or where there are insufficient amenities (for example kitchens), for the number of occupiers.
 - Being in a poor state of repair leading to problems such as dampness, mould growth, inadequate heating and draughts.
 - A serious hazard or hazards to the health and safety of the occupiers, such as broken, faulty or dangerous electrical installations or gas appliances, or the absence of smoke alarms, and fire doors.
 - Poor standards of management including inadequate maintenance, dirty and neglected facilities and problems with refuse and pests, which are not only a risk to tenants but which also have an effect on the local neighbourhood.
- 1.6 The problems associated with HMOs are well known to the Council and reports continue to be received about individual properties, from the occupiers or neighbours. It is also recognised that there are many HMOs that have as yet remained undetected, potentially leaving tenants at risk. Reasons for HMOs being undetected include:
 - a lack of mandatory licensing for all HMOs
 - tenants not being aware of the law and of the help available to them
 - landlords not being aware of their legal obligations
 - landlords ignoring their legal obligations
 - the vulnerability of the tenants

- fear of reprisals among the tenants including the loss of their home
- tenants not being able to afford a higher standard of accommodation

1.7 The Department of Communities and Local Government (DCLG) paper ‘Approval steps for additional and selective licensing designations in England’¹ acknowledges that “Houses in multiple occupation (HMOs) are amongst the more difficult to manage properties in the sector. In some HMOs the standards of management and living conditions can be poor. In particular they [local housing authorities] need to engage with the less responsible private landlords who do not proactively manage their properties, nor address the unacceptable behaviour of their tenants.” However, the Government recognises that problems of poor management and facilities in an HMO are not confined to the larger ones (subject to mandatory licensing). It also recognises that poor management and associated problems exist elsewhere in the private rented sector and are not simply a phenomenon of HMOs. For this reason the Housing Act 2004 gives Local Housing Authorities powers to require certain other private rented accommodation to be licensed in specified circumstances.

1.8 The Local Authority must be able to show that a significant proportion of HMOs in their area are considered to be managed sufficiently ineffectively as to give rise, or likely to give rise to one or more particular problems for those occupying HMOs or for members of the public. The DCLG paper ‘Approval Steps for additional and selective licensing designations in England’ gives examples of properties being managed sufficiently ineffectively and as a result having a detrimental effect on an area and these include: -

- Those whose external condition and curtilage adversely impact upon the general character and amenity of the area in which they are located.
- Those whose internal condition, such as poor amenities, overcrowding etc. adversely impact upon the health, safety and welfare of the occupiers and the landlords of these properties are failing to take appropriate steps to address the issues.
- Those where there is a significant and persistent problem of anti-social behaviour affecting other residents and/or the local community and the landlords of the HMOs are not taking reasonable and lawful steps to eliminate or reduce the problems.
- Those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the health, safety or welfare of the residents and/or impacting upon the wider community.

The Local Authority are to have regard to any codes of practice approved under Section 233 of the Housing Act 2004 and consider what courses of action other than the introduction of Additional Licensing may be open to it.

¹<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/housing/pdf/154091.pdf>

The DCLG's guidance 'Approval steps for additional and selective licensing designations in England' (Revised February 2010) has and will continue to be followed.

- 1.9 The current estimate of the number of HMOs in the borough is 5,093. Evidence of this is detailed in Appendix 2.

1.10 Existing Controls for HMOs

1.10.1 Mandatory Licensing

The Housing Act 2004 introduced a national mandatory licensing regime for larger HMO's which came into force in 2006. A larger HMO is defined as a property that is occupied by five or more persons comprising two or more households, living in a property of three or more storeys where the units of accommodation are not fully self-contained or the bathroom, toilet or kitchen is lacking or shared. A licence is issued (for a fee) with attached conditions linked to property improvement, where found to be appropriate, and consistent good property management. Barnet currently has around 139 licensed HMOs, but this figure is fluid with HMOs coming into and leaving the sector.

1.10.2 Landlord Accreditation

Accreditation is a mechanism for helping landlords or agents to meet agreed standards of competence, skills and knowledge about the business of owning, managing or letting a private rented home, and a public recognition of having met that standard. In order to be awarded accredited status, landlords or their agents are required to undergo training and development. Barnet actively supports the enablement of landlords to run their businesses effectively without the need for Council intervention. As such the Council is a partner in the administration of the London Landlord Accreditation Scheme (LLAS) and actively encourages accreditation through promotion, a reduced HMO licence fee to accredited landlords and accreditation as an alternative to paying the standard fee for service of a notice under the Housing Act 2004. There are currently 477 accredited landlords in Barnet. This figure has increased by 29.4% since March 2011.

1.10.3 Landlords Forum

The Landlords Forum is an open forum for landlords run by Barnet Homes. It is used to network and provide landlords with information and guidance in relation to key and current issues. It is held several times a year, and whilst it is well attended, it generally attracts the same body of professional landlords but does not unfortunately attract the non-compliant landlords.

1.10.4 Reactive Enforcement Action

In addition to running the mandatory HMO licensing scheme for larger HMOs, the Council's Private Sector Housing Team (in the Environmental Health Department) has a direct response service to deal with service

requests from tenants who live in private rented housing, including HMOs. Referrals from neighbours and other agencies regarding housing conditions and/or nuisance complaints are also investigated. Any issues identified are dealt with in accordance with the relevant legal requirements, through advice and/or enforcement action, in line with the Development and Regulatory Services Enforcement Policy. Such action would include securing improvement through service of a statutory notice, and in some cases by prohibiting the use of a property due to poor conditions.

Other services and/or organisations such as the Council's Planning Service, Housing Benefit, Council Tax, London Fire and Emergency Planning Authority (LEFPA), Police and the UK Visa's and Immigration Service can also be involved.

1.10.5 Planning and Building Control

The Private Sector Housing Team work closely with Planning and Building Control to ensure that HMOs as well as other private sector properties, are comprehensively and appropriately regulated. Planning and Building Control deal with the construction, extension and alteration of certain HMOs, whereas Environmental Health regulates the on-going maintenance and management of these properties.

1.11 Why Additional Licensing Should Be Considered

1.11.1 As referred to above, the Housing Act 2004 contains provisions for local authorities to adopt Additional Licensing schemes, which require licensing of HMOs that fall outside the mandatory licensing regime. If Additional Licensing were adopted across the borough it would create a more level playing field for all landlords in relation to HMO standards. It would also discourage landlords who reduce their occupancy levels simply to avoid mandatory licensing.

1.11.2 HMO licensing places a legal responsibility on the landlord to identify themselves, the property and other key persons involved in running the property and other licensable properties in their portfolio. This would reduce the amount of Council resource required to identify these properties and ascertain ownership details etc. Where future service requests are received about any of these properties, the Council would be able to relatively easily contact the owner to investigate the issues reported and matters could be dealt with more promptly.

1.11.3 It is proposed that the introduction of a borough wide Additional Licensing scheme will be the best way to effectively regulate HMOs in the borough as it will:

- assist the Council in targeting scarce resources on properties of most concern;
- promote better and more widespread engagement with landlords, tenants, businesses and members of the public with an interest in HMOs;

- foster a situation in which poor conditions or detrimental impacts on the health, safety and welfare of the occupants and the local neighbourhood are prevented in the first instance thus reducing the need for the exercise of enforcement powers. These powers are often complicated, costly and time consuming to implement and can involve considerable cost further down the line for social care and health services;
- allow the Council to develop a comprehensive database of HMOs within the borough and promote a more coordinated approach with partners. This will allow us to share more and better intelligence with them;
- help the Council identify properties in the worst condition and with the poorest standards of management and to enable working with landlords to bring about necessary improvements, as well as to encourage behavioural change;
- enable local residents, occupiers or potential occupiers to inform the Council of any HMOs which they think need a licence but do not have one;
- enable the improvement of the health, safety and welfare of the occupying tenants;
- prevent overcrowding by setting limits as to the number of permitted occupiers;
- reduce any associated detrimental impact upon local neighbourhoods and reduce the number of complaints associated with HMOs and the Council resources used in dealing with those complaints;
- provide opportunities to further promote landlord accreditation and improve landlords knowledge and understanding of the problems and responsibilities related to HMOs of landlords in the Borough;
- ensure that rogue landlords are targeted and dealt with appropriately and to make certain that only those who are proven to be fit and proper persons can have control of an HMO;
- ensure that HMOs can take their proper place among other dwelling types in the housing market, that they are not a choice of last resort and play their part in relieving homelessness;

1.11.4 It should be emphasised that, if an Additional Licensing scheme were introduced, the focus would be on enabling and supporting landlords who are or wish to be compliant, whilst targeting those landlords who do not wish to comply with the legislation for enforcement action.

1.11.5 Details of the operation of a proposed Additional Licensing scheme are contained in Appendix 3.

1.11.6 Details of the Proposed Licensing Terms and Conditions are contained in Appendix 6. It is proposed that these would be used for all licensed HMOs regardless of if they fall under the Mandatory or Additional Licensing Scheme. All proposed variations on the current mandatory conditions are marked in italics.

1.11.7 The standards that are currently used in relation to houses in multiple occupation were originally based on the standards developed by the Chartered Institute of Environmental Health. They were adopted in 2003 and revised in 2006 as part of the implementation of the Additional Licensing Scheme. These have been reviewed and the updated version detailed in Appendix 7. The revised sections are detailed in italics.

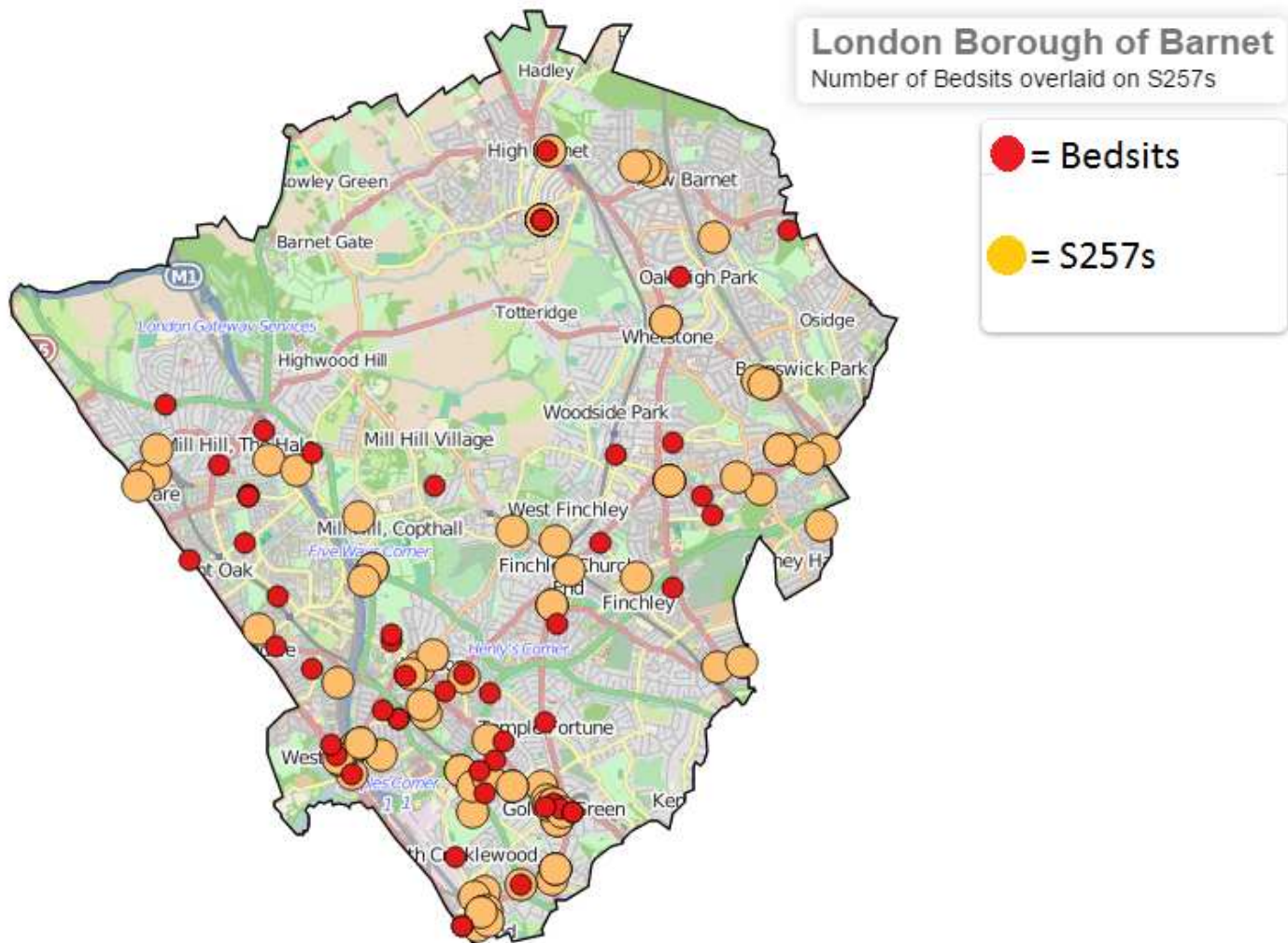
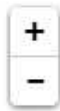
1.11.8 It is acknowledged that the proposed inclusion of self-contained flats in an Additional Licensing scheme may be considered to be unnecessary and that the standards of these types of property should be controlled by Planning and Building Control. However, the self-contained flats that would be covered by the scheme are those which are poorly converted and as such present a higher risk and are specifically defined in section 257 of the Housing Act 2004. This section relates to "converted block of flats" which is a building (or part of a building) which has been converted into and consists of, self-contained flats and:

- the conversion work was not done in accordance with 'appropriate building standards' '(appropriate building standards' means the 1991 Building Regulations) and
- less than two-thirds of the self-contained flats are owner-occupied.

Many such properties were converted a number of years ago and as such, would not be dealt with through Planning or Building Control enforcement action. It is proposed that an Additional Licensing scheme would apply only to such buildings where all the flats are owned by the same person or organisation.

1.11.9 The review of HMO regulation is being completed with support from Barnet and Harrow Public Health Team. It is recognised that by reducing hazards in HMOs there will be significant financial savings for the NHS. In the past four years the Environmental Health Service have reduced category 1 hazards in 615 premises within the private rented sector (these are the most serious hazards under the Housing Act 2004). Of these, 25% have been in relation to an HMO of one type or another (34% of these being bedsits with the remaining 66% being Section 257 type HMOs (poorly converted flats)).

1.11.10 The properties with category 1 hazards reduced have been mapped and can be seen below. Over the same period, category 1 hazards involving Excess Cold were reduced in 82 of the borough's HMOs. Prolonged exposure to excess cold lowers the body temperature; this can aggravate, or induce a number of issues such as pneumonia and other respiratory problems, cardiovascular and circulatory conditions including heart attacks. The costs to the NHS within the borough alone arising from exposure to excessively cold housing are estimated to be as much as 7.25 million pounds per year (calculated using the Building Research Establishment's HHSRS cost calculator). The estimated costs arising from a fatal heart attack, including interim care, amounts to £19,851 per person, or where related to a non-fatal heart attack with the associated care, £22,295 (*the Real Cost of Poor Housing BRE 2009 (Roys et al;. 2010)*).



1.12 Criteria to Consider Before Introducing an Additional Licensing Scheme.

In order to consider establishing an Additional Licensing scheme the Housing Act 2004 requires that certain criteria must be met. These criteria are set out in Appendix 4.

1.13 Combining Additional Licensing with an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995

1.13.1 In conjunction with Additional Licensing, the Council is currently also considering the case for an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995. An Article 4 Direction withdraws permitted development rights that would usually be relied upon in relation to some HMOs, so that planning permission would be required before a building could be used as an HMO. Currently planning permission is not required to convert a property to non-self-contained accommodation for 3-6 persons but would be required if an Article 4 Direction came into effect .

- 1.13.2 The two approaches would work in tandem and be complementary to each other as part of a more strategic approach to HMOs. Currently planning permission is required to allow a building to be run as an HMO but only where there are to be 7 or more persons in occupation. As such HMOs with fewer occupants do not require planning permission and are therefore unregulated in relation to planning requirements.
- 1.13.3 An Article 4 Direction would not apply to existing HMOs, only to new ones as part of the development process. It would also only control the setting up of the HMO but could not be to ensure on-going safe conditions within the HMO or comprehensive management as detailed by the Housing Act 2004 and the associated guidance and regulations.
- 1.13.4 An Article 4 Direction and an Additional Licensing scheme together would ensure that the concentration of HMOs is controlled within a particular area, relieving the stresses associated with public health and anti-social behaviour, whilst at the same time ensuring that the higher risk properties meet minimum standards and are comprehensively managed.

2 REASONS FOR RECOMMENDATIONS

- 2.1 Enforcement action in relation to HMOs is costly, resource intensive and complex. The average cost to Barnet Council of prosecuting a non-compliant HMO landlord is £2,790. The courts do not necessarily award full costs to the Council, even when the defendant is convicted.
- 2.2 Barnet Council currently has a reactive approach to non-licensable HMOs (i.e. those that do not fall within the mandatory licensing requirements). As such, this approach deals with difficult situations after they have arisen, rather than at a time where more preferably, the problems are prevented from arising in the first place.
- 2.3 Reactive enforcement is a resource intensive approach to this area of work, as there is no onus on landlords to identify themselves or their properties to the Council. Compliance and improvement often requires extensive investigations to identify the owners, gain access to the premises and so on, and can ultimately lead to enforcement action. This situation also often recurs with the same landlord as they are under no obligation to advise the Council of any other HMOs that they have in the borough.
- 2.4 Landlord Accreditation and the Landlords Forum are useful tools which assist landlords to improve their current knowledge. However they do not really assist the Council in dealing with non-compliant landlords. They generally help the compliant landlords improve.
- 2.5 The mandatory statutory requirements in relation to HMOs are often confusing for landlords, as they are not uniform across all HMOs. There is often an understandable misperception among many landlords that if their HMO does

not require a mandatory licence, it is not an HMO by definition and so management regulations do not apply, which is not the case.

- 2.6 At a time when there is significant pressure on Council budgets and whilst it is recognised that there are limitations to Additional Licensing, it should be considered as an important tool for regulating the HMO sector in a uniform manner. It should be noted that licensing fees must be set at a level which recovers the cost of administering the scheme, although fees must not exceed the actual and direct costs of processing an application and the cost of monitoring compliance by landlords with the terms of their licences, but not the cost of enforcement. This is currently under review in the Supreme Court.
- 2.7 If an Additional Licensing scheme were implemented the Council would continue to undertake statutory enforcement action. In addition, Landlord Accreditation would continue to be promoted as the education of and joint working with landlords is seen as key to ensuring a good level of on-going property management.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Consideration has been given to other options that the Council could pursue if the proposals in this report are not supported.

Do Nothing

- 3.1.1 Barnet could continue solely with the current enforcement regime, linked with more aggressive promotion of Accreditation.
- 3.1.2 This is not recommended due to the reasons detailed in 1.11.3 and 2.4 above.

Expand the Current Enforcement Regime

- 3.1.3 Given current resources, the Council has adopted a reactive enforcement approach in relation to HMOs, dealing with cases as they present. A more proactive approach could be taken to target the worst landlords. This would develop an outward facing image of enforcement in relation to rogue landlords.
- 3.1.4 To practically do this would involve the need to increase the resourcing allocated for Environmental Health Services by a minimum of two additional posts. The cost would be in the region of £80,400 per annum.
- 3.1.5 This is a more traditional enforcement approach and less of an enabling one than it is hoped Additional Licensing would bring.

Area Based Additional Licensing Scheme

- 3.1.6 Instead of consulting on a borough wide scheme an area based Additional Licensing scheme could be consulted on in the areas recognised as being most densely populated with HMOs; for example Childs Hill, Hendon, West Finchley, Finchley Church End and Golders Green.

- 3.1.7 This would further fragment the approach to the regulation of HMOs across the borough.
- 3.1.8 Given the high number of town centres in the borough, the location of Middlesex University, and the increasing dependency on the private rented sector, it is recognised that HMOs are spread across the borough. Although it is also recognised that there are some areas in which they occur in higher concentrations, an area based scheme would cause inconsistency in regulation and confusion amongst landlords and tenants.
- 3.1.9 In the event that the borough wide consultation exercise indicates that this would be a more appropriate approach a further consultation exercise will be undertaken in relation to an area based scheme.

4 POST DECISION IMPLEMENTATION

- 4.1 If the recommendations in this report are approved by the Housing Committee a full consultation exercise will commence as soon as possible. The consultation will include:
- On line questionnaires
 - Use of Social Media
 - Emails/mailshots to estate agents, landlords and tenants known to the Council
 - Hard copy questionnaires in public buildings
 - Two landlord workshops
 - Emails/mailshot out to organisations with an interest in the private rented sector in Barnet including neighbouring local authorities
 - Consultation through the Council's on line General Consultation Portal
- 4.2 The proposed consultation will serve to provide further evidence about the way in which the private rented sector operates within the Borough. The consultation will also feed into the EQIA (Equality Impact Assessment).
- 4.3 Aims, objectives and targets will be agreed to measure the success of the scheme. A strategy will also be in place in the event that the targets are not met and include options for alternative approaches that might be adopted at the relevant time.
- 4.4 Some evidence in support of an Additional Licensing scheme is presented in Appendix 2. However this evidence base will be built upon and presented with the findings of the consultation to enable the Committee to consider whether to approve a scheme.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

The policy meets the Council's key Corporate Priorities detailed in the Barnet Corporate Plan 2013-2016 as follows:-

- Create the right environment to promote responsible growth, development and success across the borough:- Additional Licensing will improve the standard of accommodation provided by HMOs which will be beneficial to occupying tenants and the wider local community.
- Support families and individuals that need it, promoting independence, learning and well-being:- Increasing the available housing stock meeting minimum standards will help ensure that more families have access to accommodation which will enable stability in schooling, health care etc.
- Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study. Additional Licensing will improve the standard of accommodation provided by HMOs whilst at the same time reducing any associated crime and/or fear of crime for local residents which will increase their satisfaction with the local community.

5.1.2 Barnet's Draft Housing Strategy 2010-2025 key objective is to increase the housing supply, including family sized homes, to improve the range of housing choices and opportunities available to residents. The proposal for a borough wide Additional Licensing scheme contributes to this through improving the condition and sustainability of the existing housing stock.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.2 The cost of investigating the viability of additional licensing and completing a full consultation exercise will be borne by the Environmental Health Service provider Re, as the exercise was proposed by Capita as part of the Development and Regulatory Services contract with Barnet Council.

5.2.3 In the event that an Additional Licensing scheme is considered appropriate following consultation, a breakdown of the financial implications of introducing a borough wide Additional Licensing scheme will be presented to Committee to consider the viability of an Additional Licensing Scheme in conjunction with the consultation findings.

5.2.4 The indicative fees and charges on page 24 have been reviewed by finance and are believed to be accurate and cover all associated costs.

5.2.5 No additional IT or property will be required to investigate the case for Additional Licensing further.

5.2.6 There are no procurement issues to be considered in relation to this report

5.3 Legal and Constitutional References

- 5.3.1 The Housing Act 2004 (section 56 and 57) provides Local Authorities with the power to designate areas within their district or borough as being subject to an Additional HMO Licensing Scheme in relation to some or all HMOs in that area which are not already covered by Mandatory HMO licensing. Section 56 of the Housing Act 2004 sets out further considerations that an authority needs to consider when making a designation of an area as subject to additional licensing. The outcome of any public consultation will assist in the authority considering these other factors and whether additional licensing is appropriate.
- 5.3.2 The scheme can be introduced for a period of up to 5 years to address problems that may exist in substandard converted self-contained flats or smaller HMOs not covered by the existing mandatory schemes.
- 5.3.3 Annex A To Responsibility for Functions - Membership and Terms of Reference of Committees and Partnership Boards” sets out the responsibilities of the Housing Committee which include “all matters relating to private sector housing; and housing licensing and housing enforcement.”

5.4 Risk Management

- 5.4.1 Whilst additional licensing is likely to be welcomed by residents and tenants there is a risk that it will not be popular with some Landlords. Some Local Authorities have been subject to costly Judicial Review following the declaration of an Additional Licensing Scheme for example *R (on the application of Regas) v Enfield LBC* [2014] EWHC 4173 was in relation to inadequate consultation.
- 5.4.2 In order to minimise this risk, care is being taken to design a scheme that targets poor property management whilst using a lighter touch on the more compliant landlords.
- 5.4.3 If all neighbouring boroughs adopt an Additional Licensing Scheme there may be a reputational risk for Barnet in not doing so.

5.5 Equalities and Diversity

- 5.5.1 Improving the standards in and management of HMOs within the borough will benefit all members of the Borough’s diverse communities.
- 5.5.2 Any regulatory activity will be carried out in accordance with the current Development and Regulatory Services Enforcement Policy to ensure the objective application of powers and responsibilities.
- 5.5.3 As part of the consideration of Additional Licensing, an Equalities Impact Assessment (EQIA) will be carried out, if following a screening exercise it is found to be necessary. The results of the consultation will feed into the EQIA.

5.6 Consultation and Engagement

- 5.6.1 Please refer to 4.1

6 **BACKGROUND PAPERS**

6.1 R v London Borough of Enfield Case No: CO/3170/2014

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Appendix 1 – Legal Definition of House in Multiple Occupation (HMO)

The definition of HMO is contained in Sections 254 to 259 of the Housing Act 2004

A house in multiple occupation or HMO means a building or part of a building, such as a flat which: -

- is occupied by more than one household, who share or lack one or more basic amenities such as a bathroom, toilet or cooking facilities; or
- is a converted building occupied by more than one household, but does not consist entirely of self-contained flats (whether or not one or more of the basic amenities are shared or lacking); or
- is a building converted into self-contained flats, but does not meet as a minimum standard, the requirements of the Building Regulations 1991 and where less than two thirds of the flats are owner occupied (Section 257 of the Housing Act 2004)*

and where: -

- the building is occupied by more than one household as their only or main residence
- rents are payable or other consideration provided by at least one of the occupiers
- the occupation of the living accommodation is the only use of that accommodation

*For these purposes, a flat is “owner occupied” if it is occupied: -

- (a) by a person who has a lease of the flat which has been granted for a term of more than 21 years,
- (b) by a person who has the freehold estate in the converted block of flats, or
- (c) by a member of the household of a person within paragraph (a) or (b).

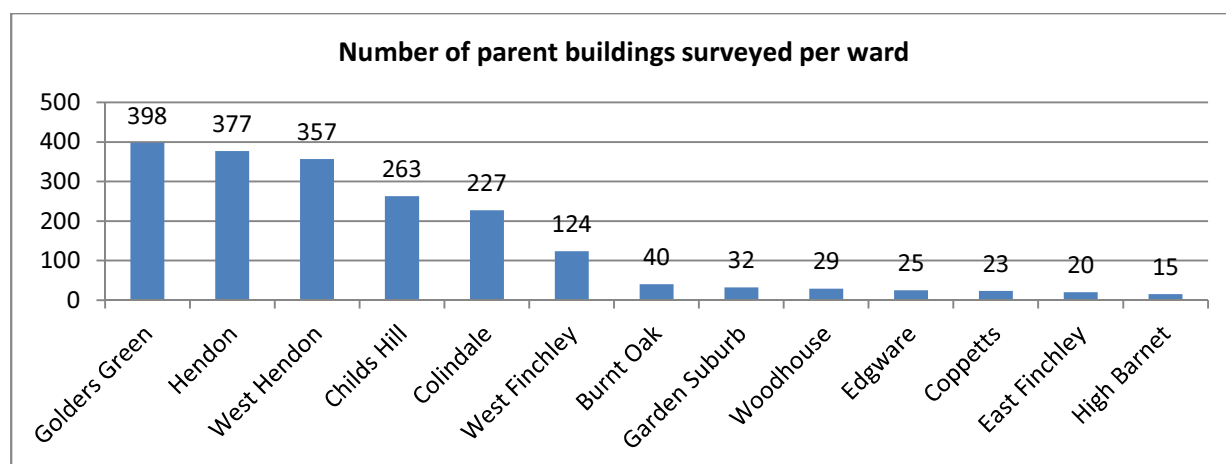
There are exemptions to these definitions and these are contained in Section 14 of the Housing Act 2004. This includes any building which is occupied only by two persons who form two households.

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Appendix 2 - Estimate of HMOs within the London Borough of Barnet

HMO Street Survey

A street survey involving a sample of properties in 110 streets representing around 2,700 dwellings (approximately 1930 parent buildings) across the borough was undertaken in June 2014. Of the sample properties, there was evidence that 18% of them were in multiple occupation. The areas selected for survey, were chosen as being those the evidence suggested may have the greatest concentration of HMOs, the objective being to collect information concerning standards of management.



HMOs Identified in Street Survey Cross Referenced Against Service Requests Received

Following the street survey, those properties either identified as being HMOs or where there was strong evidence of multiple occupation were cross-referenced against the Council's own service request records. In 39% of these cases, a record was found against the address, either in the form of housing service requests, or as general service requests such as noise nuisance, accumulations of rubbish, drainage defects or of pest infestations. These are all indicators of poor management and some of which will also have had a detrimental impact on the local environment.

Following analysis of the street survey results, the following evidence of poor management was found in relation to those properties where there was evidence of multiple occupation: -

- In 30% of cases, the front gardens were reported not to be reasonably clean and tidy
- In 17% of cases, windows were reported as not being well maintained

Where a response was received from an occupier of a survey premises in multiple occupation, the following was found: -

- 44% of respondents answered that there was no alarm system
- 43% of respondents answered that they did not know if there was a current gas safety certificate for the property or that there was no certificate
- 61% of respondents answered that the landlord's/manager's details were not displayed in a common area
- 3% of respondents answered that they had no written tenancy agreement

HMOs and Planning Enforcement

Since 2012 77 planning enforcement cases have been investigated into illegal conversions.

Estimate of the number of HMOs

From analysis of the various proxy and other datasets including the 2012 Electoral Register, Table QS402UK - 2011 Census: 'Accommodation type - Households, local authorities in the United Kingdom', 2011 Census Outputs - Third release, Phase 2: 'Detailed characteristics on housing' and Council Tax records, the following estimates have been made: -

3,597 potential HMOs of the bedsit type (excluding care homes and halls of residence) .This may represent an underestimate because of those who have failed to register or are not eligible to vote but this is unquantifiable.

1,496 potential HMOs falling within the definition under section 257 of the Housing Act 2004

So combining all the above figures the current estimate of HMOs in the borough is 5,093

Appendix 3- Operation of an Additional Licensing Scheme

Types of HMO that might be included in the proposed scheme

It is proposed that the scheme would cover the whole borough. It is not however proposed that all HMOs would be targeted through licensing, but rather those that present the highest risk to the occupying tenants.

These are:

- Any HMO of two or more storeys, occupied by four or more persons in two or more households and where some or all facilities are shared or missing.
- Any flat occupied by four or more persons in two or more households and where some or all facilities are shared or missing, where the flat is on the second storey or higher.
- Any HMO of two or more storeys, with a resident owner and occupied by four or more other persons in two or more households and where some or all facilities are shared or missing
- All buildings of three or more storeys that have been converted into and consist of four or more self-contained flats where the conversion was not undertaken in accordance with the Building Regulations 1991 (or later) and fail still to so comply; and where both the building and self-contained flats it contains are owned by the same person (none of the individual flats within the building being under separate ownership)
- Any house of two or more storeys comprised of both self-contained and non-self-contained units of accommodation occupied in aggregate by four or more persons in two or more households (not including a resident owner), some of whom share or lack one or more basic amenities such as a bathroom, toilet or cooking facilities

What Would the Licence Application Involve?

It is proposed that the introduction of an Additional Licensing Scheme should reemphasise that the responsibility for HMO property management lies with the landlord and not the Council, in the same way that an MOT proves a certain level of responsibility and maintenance by a driver for their car.

As such, it is proposed that the licensing process should require the landlord to:

- Complete and submit an application form to the Council together with the required fee. The form will ask some simple questions about the property, such as the number of letting rooms or flats, shared bathrooms, toilets and kitchens as well as details of safety measures that have been put in place,

such as the type and installation of a fire detection system. Evidence concerning the following will include:

- Gas safety - Gas safety record (12 months)
- Electrical Safety -Electrical installation condition report (5 years), and portable appliance (PAT) test
- Safety of property in the event of fire- Alarm system, **Emergency lighting.**
- Evidence of arrangements which demonstrate competent property management - **Management records** and copies of tenancy agreements
- Floor plan with room sizes and uses clearly shown
- **A copy of the current EPC where this applies**
- Any proposed licence holder or manager of the property will be required to make a declaration that they are “fit and proper person”
- **Current occupancy details**

This is in line with the current mandatory licensing scheme, but additional evidence has been added to enable the landlord to clearly demonstrate competent property management. Allowing the landlord to do this will assist in reducing the Licensing fee. The requirements are in line with actions that a responsible landlord should be taking. The additional criteria are marked as **bold**.

The Licence

Following the receipt of a complete application, a licence will be granted with standard conditions prior to a full inspection taking place. This will speed up the licensing process.

Where complete applications are received within the first three months of the scheme being introduced, this will be considered an indication of professional property management and a five year licence will be granted. The property will then be risk assessed for inspection within 5 years of the licence issue date.

Where complete applications are not received within the first three months, a one year licence only will be granted and the property will be inspected within the first 12 months. The licence conditions will be based around the current Mandatory Licensing conditions (see Appendix 4) with the following variations:

- Improved Energy Efficiency– this will support the Council's Winter Well Scheme, it will assist in meeting a recommendation in the Barnet's Joint Strategic Needs Assessment 2011-15, it will assist in reducing fuel poverty and it is consistent with requirement in the Energy Act 2011.

- The conditions will also be based around proposed revisions to the Adopted Standards for Houses in Multiple Occupation (Appendix 5). As part of this exercise the standards have been reviewed and amendments made in the light of the pressures currently faced by the private rented sector which includes improved security arrangements to HMOs. Although it has seen a significant reduction in residential burglary, the Borough still has one of the highest per 1,000 residential burglary rates in London.

Licence Fees and Charges

In setting the licence fees, the Council must follow certain principles established by the European Services Directive (ESD) and in particular that the fee must not exceed the actual and direct costs of processing an application and the cost of monitoring compliance by landlords with the terms of their licences. The fee structure is also required to be reasonable and proportionate and cannot include set up charges for the scheme nor overheads or the general running costs of the organisation.

The licence fee is therefore set only to cover the administration costs of the licence. A review of fees will be undertaken annually and will be adjusted to reflect changes in costs.

Where the landlord requires additional help this will be provided for a slightly larger fee through Assisted Licensing.

Having taken account of this, the Council's indicative proposed fee structure is:

Indicative Fee Summary

	Fee Type	Fee Amount
1	New HMO Licensing Fee for a 1 year licence (paper application)	£ 643.35
2	New HMO Licensing for a 1 year licence - assisted fee (paper application)	£ 833.86
3	New HMO Licensing Fee for a 5 year licence (paper application)	£ 988.80
4	New HMO Licensing Fee for a 5 year licence – assisted fee (paper application)	£ 1,179.31
5	New HMO Licensing Fee for a 1 year licence (online application)	£ 594.77
6	New HMO Licensing Fee for a 1 year licence-assisted fee (online application)	£785.28
7	New HMO Licensing Fee for a 5 year licence	£ 940.22

	(online application)	
8	New HMO Licensing Fee for a 5 year licence Assisted fee (online application)	£1,130.73
9	Renewal HMO Licensing fee (paper application) for a 5 year licence	£894.18
10	Renewal HMO Licensing fee (paper application) for a 5 year licence- assisted application	£1,084.69
11	Renewal HMO Licensing fee (on line application) for a 5 year licence	£845.60
12	Renewal HMO Licensing fee (on line application) assisted fee for a 5 year licence	£1,036.11
13	Fee associated with an abortive visit	£70.97
14	Each extra unit of accommodation over 5 units	£23.66
15	Bouncing cheque	£100 plus inflation
16	Change in Nominated Manager	£82.53
17	Property to be used by Barnet Homes	£0 – fee paid by Barnet Homes

Fit and Proper Persons

In considering an application for a licence under the additional scheme, the Council will consider whether the proposed licence holder is a 'fit and proper person'. A copy of the current assessment used for mandatory licensing is attached in Appendix 5 for information. The criteria for this assessment, is defined in the associated guidance to the legislation.

Part of the assessment involves consultation with the Planning Enforcement Service to check whether the owner has been found guilty of contravening planning legislation.

If the owner is found not to be a "fit and proper person" against these criteria, then he/she must find someone else agreed by the Council to manage the property.

What Happens if a Licence Cannot be Granted or Revoked?

If the Council are unable to grant a licence or the licence is revoked for example if the landlord is no longer found to be a "fit and proper person", they must make an

Interim Management Order. The Council (or their appointed service provider) then take over the management of the HMO and collect the rents and have responsibility for the tenancies and upkeep of the property. The ownership of the HMO does not change. The Order can last for up to twelve months although it may be revoked earlier because it has been possible to grant a licence.

Penalties and Rewards

The Council will provide advice and guidance to landlords in relation to the standards expected of their accommodation and to assist them to comply with all the relevant standards and legislative requirements.

The Council recognise that there are many good landlords who want to provide a good standard of accommodation for their tenants. It is proposed that landlords who are accredited with the London Landlords Accreditation Scheme (LLAS) or alternative similar scheme accepted by the Local Authority will be eligible for a discount to the additional licensing fee.

In order to demonstrate that the Council recognises compliant from non-compliant landlords, it is proposed that those that submit their complete application within three months of the Council's declaration will be licensed for five years, and those that don't will be initially licenced for one year. Following expiry of a licence and should an Additional Licensing scheme still continue to be in operation, a decision will be made on the standard of management of the property and the property relicensed accordingly for another year or five years.

The Council will publish on-line a list of all licensed HMOs under the scheme. Members of the public and tenants or prospective tenants will be able to check the database and have the confidence of knowing that an HMO has a licence.

If the scheme is approved and having become operative, it will be an offence to operate an HMO falling within the scope of the scheme without a licence. A fine of up to £20,000 can be imposed upon summary conviction.

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Appendix 4 - Criteria to Consider Before Introducing an Additional Licensing Scheme

In order to consider establishing an Additional Licensing Scheme the Housing Act 2004 requires that certain criteria must be met. These are detailed below:

1.10.1 The Authority must consider that a significant proportion of the HMOs of the description to be included in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMO or for members of the public (Section 56(2))

1.10.2 Evidence of this is set out in Appendix 2

1.10.3 The Authority must have regard to any information regarding the extent to which any codes of practice approved under section 233 of the Housing Act 2004 have been complied with by persons managing HMOs in the area (Section 56(5))

1.10.4 The Council has had regard to the following Codes of Practice under Section 233 in relation to the management of student housing and for the purposes of schedule 14 which lists buildings which are not HMOs for the purpose of the Housing Act 2004:

- The Accreditation Network UK/Unipol Code of Standards for Larger Developments for Student Accommodation Not Managed and Controlled by Educational Establishments, dated 20th February 2006
- The ANUK/Unipol Code of Standards for Larger Developments for Student Accommodation Managed and Controlled by Educational Establishments, dated 28th August 2008;
- The Universities UK/Guild HE Code of Practice for the Management of Student Housing, dated 17th August 2010.

1.10.5 The Authority must consider whether there are other courses of action available to them that might prove an effective method of dealing with the problem (Section 57(4)(a))

1.10.6 Consideration of this is contained in section 3 of the main report.

1.10.7 The Authority must consider that making the designation will significantly assist them in dealing with the problems (Section 57(4)(b))

1.10.8 Consideration of this is contained in section 1.7 and 1.8 of the main report.

1.10.9 *The Authority must consult persons who are likely to be affected by the designation and consider any representations (Section 56(3))*

1.10.10 Authorisation for a consultation exercise is now being sought in the recommendations in this report.

1.10.11 *The Authority must ensure that the exercise of power is consistent with the Authority's overall Housing Strategy (Section 57(2))*

1.10.12 The Housing Strategy is in the process of being redrafted and the proposal is consistent with this.

1.10.13 *The Authority must seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties, and antisocial behaviour and as regards combining licensing with other courses of action available and as regards combining licensing with measures taken by other persons (Section 57(3))*

1.10.14 The Private Sector Housing Team promotes a multi-agency approach to private sector housing for example:

- there is a joint working protocol in place with the London Fire and Emergency Planning Authority (LFEPA) in relation to fire safety matters
- The team manager chairs the Empty Property Steering group involving partners from across the Council in agreeing the most effective methods for bringing empty properties back into residential use
- The Winter Well Scheme run jointly with Barnet and Harrow Public Health Team is a commissioning project involving partners across the Council, voluntary sector and private sector in reducing ill health in winter across the private sector.
- Investigations to date into HMOs in the borough have involved, amongst others Planning, Building Control, Housing Benefits, the Police, the LFEPA, Barnet and Harrow Public Health Team, and Council Tax
- Regulatory Services participate in a Joint Tasking and Coordination Group (JTAG) with the Council's Community Safety Service, the Police and other partners as applicable.

1.9.13 Regulatory Services are currently working with the Planning service in relation to the possible introduction of an Article 4 Direction under the Town and Country (General Permitted Development) Order 1995. This joint approach

will enable the control of the quality and number of HMOs permitted in the borough.

1.10.15 Monitoring

1.10.16 As part of the considerations of the viability and development of an Additional Licensing Scheme aims, objectives and targets will be agreed to measure the success of the scheme. A strategy will also be in place in the event that the targets are not met.

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Appendix 5 - Fit and Proper Person Test

The Authority **must** satisfy itself that the proposed licensee, the proposed manager **and** all the people proposed to be involved in the management of the property (if they are different people) are **fit and proper persons** to hold a licence or to manage a House in Multiple Occupation. In order to assess this, the following are considered:

7.1	Have you been convicted of any offence involving fraud, dishonesty, violence, drugs or offences listed in schedule 3 of the Sexual Offences Act 2003 (offences attracting notification requirements)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.2	Has any tribunal found that you practised, or have you been convicted of practising, unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in or in connection with any business?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.3	Have you contravened any Housing, Public Health, Environmental Health or Landlord and Tenant Law, (including harassment, illegal eviction) which led to any civil or criminal proceedings being taken against you resulting in a judgement against you?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.4	Have you been in control of any property and as a result have been subject to any legal proceedings brought by any Local Authority (for example under Planning or Environmental Protection Law or Compulsory Purchase proceedings) in the last 5 years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.5	Have you been convicted of failing to comply with a statutory notice under Part 10 (statutory overcrowding) or s.265 (demolition order) Housing Act 1985 in the past 5 years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.6	Has any property of which you were the owner or manager been refused a licence under Part 2 or 3 of the Housing Act 2004?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.7	Has any property of which you were the owner or manager had a licence under Part 2 or 3 of the Housing Act 2004 revoked?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.8	Has any property of which you were the owner or manager been the subject of an interim management order, special interim management order, or final management order under the Housing Act 2004?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.9	Have you been found by any local authority to have contravened any Approved Code of Practice under the Housing Act 2004 Section 233?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.10	To the best of your knowledge, has any person associated or formerly associated with you (whether on a personal, work or other basis) done any of the things set out in 7.1 to 7.10 above. If yes, please give full details including how you are associated with the other person.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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Appendix 6 - Proposed Licence Terms and Conditions

All proposed variations on the current mandatory conditions are marked in *italics*.

Licence Terms

- A licence relates to the property described in the licence approval.
- A licence may be granted before the time it is required, but the licence will not come into force until that time.
- A licence lasts for a period of 5 years (or 1 year) from the date the licence was granted unless the following apply :
 - The licence will cease if the licence holder dies whilst the licence is in force.
 - The licence is revoked under section 70 of the Housing Act 2004.
- A licence period continues for a period of 5 years (or 1 year) even if the premises are no longer a HMO, unless a valid application is made for the licence to be revoked under section 70 of the Housing Act 2004.
- This licence may not be transferred to another person.
- If the licence holder dies during the licence period, during the period of 3 months beginning with the date of the licence holder's death, the premises is to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licensed. Procedural issues and appeals as specified in section 62 (6) to (8) of the Housing Act 2004 will apply.
- If on the expiry of the initial period stated in 6. above, representatives of the deceased licence holder apply for a further exemption from the date the initial period ends, the premises is to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licensed. Procedural issues and appeals as specified in section 62 (6) to (8) of the Housing Act 2004 will apply.

Licence Conditions

Levels of Occupancy

The maximum number of persons and households is set with reference to the number of kitchen, bathroom/toilet and bedroom facilities provided in addition to the size of the rooms.

The licence holder/manager is prohibited from allowing a new resident to occupy the house and/or parts of the house if: -

- that occupation exceeds the maximum number of permitted persons in the house or
- that occupation exceeds the maximum number permitted for any unit of accommodation

A 'new resident' is a person not in occupation at the date the licence is issued/varied.

Numbers of persons permitted to occupy.

If additional facilities are provided it may be possible to raise the occupancy levels. You must consult with the London Borough of Barnet in writing before commissioning the work to ensure that the proposals will meet the relevant standards.

The use and occupancy levels of each room shall not be changed without the approval of the London Borough of Barnet. Any change may be subject to a variation fee.

Occupancy particulars

The licence holder shall if required by written notice provide the London Borough of Barnet with the following particulars with respect to the occupancy of the house:

- *The names and telephone numbers of individuals and households living in the house and the parts of the property they occupy*
- *The dates when each individual and household moved into the property*
- *The details should be provided within such reasonable time as may be specified by the London Borough of Barnet*

Gas Safety

Where gas is supplied to the house, the licence holder shall be responsible for ensuring that all gas installations comply with the Gas Safety (Installation and Use) Regulations 1998 and ensure that arrangements are made for gas installations and appliances to be inspected annually by a competent Gas Safe registered engineer.

Any necessary remedial works identified by the engineer shall be undertaken by a Gas Safe Registered engineer within a time period specified by the Council.

The Licence Holder must submit a copy of the gas safety report with respect to the property annually within 1 month of the annual inspection.

Condition of Furniture and Electrical Appliances

All soft furnishings supplied by the licence holder to the tenants must comply with the Furniture and Furnishings (Fire) Regulations 1988 (as amended). All furniture supplied by the licence holder should be maintained in a safe condition. There should be a regular visual inspection of all such furniture to determine the condition of those items.

All electrical appliances where present and supplied by the licence holder, should be kept in a safe condition and regularly inspected, as part of a maintenance programme. This will require inspection and/or testing (PAT) in accord with the following schedule: -

Refrigerators/washing machines/electric fires	4 Years
Portable equipment	2 Years

Inspections of electrical appliances shall be carried out by a suitably qualified person. The London Borough of Barnet shall be informed of any remedial works required and any such works shall be carried out within a time period as agreed with the Council.

A declaration as to the safety of electrical appliances and furniture supplied by the licence holder shall be supplied to the London Borough of Barnet upon written request and copies made available to occupants of the house.

Smoke Alarms and Fire Precaution Equipment

The licence holder shall ensure that smoke alarms are installed in accordance with BS5839-6:2013 and having regard to the guidance given in the LACORS 'Guidance on fire safety provisions for certain types of existing housing' and keep them in proper working order

Smoke Alarms and Fire Precaution Equipment, should be regularly inspected and tested, as part of a maintenance programme to accord with the LACORS guide mentioned above.

On demand the licence holder shall provide a declaration to the Council as to the safety and positioning of such alarms and in this connection shall provide the Council with a commissioning or inspection and servicing report, provided by a competent electrician or fire alarm engineer. Further certificates are to be provided if alterations or additions are made to the system or to demonstrate that the system has been inspected and tested by a competent person.

Standard of Accommodation.

All licensed HMOs must be "reasonably suitable for occupation". In order to be "reasonably suitable for occupation" the property must comply with the London Borough of Barnet's adopted HMO Standards.

These standards relate to the number of households specified in the application and cover the following issues:-

- Washing facilities
- W.C. facilities
- Kitchen facilities
- Heating
- Fire precautionary facilities
- *Security*

The licence holder shall ensure that the property complies with the London Borough of Barnet's Minimum HMO Standards. These standards can be downloaded from: -

http://www.barnet.gov.uk/downloads/download/1169/houses_in_multiple_occupation_hmo_standards

Alternatively a paper copy can be obtained by calling or writing to:-

Building 4
North London Business Park
Oakleigh Road North
London
N11 1NP
Telephone: 020 8359 TBA
Email: hmos@barnet.gov.uk

Energy efficiency

The licence holder shall ensure that any roof voids are insulated with 270mm deep mineral wool (or equivalent) insulation between the joists taking care to maintain roof ventilation and to avoid the potential overheating of proximate electrical cables. Otherwise installation to be in accord with the manufacturer's/suppliers instructions.

Tenancy Agreement

A written tenancy agreement specifying the terms of occupation of any letting must be provided to all residents at the commencement of any rental period.

Where the rent is payable weekly, payments shall be recorded in a rent book, which will be retained by the resident. Otherwise, a written receipt of each rental payment shall be issued to residents.

Management practice

The licence holder shall, if requested in writing, provide the London Borough of Barnet with evidence of the appropriate management practice and procedures. The details should be provided within such reasonable time as may be specified by The London Borough of Barnet.

Training

The licence holder shall if requested in writing by the London Borough of Barnet attend such training courses in relation to management practice and procedures. One means of doing so would be to become accredited through the London Landlord Accreditation Scheme or a similar scheme accepted by the Local Authority. Documentary evidence of such training or accreditation will be required.

Managing Anti-Social Behaviour.

The licence holder is ultimately responsible for the day-to-day running of the property; to this effect the licence holder must ensure any anti-social behaviour by residents or their visitors, to anyone else in the property, (or in its locality), is dealt with appropriately and effectively. In this regard, the landlord or their agents shall investigate complaints of noise and other possible sources of nuisance or anti-social behaviour, whether these complaints are made by the residents of the property or by

residents of neighbouring properties. Where the landlord determines these complaints to be justified they shall take all reasonable steps to resolve the problem.

The licence holder shall, if requested in writing, provide the London Borough of Barnet with evidence of appropriate management practice and procedures to address any anti-social behaviour that may arise. The details should be provided within such reasonable time as may be specified by The London Borough of Barnet.

Material changes to the licensed property or licence holder

If there is a material change of circumstance affecting the licence holder or the operation of the property, the licence holder must inform the London Borough of Barnet immediately. No alteration which may affect the licence contents or conditions attached to the licence may be made to the property without the prior written consent of the London Borough of Barnet.

Notification of changes to licence details.

If, at any time during the period of licence:

- Application to vary the licence has been received from the licence holder or relevant person by the Authority and variation to the licence has been agreed between the Authority and existing licence holder, or
- There has been a change of circumstances to the premises since the licence was granted, or
- The number of households or persons appropriate as the maximum number authorised to occupy the HMO has changed since the date the licence was granted, or
- Standards in relation to the occupation of the house by a particular number of households or persons have changed since the date the licence was granted,

an application must be made to the Council to change or vary the licence details for the premises.

Notes – Important

Failure to comply with licence conditions

Failure to comply with any licence condition may result in proceedings including fines of up to £20,000 and loss of the licence.

General

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purpose including Building Control, Planning, leasehold terms and conditions or Regulatory Reform (Fire Safety) Order 2005. Conversely compliance with any of these requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including HMO licensing.

Management Regulations

Without prejudice to any the conditions contained within this licence, the manager is required to comply with the requirements of the Management of Houses in Multiple Occupation (England) Regulations 2006 or in the case of an HMOs falling within Section 257 of the Housing Act 2004, the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. Duties of a manager include:-

- *that certain information is provided to occupiers and to be clearly displayed*
- *to take safety measures, including the maintenance of fire alarms and fire-fighting equipment*
- *to maintain water supply and drainage*
- *to supply and maintain gas and electricity*
- *to maintain common parts, fixtures and appliances (including windows)*
- *to maintain living accommodation*
- *and a duty to provide waste disposal facilities*

A person commits an offence if he fails to comply with the regulations and is liable on summary conviction to a fine not exceeding level 5 on the standard scale

Further information concerning these Regulations can be found at:

<http://www.legislation.gov.uk/ukxi/2006/372/contents/made>

http://www.legislation.gov.uk/ukxi/2007/1903/pdfs/ukxi_20071903_en.pdf

The Housing Health and Safety Rating System (Housing Act 2004)

*The Housing Health and Safety Rating System (HHSRS) introduced under Part 1 of the Housing Act 2004, applies to all residential premises. This is an assessment method for hazards that are most likely to be present in housing and include **fire, overcrowding, excess cold conditions, damp and mould, security and electrical safety** among others of which there are 29 in total and apply to all residential premises including in houses in multiple occupation. Where there are hazards, the assessment could show the presence of serious (Category 1) hazards and other less serious (Category 2) hazards. The Council has a duty to take the appropriate action in relation to Category 1 hazards where these are found.*

The Council regardless of these licensing conditions must seek to identify, remove, or reduce category 1 or category 2 hazards in the property under Part 1 of the Housing Act 2004. Over the duration of a licence, the licence holder may be required to provide full access for further Housing Health and Safety Rating System (HHSRS) assessments to be carried out. Any defects found as a result of an inspection may require enforcement action to be taken

Fire Safety Order

An owner, manager or operator of a business, will need to comply with fire safety law. The main law is the Regulatory Reform (Fire Safety) Order 2005 or "the Fire Safety Order" which applies across England and Wales and came into force on 1st October 2006.

The Order applies to virtually all buildings, places and structures other than individual private dwellings e.g. individual flats in a block or family homes but does include the common parts of HMOs and common parts of blocks of flats and maisonettes.

For further information, you can visit

<http://www.london-fire.gov.uk/RegulatoryReformOrder2005.asp>

Tenants have certain legal rights in relation to their occupation of the premises. Landlords should have proper regard to these rights when exercising, for example, the following powers:

- Terminating Tenancy Agreements;
- Undertaking inspections of tenants rooms;
- Imposing rent increases; and
- Reimbursing tenants rent deposits.

If Landlords have any doubts regarding their legal obligations under Landlord and Tenant Law, they should seek their own legal advice.

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Appendix 7 - Council's Adopted Standards for Houses in Multiple Occupation

All proposed variations are marked in *italics*.

A house in multiple occupation (HMO) is a house or flat which is occupied by persons who do not form a single household. There are various types of HMO including houses divided into rooms, bedsits or flatlets, shared houses, lodgings, hostels and properties converted into self-contained flats.

A **summary** of the Council's main requirements is set out below. All HMOs must comply with these standards.

1.0 SPACE STANDARDS

Room sizes must comply with the following minimum standards:

1.1 One room lettings

Minimum room floor area where the kitchen is in a separate room	Minimum room floor area including kitchen	Maximum number of persons
10m ² <i>(8.5m²)</i>	13m ²	1
14m ² <i>(12.5m²)</i>	17m ²	2

1.1.2 Two or more room lettings

Minimum combined floor area for two or more room letting	Minimum floor area for any room used as a kitchen	Minimum room floor area for any room used for sleeping	Maximum number of persons
13m ²	4.5m ²	6.5m ²	1
17m ²	4.5m ²	10.2m ²	2

1.1.3 Notes:

- Persons of the opposite sex, aged ten years and over and who are not co-habitant are not allowed to sleep in the same room.
 - There is no reduced space standard for children
 - When measuring the floor area of a room space taken up by any en-suite bathroom or w.c. facilities shall not be included.
 - All rooms shall have a minimum floor to ceiling height of at least 1.9 metres over not less than 75% of the room area. Any floor area where the ceiling height is less than 1.53 metres shall be disregarded. Where bunk beds are used there shall be a minimum floor to ceiling height of 2.5metres.
 - ***Slight flexibility to these standards may be agreed by the Inspecting Officer. For example, account will be taken of additional suitable communal facilities that may be provided such as a lounge or dining room or in other situations as may be appropriate. In these instances, the minimum floor areas given in the previous tables and shown in brackets will apply but in such cases a minimum ceiling height of 1.9m over the entire area of the room will be required.***
 - In addition to the actual floor area consideration shall be given to the shape, and usable living space within the room to determine whether it is suitable for occupation and by how many persons.
- If a studio room has a partition, the floor area of both rooms can be included. However, sleeping rooms must not be less than a minimum area of 6.5m² for a single letting and 9.5m² for a double letting.
- Half the area provided by a bay window can be included.
- Where the room door opens into a lobby/corridor that is less than 1.2 metres wide, the entire lobby/corridor will not be included. Where the lobby/corridor is between 1.2 and 1.8 metres, some of the area may be counted if it is suitable for storage/use. The allowable area is calculated by deducting 1.2 metres from the width and multiplying this by the length of the corridor. For example, if a corridor into a room is 1.5 metres wide by 2.5 metres deep, the useable area of the corridor would be 0.3 x 2.5 metres. No deduction should be made where doors open into corridors/lobbies of more than 1.8 metres width.

2.0 PERSONAL WASHING FACILITIES

- 2.1 **Where there are five or more occupiers each separate household shall, where practicable, be provided with a wash hand basin** (unless a sink is provided) together with a satisfactory supply of hot and cold running water, situated within the unit of accommodation. A tiled splash back minimum 300mm high (two standard tiles) is to be provided to each wash hand basin. See Appendix 1 for additional guidance.

- 2.2 **Each separate occupancy shall, where practicable, be provided with its own readily accessible bath or shower room of adequate size with sufficient space for drying and changing.** Where this is not practicable a readily accessible bathroom or shower room with sufficient space for drying and changing shall be provided in the ratio of **one to every five persons** regardless of age. See Appendix 1 for additional guidance.
- 2.3 All bath/shower compartments shall be ventilated directly to the external air by an openable window. Where this is not practicable mechanical ventilation complying with current Building Regulation shall be provided.
- 2.4 The walls and floors to any shower/bathroom are to be non-absorbent and readily cleansable. Showers shall be provided with a suitable water resistant screen or shower curtain.
- 2.5 An appropriate door shall be provided which is lockable and ensures privacy for the user.
- 2.6 Baths and showers shall not be provided in kitchens.
- 2.7 All washing facilities must be fit for purpose, of an adequate size and layout and suitably located in relation to the living accommodation.
- 2.8 Adequate heating and artificial lighting shall be provided.

3.0 SANITARY CONVENIENCES

- 3.1 **Each separate occupancy shall where practicable be provided with its own water closet compartment.**
- 3.2 Where this is not practicable water closets shall be provided in readily accessible compartments or bathrooms, being not more than one floor distant from any user, in the ratio of **one water closet to every five persons**, regardless of age. Where this is being shared by more than four persons it must be situated in its own w.c. compartment. See Appendix 1 for additional guidance.
- 3.3 External water closets are not permitted.
- 3.4 All w.c's must be fit for purpose, of an adequate size and layout and suitably located in relation to the living accommodation.
- 3.4 **A wash hand basin shall be provided in each separate water closet** together with its own adequate supply of cold and constant supply of hot water. A tiled splash back minimum 300mm high (two standard tiles) is to be provided to each wash hand basin.
- 3.5 All water closet compartments shall be ventilated directly to the external air by an openable window. Where this is not practicable mechanical ventilation complying with current Building Regulations shall be provided.
- 3.6 An appropriate door shall be provided which is lockable and ensures privacy for the user.

4.0 FACILITIES FOR THE STORAGE, PREPARATION AND COOKING OF FOOD AND FOR THE DISPOSAL OF WASTE WATER

4.1 Kitchen Facilities for Exclusive Use by Households

4.1.1 Each household shall, where practicable, have its own kitchen separate from and being not more than one floor distant from the sleeping room or within the unit of accommodation.

4.1.2 Each kitchen shall have the following facilities:

- Adequately sized food storage cupboards of minimum capacity 0.5 cubic metres (e.g. 2 no: 600mm x 720mm x 600mm). This provision is in addition to any base unit cupboards provided below the sink/drain.
- An adequately sized (0.14 cubic metres) working refrigerator with a freezer compartment (1 to 2 persons = 140 litres). To minimise disturbance from noise an A rated energy efficient fridge is recommended.
- Four (13 amp) electric sockets: 1 conveniently located for the connection of refrigerator and 2 situated at work top height
- Adequately sized (1000mm x 600mm) fixed, impervious worktop for the preparation of food.
- A mains supplied cooking appliance with a minimum of two rings or hot plates together with a grill and oven.
- A sink and drainer of adequate size (1000mm x 600mm) with its own adequate supply of wholesome cold and constant supply of hot water properly connected to the drainage system.
- A tiled splash back minimum 300mm high (two standard tiles) is to be provided to the sink.
- There must be artificial lighting sufficient to carry out normal activities within a kitchen area.

4.2 Kitchens for Communal Use

4.2.1 *Where it is not practicable to have exclusive use kitchens shared kitchens may be provided for a maximum of five persons.*

4.2.2 Each shared kitchen shall have the following facilities:

- Adequately sized lockable food storage cupboards minimum capacity 0.14 cubic metres per household (600mm x 380mm x 700mm) .This provision is in addition to any base unit cupboards provided below the sink/drainer.
- Adequately sized (1000mm x 600mm) fixed, impervious worktop for the preparation of food. ***A further 500mm (linear width) of worktop will be required for each additional person sharing (for example, a minimum provision for five persons sharing is 2.6 linear meters of worktop). Worktop to be at the same height as an adjacent cooker hob.***
- Mains supplied cooking appliance with a minimum of four rings or hot plates together with a grill and an adequately sized oven.
- A sink and drainer of adequate size (1000m x 600mm) with its own adequate supply of cold wholesome water and a constant supply of hot water properly connected to the drainage system.
- A tiled splash back minimum 300mm high (two standard tiles) is to be provided to the sink.
- There must be artificial lighting sufficient to carry out normal activities within a kitchen area.
- An adequately sized working refrigerator with a freezer compartment on the following ratios: 1 to 2 persons = 140 litres; 3 to 4 persons = 160 litres and 5 persons = 200 litres. To minimise disturbance from noise an A rated energy efficient fridge is recommended.

4.2.3 In addition to the shared kitchen the following facilities shall be provided in a suitable location within each letting:

- An adequately sized (minimum 0.14 cubic metres) working refrigerator with a freezer compartment(140 litres). To minimise disturbance from noise an A rated energy efficient fridge is recommended.

4.3 General Requirements for all Kitchen Facilities

- Cooking facilities shall be reasonably located in relation to the room(s) occupied by the person(s) using them. This shall be not more than one floors distance.
- No more than two sets of facilities shall be provided in any one kitchen (of minimum area 12m²).
- Where two sets of facilities are provided the two sets shall be reasonably separate from each other to allow their safe and simultaneous use by two or more households
- All wall, floor and ceiling finishes are to be non-absorbent and readily cleansable. No furniture or curtains shall be within 600mm of the cooker.

- Kitchen facilities must be available for use 24 hours a day
- Cookers should not be fitted close to doorways and there should be enough floor space to safely retrieve items from the oven.
- A mechanical extractor must be provided, ducted to the open air, with the outlet away from adjacent windows.
- Adequate rubbish disposal facilities should be provided and regularly maintained.
- All rooms containing kitchen facilities should be provided with a fire blanket, in accordance with BS EN 1869 :1997 & BS 7944 1999 mounted on a wall near, but not above, cooker.
- There must be artificial lighting sufficient to carry out normal activities within a kitchen area.
- All rooms containing kitchen facilities should be provided with a carbon dioxide fire extinguisher complying with BS EN 3-9: 2006 & BS EN 3-8: 2006
- All kitchens should be provided with 30 minute fire resistant door sets. The door shall be of solid wood construction not less than 44mm in finished thickness or a fire resisting door constructed to conform to BS 476-22 1987. The door is to be self closing by means of an approved spring mechanism adjusted to positively close the door from any point on travel. The door is to be fitted with dual function cold smoke-intumescent seal strips to the head and both sides in accordance with manufacturers instructions.

5.0 HEATING

- 5.1 All units of living accommodation including sleeping rooms and bath/shower rooms must be equipped with an adequate means of fixed space heating** (meaning a fixed gas or electrical appliance, or an adequate system of central heating) operable at all times and available at all times, taking into account affordability, the presence of thermal insulation, the location of the appliance ease of use and performance.
- 5.2 The appliance must be capable of efficiently maintaining the room at a minimum temperature of 21°C.
- 5.3 Where heating and hot water is provided centrally by the landlord, these provisions must be capable of being used at any time. There should also be the ability to control the level of heating within each letting e.g. thermostatic radiator valves (TRV's) on radiators.
- 5.4 The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters shall not be acceptable under any circumstances.

6.0 SECURITY

6.1 Deadlocks and window locks reduce the risk of burglary. In order to prevent 'Entry by Intruders' hazards the following is required.

6.2 Communal Exterior Doors

- **Exterior doors to the front and rear should be able to close fully and be capable of resisting bodily pressure and the possibility of slipping the door lock.**
- **Exterior doors must be fitted with a self-closer with enough force and momentum to ensure that the door closes securely.**
- **The door and surrounding frame should be of a solid construction.**
- **Any lock fitted should comply with BS 8621 (2007) + A2 2012 (thief resistant assembly for keyless egress).**
- **Solenoid based, bolt action locks are acceptable and preferred, as they comply with means of escape requirements. They also offer the advantage of requiring less maintenance.**
- **Where the front door lock is within arm's reach of the letterbox, then either a letterbox cowl or a bottomless cage should be fitted.**
- **Consideration of the glazing for and surrounding the door should be given. Single glazed panels should be either protected with metal grilles or replaced with laminated glazing or security film.**

6.3 Bedsit and Flat Entrance Doors

- **The door and surrounding frame should be of a solid construction.**
- **They require an auto-deadlocking night latch complying with BS 8621 (2007) + A2 2012 (thief resistant assembly for keyless operation).**
- **They require a mortice lock with thumb turn cylinder complying with BS 8621 (2007) + A2 2012 (thief resistant assembly for keyless operation), so that occupiers can escape in the event of a fire.**
- **The door needs to be fitted with hinge bolts and frame reinforcers (eg, London Bar) to resist bodily pressure.**
- **Door chains and viewers are required.**
- **Where there are letterboxes to individual flats a letterbox cowl or bottomless cage is required if the lock is within arm's reach of the letterbox.**

6.4 Windows

- **All windows should have key operated locks with the exception of windows which are complying with fire regulations as part of a means of escape which are to be openable from inside without use of removable key**
- **Windows that lead directly to a flat roof require restrictors to be fitted.**

7.0 PROVISION OF MEANS OF ESCAPE IN CASE OF FIRE IN HOUSES IN MULTIPLE OCCUPATION

7.1 Appropriate fire precautions and equipment must be provided to reduce the risk of death/injury to the tenants in the event of fire.

7.2 In general terms, the following fire precaution facilities and equipment must be provided:

- The installation of a suitable automatic fire detection system in accordance with BS 5839 Part 1, incorporating adequate numbers of, and suitably positioned, linked smoke/heat detectors, sounders and call points.
- Appropriate and suitable fire fighting equipment including fire extinguisher and other equipment considered necessary.
- An adequate number of Notices detailing procedures in the event of fire.
- Generally and without prejudice to the above, the HMO's design, construction and condition should limit the spread of fire and smoke and there should be adequate fire protection to the means of escape and between each unit of accommodation and other spaces. The HMO should be provided with appropriate fire detection and alarm systems and as appropriate, emergency lighting and fire fighting equipment. All provisions to be in accord with LACORS Guidance on fire safety provisions for certain types of existing housing. This can be found at http://www.rother.gov.uk/media/pdf/p/p/Lacors_Fire_Safety_Guide_July_2008.pdf

An appropriate means of escape in case of fire is also required. In general terms this will consist of:

- Doors and partitions constructed to provide the appropriate standard of fire resistance.
- Appropriate emergency lighting in accordance with BS 5266 Part 1 and fire signs.
- The provision of a 'protected route' leading to a place of safety (normally the street). Protected route' means a route having an adequate degree of protection from fire including walls (other than external walls), partitions and floors separating the route from the remainder of the building]

7.3 From 1st October 2006 your premise is required to comply with the Regulatory Reform (Fire Safety) Order 2005. The enforcing authority for this legislation is the London Fire and Emergency Planning Authority. For further information on this you can refer to the internet site <http://www.london-fire.gov.uk/FireRiskAssessment.asp>. In addition please note that the government has recently published a guidance document ' Fire safety risk assessment - Sleeping accommodation' which provides comprehensive guidance on the management of fire safety. It includes guidance on your duties regarding fire safety records and evacuation plans, which must be

made available to residents and the Enforcing Authority. If you have any queries regarding your duties you should contact the London Fire and Emergency Planning Authority on 0207 7587 2270 in writing at Barnet Borough Team 227 Long Lane Finchley London N3 2RP or by e mail at barnetgroup@london-fire.gov.uk.

- 7.4 Where more than 5 people are employed at the property, the *Fire Precautions (Workplace) Regulations 1997* will apply. A risk assessment must be undertaken at the property by the owner to identify the fire hazards present and take action to eliminate or reduce the risk of such hazards.

8.0 MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION

- 8.1 All HMOs must comply with the requirements of The Management of Houses in Multiple Occupation (England) Regulations 2006. Additional information can be found at <http://www.legislation.gov.uk/ukxi/2006/372/contents/made>.

9.0 PLANNING PERMISSION / BUILDING REGULATIONS

- 9.1 The conversion of a property where more than 6 people share basic amenities **requires planning permission** for use as a House in Multiple Occupancy (HMO).

- 9.2 An HMO will only be acceptable if all the following criteria are met:

- It helps to meet an identified need
- It does not have a demonstrably harmful impact on the character and amenities of the surrounding area
- It is easily accessible by public transport, walking and cycling and
- It meets the standards set out in the Housing Acts.

Any proposals must comply fully with other relevant policies within the Adopted Barnet Unitary Development Plan (2006). For further information on planning issues please contact the Planning Department on 020 8359 3000 or go to <http://www.barnet.gov.uk/site/scripts/documents.php?categoryID=100006>

- 9.3 The provision of additional facilities, structural and other alterations may require Building Regulations approval. More information can be found at http://www.barnet.gov.uk/info/930301/when_do_building_regulations_apply/706/when_do_building_regulations_apply or by calling 0208 359 3000.

10.0 OTHER MANAGEMENT ISSUES

- 10.1 **Furniture and Furnishings (Fire)(Safety) Regulations 1998 (amended 1989 & 1993)**

Furniture and furnishings supplied in conjunction with the accommodation must comply with specified levels of fire resistance.

10.2 Gas Safety (Installation and Use) Regulations 1998:

- Gas safety inspections and tests must be completed by a Gas Safe registered gas installer/engineer annually. Certificates are required in relation to ALL gas appliances and the gas installation.
- All servicing and repairs are to be carried out by Gas Safe approved contractors.
- Records of annual safety inspections and tests must be made available to the Council for inspection, with a copy supplied to the tenant.

10.3 HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)

The Housing Health and Safety Rating System (HHSRS) is a system for assessing the health and safety risks in dwellings and is a method used to inspect properties. An HMO can comprise of a number of separate dwellings, for example every bedsit room or self-contained flat within a HMO is a dwelling.


The principle of HHSRS is that any residential premises (including the structure, means of access, and any associated outbuilding, garden or yard) should provide a safe and healthy environment for any potential occupier or visitor. The HHSRS is a risk assessment process and is comprehensive in its coverage of key health and safety risks in dwellings. In very broad terms, the rating system works by assessing the risk associated with certain hazards and if the likelihood of harm is significant the Council may take action to ensure that the risk is removed or reduced.

For additional information on any aspects of these standards please contact the Private Sector Housing Team at Environmental Health Section London Borough Of Barnet Building 4 North London Business Park Oakleigh Road South London N11 1NP or on 020 8359 7462 or e mail hmos@barnet.gov.uk

Extra Guidance on Provision of Wash Hand Basins, Bath/Shower rooms and W.C's in Relation to Number of Persons (Based on Guidance provided by the DCLG April 2006)

Number Of Persons	Number and type of facilities
1-4	<ul style="list-style-type: none"> • No wash hand basins required in sleeping rooms • At least 1 bath/shower room with wash hand basin if no wash hand basin in sleeping rooms • At least 1 W.C. with wash hand basin (this can be in the bath/shower room or in its own separate compartment)
5	<ul style="list-style-type: none"> • Where reasonably practicable wash hand basins in sleeping rooms unless a sink has been provided • At least 1 bath/shower room • At least 1 W.C. with wash hand basin (either in it's own compartment or in an additional bath/shower room)
6-10	<ul style="list-style-type: none"> • Where reasonably practicable wash hand basins in sleeping rooms unless a sink has been provided • At least 2 bath/shower rooms • At least 2 W.C.' s with wash hand basins (at least one should be in it's own compartment the other may be in one of the bathrooms)
11-15	<ul style="list-style-type: none"> • Where reasonably practicable wash hand basins in sleeping rooms unless a sink has been provided • At least 3 bath/shower rooms • At least 3 W.C.' s with wash hand basins (at least one should be in it's own compartment the other two may be in the bathrooms)

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AGENDA ITEM 12	
 <h2 style="margin: 0;">Housing Committee</h2> <h3 style="margin: 0;">2 February 2015</h3>	
Title	Approval of Further Changes to Housing Allocations Scheme
Report of	Commissioning Director, Growth and Development
Wards	All
Status	Public
Enclosures	Appendix 1- Full Draft Housing Allocations Scheme
Officer Contact Details	Cath Shaw, cath.shaw@barnet.gov.uk , 020 8359 4716 Paul Shipway, paul.shipway@barnet.gov.uk , 020 8359 4924 Chloe Horner, chloe.horner@barnet.gov.uk , 020 8359 4775

Summary
<p>The Housing Allocations Scheme sets out how the Council allocates council housing, housing association rented and private rented sector homes in the borough. Following on from the meeting on 27th October 2014, Housing Committee is asked to approve some further changes to the Scheme. These are related to the way the Council gives a preference to homeless households by placing them into a band, even if they are adequately housed in long-term temporary accommodation.</p>

Recommendation
<p>That the Housing Committee approves the proposed revisions to the Council's Housing Allocations Scheme.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 It is necessary to make amendments to the Housing Allocations Scheme to ensure that it gives appropriate preference to homeless applicants in long-term temporary accommodation, intentionally homeless households and non-priority homeless households. This follows a recent Court of Appeal Judgment

that not banding these classes of household means that they do not have preference as is required under the Housing Act 1996.

- 1.2 Currently, homeless households who are placed in long-term accommodation, intentionally homeless households, homeless households with no priority need and homeless households who refuse a reasonable offer of a property are excluded from the Scheme because they are not banded. It is now proposed that homeless households residing in long-term temporary accommodation, intentionally homeless households and non-priority homeless households are placed in band 4, as was the case prior to April 2012 when the Scheme was amended following the Localism Act with the aim of prioritising a limited supply of housing for applicants in the highest need.
- 1.3 The result of banding homeless applicants currently living in long-term temporary accommodation will increase the number of households in band 4 by approximately 2,000. However, households in band 4 are unlikely to be offered social housing due to the high demand for households in higher bands in the Scheme. However, private rented sector homes will continue to be an option.
- 1.4 The Council has consulted with Registered Providers operating in the borough on the proposal that certain homeless households are placed into band 4. No specific issues have been raised by the Registered Providers.
- 1.5 It is recommended that the Housing Committee approves the revised Scheme as set out in Appendix 1.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Following on from the 6 November 2014 Court of Appeal judgement on R (Jakimaviciute) v LB of Hammersmith & Fulham it is necessary to allow households in long-term temporary accommodation, intentionally homeless households and no priority need homeless households to be eligible for inclusion in Barnet's Housing Allocations Scheme to ensure that the Scheme is lawful.
- 2.2 Under the Housing Act 1996, local authorities have to give priority to certain statutory groups; including homeless households owed the main Homelessness Duty. Excluding homeless households as an entire group is in breach of the legislation. However, individual households may be excluded by reference to other general characteristics such as they do not meet local connection requirements or are in rent arrears.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative option is not to change the Housing Allocations Scheme. This option would leave the Council vulnerable to a successful legal challenge and therefore it is not recommended.

4 POST DECISION IMPLEMENTATION

- 4.1 Following on from approval at the Housing Committee, the Council will instruct Barnet Homes to implement the approved Scheme as soon as practically possible.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan 2013/16 includes as a priority outcome "To maintain the right environment for a strong and diverse local economy". Barnet is a popular place in which to live and has high demand for a limited supply of council and housing association housing. The Council has faced increasing costs of providing temporary accommodation to housing applicants. A key performance measure is to reduce the number of households placed in the most expensive emergency temporary accommodation to 500 per year.

- 5.1.2 The Council can offer more applicants re-housing by increasing the number of private sector properties available. This has been difficult to procure in recent years due to restrictions in local housing allowances and since the introduction of the overall benefit cap where many private sector properties are unaffordable to non-working benefit-reliant households. For 2014 the Council has introduced a performance measure to increase the number of private sector lettings to 315.

- 5.1.3 The Council is currently consulting on a draft Housing Strategy to address the challenges of a growing population, increased housing demand, and the impact of austerity, growth and regeneration on the borough. Increased housing demand is evident with higher house prices, higher rents and increased levels of homelessness and people in emergency temporary accommodation. Private rents in Barnet are beyond the reach of some low-income households and it may be necessary for them to consider moving to more affordable accommodation outside of the borough.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 About 2,000 homeless households currently adequately housed in long-term temporary accommodation will be placed into band 4 as a result of the proposed change. These households may be able to access private rented sector homes from this band but are unlikely to be offered social housing.

5.2.2 There are no additional resource implications arising out of the decision to band these households as they have already been provided with temporary accommodation by the Council.

5.3 Legal and Constitutional References

5.3.1 The Council has a duty under section 166A (14) Housing Act 1996 to allocate to social housing in accordance with a published housing allocations scheme. Section 166A (3) specifies a list of applicants, including homeless households, entitled to a degree of preference within the scheme. These are the reasonable preference categories. The Localism Act 2011 gives local authorities greater flexibility in terms of restricting access to the allocations scheme.

5.3.2 The Council's duties in respect of homeless applicants are contained in Part VII of the Housing Act 1996. The Localism Act 2011 has also allowed greater flexibility in discharging this duty by placing applicants into the private rented sector where particular requirements on property condition and location are met. These requirements are set out in the Homelessness (Suitability of Accommodation) (England) Order 2012.

5.3.3 The legal requirements of consultation under S166A (13) Housing Act 1996 have been complied with.

5.3.4 Annex A To Responsibility for Functions – "Membership and Terms of Reference of Committees and Partnership Boards" sets out the responsibilities of the Housing Committee which includes "to work with Barnet Homes, RSLs and social housing providers to ensure the optimum provision of housing and associated facilities for those who require social housing."

5.4 Risk Management

5.4.1 The Council could face legal challenges to decisions it makes under the Housing Allocations Scheme. It is therefore important to amend the Scheme from time to time in response to judgements made in the courts on the operation of housing allocations.

5.5 Equalities and Diversity

5.5.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups.

5.5.1 The proposed change will ensure that all the groups specified in Section 166A (3) of the Housing Act 1996 are given the required preference under the Council's Housing Allocations Scheme.

5.6 Consultation and Engagement

5.6.1 The Council has consulted with Registered Providers operating in the borough on the proposed change for the banding of homeless applicants. One housing association responded to the consultation in support of the proposed changes.

6 BACKGROUND PAPERS

6.1 Relevant previous decisions are listed in the table below.

Item	Decision	Link
Cabinet 10 January 2011	Decision item 6- approved the existing scheme following an extensive period of consultation.	http://barnet.moderngov.co.uk/CeListDocuments.aspx?Committeeld=120&MeetingId=317&DF=10%2f01%2f2011&Ver=2
Cabinet 4 April 2012	Decision item 5- approved revisions to the existing scheme following a 6 month review	http://barnet.moderngov.co.uk/CeListDocuments.aspx?Committeeld=120&MeetingId=6792&DF=04%2f04%2f2012&Ver=2
Delegated Powers Report 27 November 2012	Approved further minor changes in relation to the Homelessness (Suitability of Accommodation)(England) Order 2012	http://barnet.moderngov.co.uk/documents/s6674/1873%20-%20Revisions%20to%20Housing%20Allocations%20Scheme.pdf
Cabinet 24 September 2013	Decision item 7- approved amendments to the existing scheme and the introduction of a placements policy	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=7464&Ver=4
Housing Committee 30 June 2014	Decision item 6- approved draft changes to the existing scheme and approved public consultation in the proposals	http://barnet.moderngov.co.uk/documents/s15739/Proposed%20Changes%20to%20Housing%20Allocations%20Scheme%20-%20Cover%20Report.pdf
Housing Committee 27 October 2014	Decision item 8- approved the proposed revisions to Scheme following on from a period of public consultation, subject to a review of the proposal to remove the reasonable preference category in Band 1 relating to applicants who need to	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=7936&Ver=4

	move because there is a risk of violence or threat to life.	
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**barnet
homes**

working together

DRAFT

Barnet Council

**The Housing
Allocations Scheme
February 2015**

Appendix 2- full draft scheme

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Appendix 2- full draft scheme

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 match applicants to 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 advice and

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

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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.

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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

 - Fair and Flexible: Statutory guidance on social housing allocations for local authorities in England 2009
 - Localism Act 2012
 - London Housing Strategy
 - Barnet Housing Strategy.

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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.

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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.

Adult children (aged 18 and over) will not be taken into account, unless they are either in full time education and subject to applicant/partner receiving Child Benefit, or the applicant/partner receives Carer’s Allowance for them. Also, 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

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- a) Applicants who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974
- b) Applicants in breach of another condition of their Tenancy Agreement in respect of their current or former accommodation (including temporary accommodation)
- c) Applicants in breach of Section 214 of the Housing Act 1996.
- d) Applicants with lawfully recoverable arrears or other housing related debt within the meaning of this Scheme, which have been accrued through deliberate and wilful non-payment
- e) 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)
- f) 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
- g) Applicants who have refused one reasonable offer of accommodation under the terms of this Allocations Scheme, see Para 4.26
- h) 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
- i) Applicants who are overcrowded by only 1 bedroom and this is their only housing need
- j) Applicants with no residential connection to Barnet as set out at Para 3.5 (save for applicants placed in band 4 as in Para 3.4 below).

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).

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).

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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.

RESIDENTIAL CONNECTION

3.5 Residential connection within the terms of this scheme will normally mean that an applicant has lived in this borough continuously for a minimum of 5 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.

Households placed in accommodation outside of the borough by this authority in meeting its statutory duties will also have a residential connection as long as they fulfil the 5 year residential qualification. The time spent placed by Barnet in temporary accommodation outside the borough will count towards time spent in Barnet.

Residential 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 residential 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 residential connection:

- Those placed in the borough of Barnet in temporary accommodation by another borough
- 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 be placed in Band 4. 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

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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 banding assessment and residential connection. 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 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

⁵ These examples do not represent an exhaustive list.

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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. As such they will also be subject to the qualification criteria in point 3.3.
- 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

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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

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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.

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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 may be offered to applicants across bands 1-4. In the interests of maximizing the supply of properties to those in housing need and working in partnership with local landlords, landlords play a role in selecting tenants for whom their properties are suitable from a shortlist provided by Barnet Homes.
- 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. However, while the case remains open, customers will be encouraged and supported to secure their own accommodation by making use of the private rented sector incentive schemes.

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.

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

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- 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.
- 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 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 may be designated for allocation only to applicants sharing a common characteristic or need, for example:

⁷Currently known as Housing Moves

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- 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, level access accommodation
- Priority for houses will normally only be given to households in band 1 or households with children under the age of 16, unless there are exceptional circumstances approved by the head of housing options and allocated to households with children over 16.

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.

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- 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, including places of worship, 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 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.
- 4.24 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.
- 4.25 If a housing applicant refuses one reasonable offer of accommodation through the assisted choice scheme or a direct allocation, they will be removed from the banding system.
- 4.26 An applicant who has been removed from the banding system under 4.25 will not be entitled to be reconsidered for housing under this allocations scheme for a period of 2 years 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 scheme should in the first instance contact the Housing Options service and explain why they think that the decision is not reasonable. An initial review will then be undertaken of the decision to offer the applicant the property. This review will be undertaken by either the housing officer who dealt with their case or an equivalent officer.
- 5.3 The applicant will be notified whether the decision still stands and the reasons for this usually within 2 working days.
- 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.

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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 33 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. Verification of income and savings will be required prior to applicants being offered accommodation. Income assessments will take into account the incomes of both the main applicant and their partner. The income that is assessed will include both gross earned income and income from benefits (excluding disability benefits). Households will not normally be placed in a band or

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offered social housing if their total income is above the median income level for their household size in Barnet. Similarly where applicants have resources above the level set by the Council (£30,000 capital or savings) they will not normally be placed in 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

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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.

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- 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. Applicants 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 of 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 the 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

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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).

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ANNEX 1 – BARNET HOUSING BANDS

Band 1: Urgent Need to Move due to Reasonable Preference PLUS additional priority and a residential connection⁸	
	Summary Guide of Criteria⁹
<p>Emergency medical or disability Reasonable preference category S.166A(3)(d)</p>	<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 save with assistance that will result in high risk to themselves or their carer. 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.
<p>Exceptional Circumstances Welfare and Hardship Criteria Reasonable preference category S.166A(3)(e)</p>	<ul style="list-style-type: none"> • Emergency need to move determined by the Council and authorised by the Head of Housing Options or equivalent. • Applicants who are currently experiencing domestic violence in their home or have had to leave their current home to a place of safety in temporary accommodation allocated by the Council. <p>Examples of exceptional circumstance cases are given in the policy at paragraph 3.9</p>
<p>Disability need to move on</p>	<ul style="list-style-type: none"> • This is any applicant who needs to move to suitable

⁸ As defined in paragraph 3.5 of this scheme

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

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hardship grounds Reasonable preference category S.166A(3)(d)	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.166A(3)(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.166A(3)(c)	<ul style="list-style-type: none"> Tenants who are statutorily overcrowded
Acute Overcrowding Reasonable preference category S.166A(3)(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.166A(3)(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 S.166A(3)(e)	<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. 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.166A(3)(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	<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.

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S166A(3) (d) or (e)	
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Band 2 Need to move – Reasonable Preference plus Community Contribution and a residential connection¹⁰	
	Summary of Criteria
Homeless Households owed a full homeless duty under section 193(2) or 195(2). Reasonable Preference categories s166A(3) (a)	<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 s166A(3)(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 s166A(3)(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 shared accommodation will not qualify under these criteria.</p>
Medical grounds Reasonable Preference category s166A(3)(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 s166A(3) (c) and (d)	<p>Those who need to move to give or receive care that is substantial and ongoing.</p> <p>Those who need to access social services facilities, and are</p>

¹⁰ As defined in paragraph 3.5 of this scheme

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	<p>unable to travel across the Borough.</p> <p>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.</p>
Housing need due to age Reasonable Preference category s166A(3)(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 s166A(3)(c)	<p>An applicant is ready to move to independent settled housing on the recommendation of the support worker or equivalent.</p> <p>The applicant is in need of medium to long term rather than short term ongoing tenancy support.</p> <p>That support package has been assessed and is in place.</p>
Move on from Care Reasonable Preference category s166A(3)(c)	<p>A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.</p> <p>They possess the life skills to manage a tenancy including managing a rent account.</p> <p>The care leaver is in need of either a long term or medium term tenancy support.</p> <p>That support package has been assessed and is in place.</p>
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 S166A(3) (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 residential connection¹¹

Reasonable Preference categories s166A(3) (a) homeless	Applicants in this Band will have the same element of housing need / Reasonable Preference as those applicants in Band 2 BUT will <u>not</u> have the Community Contribution or Working Household award as defined section 3 part 3 of the policy. Once a
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¹¹ As defined in paragraph 3.5 of this scheme

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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 VIII) 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
- Intentionally homeless (Reasonable preference category S166A(3)(a))
- Homeless but assessed as having no priority need under the homelessness law (Reasonable preference category S166A(3)(a))
- Those in long-term temporary accommodation, including private sector tenancies let via the Council or a Housing Association, to whom a duty is still owed unless the property does not meet the needs of the household or is about to be terminated.

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.

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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.
- Unborn babies and children under the age of 1 are not considered when size of home needed is assessed
- 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)
- A couple or single parent expecting a baby is entitled to one double bedroom.
- A couple or single parents with a child under one are entitled to 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 with a child aged one or over, 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 10 or over	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

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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	

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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.

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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 worked for at least 64 hours per month for 6 out of the last 12 months. Applicants who are on maternity leave or paternity 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 64 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.

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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 qualification a person must initially access a recognised Information, Advice and Guidance (IAG) service to develop an agreed 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 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 or education must be a minimum of 64 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:

- 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

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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 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 required is 16 hours per week.

Young people referred by Children's Services (Care Leavers)


It is acknowledged that some care leavers referred by the Onwards and Upwards team may not have a positive residence history and may have difficulty in meeting the full requirements of the community contribution criteria. To help meet the Council's corporate parenting obligations and reduce the potential for care leavers remaining in temporary accommodation for long periods the requirement for a community contribution shall not apply. All young people will however continue to be encouraged to make a positive contribution and engage with employment, training and education as part of the Council's Local Tenancy Strategy.

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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	Bedrooms according to need

	<p>AGENDA ITEM 13</p> <p style="text-align: center;">Housing Committee</p> <p style="text-align: center;">2nd February 2015</p>
<p>Title</p>	<p>The commissioning and delivery of housing services and the management of the Barnet housing stock</p>
<p>Report of</p>	<p>Commissioning Director Growth and Development</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix 1, Draft Housing Services Output Specification</p>
<p>Officer Contact Details</p>	<p>Cath Shaw, Commissioning Director Growth and Development cath.shaw@barnet.gov.uk</p> <p>Claire Symonds, Commercial and Customer Services Director Claire.symonds@barnet.gov.uk</p> <p>Tim Campbell, Interim Contract Manager tim.campbell@barnet.gov.uk</p>

<h2 style="margin: 0;">Summary</h2>
<p>This report seeks approval for an extension of the current Management Agreement with Barnet Homes for a maximum of one further year subject to approval by the Homes and Communities Agency, the Social Housing Regulator.</p> <p>It also seeks approval for the development of a Delivery Plan for 2015/16.</p> <p>It provides the background to the current delivery arrangements and the context of the changed landscape since a stock options appraisal which led to the creation in 2004 of Barnet Homes, the Council's Housing Arm's Length Management Organisation (ALMO).</p> <p>It also provides an outline of the process for challenging The Barnet Group to develop fit for purpose and value for money services from October 2015 that support the long term aims of the Council. A further report on the recommended longer term arrangements will be brought to Committee later in the year.</p>

Recommendations

- | |
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| 1. That the Committee approve the extension of the Management Agreement with Barnet Homes for a further year from 1 April 2015 to 31 March 2016, subject to approval by the Social Regulator, acting on behalf of the Secretary of State. |
| 2. That the Committee approve the development with Barnet Homes of a refreshed Delivery Plan for Housing Management and Housing Options Services for 2015/16, to be submitted for Housing Committee approval in April 2015. |
| 3. That the Committee approve the approach adopted to review housing services, as set out in section 6, and receive a further report at a future meeting on the preferred option(s) for future delivery. |

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council is consulting on a new Housing Strategy setting out the outcomes and priorities which Housing Services need to meet in the future:
- Increasing the supply of houses and delivering homes that people can afford
 - Improving quality in the Private Rented Sector
 - Tackling homelessness, and providing suitable housing to support vulnerable people
 - Delivering efficient and effective services to residents
- 1.2 The Housing Committee has a target of £4.2m savings from the Housing Revenue Account during the period 2016-2020, as outlined in the Business Planning report submitted to Committee in October 2014.
- 1.3 Self-financing of the Housing Revenue Account (HRA) will mean a major investment programme in building new homes, and the Council needs to ensure that housing services have the capability and capacity to deliver this efficiently and effectively whilst continuing to manage the Council's housing stock.
- 1.4 The Council created the Barnet Homes Arm's Length Management Organisation (ALMO) to manage the Council's stock and deliver the Decent Homes programme in 2004.
- 1.5 The 10-year ALMO Management Agreement with Barnet Homes expired in March 2014. It is no longer fit for purpose as it does not reflect the commissioning model adopted by the Council, and was created primarily to deliver the government Decent Homes programme which has now finished.
- 1.6 Cabinet Resources Committee in February 2014 approved the extension of the Management Agreement for one year and the development of a Delivery Plan with The Barnet Group for housing management and housing services until March 2015.

- 1.7 The Cabinet Resources Committee in February 2014 also approved the Lead Commissioner Housing and Environment to liaise and consult with The Barnet Group and Barnet Homes on the creation of longer-term management arrangements for the Council's current 15,000 housing stock.
- 1.8 The draft Housing Strategy approved by Housing Committee in October 2014 for consultation, commits the Council to work with The Barnet Group to review the current housing management arrangements, to assess value for money and to explore options for the future delivery of services to meet the Council's strategic needs. Revised arrangements are targeted to be in place for Autumn 2015.
- 1.9 A formal interim arrangement is needed from April 2015 with a further one year Delivery Plan.

2. BACKGROUND

- 2.1 Barnet Homes is an Arm's Length Management Organisation (ALMO), a not-for-profit company, part of The Barnet Group which is wholly owned by the Council. It was established in 2004, following a stock options appraisal in accordance with government requirements, to provide a delivery vehicle to improve the condition of the Council's housing stock through the Decent Homes programme.
- 2.2 The 10-year Management Agreement with Barnet Homes was to provide the housing management service to the 11,000 tenanted and 4,000 leasehold properties owned by the Council. This included income collection, empty property management, repairs, estate cleaning and grounds maintenance.
- 2.3 In 2012, the Management Agreement was varied to include the homelessness and housing advisory services (Housing Options) that had previously been provided by the Council. Barnet Homes became part of The Barnet Group, a wholly owned local authority trading company (LATC) established as the parent company to Your Choice (Barnet), to provide services to people with learning and physical disabilities as well as to Barnet Homes.
- 2.4 In June 2013, Barnet Homes was commissioned to provide 38 new homes by March 2016 to support the Corporate Plan Objective to increase housing supply, including family accommodation and wheelchair homes. This was subsequently increased to 41.
- 2.5 The Barnet Group, Barnet Homes and Your Choice (Barnet) each have their own Board although Board meetings are run together to avoid duplication, improve communication, and challenge decision-making within the Group.
- 2.6 The Barnet Group Board consists of a Chair appointed by the London Borough of Barnet, plus 11 members including 2 Councillors appointed by the Council, and members from Your Choice (Barnet) and Barnet Homes and includes resident board members.

- 2.7 The 2014/15 Delivery Plan included a performance management framework and established a monthly performance review meeting, a quarterly strategic review group and a six-monthly partnership group meeting.
- 2.8 The fees paid to the Barnet Group for housing services in 2014/15 are shown below:

Housing Revenue Account		General Fund	
Core Management Fee	17,435,327	Housing Options Management Fee	3,010,627
Repairs & Maintenance	7,650,000	Additional Finance and HR Support	19,041
Housing Options Management Fee	1,155,323	GF FEES TOTAL	3,029,668
Additional Finance and HR Support	5,959		
HRA FEES TOTAL	26,246,609		

3. CONTEXT

- 3.1 The landscape facing the Council in 2015 is significantly changed from that in 2004. The role that housing services can play in transforming services, contributing to the strategic objectives and the financial position of the Council, and meeting the challenges of the future is different to that provided over the last 10 years.
- 3.2 Barnet Homes successfully delivered the Decent Homes stock improvements and the programme has ended. There is no longer a nationally prescribed process for the review of housing options or the decision-making in relation to the ALMO.
- 3.3 Barnet is a thriving borough, as part of a thriving London which presents significant growth opportunities for the Council, residents and businesses. However, affordable housing is the top area of concern in the last Residents Perception Survey carried out in autumn 2014 which is the downside for some of rising house prices both to buy and to rent. The headroom in the HRA therefore becomes a very significant opportunity to both support growth and provide affordable accommodation for residents in housing need.
- 3.4 The Council's draft Housing Strategy identifies that the Council will ensure that housing finances are optimised to maximise the amount of money to invest in delivering new homes. It states "we will work with Barnet Homes, our

Arm's Length Management Organisation (ALMO) to review the housing services they provide to ensure that they are cost effective and more generally fit for the future and therefore, able to deliver our wider objectives and deliver efficient and effective services to residents”.

- 3.5 The Council also has identified in its housing strategy that it wishes to explore the potential of council owned land providing for more homes, including subsidised rent. The Council will decide whether to develop using Barnet Homes, Re, or a third party developer dependent on the skills and specialisms required, and an assessment of the relative risk and reward of different options.
- 3.6 The Council's Medium Term Financial Strategy (MTFS) includes a general fund saving of £300k for 2015/16. A target has been set for a 20% reduction of management costs in the Housing Revenue Account (HRA) for the period from 2016-20. This equates to a baseline adjustment of £4.2 million and work is currently underway to identify how that can be achieved.

4. REASONS FOR RECOMMENDATIONS

- 4.1 The ending of the current 10-year Management Agreement presents an opportunity for the Council and The Barnet Group to review the role and purpose of the ALMO, and detail the potential wider social value of Barnet Homes and the LATC in delivering both the Council's housing priorities and wider Corporate Plan objectives – for example jointly working to support some of the Council's most vulnerable residents, through Welfare Reform and other projects to increase skills and employability.
- 4.2 Work has also been commissioned through the Council's Insight programme to provide further analysis of the way that housing services are accessed. This will enable a greater understanding of the linkages between customers of Barnet Homes and Your Choice Barnet, and users of other Council services to identify potential cross-over and areas for further efficiency savings.
- 4.3 The ending of the current 10-year Management Agreement also provides an opportunity for the Council to reset the value for money metrics and objectives for Barnet Homes and to review what it wants the Housing Services to deliver to meet its corporate objectives. It allows the Council to consider the most appropriate delivery model for new housing functions and services.
- 4.4 The recommendations enable a continuation of the ALMO in its current form whilst carrying out a review of the role that Barnet Homes can make in the future delivery of services. This will ensure that the Council can continue to meet its current responsibilities and will have the right arrangements in place for the future delivery of its housing priorities.

5. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 5.1 The transfer of ownership of the Council's housing stock to a suitable registered provider was considered by the Housing Working Group which met in Autumn 2014, and to which members of the Housing Committee were invited. This option is not recommended because the potential capital receipt is unlikely to be sufficient to pay off all the debt, which would present a net cost to the Council without a subsidy from the Government.
- 5.2 Stock transfer also requires a lengthy and costly process to prepare a viable offer to residents with no guarantee of a positive outcome from a ballot.
- 5.3 Barnet Homes continues to achieve high levels of satisfaction and strong support from residents and councillors, and value for money data is good. Officers therefore recommend modernisation and improvement of the Management Agreement rather than seeking alternative providers for the Housing Management and Homeless services currently provided by Barnet Homes.

6. POST DECISION IMPLEMENTATION

- 6.1 If the Committee approves the recommendations, officers will seek approval from the Homes and Communities Agency, the Social Housing Regulator, acting on behalf of the Secretary of State, for a further year's extension to the existing Management Agreement as required under Section 27 of the Housing Act.
- 6.2 Officers will also develop a 2015/16 Delivery Plan with Barnet Homes for Housing Management and Housing Options Services which support the Commissioning Priorities flowing from the draft Housing Strategy. This will be submitted for approval at the April Housing Committee.
- 6.3 Officers will work with The Barnet Group to provide a clear specification of the Housing Services to be provided in support of the Housing Strategy. A draft output specification is attached at Appendix 1 which shows the initial scope of housing services provided in the Borough with an indication of the current services provided by Barnet Homes and potential areas of challenge and exploration with the ALMO.
- 6.4 Officers will also challenge Barnet Homes through a series of workshops to demonstrate the added value that the ALMO can bring in the delivery of the specified housing services in the future.
- 6.5 The process will include:
 - assessment of the best way to package the key service areas of housing management, homelessness and new build
 - benchmarking and case studies
 - value for money review of the services delivered by the Barnet Group
 - assessment of the proposals from the Barnet Group to meet the Council's objectives
 - comparison with alternative options

6.6 Issues to consider include:

- What added value can the ALMO and the Barnet Group provide to help deliver corporate objectives with expanding HRA surpluses?
- How can the ALMO help deliver reduced costs/increased income to fund the building of new homes and ease pressures on the General Fund?
- How will the ALMO demonstrate the capability and capacity to support the delivery of the objectives in the new Housing Strategy?
- How can the ALMO and LATC meet the service requirements identified through the Council's Insight programme?
- What form should a remodelled Management Agreement take and how long for?
- What governance arrangements need to be put in place, and what are the links to Your Choice Barnet and the Local Authority Trading Company (LATC)?
- What Scrutiny arrangements need to be put in place to ensure an effective and efficient service?
- How could alternative providers help the Council achieve its objectives?

6.7 The outcome will be a revised management agreement based on the capacity to deliver the Council's strategic aims, and ability to deliver value for money, and support service integration.

6.8 An outline of the steps and timetable is given below:

Step 1	Develop Housing Services Output Specification	Jan – Feb 15
Step 2	Assess performance of Barnet Homes and benchmark against other providers	Jan – Feb 15
Step 3	Assess costs and VFM compared with other providers	Jan – Feb 15
Step 4	<p>Challenge sessions with The Barnet Group. Key Lines of Enquiry: How does the ALMO demonstrate value for money in its plans for</p> <ul style="list-style-type: none"> • improving the assets across all the housing stock? • continuous improvement in management of homelessness? • Meeting performance targets? • Resident Involvement and Scrutiny? • Contribution to wider Council Objectives? <p>What is the scope to</p> <ul style="list-style-type: none"> • Reduce duplication with Council (eg HRA Management)? • Transfer risk of homelessness? • Deliver and manage new homes? • Work in partnership with Re and Registered Providers? 	March – May 15

Step 5	Assess the options for delivering services to support the Housing Strategy and HRA Business Plan	May – June 15
Step 6	Report to Housing Committee setting out scope and Heads of Terms for new Management Agreement with Barnet Homes and / as appropriate with any additional housing partner.	June 15
Step 7	Develop the preferred option(s) <ul style="list-style-type: none"> • Objectives • Legal Clauses • Specification • Governance Arrangements • Review Mechanisms • Change Procedures • Payment Mechanism • Performance Framework Undertake consultation on preferred options as required.	June 15 onwards
Step 8	New Agreements finalised	Oct 15

7. IMPLICATIONS OF DECISION

7.1 Corporate Priorities and Performance

7.2 As a not-for-profit company fully-owned by the Council, the ALMO provides the benefit of management focused on housing services, a commitment to resident involvement, strong links with the local area, a fixed geographical focus, and close partnership working with the Council and other stakeholders.

7.3 Barnet Homes has successfully delivered improvements to the stock and services, whilst ensuring that any surpluses in its operating budgets are available to return to the Council.

7.4 The inclusion of the housing options service has enabled the provision of a more holistic and customer-focused housing services for those who are most in need and support for young people and households to become more independent, a key element of the Corporate Plan priority to support families and individuals that need it.

7.5 Barnet Homes and the Barnet Group are in a potentially pivotal position to transform services to contribute to the strategic objectives and the financial position of the Council.

7.6 Opportunities exist for Barnet Homes to be more involved in complementary policy agendas building on the existing joint working with the Council on welfare reform. This includes help into work, digital inclusion, health and social care, as well as potentially offering out their management services for

example into private rented stock and building new properties either alone or as part of a joint venture. This could make a crucial contribution to Council priorities in the future.

7.7 The challenges are the need to deliver efficiencies and value for money within a balanced Housing Revenue Account, to maintain and improve existing services, to support general fund savings, and to demonstrate suitable capacity and skills within the ALMO to deliver the Council's housing priorities for the future.

7.8 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

7.9 Barnet Homes currently receive £26,246,609 from the HRA and £3,029,688 from the General fund to cover their management costs. These costs are sufficiently covered by budget.

7.10 Barnet Homes has made a commitment to reduce their general fund management costs by £300k in 15/16.

7.11 **Legal and Constitutional References**

7.12 The Local Authority has duties to assist and accommodate certain homeless applicants under Part VII Housing Act 1996. It also has a duty to allocate properties under its allocations scheme (either into social housing or into the private sector) under Part VI Housing Act 1996 and to manage its social housing stock as a landlord. Such responsibilities are delegated to the Barnet Group.

7.13 The Constitution, Annex A To Responsibility for Functions - Membership and Terms of Reference of Committees and Partnership Boards' sets out the responsibilities of the Housing Committee which includes responsibility for "Housing strategy (incorporating homelessness strategy), Work with Barnet Homes, RSLs and social housing providers to ensure the optimum provision of housing and associated facilities for those who require social housing and To approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources."

7.14 **Risk Management**

7.15 There is currently a risk that without a formal arrangement in place for the delivery of Housing Services, the ALMO could be operating outside of the terms of the original agreement as approved by the Secretary of State, confidence will reduce in business planning for the medium to longer term, and Barnet Homes could face challenges on its decision-making powers.

7.16 The extension of the current Management Agreement for a further year will enable stability while providing a platform for the development of longer term arrangements. A 2015/16 Delivery Plan will ensure fit for purpose interim

arrangements.

7.17 The use of the corporate project management methodology will ensure that project risks are properly recorded and managed.

7.18 The review will include an assessment of risks of the alternative options, which will be taken into account when the preferred option is proposed.

7.19 **Equalities and Diversity**

7.20 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups

7.21 The Barnet Group operates an equalities strategy which fully supports the Council's equalities aims and principles.

7.22 The aims of the review include providing support to vulnerable people.

7.23 Equalities Impact Assessments will be included as part of the corporate project management methodology.

7.24 **Consultation and Engagement**

7.25 It is proposed at this stage, that this is an officer review, leading to a clear preferred option for recommendation to Committee members in June 2015.

7.26 The outcomes from the review will determine the nature and extent of the consultation and engagement required.

8. BACKGROUND PAPERS

8.1 Cabinet Resources Committee February 2014, Management Agreement with The Barnet Group:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=7520&Ver=4>

8.2 Housing Committee 27th October 2014, Draft Housing Strategy :
<https://barnetintranet.moderngov.co.uk/documents/s18649/Appendix%201%20-%20Draft%20Housing%20Strategy%202015.pdf>

Appendix 1

Draft Housing Services Output Specification

1. Housing Management – Social and Affordable Housing

Current Services <i>Include:</i>	Challenge for Barnet Homes
<ul style="list-style-type: none"> • Tenancy Management • Leasehold Management • Repairs and Maintenance • Enquires New Tenancies • Voids and empty property management • Right to Buy • Management of Sheltered and Older persons housing • Management of the Assist Scheme and floating support and Complaints • Decanting • Procurement • Tenancy Strategy • Shared ownership • Resident Engagement 	Test Plans for improvement, delivering savings and providing Value for Money
<ul style="list-style-type: none"> • Estate Management 	Test Scope for Economies of Scale
<ul style="list-style-type: none"> • Finance 	Test if duplication with other Delivery Units
<ul style="list-style-type: none"> • Management of other assets 	Test scope of services - appropriate mix of assets
<ul style="list-style-type: none"> • Management of newly built or acquired affordable short hold leased properties 	Test scope and plans for delivering Value for Money

2. Housing Management – Private Rented

New Service	Challenge
<ul style="list-style-type: none"> • Management of newly built or acquired private rented properties as required by the Council. 	Test most appropriate provider

3. Housing Options Service

Current Services <i>Include:</i>	Challenge for Barnet Homes
<ul style="list-style-type: none"> • Advice and Options • Homeless Preventions • Homeless Assessment including statutory responsibility • Administration of Allocations scheme • Out of Hours and emergency assessment • Appeals and Reviews • Procurement and Management of Temporary Accommodation including income management • Enquiries and Complaints • Reporting • Business Continuity • Equalities • Safeguarding 	Test Plans for improvement, delivering savings and providing Value for Money
<ul style="list-style-type: none"> • Demand and Supply Modelling • Strategic Planning of future TA pressures 	Test scope of services - appropriate mix

4. Development Agency Services

Current Services For small HRA infill sites on existing estates	Challenge for Barnet Homes
<ul style="list-style-type: none"> • Delivery Plan • Site identification • Scheme Feasibility • Grant Funding • Land/Property Acquisition • Project Gateway Process • Design Team • Design and Planning approval • Procurement • Contract Management • Handover and Defects Liability Period. 	Test Plans for improvement, delivering savings and providing Value for Money
New Service	Challenge
<ul style="list-style-type: none"> • For larger and more specialist services and schemes on GF land. 	Test most appropriate provider

New Service	Challenge
<ul style="list-style-type: none"> Registered Provider 	Test if appropriate for Barnet Group to gain RP status

5. Community Development Services

Current Services	Challenge for Barnet Homes
<ul style="list-style-type: none"> Welfare Reform Area based community development (campaigns/initiatives) activities (Loveburntoak) Skills and employment programs and courses Apprenticeships for Council tenants Capacity building community groups and resident associations to become self-reliant and financially independent (Loveburntoak) Digital and financial inclusion programs Community Development within regeneration, coordinating stakeholder engagement (West Hendon, Dollis Valley, Grahame Park) Mentoring and coaching programs for Council tenants Advisory service to the Council on all aspects related to community development taking place across Barnet Shaping of community assets and identifying prospective groups to take on the management Work experience programs for Council tenants 	<p>Test the use of the landlord functions to assist residents to improve their skills and prospects for employment, and improve health and educational outcomes in liaison with voluntary and private sectors.</p> <p>Test the opportunities to use housing services as a platform for community development and other social goals (for example participation in the Benefits Cap Task Force, community safety).</p> <p>Test Plans for improvement, delivering savings and providing Value for Money</p>

6. Housing Strategy and Policy

Current Services	Challenge for Barnet Homes
<ul style="list-style-type: none"> Supporting the delivery of a housing strategy Homeless and TA Action Plan Provide data as required Asset Management strategy Housing Policy input Support the Commissioning Group 	Test Plans for improvement, delivering savings and providing Value for Money

Current Services	Challenge for Barnet Homes
<ul style="list-style-type: none"> • Providing the strategic function for Housing Services 	Test the balance of tasks between Re, Barnet Homes and LBB

7. Private Sector Housing

Current Services	Challenge for Barnet Homes
<ul style="list-style-type: none"> • Stock Condition • Empty Homes • Regulation and Control • Houses in Multiple Occupation 	Understand the interface for rented out leasehold properties on estates between BH landlord function and Re Environmental Health.

8. Housing Finance

Current Services	Challenge for Barnet Homes
<ul style="list-style-type: none"> • HRA Management • GF Management 	Review services for duplication between BH and CSG and potential efficiencies.



Housing Committee
2nd February 2015

Title	Fees and Charges: Environmental Health – Private Sector Housing
Report of	Cath Shaw – Commissioning Director - Growth and Development
Wards	All
Status	Public
Enclosures	Appendix A
Officer Contact Details	Belinda Livesey, belinda.livesey@barnet.gov.uk 020 8359 7438

Summary

This report recommends, in accordance with the Constitution, the fees and charges under this Committee’s remit to be considered by the Committee prior to being presented to the Policy and Resources Committee for approval.

Recommendation

That the Housing Committee consider and recommend the fees and charges set out in Appendix A to this report to be presented to Policy and Resources Committee for approval.

1. WHY THIS REPORT IS NEEDED

- 1.1 Fees and charges are considered annually to comply with legislative changes, to take into account inflation (where applicable), the cost of service provision and any new opportunities to improve the service offered to the residents and service users. This report presents the proposed fees and charges for the coming financial year for those that fall within the remit of this committee. Any fees and charges which are not being increased by more than the rate of inflation are not included within this report as their approval method is different.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The review of fees and charges is good practice and is undertaken annually, for reasons such as ensuring that the cost of providing services are being recouped as appropriate. For those fees and charges that will be levied on the services provided by Re, the Council and Re have undertaken an audit of the fees and charges proposed and have updated, deleted or added fees as appropriate.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative is to not review the fees and charges and adjust them (or add new ones if appropriate) but this is not good practice and could result in a failure to recover or to over recover costs of provision of the service.

4. POST DECISION IMPLEMENTATION

- 4.1 If the fees and charges recommended are agreed then these will be submitted with a report to the Policy and Resources Committee for approval, in accordance with Constitutional requirements.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The proposed fees and charges will help towards the financial strategy and to ensure costs are being recovered where appropriate.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The proposed fees and charges schedule will aid Regional Enterprise to meet the financial challenges that the Council is facing, which will in turn benefit the residents of the Borough.
- 5.2.2 The proposed changes have been reviewed by finance for both the proposed level to be charged and VAT implications. This is in line with good practice of reviewing fees and charges on a regular basis.

5.3 Legal and Constitutional References

- 5.3.1 Local authorities have a variety of powers to charge for specific statutory services set out in statute. The Local Government Act 2003 also provides a power to trade and a power to charge for discretionary services, the latter on a costs recovery basis. Discretionary services are those that a local authority is permitted to provide under statute but is not obliged to do so. The power to charge for discretionary services is not available to local authorities if there is a statutory duty to provide the service or if there is a specific power to charge

for it or if there is a prohibition on charging.

- 5.3.2 Additionally the Localism Act 2011 provides local authorities with a general power of competence that confers on them the power to charge for services but again subject to conditions/limitations similar to those noted above.
- 5.3.3 Where authorities have a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard, however delivery beyond that point may constitute a discretionary service for which a charge could be made.
- 5.3.4 There is a variety of legislation permitting charging for different services, some which set prescribed fees and charges (or the range of charges for a given service), and others which allow discretion based on costs of providing the service.
- 5.3.5 In the Constitution, Annex A, Responsibility for Functions - Membership and Terms of Reference of Committees and Partnership Boards' sets out the responsibilities of the Housing Committee which includes "All matters related to Private sector Housing including Disabled Facility Grants" and "Housing licensing and housing enforcement", as well as to "Develop fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee" and "to submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable."
- 5.3.6 The Financial Regulations in the Constitution at paragraphs 4.1.1 and at 4.3.8 note that fees and charges must be approved by the Policy & Resources Committee, and that Policy and Resources Committee must approve changes to fees and charges that are significantly different from inflation, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle. It is also noted at 4.3.9 that Chief Officers are able to approve changes to fees and charges annually where the change is broadly in line with inflation.

5.4 Risk Management

- 5.4.1 The increases in fees and charges are necessary to offset rising costs, and to help towards the financial challenges faced by the council.
- 5.4.2 Increasing fees and charges always poses an element of risk around the proportionate level of increase, when compared to the resident's ability to pay. Every effort has been made to manage the charge increase to an appropriate level based on costs; however some element of reputational risk will remain.

5.5 Equalities and Diversity

- 5.5.1 The 2010 Equality Act outlines the provisions of the Public Sector Equality Duty which requires public authorities and organisations acting on their behalf to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

5.5.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

5.5.3 There is no equalities data on the persons who would be in receipt of the services contained in Appendix A to this report. The fees have been calculated to reflect actual costs and are therefore above inflation, however the increase is not considered to be excessive and it is considered that any impact would be minimal and is not likely to affect one group any more than any other or anyone else. An initial equalities impact assessment (EqIA) did not find that a full EqIA would be required as no adverse impact issues on any protected groups were indicated.

5.5.4 The increases in fees and charges will enable resourcing to be made available to ensure that these services and information on how to receive assistance, is easily accessible and is also promoted through a variety of different communication channels.

5.5.5 The outcomes and impact of these changes and equality data will be monitored to ensure that different groups are not adversely affected.

5.6 Consultation and Engagement

5.6.1 As in previous years, all fees and charges will be published on Engage Barnet, Barnet's Citizen Space for public consultation which will happen between the 26th January 2015 and 20th February 2015, and the results presented to the Policy and Resources Committee on 23rd March 2015.

6. BACKGROUND PAPERS

6.1 Policy and Resources Committee, 10th June 2014, decision item 6.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=7856&Ver=4>

Appendix A

Environmental Health Fees and Charges – Private Sector Housing

Area	Service	Description of Charge	UNIT	Subject to VAT	(a) Current charge excluding VAT	(b) Proposed charge excluding VAT
Environmental Health						
Housing Act 2002						
Re	Environmental health	Service of an Improvement Notice	Each	VAT not applicable	£406.93	£460.00
Re	Environmental health	Service of a Suspended Improvement Notice	Each	VAT not applicable	£448.58	£507.00
Re	Environmental health	Service of a Prohibition Order	Each	VAT not applicable	£350.70	£394.00
Re	Environmental health	Service of a Suspended Prohibition Order	Each	VAT not applicable	£386.10	£436.00
Re	Environmental health	Service of an Emergency Prohibition Order	Each	VAT not applicable	£350.70	£394.00
Re	Environmental health	Service of a Demolition Order	Each	VAT not applicable	£75.00	£82.00
Mandatory HMO Licensing						
Re	Environmental health	New Licence fee up to 5 units of accommodation (paper application)	Per HMO	VAT not applicable	New fee	£989
Re	Environmental health	Assisted New Licence fee up to 5 units of accommodation (paper application)	Per HMO	VAT not applicable	New fee	£1179
Re	Environmental health	New Licence fee up to 5 units of accommodation (on-line application - when available)	Per HMO	VAT not applicable	New fee	£940
Re	Environmental health	Assisted New Licence fee up to 5 units of accommodation (online application)	Per HMO	VAT not applicable	New fee	£1131
Re	Environmental health	Renewal Fee up to 5 units of accommodation (paper application)	Per HMO	VAT not applicable	New fee	£894
Re	Environmental health	Assisted Renewal fee up to 5 units of accommodation (paper application)	Per HMO	VAT not applicable	New fee	£1,085
Re	Environmental health	Renewal Fee up to 5 units of accommodation (online application)	Per HMO	VAT not applicable	New fee	£846

Re	Environmental health	Assisted Renewal Fee up to 5 units of accommodation (online application)	Per HMO	VAT not applicable	New fee	£1036
Re	Environmental health	Fee associated with an abortive visit	Per HMO	VAT not applicable	New fee	£71.00
Re	Environmental health	Each extra unit of accommodation over 5 units (assuming a standard fee is for up to a 5 room HMO)	Per unit	VAT not applicable	New fee	£24.00
Re	Environmental health	Licence holder changing nominated manager (manager has to complete a Fit & Proper Person declaration)	Per request	VAT not applicable	£65.00	£83.00



Housing Committee

2 February 2015

Title	Assistance to Council Leaseholders in Receipt of Major Works Bills
Report of	Commissioning Director, Growth and Development
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Cath Shaw, cath.shaw@barnet.gov.uk , 020 8359 4716 Jacky Nelson, jacky.nelson@barnethomes.org , 020 8359 5229 Chloe Horner, chloe.horner@barnet.gov.uk , 020 8359 4775

Summary

A comprehensive range of payment options was introduced in 2009 to assist leaseholders in Council blocks in receipt of service charge bills in addition to the existing Statutory Right To a Loan provision. Options included discretionary loans being offered to all leaseholders and a prompt payment discount of 2.5% against major works invoices paid within 28 days of billing. Since 2012 the programme of works, including electrical rising mains, fire safety and cold water storage system works, estate improvements and cyclical works have meant that many leaseholders are receiving one or more major works service charge invoices in the region of £3,000 to £35,000 within a relatively short period of time. Approval is now being sought to consolidate charges; amend the repayment arrangements and the terms of the discretionary loans to include longer periods of interest free instalments for both resident and some non-resident leaseholders. This will ensure that Barnet Homes can offer choice and flexibility to Council leaseholders in the payment of major works bills.

Recommendations

That the Committee approve an amendment to the repayment arrangements for service charges and to the terms of discretionary loans being offered by the council to resident and some non-resident leaseholders across the borough as detailed in paragraphs 1.6 and 1.7.

1. WHY THIS REPORT IS NEEDED

- 1.1 Under the terms of their lease, Council leaseholders have to pay a proportion of Barnet Council's costs in maintaining the building and estate. This covers the structure of the building (this includes windows and doors to individual dwellings where there is not a Deed of Variation in place demising this responsibility to the leaseholder), the outside and all the shared (communal) areas. Council leaseholders contribute towards the cost of services and day-to-day repairs by paying a yearly service charge and have to pay separate ad hoc bills for any major works carried out. Major works are often large-scale and expensive projects designed to maintain properties and the estate to a good standard.
- 1.2 The mandatory Right to a Loan scheme enables Council leaseholders to apply to the Council in the first 10 years of their lease for a loan to help them pay service charge bills. In reality, the mandatory scheme has hardly been used because for this scheme, local authorities are required to charge the Council's consolidated interest repayment rate which has generally been much higher than rates offered by high street lenders.
- 1.3 In a standard private sector leaseholder- freeholder arrangement the leaseholder will normally have to pay service charges upfront when a bill is raised or sometimes in quarterly instalments. There is no interest free loan or extended period for a leaseholder to pay in instalments on large major works bills. Leaseholders are expected to budget for the additional charges when they purchase the dwelling.
- 1.4 However, the Council through Barnet Homes offers greater choice and flexibility to leaseholders through additional incentives to resident Council leaseholders to assist them in paying major works bills. The options include discretionary loans being offered to all leaseholders. A prompt payment incentive was also introduced allowing leaseholders a discount of 2.5% against major works invoices paid within 28 days of billing. In the 5 years since extended-term payment arrangements were made available to leaseholders, 1481 leaseholders have received 2 or more high value major works bills.
- 1.5 The current repayment options are highlighted in the table below.

Level of charges	Payment options
Charges under £3,000	12 months interest free by monthly direct debit.
Charges between £3,001 and £5,000	24 months interest free credit
Charges between £5,001 and £7,500	24 month interest free plus a further 12 months with interest at local interest rate (variable not fixed) <i>Offered as Discretionary loan</i>
Charges between £7,501 and £15,000	24 months interest free plus a further 36 months with interest at local interest rate

	(variable not fixed) <i>Offered as Discretionary loan</i>
Charges over £15, 001	24 months interest free plus a further 96 months with interest at local interest rate (variable not fixed) <i>Offered as Discretionary loan</i>
A Statutory Right to a Loan of up-to £35,000 is available during the first 10 years of a Right to Buy Lease for between 36 to 120 months with interest charged a local variable rate	

1.6 It is recommended that the following assistance is given to resident leaseholders:

Level of charges	Payment options
Consolidating charges (i.e. where several projects are billed within a relatively short period of time)*	This is already being allowed informally where the circumstances demand.
Charges under £3,000	12 months interest free by monthly direct debit – with the option to extend to 24 months in extreme circumstances.
Charges between £3,001 and £5,000	24 months interest free credit – with the option to extend to 36 months in extreme circumstances.
Charges between £5,001 and £7,500	48 months interest free) <i>Offered as Discretionary loan</i>
Charges between £7,501 and £15,000	60 months interest free <i>Offered as Discretionary loan</i>
Charges over £15, 001	48 months interest free plus a further 72 months with interest at local interest rate (variable not fixed) <i>Offered as Discretionary loan</i>
A Statutory Right to a Loan of up-to £35,000 is available during the first 10 years of a Right to Buy Lease for between 36 to 120 months with interest charged a local variable rate	

1.7 It is recommended that individual non-resident leaseholders who can demonstrate severe financial hardship may benefit from:

Level of charges	Payment options
Charges between £3,000 and £5,000	24 months interest free credit
Charges between £5,001 and £7,500	24 months interest free plus a further 12 months with interest at local interest rate (variable not fixed) <i>Offered as Discretionary loan</i>
Charges between £7,501 and £15,000	24 months interest free plus a further 24 months with interest at local interest rate (variable not fixed) <i>Offered as Discretionary loan</i>
Charges over £15,001	24 months interest free plus a further 36 months with interest at local interest rate (variable not fixed) <i>Offered as Discretionary loan</i>
A Statutory Right to a Loan of up-to £35,000 is available during the first 10 years of a Right to Buy Lease for between 36 to 120 months with interest charged a local variable rate	

2 REASONS FOR RECOMMENDATIONS

- 2.1 As a responsible freeholder the Council through Barnet Homes wishes to offer greater choice so that council leaseholders have the flexibility to pay large bills in more affordable instalments as well as the option to pay up front and receive a 2.5% discount.
- 2.2 The payment options currently available to the leaseholders in Council blocks have not been reviewed since 2009 when they were introduced to assist with the payment of invoices connected to the Decent Homes programme. Since 2012 it has been necessary to carry out a programme of health and safety works and cyclical works across the Council's housing stock.
- 2.3 Therefore leaseholders have continued to receive one or more invoices in the region of £3,000 to £35,000. The recommendations aim to alleviate the financial burdens of these leaseholder charges, improve customer relations, reduce the need for service charge debt recovery action using legal redress and the occurrence of bad debts.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative option for the recommendation is to take no action and leave the payment options in their current form. Such inaction would not alleviate the financial burden placed on the leaseholders and would undoubtedly lead to an increase in non-payment and bad debts. Furthermore, the Council and Barnet Homes would lose the opportunity to increase leaseholder customer satisfaction.

4 POST DECISION IMPLEMENTATION

- 4.1 Barnet Homes will use management information to assess the effectiveness and appropriate application of the payment options so that:
 - i. there is a review the financial impact of the policy on the organisation on an on-going basis
 - ii. there is assurance that the policy is consistently and appropriately applied
 - iii. the impact of the policy on customer opinion and satisfaction is monitored.
 - iv. there is the provision of information that allows benchmarking with other registered social landlords

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The extension of major works repayment options to leaseholders form a part of the Corporate Plan 2013 to 2016 priority “To maintain the right environment for a strong and diverse local economy”. The strategic objective under this priority is to sustain Barnet by “promoting growth, development and success across the borough”. This will be done through assisting with the sustainability and affordability of home ownership.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The extension of payment options will have minimal impact on the Housing Revenue Account as all costs will be repaid but over a longer period of time. Once the loans reach the interest bearing period the local authority interest rate is applied offsetting the cost to the Council.

5.2.2 In summary, the proposed payment option will impact purely on the Council’s cash-flow with a loss of potential income that could be earned on the cash funds if they were not utilised as working capital. As a reduced amount of cash will be collected annually, it will increase the Council’s arrears figure at a point in time and has a higher risk of becoming a bad debt as it is paid over a longer period of time. A higher risk of bad debt means that there is an increased likelihood that the debt will not be paid and will be written off by the Council. This risk increases if bad debt is paid over a longer period of time.

5.2.3 The main impact will be for leaseholders with major works charges of over £5,001 (charges that are lower than this will continue to receive interest-free credit). This is a small proportion of the total bills. Therefore the loss in the cash-flow and any opportunity cost of using the cash to build more homes will be minimal.

5.3 Legal and Constitutional References

5.3.1 The local authority has discretion in relation to the level of works charges it seeks under the lease and this is also supported by the general power of competence in Section 1 of the Localism Act 2011.

5.3.2 The works referred to within the report will be handled by Barnet Homes and are part of a wider 10-year OJEC procured qualifying long term agreement for maintenance works.

5.3.3 The Council’s Constitution (Responsibly For Functions, Annex A) gives specific responsibility to the Housing Committee to work with Barnet Homes, RSLs and social housing providers to ensure the optimum provision of housing and associated facilities for those who require social housing. Constitution, Responsibility for Functions, Section 4.6 – Functions delegated

5.4 Risk Management

- 5.4.1 Although leaseholders are obliged to contribute towards the overall cost of capital works on their blocks and make payments according to the time scales specified within their lease, there is a risk that bad debts will be incurred increasing service charge recovery action and also the risk of reduced leaseholder satisfaction.
- 5.4.2 The risk will be mitigated by extending payments options available to council leaseholders.
- 5.4.3 If essential works are not carried out on these properties there may be health and safety risks, such as:
- To life and limb i.e. from fire or Legionella
 - Serious damage to the structure of the property, for example serious roof defects
 - To the security of the property
 - To the wellbeing of residents, for example serious lift defects or failures
 - Total power outage that would necessitate a lengthy decant (as happened at Upper Fosters in 2012).

5.5 Equalities and Diversity

- 5.5.1 Demographic analysis has shown that council leaseholders from all ethnic groups are similarly represented in arrears analysis where outstanding balances are above £1,000. There is a small increase in the proportion of leaseholders from ethnic minority groups as the outstanding balances increase above £2,500.

5.6 Consultation and Engagement

- 5.6.1 Barnet Homes have reviewed the offer in the light of requests from leaseholders and ward councillors and also taking into consideration the repayment options offered by other London based councils/ ALMOs.

6 BACKGROUND PAPERS

- 6.1 Delegated Powers Report number 820 dated 20 July 2009 approved Discretionary service charge loans and prompt payment discount to Council leaseholders in respect of major works service charges.
- 6.2 Cabinet Resources Committee: Cabinet member for Community Services dated 2 November 2009 approved Major works service charges for Council leaseholders.

AGENDA ITEM 16



Housing Committee
2 February 2015

Title	Housing Committee Work Programme
Report of	Commissioning Director- Growth and Development
Wards	All
Status	Public
Enclosures	Appendix A - Committee Work Programme February 2015 to May 2015
Officer Contact Details	Faith Mwende, Faith.Mwende@Barnet.gov.uk , 020 8359 4917

Summary

The Committee is requested to consider and comment on the items included in the 2014/15 work programme

Recommendation

That the Committee consider and comment on the items included in the 2014/15 work programme

1. WHY THIS REPORT IS NEEDED

- 1.1 The Housing Committee Work Programme 2014/15 indicates forthcoming items of business.
- 1.2 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.
- 1.3 The Committee is empowered to agree its priorities and determine its own schedule of work within the programme.

2. REASONS FOR RECOMMENDATIONS

- 2.1 There are no specific recommendations in the report. The Committee is empowered to agree its priorities and determine its own schedule of work within the programme.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 Any alterations made by the Committee to its Work Programme will be published on the Council's website.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Committee Work Programme is developed in accordance with the Council's strategic objectives and priorities as stated in the Corporate Plan 2013-16.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Terms of Reference of the Housing Committee are set out in the Constitution, Responsibility for Functions, Annex A.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 None in the context of this report.

5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 None

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**London Borough of Barnet
Housing Committee Work
Programme
January 2015 - May 2015**

Contact: Faith Mwende, Faith.Mwende@Barnet.gov.uk, 020 8359 4917

Subject	Decision requested	Report Of	Contributing Officer(s)
2 February 2015			
The commissioning and delivery of housing services and the management of the Barnet housing stock	To review management agreements for the commissioning and delivery of housing services including the approval of the Barnet Group Management Agreement 2015/16 for management of the Barnet housing stock	Commissioning Director, Growth and Development	Commercial and Customer Services Director
Empty Properties Task and Finish Group Follow Up	To consider a 12-month update report, including an implementation action plan, from officers on the approved recommendations of the Empty Properties Task and Finish Group.	Commissioning Director, Growth and Development	Private Sector Housing Manager (Re)
Annual Review of Council Dwelling Rents and Service Charges for 2015/16	To approve recommendations relating to the Annual Review of Council Dwelling Rents and Service Charges for 2015/16	Commissioning Director, Growth and Development	Director of Growth & Development, The Barnet Group
Approval of Further Changes to Housing Allocations Scheme	To approved the revised Housing Allocations Scheme following a period of public consultation	Commissioning Director, Growth and Development	Housing Strategy and Business Improvement Manager (Re)
Review of Regulation of Houses in Multiple Occupancy in Barnet Following Consultation	To approve a Houses in Multiple Occupancy (HMO) licensing scheme following a period of public consultation	Commissioning Director, Growth and Development	Private Sector Housing Manager (Re)

Subject	Decision requested	Report Of	Contributing Officer(s)
Assistance to Council Leaseholders in Receipt of Major Works Bills	To approve an amendment to the repayment arrangements for service charges and to the terms of discretionary loans being offered by the council to resident and some non-resident leaseholders across the borough	Commissioning Director, Growth and Development	Housing Strategy and Business Improvement Manager (Re)
Fees and Charges: Environmental Health - Private Sector Housing	Housing Committee Fees and Charges	Commissioning Director, Growth and Development	Assistant Director - Regulation and Network Management Business Performance & Development Manager
22 April 2015			
Housing Strategy	To approve the revised Housing Strategy following a period of public consultation	Commissioning Director, Growth and Development	Head of Strategy and Performance (Re), Housing Strategy and Business Improvement Manager (Re)

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