

MEETING

HOUSING COMMITTEE

DATE AND TIME

MONDAY 23RD OCTOBER, 2017

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF HOUSING COMMITTEE (Quorum 3)

Chairman: Councillor Tom Davey
Vice Chairman: Councillor Shimon Ryde BSc (Hons)

Daniel Thomas
Melvin Cohen
Bridget Perry

Ross Houston
Adam Langleben
Kath McGuirk

Tim Roberts

Substitute Members

Maureen Braun
Charlie O-Macauley

Richard Cornelius
Arjun Mittra

Peter Zinkin
Jim Tierney

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is 18 October 2017 at 10AM. Requests must be submitted to Jan Natynczyk 020 8359 5129 Email: jan.natynczyk@barnet.gov.uk

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

Andrew Charlwood – Head of Governance

Governance Service contact: Jan Natynczyk 020 8359 5129 Email: jan.natynczyk@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the Previous Meeting	5 - 10
2.	Absence of Members	
3.	Declarations of Members Disclosable Pecuniary Interests and Non-Pecuniary Interests	
4.	Report of the Monitoring Officer (if any)	
5.	Public Questions and Comments (if any)	
6.	Members' Items (if any)	
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17.	Any Other Items that the Chairman Decides are Urgent	
18.	Motion to Exclude the Press and Public	
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Decisions of the Housing Committee

26 June 2017

Members Present:-

AGENDA ITEM 1

Councillor Tom Davey (Chairman)
Councillor Shimon Ryde (Vice-Chairman)

Councillor Daniel Thomas
Councillor Melvin Cohen
Councillor Bridget Perry
Councillor Arjun Mittra
Councillor Ross Houston
Councillor Adam Langleben
Councillor Kath McGuirk

Apologies for Absence

Councillor Tim Roberts

1. CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting. He explained that the meeting was being recorded and that the running order had been changed with the Grenfell Tower item being discussed first in tandem with the questions and public speakers on this item.

2. MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting held on 8 February, 2017 be agreed as a correct record, subject to Councillor Houston's interest being amended from 'Barnet Homes Board' to 'Barnet Group Board'.

3. ABSENCE OF MEMBERS

Councillor Roberts, with Councillor Mittra acting as his substitute.

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

Member	Interest
Councillor Mittra	Non-pecuniary interests in the following agenda items: 6. Members Items – Barnet Homes Tenant and works for Andrew Dismore who serves on Emergency Fire and Planning Advisory Group; 7. Housing Commissioning Plan - Barnet Homes Tenant and employed by GLA; 8. Barnet Homes Delivery Plan – Barnet Homes Tenant and employed by GLA;

	<p>9. Best Practice in Regeneration – employed by GLA; 10. Local Lettings Policy – employed by GLA; 11. Key Worker Housing – Employed by GLA; 12. Private Sector Housing Financial Assistance Policy – Employed by GLA.</p>
Councillor Houston	Declared a non-pecuniary interest in all items to be considered, as Council appointed representative on Barnet Group Board.
Councillor Langleben	Declared a non-pecuniary interest in Item 8 relating to Barnet Homes Delivery Plan, as a co-owner of a property he lived in.
Councillor McGuirk	Declared non-pecuniary interests in agenda item 6 (Members Items) and agenda item 14 (Urgent Business – Grenfell Tower), as a social housing tenant and also that her daughter was a Barnet Homes Tenant

5. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

6. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

The Committee received the list of public questions, all in relation to the Urgent Business Item on Grenfell Tower, noted the answers and noted the Chairman’s responses to supplementary questions.

7. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT - GRENFELL TOWER

Prior to this item being considered, the Chairman thanked Barnet Council and Barnet Homes Officers for all their hard work on this matter.

Cath Shaw, Deputy Chief Executive, stated that this report set out fire safety arrangements for residential accommodation in Barnet and specific measures that the Council and Barnet Homes were taking in response to the tragic fire at Grenfell Tower earlier this month.

Members raised several issues for Officers to action outside of the formal Committee process, but also requested that there be a progress report back to this Committee, with a special meeting being convened, if necessary, on Fire Brigade consultation, fire wardens, assisting vulnerable tenants and the situation relating to contractors.

RESOLVED

1. That the Committee note the contents of this report and appendix, and in particular that all Barnet Homes properties have up to date Fire Risk Assessments and comply with fire safety legislation, and the decision to remove cladding on three tower blocks at Granville Road;
2. That the Committee instructs Barnet Homes to carry out a review of fire safety measures in the Council's twenty eight high rise blocks to identify any measures that are required to move beyond legislative compliance to deliver best practice in fire safety including the consideration of sprinkler systems, improved fire and smoke alarm systems and other measures;
3. That the Committee agrees that, subject to agreement by Policy and Resources Committee on 27th June, an initial £10 million is allocated from the Council's Housing Revenue Account to meet the cost of fire safety improvements;
4. That the Committee delegates authority to the Deputy Chief Executive in consultation with the Chairman of the Committee to approve a programme of fire safety enhancement works with an initial budget of up to £10m, to begin as soon as practical;
5. That the Committee requests that a report is brought to its next meeting with an update on delivery of the programme; and further requests that if measures identified exceed £10m that the further report makes proposals for extending the programme beyond the initial allocation.
6. That the Committee instructs officers to revise the Housing Revenue Account 30 year business plan to accommodate this programme of fire safety enhancements, for approval at the next meeting of the Committee;
7. That there be a progress report back to this Committee, with a special meeting being convened, if necessary, on Fire Brigade consultation, fire wardens, assisting vulnerable tenants and the situation relating to contractors.

8. MEMBERS' ITEMS (IF ANY)

The Committee considered the following Members Items:

Councillor Houston	Ross	<p>Fire safety in social and private housing blocks In light of the terrible fire at Grenfell Tower in North Kensington I request that the Housing Committee receive a report from Barnet Homes and the Deputy Chief Executive of Barnet Council reviewing the arrangements for fire safety at all Barnet Homes properties and also Housing Association properties located in Barnet.</p>
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		<p>I also request that the report addresses what role Barnet Council can and should play in ensuring private blocks of flats in the borough have robust fire safety arrangements in place.</p> <p>It was noted that this item had been addressed under the previous item relating to Grenfell Tower.</p>
Councillor Langleben	Adam	<p>Housing allocations policy for families with disabled children and children under 2 years</p> <p>I request that the Housing Committee receive a report on how housing allocations policy is impacting families with disabled children and families with children under 2 years.</p> <p>The report should include</p> <ul style="list-style-type: none"> - details of how the needs of disabled children are taken into account when offering / allocating properties to families - whether evidence is requested from disability experts in addition to medical experts when assessing cases - whether the needs of children with disabilities are taken into account when deciding what number of bedrooms are appropriate for a family - whether children are expected to share a bedroom where one or both have a disability - how families who have children with autism are assessed when allocating properties - the number of families with one child under 2 years that have been permanently placed in one bedroom flats <p>RESOLVED that a report back be submitted to a future meeting of this Committee.</p>

9. HOUSING COMMISSIONING PLAN - 2017/18 ADDENDUM

The Committee received the report.

Members commented that the report outlined the situation, prior to the Grenfell Towers tragedy and requested that the report be updated to reflect the potential impact, post Grenfell, on the Plan and **reported back to the next meeting of this Committee.**

It was also requested that Officers report back to the Chairman of the Committee and Councillors Houston and Langleben with regard to the concourse at Grahame Park.

Members vote on the recommendations in the report:

For	5
Against	0
Abstained	4

RESOLVED

1. That the Committee note progress against the Housing Committee Commissioning Plan in 2016/17 (Appendix A);
2. That the Committee approve the addendum to the Housing Committee Commissioning Plan for 2017/18 (Appendix B);

10. BARNET HOMES 2017/18 DELIVERY PLAN

The Committee received the report.

A vote was taken on the recommendations in the report:

For	5
Against	0
Abstained	4

RESOLVED that the Barnet Homes 2017/18 Delivery Plan be noted and approved.

11. BEST PRACTICE IN REGENERATION

The Committee received the report.

A vote on the recommendation in the report was taken:

For	11
Against	0
Abstained	0

RESOLVED that the report be noted.

12. INTRODUCING A LOCAL LETTINGS POLICY IN BARNET

The Committee received the report.

The Committee voted on the recommendations in the report:

For	11
Against	0
Abstained	0

RESOLVED

1. That the Housing Committee approves for a consultation and Equality Impact Assessment (EIA) to be carried out, at the appropriate time, to consider the introduction of a local lettings policy (LLP) approach whereby existing Council tenants with an established housing need under the Council's Housing Allocations Scheme (in Band 1 or Band 2) whose existing home would become available for reallocation are given priority for new-build properties on in-fill developments on their estate;

2. That the findings of the consultation and EIA be brought back to the Housing Committee with a recommendation as to whether to adopt the LLP approach and an amended Housing Allocation Scheme as appropriate.

13. KEY WORKER HOUSING

The Committee received the report.

Members requested that in future, monthly rent levels or service charges be included in the figures.

The Committee voted on the recommendation in the report:

For	11
Against	0
Abstained	0

RESOLVED that the report be noted.

14. PRIVATE SECTOR HOUSING FINANCIAL ASSISTANCE POLICY 2017

The Committee received the report.

A vote was taken on the recommendations in the report:

For	11
Against	0
Abstained	0

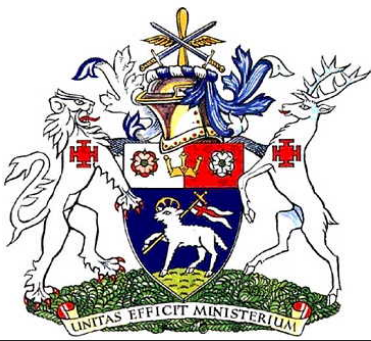
RESOLVED

1. That the Committee approve the amendments to the Private Sector Housing Financial Assistance Policy;
2. That the authority for future minor amendments to this policy be delegated to the Commissioning Director, Growth and Development in consultation with the Chairman of the Housing Committee.

15. COMMITTEE FORWARD WORK PROGRAMME

Noted.

The meeting finished at 9pm



Housing Committee

23rd October 2017

Title	Annual Performance Review of Registered Providers (RPs)
Report of	Strategic Lead, Housing
Wards	All
Status	Public
Urgent	No
Key Decision	No
Enclosures	Appendix One- Barnet Annual Performance Review 2016/17
Officer Contact Details	Paul Shipway, paul.shipway@barnet.gov.uk , 020 8359 4924 Helen Phillips, helen.phillips@barnet.gov.uk 020 8359 4861 Nicola Bird, nicola.bird@barnet.gov.uk 020 8359 4862

Summary

Registered Providers (RP's) are key partners for the Council in delivering on the Housing Strategy objectives to increase the housing supply, including affordable housing. As the providers of accommodation for 7,000 households in the borough, Registered Providers also have a key part to play in assisting tenants affected by welfare reforms, providing training and employment opportunities, improving health and wellbeing and providing effective neighbourhood management. The Council has completed an Annual Performance Review of the major Registered Providers operating in the borough to obtain a view on how RP's are performing.

Recommendations

1. That the Committee note the following report

1. WHY THIS REPORT IS NEEDED

- 1.1 At the meeting of 19th October 2015, the Housing Committee resolved that a performance review be completed on an annual basis and reported to the Committee.
- 1.2 There are 53 Registered Providers managing over 7,000 homes in the borough, of which 13 have more than 100 units each, and 15 have less than 10 units each. The main Registered Providers which are currently developing in Barnet are Family Mosaic, Genesis, Metropolitan Housing, Network Homes, One Housing Group, L&Q, Sanctuary, Catalyst and Notting Hill Housing Trust. In addition to this, Barnet Homes as an Arms-Length Management Organisation (ALMO) manages 15,000 tenanted and leasehold homes on behalf of the Council.
- 1.3 It was agreed in Housing Committee on 20th October 2016 that Notting Hill Housing Group should no longer be included as a major partner due to their allocation policy. Whilst they are not recommended for new schemes, due to the large number of completions from NHHG over the last 2 years they have been included in the review.
- 1.4 The past year has seen mergers between some of the larger Registered Providers in Barnet. Viridian and Amicus Horizon have merged to become Optivo. Family Mosaic and Peabody have merged and will now be known as collectively as Peabody. Circle Housing and Affinity Sutton have now merged to become Clarion Housing Group, East Thames merged with L&Q to become a wholly owned subsidiary of the L&Q Group.

Notting Hill Housing Group and Genesis are also intending to merge this year creating a new organisation called Notting Hill Genesis.

- 1.5 **Appendix 1** is an Annual Performance Report for 2016.17 over housing management and housing development activities. The review presents an analysis of the performance of nine large developing Registered Providers and one smaller developing Registered Provider. In addition a review has been completed with Peabody Housing regarding the Strawberry Vale in Barnet.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The attached review highlights that Registered Providers are providing satisfactory landlord services and that the London Borough of Barnet (LBB) continues to promote their services to encourage partnership working with RP's.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None

4. POST DECISION IMPLEMENTATION

4.1 The Council will continue to carry out an Annual Performance Review and take up any issues where poor performance has been identified.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance.

5.1.1 Barnet's Joint Strategic Needs Assessment 2015 to 2020 highlights the fact that there is a long term shift in housing tenure towards renting and away from owner occupancy (either outright or with a mortgage) reflecting a sustained reduction in housing affordability and an imbalance between housing demand and supply. Registered Providers are providing more affordable homes to help meet the demand.

5.1.2 The Barnet Joint Strategic Needs Assessment 2015 to 2020 identified a shortage of people available to fill vacancies in the caring, leisure and services sectors, associate professionals sectors, and skilled trades sector in Barnet. Registered Providers have established divisions in their organisations to support residents with skills and employment training or signpost to an organisation that can support residents with training.

5.1.3 The Barnet's vision for 2020 will see the Council continue to develop its multi-agency Welfare Reform Task Force and build on this success by working with the Job Centre to successfully roll out Universal Credit across the borough. The Task Force

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

5.2.1 There are no direct resource implications arising out of this report.

5.2.2 The reduction of the Overall Benefit Cap (as part of the Government's reform of welfare) to £23,000 in London from November 2016 and the changes to Universal Credit particularly those with more than 2 children means that some households living in housing association, particularly affordable rented properties, will not be able to afford the rents charged. The Council will continue to work with Job Centre Plus and Barnet Homes in the Welfare Reform Taskforce to assist households affected by the cap, including those living in affordable rented properties, either by entering employment or securing more affordable accommodation elsewhere.

5.3 Social Value

5.3.1 There are no specific social value considerations arising out of this report.

5.4 Legal and Constitutional References

- 5.4.1 Constitution, Part 15, Responsibility for Functions, Appendix A – sets out the terms of reference of the Housing Committee which includes:
- 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
 - Commissioning of Environmental Health
 - Promote the better integration of privately rented properties into the Borough's framework;
 - All matters related to Private Sector Housing including Disabled Facility Grants
 - Housing licensing and housing enforcement.
- 5.4.2 Specifically the Housing Committee may submit budget proposals to the Policy and Resources Committee relating to the Committee's budget for the following year in accordance with the budget timetable.
- 5.4.3 Registered Providers are regulated by the Homes and Community Agency (HCA). The performance framework includes "Economic" standards such as governance and financial viability and value for money and "Consumer" standards such as tenant involvement and empowerment.

5.5 Risk Management

- 5.5.1 Registered Providers have a major role to play in accelerating housing development in Barnet and a reduced capacity for them to develop is a key risk that will impact on the Council's ability to provide the new homes to meet the demand from a growing population. The Welfare Reform and Work Act 2016 reduces rents by 1% every year until the end of the 2019/20 financial year. This has had an impact on the business plans of providers and their ability to build more affordable homes.
- 5.5.2 The Mayor of London's Affordable Homes Programme 2016 – 2021 encourages RP's to provide 90,000 homes across London. Increased housing products including London Affordable Rent (benchmarked with target rent) London Living Rent (intermediate product for households wishing to buy in 10 years) and London Shared Ownership. There are grants available for Providers and Developers. A total of 1631 units were placed in the bid for the programme for Barnet. These are due to be announced shortly.
- 5.5.3 The extension of the voluntary Right to Buy for Housing Associations is also a risk as it may have an effect on provider's capacity to deliver new investment, particularly because of lenders' concerns but also because of the potential for any new investment itself to be sold off.
- 5.5.4 RP's to continue to work with the Taskforce to ensure that they are correctly identifying the skillset required in Barnet to ensure they are tailoring training accordingly.

5.5.5 Parliament tailored a review of Homes and Communities Agency (HCA) and it was recommended that

5.6 Equalities and Diversity

5.6.1 Pursuant to section 149 of the Equality Act 2010 (“the Act), The Council has a duty to have ‘due regard” to eliminating unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act, advancing equality of opportunity between persons with a protected characteristic and those without, and foster good relations between persons with protected characteristics and those without.

5.6.2 The 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.

5.6.3 The HCA requires Registered Providers to meet the tenant involvement and empowerment standard which provides expectations over equalities.

5.6.4 Registered Providers are key partners in the delivery of the Council’s Housing Strategy 2015 to 2025. A full Equalities Impact Assessment has been completed and the Strategy will have an overall positive impact on all sections of Barnet’s community. For example:

- Action by registered providers to prevent homelessness and assist households affected by the overall Benefits Cap will assist households who are generally more diverse and deprived than the population as a whole. They are more likely to be younger, from a diverse range of backgrounds, and single families with children.
- Much of the new housing, including the affordable housing to be delivered by the Registered Providers will be in the west of the borough on the regeneration estates where the most deprived and Black and Minority Ethnic communities are overrepresented in comparison to other areas of the borough.
- Specialist housing will be provided for vulnerable people, for example older people and other adults with long-term conditions to ensure that there is a choice of tenure and support and an ability to plan ahead for the future to avoid expensive care costs where possible.

5.7 Consultation and Engagement

5.7.1 The following table shows how the Council and Re currently engage with and manage the performance of Registered Providers.

Current Engagement/ Monitoring	Frequency	What’s Involved	Engagement/ Performance
Annual Performance Review	Annually	Standard review issued to each larger/ registered developing provider. Included in this review is a	Engagement and performance

		meeting with various staff to talk through issues in Barnet.	
Barnet Housing Association Liaison Group meeting	Twice a year and adhoc if required.	All RP's in Barnet are invited, chaired by CEO of local RP. Agenda includes briefing from GLA, Welfare Reform and any other relevant items.	Engagement
Development Meetings	Minimum once per year	Individual meetings between larger developing RP's and Re to discuss current developments and future development plans in Barnet.	Engagement
Barnet Housing Association Nomination Group	Adhoc	Lettings staff from all RP's in Barnet invited, Barnet Homes and Re. Agenda items are varied but include up to date issues/ concerns regarding lettings/nominations.	Engagement
General meetings/ Visits	Adhoc	Adhoc meetings and visits to RP's on partnership working over areas of mutual concern i.e. Welfare Reform and Universal Credit.	Engagement
Housing Forum	Adhoc	LBB, Re and RP's to discuss housing policy issues such as Housing Strategy.	Engagement
Consultation on changes in Policy and Strategies	Adhoc	LBB consult with RP's on various policies and strategies this can be done via liaison groups, forums and email consultation.	Engagement
Monitoring of lettings returns.	Collected quarterly and recorded as an annual PI.	RP's provide details of lettings for each quarter to confirm that RP's have met nomination agreements. Results are verified.	Monitoring.
Development Data	Constantly	Re is in regular contact with each developing RP to discuss start on site dates, completion dates and monitoring the S106 affordable housing elements. Completion statistics are recorded as monthly KPI.	Engagement and performance.

Taskforce	Regular	Regular meetings with Welfare Reform Taskforce and RP's over Welfare Reform Issues.	Engagement.
Community Safety MAPAC	Quarterly	Any Barnet anti-social behaviour cases that require a multi-agency approach.	Engagement

5.8 INSIGHT

5.8.1 Insight data has not been used in this report.

6. BACKGROUND PAPERS

6.1 Relevant previous papers are listed in the table below.

Housing Committee 20 October 2016	Decision Item 8 – Annual Performance review of Registered Providers	Agenda for Housing Committee on Thursday 20th October, 2016, 7.00 pm
Housing Committee 19 October 2015	Decision Item 7 – Strategic engagement with Registered Providers	Agenda for Housing Committee on Monday 19th October, 2015, 7.00 pm
Housing Committee, 27 October 2014	Decision Item 9- Housing Strategy	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=7936&Ver=4
Housing Committee. 27 April 2015	Decision item 10- Summary of Feedback Following Consultation on Draft Housing Strategy	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=7938&Ver=4
Housing Committee 29 June 2015	Decision item 7- Housing Strategy.	http://barnet.moderngov.co.uk/documents/s24071/Housing%20Strategt.pdf

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Barnet Annual Performance Review 2016/17

Barnet Annual Performance Review of Registered Providers.

Introduction

This review presents an analysis of the performance of Registered Providers. The report is divided into two sections. Section A looks at management performance and Section B considers development performance and the Housing and Planning Act. The report focuses on 11 Registered Providers including the estate regeneration schemes in Barnet.

Background.

In the year 1 April 2016 to 31 March 2017 there were nine Registered Providers with significant stock levels either currently developing or planning to develop general needs homes in Barnet and one smaller Registered Provider that has partnered with one of the larger providers to provide development.

A performance review has also been carried out on Peabody, whilst not currently developing they have recently merged with one of our largest registered providers, Family Mosaic and own the Strawberry Vale estate in East Finchley, Barnet. This was previously owned by Camden and Islington and was acquired under the Estates Renewal Challenge Fund Programme; there is a nominations agreement for this scheme providing the Boroughs of Camden and Islington nomination rights for these properties.

The eleven Registered Providers and their general needs stock levels in Barnet are shown below.

Registered Provided	Number of General Needs homes in Barnet
Genesis	1306
Family Mosaic	857
Metropolitan	666
One Housing Group	104
Catalyst	265
Notting Hill Housing	1031
Network Homes	330
L & Q	55
Sanctuary	148
IDS	23
Peabody	199
Barnet Homes	9455

A full breakdown of types of stock can be seen in **appendix 1**.

In addition, we have also monitored the following Estate Regeneration Schemes in Barnet.

The four regeneration schemes in Barnet and the number of General Needs homes completed on these estates to date are shown below:-

Scheme	Registered Providers	Number of new affordable homes
Grahame Park	Genesis	286
Stonegrove	Family Mosaic	322
West Hendon	Metropolitan	118
Dollis Valley	L&Q	48

There are two other regeneration schemes in Barnet which are not at the development stage.

1. Granville Road (Registered Provider - One Housing Group)
2. Brent Cross (Brent Cross North – Catalyst and Brent Cross South – L&Q)

The Performance Review

Each year the Council reviews the performance of partner Registered Providers to assess whether they can demonstrate they meet standards in management and performance.

The expectations of our partners require regular liaison meetings and submissions of annual performance returns specific to Barnet. In areas of poor performance the Council will continue to work with the Registered Provider to improve.

For this period we will be focussing on the following areas of activity:-

Section A will focus on:-

1. HCA Regulatory Judgements
2. Rent levels for assured and affordable tenancies in Barnet
3. Rent Arrears
4. Rent Increases
5. Nominations offered to LBB
6. Welfare Reform
7. Arrears
8. Repairs
9. Anti-Social Behaviour

Where Registered Providers performance indicators are directly comparable to Barnet Homes' data, we have also shown Barnet Homes' performance.

Section B will focus on:-

1. Development Opportunities
2. Future changes in Legislation or Policy

Section A: Management Performance

1. Regulatory Judgements

The Housing and Regeneration Act 2008 established the regulator of social housing. The Act also sets out the statutory framework within which the Regulator must operate. This framework enables the Regulator to register and regulate providers of social housing. Providers of social housing registered with the Regulator are known as "Registered Providers". Only registered providers will be regulated.

From April 2012 the Homes and Community Agency (HCA) has been responsible for maintaining the register of registered providers, and for setting out the regulatory framework within which they must operate. The Regulatory Framework includes both the regulatory standards which providers must meet, and the way in which the Regulator carries out its functions.

The focus of activity is on governance, financial viability and value for money as the basis for robust economic regulation; maintaining lender confidence and protecting taxpayer's money. Providers are assessed on a scale from G1/V1 to G4/V4, where G1/V1 means the provider meets the requirements and G4/V4 means the provider does not meet the requirements.

The following table shows the results summary for the regulatory judgements for the nine RSL's.

Registered Providers	Governance	Viability	Position of Travel since 2015.16
Catalyst	G1	V1	↔
Family Mosaic	G1	V1	↔
Metropolitan	G1	V1	↑
One Housing Group	G2	V2	↓
Notting Hill Housing	G1	V1	↔
Network Housing	G1	V1	↔
Sanctuary	G1	V1	↔
Genesis	G1	V2	↓
L&Q	G1	V1	↔
IDS	G2	V1	↓
Peabody	G1	V1	N/A

2. Rent Levels

Social Rents

Social Rent is low cost rental accommodation that is typically made available at rent levels that are set in accordance with the rent component of the Tenancy Standard on the basis of the Rent Influencing Regime guidance.

Rent policy is subject to the tenancy standard and, social rent levels should be calculated according to a formula based on relative property values and relative local earnings.

The following table shows the average weekly net assured rents (i.e. exclusive of service charges) charged in 2016.17.

Registered Provider	Bedsit £	1 bed £	2 bed £	3 bed £	4 bed £	5 bed £	6 bed £
Genesis	99.78	110.67	130.5 2	146.24	159.94	172.10	
Family Mosaic		104.98	125.9 5	141.50	156.23	161.15	
Metropolitan	80.22	120.59	133.1 8	144.63	155.20		
One Housing Group		173.46	139.1 8	147.30	130.02		
Catalyst		113.70	125.4 1	145.50	163.42		169.3 9
Notting Hill Housing	87.79	115.98	125.8 0	141.94	153.58	172.10	
Network Homes	101.3 2	134.97	153.6 6	181.11	252.61	133.71	153.6 1
L & Q		102.89	118.7 7	154.64	163.06		
Sanctuary		109.22	121.2 9	138.17	150.78		
Barnet Homes	76.12	91.34	103.3 3	113.9	124.59	145.29	162
IDS	87.43		136.5 0				
Peabody		101.44	115.4 0	128.21	135.82	146.60	

The Welfare Reform and Work Act 2016 required Registered Providers of social housing in England to reduce social housing rents by 1% a year for 4 years up to the end of the 2019/20 financial year. For social rent properties, the reduction applies to the rent element and not to service charges. For most Affordable Rent properties, the reduction applies to the total amount, inclusive of service charges. All Registered Providers in this review have confirmed that they have conformed to this regulation.

The following table shows the average weekly net assured rents for flats and houses and service charges for flats charged for new regeneration developments in Barnet in 2016.17

Development	Beds t £	1bed £	2bed £	3bed £	4bed £	5bed £	6bed £
Genesis Graham Park rent		104.99	122.94	137.01	158.27	172.10	
Genesis Graham Park SC		12.94	17.73	4.01	No 4 bed flats	No 5 bed flats	
Family Mosaic – Stonegrove rent		106.65	125.92	143.11	157.41	164.79	
Family Mosaic – Stonegrove SC		18.97	22.12	26.04	No 4 bed flats	No 5 bed flats	
Metropolitan -West Hendon rent		106.79	126.50	144.33	149.82		
Metropolitan -West Hendon SC		17.89	22.36	29.64	29.20		
L&Q – Dollis Valley rent		115.71	135.84	148.43			
L& Q – Dollis Valley SC		9.99	8.04	8.04			

Affordable Rents

Affordable Rent is a form of low cost rental social housing, as defined by s69 of the Housing and Regeneration Act 2008, The maximum rental level for Affordable Rent should be no more than 80% of gross market rent (inclusive of service charges).

In Barnet the total weekly rent inclusive of service charges for new properties should be 65% of market rent and within local LHA levels. All Registered Providers are currently within this figure and adopt a flexible approach when assessing new residents at letting with the exception of Notting Hill Housing Group who restrict the letting of single applicants earning under a specified threshold to affordable rented units.

The table below shows the affordable rent levels in Barnet for new lets in 2016.17

Registered Provider	1bed	2bed	3bed	4bed	Under 65% of market rent & LHA
Genesis	116.37	140.32	148.77	n/a	Y
Family Mosaic	136.81	167.05	n/a	200.96	Y
Metropolitan	185.81	236.77	247.00	n/a	Y
One Housing	n/a	n/a	247.32	n/a	Y
Catalyst	181.47	229.37	152.80	n/a	Y
Notting Hill Housing	167.13	220.45	215.39	202.52	Y
Network Homes	188.55	242.22	204.74		Y
Sanctuary	146.65	173.13			Y
L & Q	n/a	n/a	n/a	n/a	
Barnet Homes	132.91	206.22	264.13		Y
IDS	n/a	n/a	206.90	207.90	Y
Peabody	n/a	n/a	n/a	n/a	

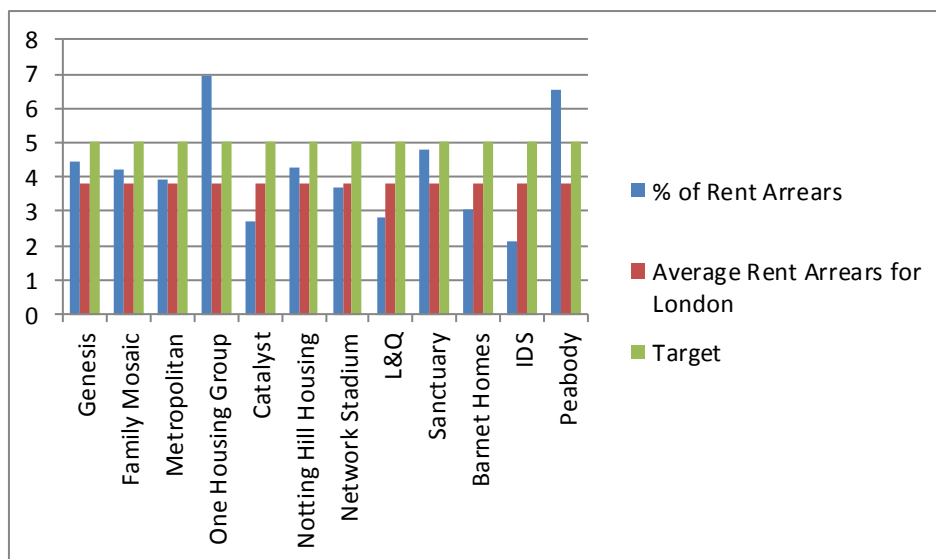
3. Rent Arrears

Rent Collection is a key element of Housing Management. House Mark report the performance of Housing Organisations rent collection, an efficient rent collection service is important to ensuring that as much of the rent due, and thus potential income due to the landlord, is collected and received.

We have been working with Registered Providers with tenants affected by the Welfare Reform to ensure that their arrears procedures are effective and include referrals to the Councils Welfare Reform Task Force. The taskforce has now set up liaison meetings with Welfare Officers representing Registered Providers in the area to increase the awareness of the assistance the taskforce can offer residents.

The Council have set a target of 5% for arrears collection; however, House Mark statistics show the average rent arrears for London to be 3.81%.

The chart below shows the percentage of rent arrears for each Registered Provider compared to the average for London and the target set by the Council.



Each Provider that did not meet the target arrears collection was asked to comment on their performance:-

One Housing Group – *The arrears figure of 6.97% provided represents arrears across our entire portfolio (social tenants, leasehold, shared ownership, market rent etc). In relation to our social and affordable tenancies the arrears were 6.17% in 2016/2017.*

With regards to the individual cases in Barnet, 55% of tenants' accounts are up to date with no arrears. The 5 highest arrears cases in Barnet make up nearly half of the arrears (47%). Given the low numbers of tenancies in Barnet, these 5 debts are skewing the overall results. Even with these 5 top cases removed the arrears figure remains basically the same because the top cases' balances have remained fairly static over the last financial year.

These tenancies are being sustained and payment received, with the exception of the highest case where an eviction date is currently awaited. Our further investigations show that the slightly higher arrears from the year before is in relation to some new arrears cases that has developed. We are monitoring these tightly and providing support or taking action as required.

Peabody –

There are a few reasons for the arrears being higher firstly a large proportion of our residents on the Strawberry Estate are in receipt of Housing Benefit which does not cover our service charge for the communal heating and hot water which comes to approximately £20.00 per week for every resident, Many residents on housing benefit do not pay the £20.00 service charge that is due each week, this gradually increases their rent arrears.

We sometimes experience delays in receiving HB schedules, which causes false arrears due to the monies not being credited to the rent account on time. When HB is posted on the correct week, the lowest Barnet has been is 5.8%.

There are 22 residents affected by the Under Occupation Charge in Barnet some are not paying the applicable shortfall in their Housing Benefit because of the Under Occupation Charge. This, is also contributing to the rent arrears. We are engaging with Barnet regarding DHP applications and assistance for our residents as applicable. 1 resident who is in receipt of Universal Credit has already accrued arrears of £3,199.16.

The highest arrears case across our Barnet stock is a family with arrears of £5,683.00, they are being assisted by Barnet Council to pay the rent and sustain their tenancy.

In order to continue to reduce the arrears, Peabody is actively engaging with Barnet Homes and the Local Authority to support our residents in managing their arrears. Of the top 10 cases within the borough, only 1 resident is at risk of eviction. We continuously work with all our residents to stop eviction from happening.

4. Nominations offered to LBB

The HCA Tenancy Standard requires that Registered Providers contribute to Local Authority strategic housing function and sustainable communities. In Barnet the standard nominations agreement requires associations to offer 50% of non-family accommodation and 75% of family sized accommodation (2 bedroom and above) eligible properties to council nominees. Eligible properties are newly built properties or relet vacancies that are the result of the death of the tenant, eviction, or the household moving out of the borough.

In addition, all schemes which are funded by the Council or are built on council land or have a S106 Agreement require 100% nominations in perpetuity.

Individual Registered Providers performance on nominations in 2016.17 is shown below.

Family Accommodation

RP	LBB entitlement	No of nominations offered	Target met
Genesis	15	18	Y
Family Mosaic	17	19	Y
Metropolitan	18	19	Y
One Housing Group	0	0	Y
Catalyst	3	3	Y
Notting Hill Housing	138	139	Y
Network Homes	18	19	Y
L & Q	4	4	Y
Sanctuary	16	16	Y
Peabody	0	0	Y
IDS	10	10	Y

Non Family Accommodation

RP	LBB entitlement	No of nominations offered	Target met
Genesis	12	22	Y
Family Mosaic	12	12	Y
Metropolitan	13	14	Y
One Housing Group	2	2	Y
Catalyst	7	8	Y
Notting Hill Housing	29	30	Y
Network Homes	13	14	Y
L & Q	0	0	Y
Sanctuary	3	3	Y
Peabody	0	0	Y
IDS	0	0	Y

6. Welfare Reform

Barnet's Welfare Reform Task Force has been established to help residents effected by Welfare Reform. They are a joint team including Housing Staff, Welfare Benefits Advisors from Barnet Homes, Job Centre Plus Advisors, Housing Benefit Advisors and coaches from Future Path and have helped Barnet residents find work, move into affordable housing, switch to exempt benefits and provided general advice and support. As at the end of March 2016 we had supported 2660 customers. Out of these 2246 were closed. 918 were closed as in work representing 41% of the total caseload. 300 moved to cheaper accommodation and 436 became exempt because of claiming disability benefit. The Task Force has commenced a Focus Group consisting of Welfare Reform Officers from each Registered Provider

LBB and Barnet Homes are working closely with all Registered Providers affected by the changes and are confident that most are engaging with their tenants and are looking to improve their ability to find work. Welfare Reform is a regular agenda item on the Barnet Housing Association Liaison Group and separate meetings are held with DWP and Registered Providers when major changes are in progress.

LBB hold various events throughout the year including Job Fairs and Employability Forum. There is also an Employment and Skills steering group in Graham Park which is chaired by Genesis.

Appendix 2 shows the current position for each larger Registered Provider and some examples of what skills and employment opportunities they have on offer.

7. Repairs Performance

The Regulatory Framework set out by the Homes and Communities Agency requires Registered Providers to *'provide a cost effective repairs and maintenance service to homes and communal areas that responds to the needs of and offers choices to tenants and has the objective of completing repairs and improvements 'right first time'*. Each Registered Provider is required to meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

House mark record repairs performance indicators for repairs. This indicator is used to ensure that the landlord is keeping its commitment to tenants to complete repairs within agreed target times. It indicates how efficient and reliable the landlord is at delivering on a key customer care promise of its repair service; at protecting the health & safety of the occupiers of its homes and maintaining the value of its assets.

In this review we asked all Registered Providers the percentage of repairs completed right first time. Housemark report the average for London as being 81%, three Registered Providers Notting Hill Housing, Family Mosaic and IDS do not collect this data and two Registered Providers could not meet this target and made the following comments.

Sanctuary – *It is likely that our approach to this statistic is different to Housemark in that we use the tenant's feedback on if they thought that the repair was completed at first visit, rather than looking internally at order completion data. The data provided is at group level and they are unable record for Barnet alone.*

Catalyst – *We do not collect this date directly but ask the question within a sample survey of all recent repairs customers. 21 out of 36 responses from Barnet residents confirmed first visit completions.*

Notting Hill Housing Group - *We do customer call backs for every repair that is carried out to find out how the repair went and if they were satisfied. This is carried*

out by the housing officers within one week of a repair being carried out. For emergency repairs residents are contacted within 24 hours about the repair. We also have an independent company that calls residents about their repairs to find out about their satisfaction. Where the tenants are unhappy with the repair we speak to the contractors about this and recall the repair where needed.

Family Mosaic - We do not use this measure, however we monitor repairs performance in the following ways: FM conducts 5% physical post inspections and further 5% in telephone surveys, our contractor conducts an additional 5%

IDS - Repairs are monitored in terms of numbers completed within 5 days. We are currently tendering these services and new contracts will be let in May. New KPI'S will be used to evaluate these.

The following table shows the percentage of respondents very or fairly satisfied with the repairs and maintenance service.

Registered Provider	% of respondents very or fairly satisfied with the repairs or maintenance service.
Genesis	81.9 (Barnet & Brent)
Family Mosaic	64
Metropolitan	73.2
One Housing Group	91.63 (London)
Catalyst	83
Notting Hill Housing	95
Network Homes	80.6
Sanctuary	88.8
L&Q	57.14
Barnet Homes	99.2
IDS	86
Peabody	64

All of the Registered Providers confirm that they have no properties with category 1 Hazards in accordance with Housing Health Safety Rating Scheme.

Housemark report the average percentage for properties with a valid Gas Safety Certificate to be 99.99, all Registered Providers are currently operating above this level.

8. Customer Satisfaction

As part of the HCA regulatory framework, Registered Providers have to meet the tenant involvement and empowerment standard with required outcomes over the following:-

- Customer service, choice and complaints
- Involvement and empowerment
- Understanding and responding to the diverse needs of tenants
- Customer service, choice and complaints
- Involvement and empowerment
- Understanding and responding to diverse needs

Customer satisfaction statistics provided from surveys can give an indication as to how well the Registered Provider is doing in this area.

Most organisations employ independent organisations to complete random customer satisfaction surveys and in addition survey after incidences of ASB, repairs and formal complaints.

The Table below shows the level of satisfaction for each RP.

	% of Respondents very or fairly satisfied their views are being listened to and acted upon	% of respondents very or fairly satisfied with the service provided
Genesis	n/a	n/a
Family Mosaic	n/a	81
Metropolitan	70.83	72.68
One Housing Group	71.4	84.62
Catalyst	n/a	63.6
Notting Hill Housing	n/a	82.3
Network Homes	n/a	85.4
Sanctuary	64.9	79.5
L&Q	n/a	n/a
Barnet Homes	56.4	79.1
IDS	77	88
Peabody	70	80

Genesis – Genesis uses two main ways to measure satisfaction. Bright surveys are carried out to measure transactional service feedback. The leadership factor is used to measure general satisfaction. This is carried out twice yearly where 400-500 customers are contacted in accordance with our tenure and diversity mix. Barnet scored 63.8% in the satisfaction measured between October and December 2016.

The next review is currently taking place. This compares to other boroughs favourably with other boroughs ranging from 58%-67%.

L&Q

There were no results from the re-let survey (there was a target of 50 respondents surveyed for the North of London). However 100% were very satisfied from the Gas Survey. 92% of respondents in the north of the borough were satisfied with their neighbourhood.

9. Anti-Social Behaviour

The Housing and Community Agency Neighbourhood and Community Standard require Registered Providers to keep the neighbourhood and communal areas associated with the homes that they own clean and safe. They should work in partnership with their tenants and other providers and public bodies where it is effective to do so.

The Barnet Community Safety MARAC (multi-agency risk assessment case conference) is a multi-agency meeting where stakeholders across the community safety partnership come together to discuss and resolve complex, high risk anti-social behaviour cases and includes the following members:-

- Barnet Community Safety Team
- Police
- Children's Services - Youth Offending Service, Social Care, Youth Service, Family First and a representative from schools
- Housing (Council and other Social Landlords)
- Barnet Homes
- National Probation Service (NPS) and CRC
- Victim support
- Mental Health Services

The majority of Registered Providers attend this meeting on a regular basis or as and when they have cases to be discussed.

Registered Providers have been asked to report the percentage of ASB cases successfully resolved. Housemark report the average percentage of cases successfully resolved in London as being 91.84%.

The following table shows the percentage of anti-social behaviour cases successfully resolved.

RP	Genesis	One Housing Group	Notting Hill Housing Group	Network Homes	Sanctuary	Catalyst	Family Mosaic	Barnet Homes	Metropolitan
% resolved	100	100	95	55 (not just Barnet)	95	100	73	73	100

L&Q – Currently have a number of on- going live cases and are working with the Police on both.

IDS and Peabody do not currently have any live cases.

10. Response to Grenfell Tower

As a response to the Grenfell Towers tragedy the Council contacted all Registered Providers asking them to identify all tall residential buildings in Barnet that they are responsible for, which have potentially similar cladding.

A questionnaire was issued to all Registered Providers which has been returned. Genesis and Origin were the only two RP's to identify similar cladding, they are currently in the process of managing a replacement cladding programme. Metropolitan have non ACM cladding in one block that failed fire safety tests. They have made improvements to the fire safety of the block and have plans to replace the cladding. Sanctuary has referred the issues with Green Point, Mar City to the freeholder who has confirmed the cladding has failed and they are in the process of identifying a solution. Sanctuary has confirmed that they are not responsible for any cladding work.

11. Overall performance and commentary

Overall the performance of each Registered Provider is good and has either remained the same or improved since last year. The table below provides a breakdown of performance. Despite Genesis only meeting 1 out of the 3 targets we are satisfied from their responses that they are working to improve.

Registered Provider	Rent Arrears		Nominations family sized		Repairs		No of areas performance has been met		Direction of Travel from 2015.16
	16.17	15.16	16.17	15.16	16.17	15.16	16.17	15.16	
Genesis	Y	N	Y	Y	Y	N	3	1	↑
Family Mosaic	Y	Y	Y	Y	No Data	Y	2/3	3	↔
MHT	Y	Y	Y	Y	Y	Y	3	3	↔
One Housing Group	N	N	Y	Y	Y	Y	2	2	↔
Catalyst	Y	Y	Y	Y	N	N	2	2	↔
Notting Hill Housing	Y	N	Y	Y	No Data	Y	2/3	2	↔
Network Homes	Y	N	Y	Y	Y	Y	3	2	↑
Sanctuary	Y	Y	Y	Y	N	N	3	2	↑
L&Q	Y	Y	Y	Y	Y	Y	3	3	↔
IDS	Y	Y	Y	Y	Y	Y	3	3	↔
Peabody	N		Y		Y		2	N	N/A

All the Registered Providers now have a fully committed approach to Welfare Reform and are keen to increase their Partnership working with Barnet's Welfare Reform Task Force in particular referring residents to the task force to receive assistance.

Concerns remain with Notting Hill Housing Group (NHHG) over their allocation policy for single applicants to affordable rented properties in that applicants earning under a threshold will not be considered. However, they are planning to take a more flexible approach to this.

As a result of the review we would continue to recommend most of the Registered Providers to developers on new Housing Developments. We would require written advice from Notting Hill Housing before committing to further development partnership agreements with regard to their allocation policy for single applicants.

SECTION B

1. Development

In 2016/17 there were 470 affordable housing completions in Barnet. The following table shows a list of these units.

RSL	Scheme
L&Q	Dollis Valley Regen. Scheme
Family Mosaic	Stonegrove Regen. Scheme
Network Homes	Northway House, British Library and Hendon Football Club
NHHG	Beaufort Park
Catalyst	931 High Road
Genesis	Grahame Park
Barnet Homes	Bedford Road, Haldane Road, Tarling Road and Wade Court
Metropolitan	West Hendon and Chandos Avenue

It is important to maintain an effective partnership between the Council and each developing Registered Provider to ensure schemes are run smoothly and efficiently. Regular meetings are held with all developing Registered Provider and on site meetings with developers to monitor progress of each scheme.

The following table shows the current developments planned for completion during 2017/18

	Rent	Intermediate (Shared Ownership)	Total
Dollis Valley (L&Q)	5	0	5
Barnet and Southgate College (MHT)	14	10	24
1230 High Road (Includes 6 from 913 High Road) (Catalyst)	15	24	39
Millbrook Pk (Genesis) Plot 4a	10	4	14
Grahame Park (Genesis)	8	7	15
Stonegrove (Family Mosaic)	9	0	9
British Library Newspapers (Network Homes)	1	0	1
Millbrook Phase 1 (NHHG)	12	0	12
Hendon Football Club (Network Homes)	20	0	20
Furnitureland (886/902 High Road) (Catalyst)	19	41	60
Chandos Avenue (Metropolitan)	8	2	15
TOTAL	113	88	214

L&Q

L&Q is the Registered Provider for Dollis Valley; they have been selected as the RP for the Brent Cross South regeneration development. They are also progressing the following developments:

- The Hyde, Hendon – 390 units (308 Outright sale, 41 Shared Ownership and 37 rented). Phase 1 projected for completion Sept 2018.
- Peel Centre, Colindale – 211 Private Rented Sale units. Projected for completion April 2018.

One Housing Group

One Housing Group is the chosen provider for Granville Road; this will provide 46 shared ownership units. They have also entered into a contract for Victoria Quarter providing 18 Affordable Rented and 27 Shared Ownership units.

Notting Hill Housing Group

NHHG completed 177 affordable rented homes at Beaufort Park in 2016.17. There are 12 affordable rented properties to be completed at Millbrook Park Phase 1 and are looking at entering into further bids for Millbrook Park.

Catalyst

Catalyst have been selected as the RP for Brent Cross North, along with this they have two schemes due for completion this year, High Road Finchley and High Road Whetstone.

Genesis

Genesis is the Registered Provider for Grahame Park and is in the process of applying for planning approval for Stage B to provide 1083 homes of varying tenures

They have 3 phases in Millbrook Park in addition to Elmbank in High Barnet which is due to complete towards the end of 2018.

MHT

In addition to the regeneration scheme at West Hendon, MHT has a S106 development in Whetstone providing affordable rented and shared ownership and Barnet and Southgate College in Colindale.

Family Mosaic & Peabody

Family Mosaic have now completed the regeneration project at Stonegrove, a Succession Plan is in place which is regular monitored by LBB. Going forward Family Mosaic and Peabody are keen to develop in Barnet.

Network Homes

Network Homes have successfully completed the Northway House development and nearing completion on Colindale Newspaper Library site and Hendon Football Club site. They have recently exchanged contracts on Cricklewood Lane and are in discussions to acquire Premier Place.

Sanctuary & IDS

Sanctuary has completed a scheme in Finchley last year and is looking at phase 10 of Millbrook Park with IDS.

Barnet Homes

Barnet Homes have a full development programme with 115 units due for completion in 2018.

2. Changes in Housing Legislation and Policy

Housing & Planning Act 2016

The Housing and Planning Act achieved royal assent in May 2016. The detail of how the Act will be implemented has not been provided to date.

The option for Pay to Stay was abolished for Social Housing in December 2016. Registered providers have been asked what actions they are planning to take with regard Right to Buy.

Right to Buy

The general consensus amongst Registered Providers is that they are supportive of voluntary Right to Buy and are keen to support their residents' aspirations to own their own homes. Metropolitan is currently welcoming tenants to make applications for RTB. The other RP's have put all plans on hold until legislative context becomes clearer. L&Q were one of the 5 housing associations that had agreed to take part in the Pilot study; they provided feedback on their experience to the Barnet Housing Association Liaison Group and will continue to provide details and support to other RP's at future meetings.

Fixed Tenancies

Most Registered Providers in Barnet have fixed term tenancies that will be due for review this year. The Barnet Housing Association Group included this topic on the agenda with Barnet Homes presenting their findings and good practice. The majority of RP's will not be looking at household income when reviewing tenancies.

The Council will continue to liaise throughout the year via Barnet Housing Liaison Groups about these subjects.

Homes for Londoners – Affordable Housing & Viability Supplementary Guidance (SPG)

The SPG was published in 2017 with the aim to provide half of all new housing as affordable housing. The SPG introduces London Affordable Rent (a product that can be benchmarked against target rent) and London Living Rent (an intermediate product for households aiming to buy in 10 years' time)

Mayor of London's Housing Strategy

The Mayor has launched his Draft London Housing Strategy. It sets out his plans to tackle the capital's housing crisis and to provide all Londoners with a decent and affordable home.

The aim of this Strategy is to address the housing shortage through an intensive use of London's available land, focusing on more genuinely affordable housing and providing help now for people feeling the effects of the housing crisis - from private renters to rough sleepers.

This Strategy has five key areas:

- Building more homes for Londoners
- Delivering genuinely affordable homes
- High quality homes and inclusive neighbourhoods
- A fairer deal for private renters and leaseholders
- Tackling homelessness and helping rough sleepers

Appendix 1

The table below shows a full breakdown of types of stock for the Nine Registered Social Landlords.

	General Needs	Supported Housing	Wheelchair Units	Shared Ownership	Other	Total	No of void units
Genesis	1306	20	?	384	625 (286 LH, 1 Intermediate, 12 Commercial, 130 Mr, 196 Temporary)	2335	66
Genesis Graham Park	286	0	0	67	267 (189 LH, 78MR)	620	45
Family Mosaic	857	9	0	280	8 (res care home)	1143	37
Family Mosaic Stonegrove	322	0	0	149	0	471	35
Metropolitan	666	52	0	76	124 (17 LH, 37 Older persons, 1 Staff, 38 AR, 25 MR, 6 Care Home)	912	22
Metropolitan west Hendon	118			1	31(25 MR and 6 Leasehold)	150	3
One Housing Group	104	15	0	14	69 (L/H and Intermediate)	202	3
Catalyst	265	39	8	104	34 (13 leasehold, 2 Management Freehold, 19 Equity Loans)	442	0
NHHG	1031	97	2	291	341 (111 l/h. 40 MR, 173 private lease, 17 non-social)	1762	7
Network Homes	330	48	0	158	275 (84 PSL temporary, 120 LH, 71 Older person)	811	5
Sanctuary	148	159	0	32	10	349	61
L & Q	55				103	158	0
L&Q Dollis Valley	48			7	5	60	0
Barnet Homes	9455	392	?	14	5528 (1813 temporary and 3715 Leasehold)	15389	169
Peabody	199	2			43 (leaseholders)	244	1
IDS	23	0	0	7	0	30	5



Appendix 2

A summary showing the number of tenants affected by Universal Credit and number in arrears (larger RP's)

	Genesis	Family Mosaic	Metropolitan	One Housing Group	Catalyst	NHHG	Network Homes	Sanctuary	L&Q
Number of tenants affected by Universal Credit	14	3	8	2	2	3	n/a	0	2
Number of tenants affected in arrears.	9	0	6	2	1	3	n/a	0	2

An example of some of the employment and skills opportunities being offered by each Registered Provider.

Genesis

- Work Club delivered in partnership Barnet and Southgate College
- Barnet Outreach Programme has assisted 50 residents into work and 99 residents into training

Family Mosaic

- Personalised 1:1 support from a trained employment coach for customers seeking guidance in securing sustainable employment. Supported 241 into work last year and 60 apprenticeships.
- Employment coaches focus on area for development, build confidence and construct an employment plan. This can incorporate a range of training including CV and application form guidance, interview preparation, budgeting and in work support.

Metropolitan

- Work with various external partners to provide employment, skills and training opportunities.
- Run sector based initiatives aimed at creating job opportunities in retail, construction and social sector.

One Housing Group

- Employment 'Boot Camp' pre-employment intensive training, peer support & motivation workshops
- Access to free accredited and non-accredited training

Catalyst

- Catalyst Gateway teams support Catalyst residents who are under-employed or unemployed to access training and employment opportunities – providing a range of information, advice and guidance services to enable this
- Host job fairs and other employment events

Notting Hill Housing

- CTI - provides training and work experience for unemployed people wishing to learn a construction trade.
- Tenancy support network that looks at the needs of residents and works with partners in different boroughs to signpost.

Network Homes

- Work Experience- Upskills resident and helps them gain practical work experience
- Weekly Job Club- Residents can meet Employment team and get a better understanding of the service and also receive support for job searching.

Sanctuary

- Income Advisors seek local job agencies to help those who are highly employable to work within the Administration field and Building sector.

L&Q

- An employment support service, providing end-to-end support through a combination of face-to-face and phone contact
- Employment and skills projects addressing gaps in external provision and helping resident's access particular industries

	<p>Housing Committee 23 October 2017</p>
<p>Title</p>	<p>The Housing Allocations Scheme and families with disabled children and children under 2 years old.</p>
<p>Report of</p>	<p>Deputy Chief Executive</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>No</p>
<p>Enclosures</p>	<p>Appendix 1– Medical Self-Assessment Form Appendix 2 – Medical Questionnaire Appendix 3 – Suitability Questionnaire</p>
<p>Officer Contact Details</p>	<p>Fleur Holley-Moore, Housing Options, Barnet Homes. fleur.holley-moore@barnethomes.org, 020 8359 2271</p> <p>Faisal Butt, Housing Commissioning Lead, Barnet Council faisal.butt@barnet.gov.uk, 020 8359 6263</p>

Summary

The Housing Allocation Scheme provides a fair and transparent system by which people are prioritised for housing in the borough. In Barnet the demand for social housing is very much greater than the number of homes available and the Scheme sets out the Bands that determine the level of priority and need of each applicant. The Scheme operates using 4 bands; Band 1 is for those with the most urgent need to move and Band 4 for applicants who have had their preference reduced under the Scheme. The Scheme allows for additional preference to be given to households who have a community contribution (often through working or volunteering) and to applicants who have resided in the borough

continuously for the previous 5 years.

The Band in which a household is placed is determined following a detailed housing assessment where extensive enquiries are made after an interview with the applicant. Each member of the family is holistically assessed; this includes looking at the family's needs in relation to employment, education, medical, care and support, childcare and child welfare. The Allocations Scheme allows for discretion to be exercised in determining the Band in exceptional circumstances. Where medical information has been assessed recommendations from the Medical Assessment Team inform the banding decision. This assessment process has been designed to ensure that any offers of accommodation meet the requirements of the Scheme, statute and case law.

Recommendations

1. That the Committee note the contents of the report and appendices 1, 2 and 3.

1. WHY THIS REPORT IS NEEDED

- 1.1 On the 26 June 2017, the Housing Committee resolved that a report be submitted to a future meeting on how the Housing Allocations Scheme is impacting families with disabled children and families with children under the age of 2 years. It was requested that the report includes the following:
 - Details of how the needs of disabled children are taken into account when offering/allocating properties to families
 - Whether evidence is requested from disability experts in addition to medical experts when assessing cases
 - Whether the needs of children with disabilities are taken into account when deciding what number of bedrooms are appropriate for a family
 - Whether children are expected to share a bedroom where one or both have a disability
 - How families who have children with autism are assessed when allocating properties
 - The number of families with one child under 2 years that have been permanently placed in one bedroom flats
- 1.2 Barnet Homes receives a large number of requests for assistance where either the applicant, or a member of their household, has serious medical conditions. These conditions can be exacerbated if the applicant becomes homeless, or if they continue to live in unsuitable accommodation.

- 1.3 When advising and assisting applicant's front-line officers within Barnet Homes require support in being able to identify complex medical conditions and the impact they can have on an applicant's health and housing need.
- 1.4 The role of the Medical Assessment Team is to provide an expert and informed recommendation on the medical needs of an applicant that can help to inform an officer's decision on their case. The same process is followed for all applicants who have medical needs, including those who have a disabled or autistic child within their household.
- 1.5 Barnet Homes collects and records information relating to the housing needs of all household members. This includes the details of any medical needs or disabilities that the applicant or member of their household may have. However, this information is currently not captured in a way that enables us to report on individual household members, including identifying housing needs of children with disabilities. The new requirements under the Homeless Reduction Act will require Local Authorities to capture individual household data from the implementation of the Act in April 2018.
- 1.6 The recommendation for banding will be based on information from a range of sources that will be appropriate for an individual case. The tools used to gather this information are included in Appendix 1- 3:
- Medical Self-Assessment Form
 - Medical Questionnaire
 - Holistic Assessment including suitability assessment
- 1.7 The initial source of information is from the applicant themselves, or a parent on behalf of the child being assessed. A Medical Self-Assessment Form is completed to explain the medical condition that needs to be assessed. From this, the Medical Assessment Team can decide what further enquires will be appropriate to be able to make an informed assessment. These may include further enquires with GPs, Schools, Health care services, Social Care and/or the Medical Assessor visiting the applicant in their home. On some occasions it is necessary for more detailed information to be obtained from the relevant medical professional through the completion of a further Medical Questionnaire.

Case Study

Ms R approached Barnet Homes following receiving notice that her landlord was seeking possession of their property where she lived with her husband and 2 children. Their son was under the care of the Child Development Clinic and was diagnosed with a genetic condition XYY syndrome. This resulted in their son having developmental delays and learning and behavioural difficulties. He was receiving regular support from a number of professionals including a speech and language therapist, a child psychologist and additional support at his current school. Following a medical Self-Assessment Form being completed, further information was

sought from his consultant paediatrician, GP, and his school. Following the assessment in-borough recommendations were made for future offers of accommodation to ensure that he was able to remain at his current school, preventing the significant distress that a move would cause. It was also recommended that each child had their own bedroom and for there to be access to a garden access or nearby park. This family have now been housed in a Housing Association property.

- 1.8 Barnet Homes recognise that the medical recommendations should fully reflect the housing needs of our applicants. For some more complex cases, or when there is legal challenge to our decision, an external expert medical advice is sought to obtain an additional independent medical opinion.
- 1.9 The Medical Assessor can make recommendations on a number of suitability issues including:
- The Band the applicant is placed into by the investigating officer
 - Whether the applicant is vulnerable and in priority need under the homeless legislation
 - Suitability of the applicant's current accommodation
 - Suitability of offers of accommodation made to the applicant by Barnet Homes
 - The applicant's need to move to give or receive support
 - Most suitable type and location of accommodation to be offered
 - The outcome of appeals and reviews of decisions made by Barnet Homes in relation to homelessness applications, transfer applications and offers of accommodation.

In the context of any disabled children within a household the following are the most applicable:

- 1.10 **Banding Recommendation** - The Medical Assessment Team can recommend that due to the medical condition(s) of the applicant or a member of their household e.g. disabled child, they should be placed into a certain Band of the Council's Housing Allocations Scheme. This could be a recommendation to be placed in Band 1. This Band is for households who have a very urgent need to move, for example when the applicant or a

member of their household has a life threatening condition and their existing accommodation is a major contributory factor.

- 1.11 **The most suitable type and location of accommodation to be offered** – This takes into account the disruption that a move would cause to the household member, including for children the impact that a change in schools would have on them, if they are receiving support for Special Educational Needs and their current caring arrangement.
- 1.12 **Size of accommodation** - The Medical Assessor will consider a request for an extra bedroom (over and above the Council's Allocations Scheme) in certain circumstances. This includes whether sharing causes severe disruption to one of the room occupiers, for example the disruption that a child's disability has on their sibling should they share a bedroom. Barnet Homes do not automatically allocate an extra bedroom (for their sibling) if a child has a disability because of the range of factors that could interplay and it is based on an assessment of need.
- 1.13 In addition, the Housing Allocations Scheme is clear that any decision on suitability must take into account the welfare of children as under the Children's Act 2004.

Case Study

Mr and Ms T approached Barnet Homes because their current 1st floor flat had become unsuitable for their son who has a progressive neuro-degenerative condition. Their son could no longer go up and down the stairs and he had been given a wheelchair by the hospital but he could not use it in their current property because of insufficient space. In addition to the medial Self-Assessment Form, further information was gathered from relevant professionals including his consultant neurologist, school and reports including Enzymology and discharge summaries. Due to the mobility and functional difficulties and the progressive nature of their son's condition, the Medical Assessment Team recommended that the household be placed in Band 1 with the additional recommendations that future offers of accommodation should be wheelchair accessible and have a level access shower.

- 1.14 There is no direct right for an applicant to appeal against a recommendation made by the Medical Assessment Team. The recommendation will be used by the Housing Needs Officer that referred the case and their manager to come to a decision on an application for housing assistance.

- 1.15 If the applicant is not happy with their banding position, bedroom entitlement or the properties suitability they can follow the appeals procedure as set out in Section 5 of the Council's Housing Allocations Scheme.
- 1.16 The Committee also requested details on the number of families with one child under 2 years that have been permanently placed in one bedroom flats under the Scheme. Councillors should be reassured that no households with a child aged 1 or above has been nominated to a one bedroom property. In line with the Council's Housing Allocations Scheme, children aged 1 or above (including those who are 2 years old) are allocated their own room, or a shared one with a sibling, when determining bedroom size and therefore these households would be at least a 2-bedroom housing need. The Council's Housing Allocations Scheme does state that children under the age of 1 are not taken into account when determining bedroom size. This is because at such a young age they would share with their parent(s). Since the start of this financial year (2017/2018) Barnet Homes have started to track the number of 1-bedroom properties that have been let to households with children under 1. In quarter 1 of 2017/18, 9 one-bedroom properties, out of a total of 84 one-bedroom social housing lets, were allocated to households with a child under 1.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Committee is asked to note the contents of this report and Appendices 1, 2 and 3 which explain how each family member including children are holistically assessed to determine their housing need. This includes a Medical Self-Assessment form for each household member, Medical Questionnaire for healthcare professionals, medical recommendations from our Medical Assessment Team and further enquires as appropriate which will inform the Housing Needs Officer's decision. This will inform where they are placed in the Council's Housing Allocation Scheme, and what additional housing recommendations which will determine what would be regarded as a suitable offer of accommodation.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Not applicable.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan 2015 to 2020 is based on the priorities of Fairness, Responsibility and Opportunity. The Housing Allocations Scheme

provides a fair and transparent system by which housing is allocated in the borough, to meet the needs of its residents.

5.1.2 Through the growth and regeneration programme the Council is building more than 20,000 new homes by 2025. This will include more affordable homes which will be allocated to housing applicants.

5.1.3 Preventing and tackling homelessness is a key priority in the Council's Housing Strategy 2015 to 2025.

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

5.2.1 There are no resource implications presented by the recommendation.

5.3 **Social Value**

5.3.1 Having consideration to the Public Services (Social Value) Act 2013, there are no specific social value considerations arising out of this report.

5.4 **Legal and Constitutional References**

5.4.1 The Housing Allocations Scheme enables the Council to meet its homelessness duties under Part VI and Part VII of the Housing Act 1996. The holistic assessment that takes place for each family member ensure that any offer of accommodation made to end the Council's duty is suitable for all members of the household.

5.4.2 Constitution, Part 3, Responsibility for Functions, Appendix A sets out the terms of reference of the Housing Committee. This includes Housing Strategy (Incorporating Homelessness Strategy) and working with Barnet Homes to ensure the optimum provision of housing and associated facilities for those who require social housing.

5.5 **Risk Management**

5.5.1 This report seeks no decision from the Committee and the recommendation does not present any additional risks.

5.6 **Equalities and Diversity**

5.6.1 In August 2017 a full Equality Impact Assessment was undertaken on the Council's Housing Allocations Scheme. In light of its findings, minor amendments were made to the Housing Allocations Scheme to ensure that the Council has paid "due regard" to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010,

- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

5.6.2 The Equality Impact Assessment found that there are sufficient mitigations in place for applicants, or members of their household, with one or more of the nine protected characteristics who may be directly or indirectly discriminated against by the Housing Allocations Scheme. As part of the Council's public sector duty we must have specific due regard to individuals with protected characteristics – including people with a disability, pregnancy and maternity (regarding parents with children under 1).

5.6.3 Examples of special consideration include discretion being applied to give the flexibility to place applicants in a higher band in exceptional circumstances, including when an applicant has housing recommendations. For example when Barnet Homes' medical team recommend a fully accessible wheelchair property which is unlikely to be met in general needs housing. In addition, parents who have recognised caring responsibilities for their disabled child will be awarded with a Community Contribution that gives the households additional preference for housing by being banded in Band 2.

5.7 **Consultation and Engagement**

5.7.1 No consultation is required.

5.8 **Insight**

5.8.1 Not applicable.

6. **BACKGROUND PAPERS**

6.1 None

Appendix 1: Self-assessment form for medical and special needs

Housing Needs Officer:	QL number:
Applicant's Name:	Date of Birth:

Barnet Homes takes ill health and disability into account when deciding priority for housing. Priority indicates the extent to which your current housing or homelessness adversely affects your health. Priority is not automatically awarded because of ill health or its severity.

Please complete this form if you think that your health or the health of someone living with you is affected by your housing. Use a separate form for each person whose health or development is being affected. **If you do not have a housing needs officer, please contact the housing needs team on 0208 359 4797 to discuss your case before proceeding.**

Our Medical Advisers will consider all the information you provide. Please do not at this time ask your GP to write a supporting letter. Please send us copies of any hospital discharge letters, therapy reports or specialist letters you may have received in the last 12 – 18 months where possible. If the Adviser needs more information we may contact you or any of the professionals involved in your care. We need your permission to do this, which you can give by completing and signing the declaration on the last page of this form.

Name of person needing medical assessment: _____

Date of birth: _____

Address: _____

Postcode: _____

Contact number: _____

Data Protection Act 1998

Under the terms of the Data Protection Act 1998 you have the right of access to your personal information, and where appropriate to have them corrected or deleted. In order to protect public funds, we may use information provided on this form to prevent and detect fraud. We may also share this information with other public bodies administering funds solely for this purpose. We are registered with the Office of the Information Commissioner and comply with all Data Protection principles in relation to the personal data we hold.

1. Please describe your current medical problems

Medical condition[s]:	
When did it/they start?	
Tell us what treatment you receive. Tell us what medicines you are on and the dosage. You may find it easier to give us a copy of your prescription. If you do so, please say 'see attached prescription'.	

Please add extra pages if you need to.

2. Please briefly describe how your problems affect your life: (please write clearly)

3. Special needs:

Do you have special needs due to: (Please tick and write any comments)			
	Yes	No	Comments:
Disability?			
Sensory impairment?			
Are you registered disabled/blind/partially sighted?			If so, since when and with which local authority?
Mental illness/Mental health problems?			
Are you/have you been in hospital under a section of Mental Health Act?			If so, when and where?
Drug and alcohol addiction?			
Learning disability?			

Please add extra pages if you need to.

4. Mobility problems *(Please tick and write any comments)*

	Yes	Comments [including who gave you the equipment and when]
Do you need to use a wheelchair indoors?		
Do you need to use a wheelchair outdoors?		
Do you need to use a wheelchair all the time?		
Do you need to use a wheelchair occasionally?		
Do you use any other mobility equipment?		Please tell us the type of equipment you have and when you use it.

Do you have any problems with walking? <i>(Please tick one box only and write any comments)</i>		
		Comments:
I do not have a problem		
I have a slight problem		
It is difficult for me to walk		
I cannot walk at all		Why?

Do you have any problems with walking up/down stairs? <i>(Please tick one box only and write down any comments)</i>		
		Comments:
I do not have a problems with stairs		
I have a slight problem with stairs		
Stairs are difficult for me		
I cannot walk up/down stairs		Why?

On an average day, how many stairs can you manage?				
How many stairs are there to the front door where you live now?			Is there a lift?	
Is your accommodation all on one level?	Yes	No	How many levels?	
What rooms are on the ground/lowest floor?				
What rooms are on the next floor?				
What rooms are on the top floor?				
If more than one level, how many stairs are there to the following rooms from the ground/lowest floor?				
Toilet		Kitchen		Your bedroom
Bathroom		Living room		Other [please tell us]

5. Do you have any problems using a lift due to your medical condition? Supporting information is usually required. *(Please tick and write any comments)*

Yes	No	Comments:

6. Do you receive Disability Living Allowance or Personal Independence Payment?

Yes No

If yes, please tell us what component you receive and at what rate.

7.

Do you have any problems with height due to your medical condition? Supporting information is usually required. *(Please tick and write any comments)*

Yes	No	If yes, what treatment are you on if any?

8. Daily activities:

For us to assess how your medical condition affects your daily life, please tick the appropriate column and write any supporting information, where:
0= on my own. 1= on my own but with difficulty. 2= I need assistance. 3= unable to do.

Daily activities	0	1	2	3	Comments: e.g. type of equipment
Going to work					
Going to school/college					
Going outside					
Using public transport					
Shopping					
Managing family responsibilities					
Handling bank/finance/benefits					
Doing housework (laundry, cooking, cleaning)					
Using kitchen & preparing meals					
Getting into & using the bathroom					
Getting into & using the toilet					
Getting into & using the lift					
Getting in/out of a car					
If you receive assistance, please tell us who assists you.					

Are you in employment? _____

What is your current occupation? _____

9. Please explain how your present accommodation or homelessness affects your health:

10. If you have a physical disability would any repairs or adaptations to your home make it suitable for you to remain there? For example bathroom aids, wheelchair ramps, heating, shower, stair rail, stair lift.

11. Do you drive a car? (Please tick appropriate column)

Yes – Regularly	<input type="checkbox"/>
Yes - Occasionally	<input type="checkbox"/>
No	<input type="checkbox"/>

12. Do you have access to a car? (Please tick appropriate column)

Yes – Regularly	<input type="checkbox"/>
Yes - Occasionally	<input type="checkbox"/>
No	<input type="checkbox"/>

13. Please tell us about your GP and hospital doctors [use extra paper if necessary].

GP's name:	
Address of surgery:	
Surgery telephone number:	
How often do you see the GP?	

Hospital	
Which hospital:	
Which department:	
Doctor's name:	
Date of last visit:	
Date of discharge:	
How often do you visit the hospital	
Hospital	
Which hospital:	

Which department:	
Doctor's name:	
Date of last visit:	
Date of discharge:	
How often do you visit the hospital	

14. Please complete all sections for each support service you receive.

Support Services	Contact Name	Address/Telephone	Frequency of Contact
Psychiatrist			
Psychologist			
Community Psychiatric Nurse/ Mental health Social Worker			
District Nurse /Health Visitor			
Physiotherapist			
Occupational Therapist			
Social Worker			
School Contact [please specify occupation]_____			
Support officer			
Home Care Worker			
Welfare Officer			
Counsellor			
Relative/Carer			

15. Are there any exceptional circumstances we need to consider as we assess your housing need? Please tell us about any special care arrangements, or any need to live near particular medical facilities. Please provide as much detail as you can.

16. Care plan

Do you have a care-plan? <i>(please tick)</i>	Yes		No		If yes, please provide a copy of your current care plan.
Care Plan Co-ordinator's name:					
Care Plan Co-ordinator's address and telephone number:					

17. Please explain how you feel re-housing will help improve your health:

18. Declaration – [This section must be completed].

I declare that the information given here is true to the best of my knowledge. I also understand that if I have deliberately made a false or misleading statement, legal action could be taken against me. I hereby give consent for my GP/hospital or other health/social care worker to release information to Barnet Homes.

Name: _____ *(Please print your full name)*

Address: _____

Signature: _____ Date: _____

If you are completing this form on behalf of someone, please give your details below:

Name: _____ Mr/Mrs/Miss/Ms/Dr: _____

Relationship to the applicant: _____

Signature: _____ Date: _____

Appendix 2: Medical Questionnaire for Healthcare Professionals

Issued by:	Registration number [for official use only]
Date of issue:	
Housing Applicant's Name:	
Name of Patient:	Patient's date of birth:
Address:	
Post Code:	

(Please provide as much detail as possible. Thank you.)

1. Please describe current medical problems and indicate severity and prognosis.

Medical Condition:	Date Onset:	Prognosis/Severity:	Treatment/medication/dosage/ recent prescription changes

2. If applicable, peak flow values taken in the last 6 – 12 months:

Please tell us if your patient or anyone in their household is a smoker:

3. If the patient is attending hospital or seeing a specialist, please give the name, department and hospital.

4. In your opinion, is the patient's present physical/mental health/development or welfare affected adversely by their present accommodation or by their homelessness? *It is important that you explain your reasons, e.g. danger of falling, danger to self and/or others, disorientation/wandering*

5. **Complete only if homeless or threatened with homelessness.** The test for whether an applicant is **vulnerable** is:

'Whether the applicant is, when homeless, less able to fend for him/herself than an ordinary homeless person so that injury or detriment to him/her will result when a less vulnerable person would be able to cope without harmful effects'.

In your opinion is the patient vulnerable? Please give your reasons.

Does the medical condition cause any problems for the patient walking on flat ground? (Please tick one only and write down any comments)		
		Comments:
Does not have a problem		
Has a slight problem		
It is difficult to walk		
Cannot walk at all		

Does the medical condition cause any problems for the patient walking up stairs? (Please tick one only and write down any comments)		
		Comments:
Does not have a problem with stairs		
Has a slight problem with stairs		
It is difficult to climb stairs		
Cannot walk at all up stairs		

7.

Does the patient have any problems using a lift due to the medical condition? (Please tick and write any comments including treatment they are on)		
Yes	No	Comments:

Does the patient have any problems with heights due to their medical condition e.g. vertigo? Supporting information is usually required. (Please tick and write any comments)	
Yes	Comments:

8. **Daily Activities:**

In your medical opinion does your patient have difficulty in undertaking daily activities? Please complete the table below where:

(0) = He/she can perform the activity on their own. (1) = He/she is able to carry out the activity on their own but with difficulty. (2) = He/she needs assistance from other people. (3) = He/she is unable to carry out the activity even with assistance.

Daily Functions	0	1	2	3	Comments
Going to work					
Going to school/college					
Going outside					
Using public transport					
Shopping					
Managing family responsibilities					
Handling financial responsibility [rent/bills/benefits]					

Doing housework (laundry, cooking, cleaning)					
Ability to use kitchen & preparing meals					
Getting into & using the bathroom					
Getting into & using the toilet					
Getting into & using the lift					

9. Does your patient have a Care Plan? Please give details and any known service involvement.

10. Has your patient been recently involved with any therapy or rehabilitation service? Please tell us where, when and why.

11. If you are able to attach copies of any relevant reports, please do so and tell us here. If you wish to make further comments e.g. on a significant need to be housed near a particular hospital/clinic or care provider, please do so here. Thank you.

Applicants may have access to personal information held about them on their file unless disclosure would serious harm to their physical or mental health or that of another person. Can you advise us whether disclosure would cause serious harm?

Declaration 1 This information **can** be released to the applicant without serious risk to their health or the health of another. _____ (*tick*)

Declaration 2 This information **cannot** be released to the applicant as to do so would constitute a serious risk to their health or that of another _____ (*tick*)

Declaration 3 I cannot at this stage determine whether disclosure would cause risk. Please ask again if patient requests access to information. _____ (*tick*)

Signature:

Date:

Print Name:

Stamp:

Position and Organization:

Thank you.

Suitability

Client Name:						
Employment	<input type="radio"/> 0 <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	Care Giving	<input type="radio"/> 0 <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	Other	<input type="radio"/> 0 <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	
Education	<input type="radio"/> 0 <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	Care Receipt	<input type="radio"/> 0 <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	Child Welfare	<input type="radio"/> 0 <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	
Medical	<input type="radio"/> 0 <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	Childcare	<input type="radio"/> 0 <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	Affordability		

Employment	<input type="checkbox"/> Weekly	Details	<input type="checkbox"/> Monthly
Who in the household is in employment?			
Occupation			
Contract Type			
Name of Employer			
Employers Address			
Employers Contact Number			
Earnings	£		
What hours do they work?			
How do they get to work?			
How long have they worked in this position?			
What is the significance of rehousing on this employment?			

Education	Details
Who is the household is in education?	
Name and Address of School	
School Contact Number	
Type of School?	
What school year are they in?	
Is it an exam year?	
Do they do extra curricular activities?	
Do they have special educational needs?	
How do they get to school?	
Other relevant information?	
What is the significance of rehousing on this persons education?	

Medical	Details
Who in the household has a medical condition?	
What medical condition?	
Do they receive specialist treatment?	
What other support do they receive?	
How often do they receive this support?	
Support Contact Details	
Other relevant information?	
How does rehousing affect this persons health?	

Care Giving	Details
Who in the household provides care for someone else?	
Who do they care for?	
What is the address of the person they care for?	
Contact Details of Care Receiver	
What type of support do they give?	
How often do they support them?	
Who else is involved in the care?	
Other relevant information?	
How does rehousing affect this persons ability to provide care?	

Care Receipt	<input type="checkbox"/> Statutory	<input type="checkbox"/> Non-Statutory	Details
Who in the household receives care?			
What support are they receiving? (please select)			
Who cares for them?			
What is the address of the person who cares for them?			
Phone number of carer			
What type of support do they receive?			
How often do they receive care?			
Is anyone else involved in their care?			
How does rehousing affect the care this person receives?			
Is it reasonable / possible to receive the support out-of-Borough?			
Does anybody receive caregivers allowance on your behalf?			

Childcare	Details
Are there any childcare arrangements? (i.e. After School Clubs, Child Minder (please specify paid or unpaid), Family etc.)	
Other	Details
Are there any other issues that may impact on the suitability of any offer of property? (E.g. Religion, Domestic Violence, Harassment, MAPPA)	No
Child Welfare	Details
Are there any Social Services involvement? If so, please state if Child in Need / Child Protection and length of involvement.	
Is the child subject to supervised contact or custody arrangement? If so, please give details.	
Are there any other factors that are in need of consideration in regards to the child / children's welfare?	
Is there any detrimental impact on the welfare on the child if they were to move out of the borough?	
Managing Expectation	Details
Are you aware that you may need to move out of the Borough (please state the current availability of housing to manage the clients expectations)	<input type="checkbox"/> YES <input type="checkbox"/> NO

	<h2>Housing Committee</h2> <h3>23 October 2017</h3>
<p>Title</p>	<p>Fire Safety – progress update</p>
<p>Report of</p>	<p>Deputy Chief Executive</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>Yes</p>
<p>Enclosures</p>	<p>Appendix 1: Fire safety and the Council’s response to the Grenfell Tower Tragedy Appendix 2: Housing Commissioning Plan Update</p>
<p>Officer Contact Details</p>	<p>Paul Shipway, Strategic Housing Lead, paul.shipway@barnet.gov.uk 0208 359 4924</p>

Summary

This report sets out progress in addressing housing related fire safety issues in the borough following the Grenfell Tower fire in June 2017, including a review of fire safety measures carried out by Barnet Homes of the Council’s own high rise council homes, and proposals for measures to ensure best practice in fire safety.

Recommendations

1. That the Committee note the contents of this report and appendix 1, and in particular that cladding on three tower blocks at Granville Road has now been removed
2. That the Committee agrees that, subject to agreement by Policy and Resources Committee on 5th December, an additional £7.5 million is allocated from the Council’s Housing Revenue Account to meet the cost of high priority fire safety improvements identified by Barnet Homes.
3. That the Committee agrees to the implementation of additional desirable fire safety improvements, which will be deferred pending the outcome of the independent review of the building regulations and fire safety recently

commissioned by the Government and expected to be completed by Spring 2018. An update on these works will be tabled to the June 2018 housing committee.

- 4. That the Committee review and approve the addendum to the Housing Committee Commissioning Plan for 2017/18 (Appendix 2) which has been updated to take account of the impact of the Grenfell Tower fire.**

1. WHY THIS REPORT IS NEEDED

- 1.1 As reported to Housing Committee in June, following the Grenfell Tower fire, the Council and Barnet Homes take fire safety extremely seriously. Details of the extensive measures that are in place to ensure that our homes comply with fire safety regulations were provided, along with actions that the Council were taking to provide reassurance to residents that their homes are safe. As confirmed to the committee previously, all Barnet Homes blocks have fully up to date Fire Risk Assessments in place.
- 1.2 The committee also agreed that Barnet Homes should be instructed to carry out a review of fire safety measures in the Council's high rise blocks to identify any measures that are required to move beyond legislative compliance to deliver best practice in fire safety including the consideration of sprinkler systems, improved fire and smoke alarm systems and other measures.
- 1.3 Barnet Homes have now completed their review details of which are set out in appendix 1.
- 1.4 In summary, the review has identified an estimated £9.2m worth of additional work that should be considered as high priority works outside of that required through the normal Fire Risk Assessment process, plus a further £16.5m of work that could be considered as moving to best practice in fire safety, including the installation of sprinkler systems in blocks which are 30 metres or higher.
- 1.5 Cladding at Granville Road has now been removed and Barnet Homes are working on a solution for a replacement system, with a view to installing this next year. The total cost of the cladding removal and replacement is expected to be £8.2m. It is recommended that residents are compensated for the additional costs of heating their homes over the coming winter.
- 1.6 It is recommended that Barnet Homes are instructed to continue with plans for replacement cladding at Granville Road and commence high priority works to other blocks as soon as possible, with the implementation of other desirable works to be undertaken once the outcome of the independent review of fire safety and building regulations, expected in spring 2018, is known.
- 1.7 As requested at the Housing Committee in June, officers have updated the addendum to the Housing Committee Commissioning Plan to reflect the impact of the Grenfell Tower fire, and this is attached at appendix 1 as a tracked changes document. The addendum makes reference to the importance that the Council attaches to fire safety and includes new indicators relating to fire risk assessments.

2. REASONS FOR RECOMMENDATIONS

- 2.2 These recommendations ensure that high priority work to improve fire safety proceeds as quickly as possible, whilst minimising the risk of carrying out additional work that does not comply with the findings of the review of fire safety and building regulations review.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.2 The Council could decide to proceed with the full package of works identified by Barnet Homes, but this would carry the risk of installing measures that may be deemed to be non-compliant in the near future.

4. POST DECISION IMPLEMENTATION

- 4.2 Barnet Homes will proceed as soon as practical with high priority works identified in their review of fire safety measures at an estimated cost of £9.2m million.
- 4.3 Barnet Homes will identify a solution for recladding blocks at Granville Road with the aim of completing works by winter 2018 with the total works costing around £8.2m including the removal costs.
- 4.4 Following the outcome of the independent review of fire safety and building control regulations, a further report will be brought to the Housing Committee with proposals for additional enhancements for fire safety measures, including sprinklers and fire detection systems.

5. IMPLICATIONS OF DECISION

5.2 Corporate Priorities and Performance

- 5.2.1 This report aligns with the Corporate Plan objective to prioritise the delivery of quality services, by investing in the highest standard of fire safety measures for residents living in council properties.
- 5.2.2 The improvement of fire safety in council housing blocks and other housing tenures will also ensure the continuing health and wellbeing of residents.

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

- 5.3.1 An updated Housing Revenue Account Business Plan that takes account of any additional capital and revenue expenditure required to cover the cost of high priority works and the recladding of Granville Road at a total cost of £17.5 million, shows that the HRA could support this level of investment, although this

could be at the expense of funding other capital projects in the future, including the building of new homes. A budget of £10 million has already been approved as part of the current years capital programme, the additional £7.5 million will be required for 2018/19.

- 5.3.2 The Secretary of State recently announced the Government may allow Local Authorities to increase borrowing freedoms to meet the cost of fire safety measures in high rise blocks. Officers await further details on this announcement which are likely to be given in the Social Housing Green Paper due to be published next year.

5.4 Social Value

- 5.4.1 Social Value considerations will be considered in the individual investment decisions.

5.5 Legal and Constitutional References

- 1.1.1 Annex A to the Responsibility for Functions Section of the Council's Constitution (Part 15) gives the Housing Committee specific responsibility in relation to:
- the Housing Strategy (incorporating the 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
 - all matters relating to the regulation of private sector housing.
- 1.1.2 Annex A to the Responsibility for Functions Section of the Council's Constitution (Part 15) also enables the Housing Committee to make recommendations to Policy and Resources Committee on issues relation to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.
- 1.1.3 The Housing Act 2004 requires local authorities to keep the housing conditions in their area under review and to inspect the same if it considers a category 1 or 2 hazard (as defined by the Act) exists and gives powers to intervene where they consider housing conditions to be in breach of the same .
- 1.1.4 It is possible that issues of planning and building control may be applicable, however Annex A to Part 15 of the Constitution also states that if any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. Given the subject matter, it appears this report is best dealt with by the Housing Committee.

5.6 Risk Management

- 5.6.1 Barnet Homes have a robust approach to carrying out fire risk assessments for all council dwellings. There is, however, a risk that if action is not taken to take account of lessons learned from the Grenfell Tower tragedy that the safety of

residents could be compromised.

- 5.6.2 The Council will continue to work with the owners of other high rise residential and non-residential blocks, including Housing Associations and private owners to ensure that they are aware of their responsibilities in respect of fire safety.

5.7 Equalities and Diversity

- 5.7.1 Under the Equality Act 2010, the Council must have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; c) promote good relations between those with a protected characteristic and those without. The 'protected characteristics' referred to are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.
- 5.7.2 Investment in existing council housing stock will impact positively on existing council tenants who are generally more diverse than the population of the borough as a whole.

5.8 Consultation and Engagement

- 5.8.1 Residents living in high rise residential blocks owned by the Council have been written to on various occasions by Barnet Homes to provide reassurance that their homes are safe. When works are being undertaken regular updates on these works are provided and meetings held with residents. In addition fire safety information has been provided to all tenants and leaseholders.
- 5.8.2 Residents of Council homes will be consulted as part of reviews of fire safety systems in high rise council blocks.
- 5.8.3 Leaseholders will be consulted as early as possible within the fire safety review process in order to ensure their views in relation to options and recommendations have been taken into account. Leaseholders will not be expected to contribute towards the cost of the removal of the cladding and its replacement and Granville Road. In addition leaseholders will not be expected to contribute to the costs of undertaking category 1 fire safety works within the 26 high rise blocks.

5.8 Insight

- 5.8.1 Information about the Council's Housing stock held by Barnet Homes has been used to identify high rise residential blocks owned by the Council.
- 5.8.2 Records held in the Building Control and Planning services have been used to identify blocks in the borough which have recently been re-clad, to enable us to contact their owners.

6. BACKGROUND PAPERS

6.2 Not applicable

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Appendix 1 – Fire safety and the Council’s response to the Grenfell Tower Tragedy

A. Introduction

1. This appendix provides a progress update on Fire Safety issues in Barnet following the report provided to the Housing Committee in June 2017, including progress with developing a package of fire safety improvement works for the council properties managed by Barnet Homes.

B. Barnet Council Housing Stock

2. The Council is responsible for approximately 15,000 homes in the borough, which are managed by an Arm’s Length Management Organisation (ALMO) Barnet Homes.
3. As reported previously, Barnet Homes have robust arrangements in place for carrying out fire risk assessments (FRA’s) on a regular basis, and in addition undertake a range of other activities as part of managing fire safety of the Council’s Housing Stock, including regular testing of equipment (including smoke alarms in all tenanted homes), capital investment, the installation of premises information boxes, and close working with the London Fire Brigade (LFB).

Response to Grenfell Tower Fire

4. As previously reported, it has been established that three blocks at Granville Road (Granville Point, Harpenmead Point and Templemead Point) used a cladding system containing similar aluminium composite material panels to those used at Grenfell Tower, although the insulation comprised of a non-combustible mineral fibre material.
5. Over the summer, the Government carried out tests on the individual panels and entire cladding system of the type used at Granville Road, and these both failed. The Council had already decided to remove the cladding system which is now completed and Barnet Homes are now working with consultants and contractors to identify a suitable replacement system, with the aim of installing this by Winter 2018.
6. In considering options for recladding, reports on the government’s large scale fire safety tests have been reviewed and attention paid to systems that have passed these tests. Consideration is also being given to using solid aluminium panels rather than ACM which were used in the tests and passed
7. As a new cladding system at Granville Road will not be in place over the coming winter, it is proposed that the Council provides financial assistance to residents to meet additional fuel costs associated with reduced thermal insulation following removal of the cladding.

8. The Housing Committee also agreed that Barnet Homes should be instructed to carry out a review of fire safety measures in the Council's twenty eight¹ high rise blocks to identify any measures that are required to move beyond legislative compliance to deliver best practice in fire safety including consideration of sprinkler systems, improved fire and smoke alarm systems and other measures.
9. Barnet Homes have progressed the review over the summer, and in addition to the recladding works at Granville Road, have identified a package of potential works to improve fire safety, including some which would not have been identified through standard fire risk assessments which should be considered as high priority.
10. Whilst these high priority works (shown as Category 1 in the table below) do not represent an immediate threat to the safety of residents, it is important that they are carried out as soon as possible.
11. Work has also been undertaken to consider additional measures that could enhance fire safety, including sprinkler and fire detection systems. The following table provides a prioritised summary of this including estimated costs:

Category (in order of priority)	Scope	Est. Cost (cumulative)
Granville Road Recladding	<ul style="list-style-type: none"> • Replacement cladding for 3 blocks with ACM panels • Compensation for additional fuel costs for residents at £15 per week per household from October to May inclusive 	£8,122,900
<u>Category 1</u> – High priority works. These works are required to maintain the fire integrity of the building over and above that required by the FRA and to enable an effective response to be provided in the event of a fire.	<ul style="list-style-type: none"> • Works to improve the fire and smoke stopping provisions within buildings (compartmentation) • Replacement of doors to provide a higher level of fire and/or smoke resistance • Provision of increased air ventilation to gas systems in some locations • Some works to provide improved access for emergency services, particularly the LFB 	£9,220,433 (£17,343,333)
<u>Category 2</u> – These elements of work would seek to reduce the time taken to alert people at risk or to provide measures to	<ul style="list-style-type: none"> • Upgrade works to replace existing fire detection (alarm) systems within dwellings and linking new systems to central control panels • Some signage works 	£5,781,482 (£23,124,815)

¹ 2 blocks at Grahame Park that are due to be demolished in early 2018 have been removed reducing the total to 26

enable residents to more effectively vacate areas at risk. These works would also enable further information to be provided to the LFB in event of a fire.	<ul style="list-style-type: none"> • Some emergency lighting works • Some elements of smoke ventilation • Some works to provide improved access for emergency services, particularly the LFB 	
<u>Category 3</u> – These elements of works would seek to suppress fires in a more effective manner and minimise the impact of smoke	<ul style="list-style-type: none"> • Installation of sprinkler systems within dwellings within blocks of flats with 10 or more storeys to reflect building regulation requirements for new buildings • Some emergency lighting works • Some smoke ventilation systems 	<p>£10,150,693 (£33,275,505)</p>
<u>Category 4</u> – These works would be considered as beneficial to the block but assuming all Cat 1 and Cat 2 works are undertaken they are unlikely to add any major life preserving benefit. They would however provide further enhancements of fire safety and/or management of the block.	Works included within this category primarily relate to the provision of improved storage facilities for residents.	<p>£627,576 (£33,903,081)</p>

12. At this stage it is advisable to defer implementation of Category 2, 3 and 4 works until the outcome of an independent review of the building regulations and fire safety which is being led by Dame Judith Hackitt. This review is expected to produce an interim report later this autumn and a final report in the spring 2018. This will avoid undertaking any work that subsequently proves to be non-compliant.
13. It is proposed that a final set of proposals that take full account of the Hackitt Review are presented to Housing Committee June 2018, along with a further updated HRA Business Plan that takes into account any additional expenditure required.
14. The total estimated cost of the recladding works and Category 1 works identified above is £17.3m, and it is recommended that the capital budget for fire safety works is increased from £10m to £17.5m to accommodate this.
15. A review of the HRA Business Plan shows that a £17.5m programme could be accommodated within the HRA, although this would constrain the ability of the HRA to support other capital projects, including the building of new homes.
16. A separate report to the Housing Committee provides more information about the HRA Business Plan, and officers continue to discuss the possibility of financial assistance with the Government.

17. Leaseholders will not be required to contribute to the costs of Category 1 fire safety works undertaken to the 26 high rise blocks. When Category 1 fire safety works are undertaken in conjunction with other works projects, leaseholders will be expected to contribute to other works in accordance with the terms of the lease. A clear breakdown explaining what works leaseholders are being provided financial relief for will be provided as part of the consultation.
18. More work is required to determine the approach to take with regards to leaseholders for increased fire safety works, such as fire detection and sprinkler systems, as the costs associated with these may not always be recoverable, nor may all leaseholders be obliged to have such works undertaken to their homes. More work will be carried out by officers to develop more detailed proposals on this issue.
19. Leaseholders will not be required to contribute to recladding removal and replacement works at Granville Road.

C. Registered Providers

20. As reported previously there are approximately 7,000 homes managed by RPs or Housing Associations in the borough and these are regulated by the Homes and Communities Agency (HCA), and these are required to carry out fire risk assessments and operate in a similar way to Barnet Homes in managing fire safety in relation to the housing it manages.
21. The Council wrote to all Housing Associations with 10 or more units and have received responses confirming that eight have blocks of flats over 5 stories in height and that all Housing Associations all of which have up to date fire risk assessments.
22. Three of the Housing Associations confirmed that they have ACM cladding on blocks, and for all three this has been tested by the Government and failed. All three Housing Associations have up to date FRAs and plan to replace the cladding. In addition one of the Housing Associations has employed a 24 hour fire warden for the block until the cladding is removed.
23. In addition Sanctuary Housing Association has one block which they hold on a lease in Colindale that has failed the testing. There is an up to date FRA for this block and Sanctuary has stated that the freeholder is responsible any work associated with replacing the cladding.

D. Private Sector buildings (residential and commercial)

24. In the case of privately owned high rise blocks, the Councils' power to act is limited as whilst Barnet Council is the planning authority for most new building works, our

building control service competes with the private sector for the building compliance work. Additionally building control services operate strictly within the building regulations and cannot withhold approval on materials that have been tested as suitable, they can only advise.

25. Owners are required to carry out fire risk assessments and spot checks are carried out by the London Fire Brigade. However, these are restricted checking that fire doors, risers, and alarms are fully functional within the fabric of the building and therefore would not pick up faults in cladding systems or fire compartmentation outside the main structure.
26. As stated above, the Government has instigated an independent review of fire safety and building control regulations, and the Council will suggest that the following additional powers could be sought from the Government in its response to this:
 - The authority to carry out random checks on existing buildings with enforcement powers.
 - A regular 5 or 10 year building fabric inspection and certification process that picks up on wear and tear issues and forces their correction.
27. The Council has identified a number of privately owned buildings with cladding from its planning and building control records, and has issued an advice note to the owners and managers of these buildings.
28. Two privately owned buildings have been identified with cladding that has failed government tests, and the Council has sought assurance that the owners are taking action to address this.
29. The Government have also issued advice to owners of private residential accommodation and offered assistance with the testing of cladding. This is being disseminated via representative bodies for the private residential sector.

Annex B - Barnet Council Fire Safety Action Plan – Oct 2017

Action	Status	Notes
Council Housing Stock		
Granville Road Towers – cladding removal	Complete	Cladding was removed by early October
Granville Road – identify solution for cladding replacement	On going	Barnet Homes working with contractors and consultants
Granville Road – installation of new cladding system	Not started	To commence spring 2018 and fully complete by Winter 2018 Residents to be compensated for additional fuel costs
Complete surveys of all council tower blocks to identify best practice options	Complete	Update to Housing Committee 23 October
Undertake high priority works identified in surveys	On going	Additional resources to be requested from Housing Committee and Policy and Resources Committee
Finalise package of additional measures	On going	Await outcome of Govt. Review of Fire Safety and Building Regulations Spring 2018
Registered Providers (RPs)		
Contact RPs for confirmation that their Fire Risk Assessments are up to date and to identify any high rise blocks they managed within the borough	Complete	All have responded and confirmed location of building and that FRAs are up to date.
Work with Government and RPs to ensure actions to address any fire safety concerns are addressed.	On going	3 RPs have confirmed they have blocks with ACM panels that have failed tests and they are planning to remove these. More details requested.
Private Sector Residential and Non residential		
Identify private dwellings in the borough potentially at risk	Complete	2 sites identified – information on mitigations requested from owners.
Issue briefing note for owners and managing agents of private sector buildings	Complete	Advice note produced and sent to owners 26 June 2017
Publicise letter from Government for private sector owners offering assistance with cladding	Complete	Place link on Council web site Include reference in briefing note
Council non- residential		
Barnet House -complete actions from fire risk assessment	Complete	All actions will be completed by July 2017
Colindale – new council headquarters – fires safety strategy	Complete	Strategy in place
Actions from fire risk assessments for commercial units beneath residential	On going	All actions will be completed during 2017

HOUSING COMMITTEE

Commissioning Plan 2015 – 2020

2017/18 addendum & targets

This document is an addendum to the **Housing Committee Commissioning Plan 2015 – 2020**, which sets out a revised narrative and updated indicators/targets for 2017/18. The full Commissioning Plan can be found here: <https://www.barnet.gov.uk/citizen-home/council-and-democracy/policy-and-performance/corporate-plan-and-performance.html>

1. CONTEXT FOR COMMISSIONING PLAN

Delivering quality services

Barnet has an ambitious council that aspires to deliver excellent modern services to residents at the best possible value to the tax payer. The borough has some of the best schools in the country and operates on a sound financial footing, at a time when our budget is effectively being reduced by 50 per cent as the government attempts to control expenditure, whilst demand continues to increase. With the highest population of any London borough, and an ever-increasing demand for services – particularly care for the elderly, this is a great achievement.

Barnet is a growing borough and our local economy is strong. Our vision is for a council that works to ensure everyone can benefit from the opportunities that growth and investment will bring. This means the council helping people to help themselves whilst still protecting what people value in Barnet – its excellent schools, its excellent parks and open spaces, and its character as an outer borough of the world's greatest city.

To achieve this, we will need to change the way we work over the next few years so that we deliver the services residents expect whilst becoming even more efficient.

But as we continue to reduce the day to day running costs of the council to make savings, we are investing heavily in the future infrastructure of the borough. As well as building new housing, leisure centres, schools and community buildings, the council is also investing in improvements to our pavements and roads and our green spaces. We are putting a machine into action that will melt the road surface to allow a quick and permanent pothole repair. This will save the temporary repairs that are done quickly with a permanent job done later. We are taking a strong enforcement approach against those who litter, fly-tip, or illegally store containers on the highway. The vast majority of Barnet residents act responsibly but for those at don't, we will take action.

We will ensure that developers, big and small, pay for any damage caused to our roads and pavements through a deposit scheme. We will have tighter control of skips and building materials so that they do not cause a hazard for pedestrians and road users. Parking charges will gradually change to encourage the use of smaller, cleaner, cars. Poor air quality is a London-wide problem and needs to be sorted out regionally and by the borough.

Responsible growth, regeneration and investment

As the funding we receive from the government eventually reduces to zero, the council will focus on making sure that it collects enough Council Tax and Business Rates to maintain local services. Essentially, this means building new homes and offices in the regeneration areas. The council's regeneration programme will see £6bn of private sector investment over the next 25 years, which will create around 20,000 new homes and up to 30,000 new jobs. It will also generate £17m of additional income annually for the council by 2020, with one-off income of £55m. The schemes at Colindale, Stone Grove, West Hendon and Dollis Valley are well on the way to completion. Plans are well advanced at Brent Cross to modernise the shopping centre and build new homes both owned and rented. There will also be offices on the other side of the North Circular. This is exciting, but it is essential that the transport infrastructure, schools and medical services are in place as people move in. Through our capital investment programme we will invest £833.7m in the borough between now and 2020, using the proceeds of growth to re-invest in infrastructure.

There is a need for more apprenticeships to engage our young people and bring them in to the workforce, as well as making it easier to access skills development. We have already put in place services to support our residents into work. For example, the Burnt Oak Opportunities Support Team (BOOST) has helped nearly 200 people into work since its launch in June 2015 and the Welfare Reform Taskforce has helped over 1,000 people find a job.

Building resilience in residents and managing demand

Barnet council is facing a £53.9 savings gap to 2020, and this is not simply due to continued reductions in government funding. Changing demographics and a growing population – particularly among the very young and the very old – continues to put pressure on local public services.

As we continue to be more efficient and prioritise, we will always protect our vulnerable residents. Our aim is to target our resources at those most in need, and support residents to stay independent for as long as possible. This means equipping residents to help themselves and intervening early to address and respond to issues as they arise, rather than waiting until they reach a critical stage. We are working with other parts of the public sector to achieve this through more joined up services, as well as incurring fewer costs by working together more efficiently.

An example of this is the Barnet Integrated Locality Team which works to co-ordinate care for older adults with complex medical and social care needs, helping them to stay well in their own homes, thereby easing demand for costly residential care and reducing pressure on the NHS. Likewise, the REACH team and Youth Service provide a joined up approach to increasing family resilience against crime, whether this be as victims or offenders, including situations with multiple issues such as domestic violence, substance misuse, mental health, and gangs.

Transforming local services

As a Commissioning Council our focus is on reaching the best outcomes for our residents whilst delivering value for money to the taxpayer through working with a range of public, private, and voluntary sector organisations.

For some services, this has meant a partnership with the private sector, for example our contracts with Capita to provide our back office and customer services has saved the council £31m since 2013. These are savings that would otherwise have had to come from the more ‘visible’ services that our residents rely on.

We have also recently entered into a partnership with Cambridge Education, a specialist education company, to deliver our Education and Skills services. By 2019/20 this partnership is guaranteed to save the council £1.88m per year through marketing and selling services to more schools and other local authorities, which will create income.

We are aiming to move towards 80% of contact with the council being online or through other digital means by 2020. This is more efficient and flexible for residents, and saves the council money which can then be targeted at residents most in need. We will ensure there will be access arrangements for those who cannot get online.

Promoting community engagement, facilitating independence and building community capacity

The council will continue to face up to its responsibilities in the coming years but we can't do it on our own. The borough's residents and businesses will need to do their bit – helping to keep our

streets and parks tidy, recycling more, and looking out for our neighbours – to ensure we are equipped to rise to the challenges of the next few years. But this also means residents having more of a say in the future of their local area, and we will increase our support for those residents and groups who want to take on a more active role.

2. OUR APPROACH TO MEETING THE 2020 CHALLENGE

The council's Corporate Plan sets the framework for each of the Theme Committees' five year commissioning plans. Whether the plans are covering services for vulnerable residents or about universal services such as the environment and waste, there are a number of core and shared principles, which underpin the commissioning outcomes.

The first is a focus on fairness: Fairness for the council is about striking the right balance between fairness towards the more frequent users of services and fairness to the wider taxpayer and making sure all residents from our diverse communities – young, old, disabled and unemployed benefit from the opportunities of growth.

The second is a focus on responsibility: Continuing to drive out efficiencies to deliver more with less. The council will drive out efficiencies through a continued focus on workforce productivity; bearing down on contract and procurement costs and using assets more effectively. All parts of the system need to play their part in helping to achieve better outcomes with reduced resources.

The third is a focus on opportunity: The council will prioritise regeneration, growth and maximising income. Regeneration revitalises communities and provides residents and businesses with places to live and work. Growing the local tax base and generating more income through growth and other sources makes the council less reliant on Government funding; helps offset the impact of budget reductions and allows the council to invest in the future infrastructure of the borough.

Planning ahead is crucial: The council dealt with the first wave of austerity by planning ahead and focusing in the longer-term, thus avoiding short-term cuts and is continuing this approach by extending its plans to 2020.

3. CORPORATE PLAN PRIORITIES

The **principles** of **Fairness**, **Responsibility** and **Opportunity** are at the heart of our approach. We apply these principles to our **Corporate Plan priorities** of: **delivering quality services; responsible growth, regeneration and investment; building resilience in residents and managing demand; transforming local services; and promoting community engagement, independence and capacity.**

These priorities are underpinned by a commitment to **continual improvement in our customer services** and to be **as transparent as possible with the information we hold and our decision-making.**

Fairness

- fairness for the council is about striking the right balance between fairness towards more frequent users of services and to the wider taxpayer
- **building resilience in residents and managing demand** – between 2011 and 2016 we've successfully saved over £112m through effective forward planning. In order to meet the £61.5m budget gap to 2020, we will target resources on those most in need and support

residents to stay independent for as long as possible

- this will require a step change in the council's approach to early intervention and prevention, working across the public sector and with residents to prevent problems rather than just treating the symptoms.

Responsibility

- the council will focus not only on getting the basics right, but also **delivering quality services**, and striving to continuously improve the standard of services
- **promoting community engagement, independence and capacity** - as the council does less in some areas, residents will need to do more. We're working with residents to increase self-sufficiency, reduce reliance on statutory services, and tailor services to the needs of communities
- in doing so, the council will facilitate and empower residents to take on greater responsibility for their local area.

Opportunity

- the council will capitalise on the opportunities of a growing local economy by prioritising regeneration, growth and maximising income
- **responsible growth, regeneration and investment** is essential for the borough – by revitalising communities and providing new homes and jobs whilst protecting the things residents love about Barnet such as its open spaces. New homes and business locations also generate more money to spend on local services, which is increasingly important as the money received directly from government reduces to zero
- we will use the proceeds of growth to invest in local infrastructure and maintain Barnet as a great place to live and work as we continue to deal with budget reductions to 2020
- we will explore the opportunity this presents to **transform local services** and redesign them, delivering differently and better
- we will focus on making services more integrated and intuitive for the user, and more efficient to deliver for the council and the wider public sector.

The Equality Act 2010 and the Public Sector Equality Duty impose legal requirements on public organisations to pay due regard to equalities. The Corporate Plan is fundamental to the council's approach to deliver equalities. It enables the principles of equalities and valuing diversity to be reflected and mainstreamed into all council processes. It also outlines the council's Strategic Equalities Objective (SEO) that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer.

Through the SEO, Barnet aims to provide the best start for our children and access to equal life chances to all our residents and taxpayers who live, work and study in Barnet. Progress against the SEO is monitored annually in an Annual Equalities Report which is publicly reported to Council and the SEO is also reflected through our Commissioning Plans and priorities for each Theme Committee. Management Agreements with our Delivery Units have a number of commitments which reflect the importance of equalities and how the Commissioning Plans will be achieved in practice, and performance indicators have been set and published for each Delivery Unit.

4. VISION FOR HOUSING

- We believe that people who contribute to the life of the Borough should be able to live here, in good quality, safe homes that they can afford
- We want to help our older and disabled residents to continue enjoying an independent life

- For all residents of the Borough – be they council tenants, leaseholders or private renters – we will continue to deliver efficient and effective housing services

5. COMMISSIONING PRIORITIES

Summary

- The best way to meet the borough’s housing need is to **increase supply**. Barnet is responding, with **27,000 new homes expected to be built in the borough in the next 10 years, – the most in outer London** – across our **major regeneration sites** and through a **future pipeline of brownfield redevelopment**. Our ambition is that 8,000 of these will be affordable units.
- We will **bring 1,000 empty properties back into use**.
- To **help renters**, we have put in place **measures to drive up the quality of the private rented market and introduced tougher measures**, such as our landlord accreditation scheme and additional regulations for Houses in Multiple Occupation and we will continue to monitor their effectiveness.
- We will continue our work to **tackle homelessness** with a focus on **prevention, boosting the supply of housing** and **efforts to manage demand** by helping people in temporary accommodation to **access housing in the private rented sector**.
- We will seek to implement the key elements of the **Housing and Planning Act** in ways that are of benefit to the borough.
- We will ensure best practice in relation to fire safety in the Council’s Housing Stock, investing in improved facilities as necessary to achieve this; and will work with other housing providers to ensure that their homes at least meet statutory standards.

Housing Strategy

Sets out how the council will meet the borough’s housing challenges through to 2025.

- With Barnet now having the largest population of any **borough in London** and continuing to grow, the Housing Strategy details the Council’s **housing priorities** over the next decade, including **work to build hundreds of new homes on council land** in addition to the **thousands of homes being built through the borough’s growth and regeneration schemes**.
- The Strategy is based around **six priorities** which include **increasing housing supply; delivering homes people can afford**; preventing and **tackling homelessness**; keeping the **quality of private rented homes** high, providing suitable housing to support vulnerable people, and delivering efficient and effective services to residents.

Housing Supply and Affordable Homes

New homes delivered, with an appropriate mix of size and tenure through growth and regeneration programmes.

- To help meet the rising demand for housing, the Strategy outlines the council’s ambition to **build hundreds of affordable homes on its own land** in the coming years with the first 43 of these already completed **and with plans to build a further 320**. Rents on newly built council homes will be **65% of the average market rent** or set at the **Local Housing Allowance rate** – whichever is lower. Income will be **reinvested** to help **build more homes that are affordable** in the borough and tackle homelessness.

Tackling Homelessness

Homelessness and use of emergency accommodation minimised.

- Work to **tackle homelessness** will continue with a focus on **prevention, boosting the supply of housing** to people who are homeless and efforts to **manage demand** by helping people in temporary accommodation to access housing in the private rented sector.
- Extensive work is already underway which brings together staff from Barnet Homes, the council's benefits service and Job Centre Plus to **assist people into employment**. For example, our Welfare Reform Task Force **engaged 98% of residents** affected by the Benefit Cap, **helping 36% into employment (July 2016)**.

Suitable housing to support vulnerable people

Needs of vulnerable groups met through homes with an appropriate mix of size and tenure.

- Providing suitable housing to support vulnerable people, including a new extra care scheme at Moreton Close
- Ten per cent of all new homes will be wheelchair accessible and we will also ensure that all homes continue to be built to the Lifetime Homes standard.
- Barnet is delivering homes with an appropriate mix of size and tenure for the needs of vulnerable groups through its growth and regeneration programmes.
- With Children Education Libraries and Safeguarding Committee, exploring ways to better meet the housing needs and achieve better outcomes for care leavers and other vulnerable young adults.

Quality in the Private Rented Sector

Good quality private rented sector that provides a key role in meeting the housing needs of the borough.

- Barnet's Housing Strategy will **bring more empty properties back into use**, alongside measures recently introduced aimed at keeping the quality and safety of **private rented homes** in the borough high by **cracking down on the minority of rogue landlords**.

Efficient and Effective Services to Residents

- Offering a high quality service to Council tenants and leaseholders, maintaining top quartile customer satisfaction with landlord.
- Ensuring high standards of safety through effective risk management, statutory compliance and commencing a programme of investment in fire safety measures.

6. KEY SUCCESSES IN PAST YEAR

Housing supply and affordable homes

- **Nearly 27,000 new homes** expected to be built in the borough in next 10 years, including **more than 20,000** across Barnet's seven major regeneration schemes, and up to **30,000 jobs created**
- Barnet Homes finished building **Barnet's first council homes in 25 years, with 43**

properties completed since 2013.

- Barnet Homes established Open Door Homes, **which will build 320 new affordable homes on council land by 2020**
- The council has agreed the purchase of 38 properties outside of London to **provide homes in more affordable areas for households facing homelessness.**

Tackling homelessness

- Continued focus on prevention, boosting the supply of housing to people who are homeless and efforts to manage demand by helping people in temporary accommodation to access housing in the private rented sector.
- Let2barnet made 646 private sector lettings by the end of Q4.
- 972 homelessness preventions by end Q4.
- Barnet Homes invested in a targeted resource to help move households out of temporary accommodation.

Suitable housing to support vulnerable people

- Suitable housing provided to support vulnerable people, including a new extra care scheme at Moreton Close. A capital bid was submitted for the extension of extra care development, creating potential for additional 100 places at affordable rents.
- The Keep Warm and Well Project, aimed at reducing the harmful effects of cold weather on the health of the people of Barnet, formally recommenced in October 2016.

Quality in the Private Rented Sector

- Following consultation, a planning direction came into force in May 2016 which means that planning permission is now required to convert single family houses to a house in multiple occupation (HMO) occupied by three or more people.
- The additional HMO Licensing scheme went live in July 2016, with the first license being issued in August 2016.
- The London Landlord Accreditation Scheme (LLAS) disseminates good practice and supports landlords to help improve conditions in the private rented sector. In 2016/17, 11 landlords were accredited bringing the total number of accredited landlords up to 627.

Efficient and Effective Services to Residents

- 100% of Fire Risk Assessments completed on time
- 90% of fire safety Priority 0 and 1 actions completed in time
- Average re-let times reduced from 21 days to 13.5 days

7. STRATEGIC PARTNERSHIPS

The Barnet Group	Regional Enterprise	Private rented sector landlords and agents	Housing associations	Regeneration partners	Others
Assessment	Regulation of	Supply of	Delivery of	Delivery of	Examples

The Barnet Group	Regional Enterprise	Private rented sector landlords and agents	Housing associations	Regeneration partners	Others
<p>of housing and homelessness applications</p> <p>Management of council's housing stock</p> <p>Delivery of new homes</p>	<p>the private rented sector</p> <p>Delivery of regeneration and growth programme</p> <p>Disabled facilities grants for private sector</p>	<p>homes for rent</p> <p>Stock investment</p> <p>Purpose built PRS</p>	<p>new affordable homes</p> <p>Low cost home-ownership</p> <p>The following associations have significant stock in Barnet:</p> <p>Genesis</p> <p>Family Mosaic</p> <p>Metropolitan</p> <p>One Housing Group</p> <p>Catalyst</p> <p>Notting Hill</p> <p>Network Homes</p> <p>London and Quadrant</p> <p>Sanctuary</p>	<p>new homes and communities – see table below for details of partners:</p>	<p>include:</p> <p>Outreach Barnet in tenancy sustainment</p> <p>Onwards and Upwards in supporting young people leaving care</p> <p>Clinical Care Commissioning Group for care and support</p> <p>London Fire Brigade</p>

Regeneration Partners	
Tenants and residents	
Brent Cross Cricklewood North	Hammerson UK PLC; Standard Life Investments; Cricklewood Regeneration Limited
Brent Cross Cricklewood South	Argent Related LLP; Network Rail.
Dollis Valley	Countryside Properties UK; London & Quadrant
Grahame Park	Genesis Housing Group
Granville Road	Mullalley; One Housing Group
Mill Hill East	Inglis Consortium LLP consisting of key partners: London Borough of Barnet, VSM Estates Ltd., & Annington Property Ltd.
Stonegrove/Spur Road	Barratts Evolution Limited; Family Mosaic

West Hendon	Barratt Metropolitan Limited Liability Partnership
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8. TRANSFORMATION PROGRAMME

The council's *transformation programme* will help to deliver the savings required by the Medium Term Financial Strategy. The key benefits of the programmes, along with the expected costs of delivery and financial benefits are outlined in the tables below.

Key benefits

Area	Key benefit
Growth & Regeneration Portfolio	
Empty Properties	Additional investment to bring back more properties into use and secure more properties for Barnet Homes to use for temporary accommodation (TA).
Temp Accommodation	Additional capacity within Barnet Homes to move households out of TA and prevent cases of homelessness.
Adults Portfolio	
Housing and Support projects	Work with Barnet Homes, Housing Associations ,developers and private landlords to ensure that accommodation supports people to live independently, through home adaptations and accessible housing; co-habitation with carers and peers; use of specialist home support services including personal assistance, integrated assistive technology; and access to networks of local services.

Transformation Programme cost and Medium Term Financial Plan benefits

Project	Total cost	Total financial benefit
Growth & Regeneration Portfolio		
Barnet Homes Management Agreement	£150,000	Saving of £2.148m (Project closed)
Empty Properties	£147,000	More emphasis in early intervention and prevention will lead to a reduction in Temp Accommodation budget pressures
Temporary Accommodation	Funded from existing service budgets	
Adults Portfolio		
Housing & Support projects	Funded from existing service budgets	Savings in social care budgets through reduced use of expensive residential care
Your Choice Barnet		
Assistive Technology for care support		
Total	£297,000¹	

¹ Total portfolio costs includes an apportionment of central programme costs, contingency and legal advice

9. INDICATORS FOR 2017/18

The tables below outline how the Committee contributes to achieving the priorities of the Corporate Plan: **Delivering quality services** (Responsibility); **Responsible growth, regeneration and investment** (Opportunity); **Building resilience in residents and managing demand** (Fairness); **Transforming local services** (Opportunity); and **Promoting community engagement, independence and capacity** (Responsibility).

Key:

CPI = Corporate Plan Indicator

SPI = Commissioning Plan Indicator

Responsible growth, regeneration and investment (Opportunity)

HOUSING SUPPLY AND AFFORDABLE HOMES - New homes delivered, with an appropriate mix of size and tenure through growth and regeneration programmes.

Ref	Indicator	2016/17 Target	2016/17 Annual Result	2017/18 Target	2019/20 Target	Service
CPI CG/S6 (RPS - biannual)	Percentage of residents who list affordable housing as a concern	Monitor	34% (Autumn 2016)	Monitor (Autumn and Spring)	London average (23% in 14/15)	Commissioning Group
CPI REGEN KPI05	Delivery of affordable housing completions	375	NEW FOR 2017/18	112	TBC	Re
CPI Re/S17 (Annual)	Percentage of new homes that are affordable (net)	40%	Not reported	Monitor (40%)	Monitor (40%)	Re

DELIVER EFFECTIVE AND EFFICIENT SERVICES

Ref	Indicator	2016/17 Target	2016/17 Annual Result	2017/18 Target	2019/20 Target	Service
SPI BH/C4 (LY: BH/C8)	Average re-let time for routine lettings	17.5 days	13.5 days (G)	13 days²	HM Benchmarking 1st Quartile	Barnet Homes

² 13 days to be achieved by the end of the year with quarterly targets set at Q1:15 days, Q2: 14.4 days, Q3: 13.7 days

Ref		Indicator	2016/17 Target	2016/17 Annual Result	2017/18 Target	2019/20 Target	Service
SPI	BH/C8 (LY: BH/C10)	Percentage of respondents very or fairly satisfied with repairs and maintenance (survey)	96%	99.2% (G)	96%	HM Benchmarking 1st Quartile	Barnet Homes
SPI		% of scheduled fire risk assessment completed (council housing) on time	New for 2017/18	TBC	100%	100%	Barnet Homes
SPI		% of priority 0 & 1 fire safety actions completed on time	New for 2017/18	TBC	90%	90%	Barnet Homes

Building resilience in residents and managing demand (Fairness)

TACKLING HOMELESSNESS - Homelessness and use of emergency accommodation minimised.

Ref		Indicator	2016/17 Target	2016/17 Annual Result	2017/18 Target	2019/20 Target	Service
CPI	BH/S2	Number of homelessness preventions	900	972 (G)	1050	1050	Barnet Homes
CPI	BH/KPI1 (LY: BH/C4)	Numbers of households in Temporary Accommodation	2700	2757 (GA)	2600	2000	Barnet Homes
CPI	NEW - TBC	Families with Children in Temporary Accommodation ³	NEW FOR 2017/18	NEW FOR 2017/18	Monitor	TBC	Barnet Homes
SPI	BH/C2 (LY: BH/C6)	Households placed directly into the private sector by Barnet Homes	500	646 (G)	575	575	Barnet Homes
SPI	BH/S1	Numbers of households in Emergency Temporary Accommodation (ETA)	150	149 (G)	175	150	Barnet Homes

³ New indicator – target set as Monitor for 2017/18 whilst baseline identified

Ref		Indicator	2016/17 Target	2016/17 Annual Result	2017/18 Target	2019/20 Target	Service
SPI	BH/S3	Length of stay in Emergency Temporary Accommodation (ETA)	Monitor	67.8	Monitor	Monitor	Barnet Homes
SPI	BH/C3	Number of families with children living in Bed and Breakfast for more than 6 weeks	0	0 (G)	0	0	Barnet Homes
SPI	BH/KPI2 (LY: BH/C2)	Percentage of those households in Emergency Temporary Accommodation (ETA) pending enquiries or found to be intentionally homeless	30%	28.9% (G)	Monitor	Monitor	Barnet Homes
SPI	BH/KPI15	Number of tenancy failures (evictions and abandonments)	35	31 (G)	35	HM Benchmarking 1st Quartile	Barnet Homes
SPI	BH/S4	Current arrears as a percentage of debit	3%	3.0% (G)	2.9%	Top 25%	Barnet Homes
SPI	BH/S5	Temporary Accommodation arrears as a percentage of debit	4.95%	5.36% (R)	4.95%	Set Annually	Barnet Homes


SUITABLE HOUSING TO SUPPORT VULNERABLE PEOPLE - Needs of vulnerable groups met through homes with an appropriate mix of size and tenure

Ref		Indicator	2016/17 Target	2016/17 Annual Result	2017/18 Target	2019/20 Target	Service
SPI	CG/S21	Delivery of 10% affordable homes as wheelchair or accessible units	10%	11.5% (3 of 26 units) (G)	Monitor	32 units	Commissioning Group

QUALITY IN PRIVATE RENTED SECTOR - Good quality private rented sector that provides a key role in meeting the housing needs of the borough

Ref		Indicator	2016/17 Target	2016/17 Annual Result	2017/18 Target	2019/20 Target	Service
CPI	EH02I	Compliance with licensing requirements for Houses in Multiple Occupation	60%	72% (G)	60%	90%	Re

Ref		Indicator	2016/17 Target	2016/17 Annual Result	2017/18 Target	2019/20 Target	Service
SPI	EH04A (Annual)	Number of empty properties brought back into residential use	100	120 (G)	100	100	Re
SPI	EH04B (Annual)	Number of private tenanted properties with Category 1 Hazards reduced to Category 2 Hazards	Not less than 165	396 (G)	Not less than 165	Category 1 hazards reduced in 165 properties	Re
SPI	EH02J	HMOs licensed in a timely manner (90 days or less)	Not less than 60%	86% (G)	60%	60%	Re
SPI	EH11 (Annual)	Number of accredited landlords	5% increase on 15/16 outturn)	627 (G)	658 (based on 5% increase on 16/17 outturn)	570 (based on 5% increase on the 18/19 outturn) (TBC at year-end)	Re
SPI	EH10 (Annual)	Increasing number of Houses in Multiple Occupation licenced under the mandatory scheme	191	244 (G)	260	Total number of licensed premises is increased by 20 annually	Re

	<h2>Housing Committee</h2> <h3>23rd October 2017</h3>
<p style="text-align: right;">Title</p>	<p>First year review of additional licensing scheme for houses in multiple occupation</p>
<p style="text-align: right;">Report of</p>	<p>Deputy Chief Executive</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;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</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>

Summary
<p>Following approval at Housing Committee on 1st February 2016, an ‘additional licensing scheme’ for certain houses in multiple occupation (HMOs) was introduced on 5th July 2016. The first year has been used to introduce the scheme, set up a new team of Enforcement and Technical Support Officers and to introduce and streamline systems and procedures to handle the new type and number of applications. It was requested by the Housing Committee at the time of the scheme’s approval, that an update report be brought back to committee annually from scheme introduction.</p>

Recommendations
<p>1. That the Committee note the update provided in this report.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 As noted above, it was requested by the Housing Committee at the time of the additional licensing scheme being approved, that an update report be brought back to committee annually.
- 1.2 Under Part 2 of the Housing Act 2004, higher risk houses in multiple occupation (HMOs) of three or more stories, occupied by 5 or more persons forming two or more households have been required to hold a mandatory HMO Licence. The aim of this legislation was for local authorities to improve standards and conditions in the higher risk HMOs through licence conditions.
- 1.3 Following an extensive consultation exercise, Barnet Council introduced an Additional HMO Licensing Scheme for lower risk HMOs on 5th July 2016. A HMO needs to be licensed under the Additional HMO Licensing Scheme when:
- it has two or more storeys, occupied by four or more persons in two or more households and where some or all facilities are shared or lacking
 - It has two or more storeys, with a resident owner and is occupied by four or more other persons in two or more households and where some or all facilities are shared or lacking
 - it is a flat occupied by four or more persons in two or more households and where some or all facilities are shared or lacking and where the flat is on the second storey or higher
 - It is a building of three or more storeys that has been converted into and consists of four or more self-contained flats where the conversion was not undertaken in accordance with the Building Regulations 1991 (or later) and fails still to so comply; and where both the building and flats it contains are owned by the same person (none of the individual flats within the building being under separate ownership)
 - It is a 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.
- 1.4 At the time that the Additional HMO Licensing scheme was approved the government had indicated that mandatory HMO licensing was due to be expanded to cover a wider type of properties. This has not yet been forthcoming although indications are that it is still likely.
- 1.5 From the data collection exercise completed as part of the consultation exercise, indications were that there were 3,836 properties that would fall under the proposed scheme in the borough. Based on previous experience fluctuations in this data were expected due to changes in the mode of occupancy and property sale.
- 1.6 The first 12 months have involved a significant amount of infrastructure work:

- New procedures and systems designed and implemented to streamline the HMO licensing process and ensure uniformity of decisions made by officers
- Full web review and introduction of an [HMO Licensing Tool](#) to assist landlords and agents to understand if their property is licensable or not)
- Team of 4 Enforcement Officers, 4 Technical Support Officers and a Team Leader recruited, trained and inducted.
- Ongoing scheme advertising using a combination of:
 - Borough wide publicity in newspapers and Barnet First
 - Targeted publicity to landlords, agents, solicitors, charities and support agencies
 - Targeted publicity to partners within Re and the Council
 - Regular drop in sessions at Barnet House
 - Promotional events at estate agents premises
 - Attendance at Middlesex University events
 - Presentations at landlords forums
 - Regular reminders to landlords and tenants in relation to the scheme through social media
 - Direct communications to premises identified as likely to fall under the HMO licensing scheme (additional and mandatory)
- Action on cases prioritised to ensure that more complex and higher risk cases are dealt with by the more experienced officers
- A close working relationship has continued with the London Fire and Emergency Service (LFEPA). There has been a review of the joint working protocol between Barnet and the LFEPA and a new consultation process developed for HMO Licensing cases. The new process enables lower risk cases meeting the standards detailed in the LACORS Fire Guidance to go through a system of peer checking instead of requiring full LFEPA consultation. This speeds up the processing time for licences and the new paperwork makes all consultations more transparent.
- Officer trained on Fire Risk Assessment. This will be of benefit in relation to:
 - Reviewing and updating as appropriate the current advice to landlords in relation to fire precautions work
 - Refresher training to officers
 - Provision of a new service to provide Fire Risk Assessments for landlords for a fee.

1.7 **Actions completed to date with comparisons to previous years.**

Comparisons with other boroughs have not been included as these can be misleading. No other borough introduced a scheme at the same time as Barnet and numbers licensed will vary significantly depending on if the Borough also has a Selective Licensing scheme, or has large blocks (including purpose-built student accommodation) or small single HMOs to licence. There is therefore no benefit in comparing data with other boroughs. The target for year 1 was 200 applications to allow for setting up systems, recruiting staff, scheme launch and promotion. It was noted in the original report that these numbers were dependent upon the number of licences submitted reactively by landlords and will be constantly reviewed.

	2015-16	2016-17	Q1 2017-18
Mandatory HMO licence applications received	70	111	24
Additional HMO licence applications received	No scheme	227 (July to March)	60
Mandatory HMO Licences issued	64	85 (85.9% issued in 3 months or less)	38 (69% issued in 3 months or less)
Additional HMO Licences issued	No scheme	128 (July to March) (81.6% issued in 3 months or less)	76 (77.6% issued in 3 months or less)
Total number of licensed premises in the borough	149 HMOs in total	371 HMOs in total	474 HMOs in total
Temporary Exemption Notices Served (where landlords have a licensable premises that is reverting to a non-licensable status)	10	35	20
Conditions compliance in mandatory HMOs	80%	70%	65% (1/9/17)
Conditions compliance in additional HMOs	No scheme	17%	14.5% (1/9/17)

Landlords accredited under the London Landlord Accreditation Scheme	YTD March 2016 592	YTD March 2017 632	YTD June 2017 643
Customer satisfaction for landlords		87% (average for Re services 69%)	95% (average for Re services 71%)
Appeals to the First Tier Tribunal received	0	2	1
Appeals to the First Tier Tribunal defended	0	2	1
Successful prosecutions	10 successful prosecutions since April 2016 for failure to licence and/or contraventions of the Management Regulations and/or failure to comply with a Prohibition Order. Total fines/victim surcharge and costs awarded over £215,000.1 case for failure to licence was used by the tenants to support a Rent Repayment Order leading to a repayment of £5,000 of rent to the tenants.		

288 properties are currently being actively targeted by officers for additional HMO licensing applications

Since the introduction of the scheme, 11 paid for HMO Inspections have been completed by Re to landlords to assist them in understanding their legal obligations and options in relation to their HMOs.

1.8 Scheme Strengths

- 218% increase in the number of licensed HMOs overall in the borough since March 2016. All of these properties have been inspected, had action taken in relation to any category 1 hazards identified or other urgent legal contravention and had a licence issued with property specific conditions.
- 9% increase in the number of accredited landlords, perhaps linked with a reduced fee for an Additional and Mandatory HMO licence or details about the scheme sent with the HMO application.
- Improved more streamlined service for all licence applicants
- A balance is being maintained in relation to prioritising action against the higher risk mandatory HMO licenced premises whilst still processing Additional HMO Licence applications

- High level of customer satisfaction with the HMO licensing process. This is particularly pleasing given that the work flow for licensing is not regular and as such some weeks have a large bulk of applications which require the same level of service as weeks with a more manageable number.

Testimonials from Landlords:

“of all the people I have spoken you have been the most human & understanding & made the effort to give as much help as possible. I hope they promote you to high levels of authority. Many Thanks”

“ It was nice to meet you at xxxx. We appreciate your constructive feedback”

1.9 Scheme Issues identified

Other London boroughs have indicated that they are struggling to licence landlords through Additional HMO licensing as it is harder to identify non-compliant cases if the tenants do not want Council involvement. Feedback from other boroughs indicates that where boroughs have selective schemes involving all tenanted premises in the borough it is easier to enforce since all that is required to prove that a licence is needed, is that a property is let in the private rented sector.

Below is a table highlighting issues identified with the additional licensing scheme.

Issue identified	Comment	Action to be taken 2017-18
Lower level of applications than expected for Additional HMO licence	<p>There has been a significant increase in the number of mandatory applications received. This is likely to have arisen as a result of the introduction and promotion of the Additional Scheme and this has been the experience of other boroughs in introducing their schemes.</p> <p>Other boroughs experiences have also indicated that obtaining Additional HMO licensing applications would be difficult.</p> <p>The year one target was exceeded but the year two target of six hundred</p>	<p>On line HMO licensing is being developed in consultation with Lewisham and Bexley to make the application process easier for applicants.</p> <p>Adoption of a policy for civil penalties under the new Housing and Planning Act 2016 as an additional enforcement option for landlords who fail to licence their premises or fail to comply with their HMO licensing conditions. Publicity of this should act as a deterrent for landlords who continue to flout the law.</p> <p>Recruitment to a new post in the HMO Licensing Team to</p>

	<p>applications is proving very challenging. It is difficult to get landlords to apply for licences proactively. The majority of applications require some level of chasing and/or advice/enforcement action.</p>	<p>carry out intelligence focused enforcement work. This post will support and prioritise the work of the existing HMO Licensing Officers.</p> <p>Liaising with CitizensUK and Middlesex University in relation to opportunities to involve students more in identifying non licensed student accommodation.</p>
<p>Properties identified as being licensable are no longer licensable</p>	<p>The data set used to assess the evidence base for Additional HMO Licensing is now 2 years old.</p>	<p>A new data set is being established based on all available sources of information. This will include new data obtained from the Rent Deposit organisations and the Royal Mail (multiple address) data base.</p> <p>Reviewing the data base should ensure that fewer resources are wasted targeting properties that are not licensable.</p>
<p>High turnover of staff</p>	<p>Since the Licensing Team was set up in June 2017, 5 officers have moved onto other opportunities in other organisations for a variety of reasons. Recruiting staff is resource intensive and training them to achieve a high standard of service is time consuming.</p>	<p>The necessary recruitment process is nearing completion.</p> <p>The Private Sector Housing Manager is working closely with Middlesex University in relation to opportunities to strengthen links between Barnet and the Environmental Health BSc and MSc courses. The aim is to build on the success of the current scheme. Of the two students working in Barnet this year, one has just been recruited to a Technical Officer post in the Housing Enforcement Team. We continue to foster good relations with the University by providing occasional lectures.</p>
<p>Balancing enforcement</p>	<p>Conditions compliance in</p>	<p>With the re-establishment of</p>

<p>action in relation to conditions compliance with enforcement for failure to licence.</p>	<p>mandatory HMOs, the highest risk properties have remained at a good level with priority given to re-inspection of these premises.</p> <p>Reduction in Technical Support staff has reduced [the capacity to chase] licensing conditions compliance.</p>	<p>staff and systems chasing of conditions compliance can be undertaken on a regular basis. Priority will continue to be given to higher risk premises.</p>
<p>Targeted enforcement action</p>	<p>Parts of Barnet still have very poor housing conditions and whilst HMO identification visits were prioritised by post code there has not been any area based enforcement action.</p>	<p>On completion of the revised data set enforcement action will be prioritised based on post code, and property condition. Enforcement action will remain a challenge where the tenants do not want the Council involved, regardless of the risk to themselves or their families.</p>

2 REASONS FOR RECOMMENDATIONS

- 2.1 This report has been provided by way of an update to Housing Committee as requested at Housing Committee in February 2016.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 No other options have been considered as this update was requested by Housing Committee in February 2016
- 3.2 The additional licensing scheme is a 5 year scheme and as such consideration of whether an alternative model for property improvement should be used would be premature at this stage. However, the Private Sector Housing team will keep abreast of any alternative options that become available during the life of the scheme and can advise the committee if an alternative is considered preferable.

4 POST DECISION IMPLEMENTATION

- 4.1 The actions detailed in 1.8 will continue to be implemented.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 This report is in accordance with the Council's Corporate Plan 2015-2020 which is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer

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

5.2.1 Finance & Value for Money: The additional licensing HMO fees will be reviewed annually to ensure that the cost of scheme implementation is covered by the fees.

5.2.5 Procurement: At this time there are no procurement implications.

5.2.6 Staffing: At this time there are no staffing implications save those noted earlier in the report.

5.2.7 Property: At this time there are no property implications.

5.2.8 IT: At this time there are no IT implications.

5.2.9 Sustainability: At this time there are no sustainability implications. Improving private rented housing provides an opportunity to reduce energy use and carbon dioxide emissions through improving poor heating and inadequate insulation provision through reduction of Category 1 hazards. Each HMO licence contains the following licence conditions regardless of which scheme it falls within:

"The licence holder shall ensure that all units of living accommodation including sleeping and bath/shower rooms are 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. Heating appliances in bath/shower rooms must be suitable for use in such locations and be suitably sited within the room. Heating installations must in all other respects, comply with the Council's Adopted Standards for Houses in Multiple Occupation"

"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 overheating of proximate electrical cables. Otherwise the installation is to be in accordance with the manufacturer's/suppliers' instructions"

5.3 Social Value

- 5.3.1 Through the licensing of HMOs, the highest risk accommodation in the borough is improved to help protect the lives of vulnerable persons. The Private Sector Housing Team will continue to try and target the worst performing landlords.
- 5.3.2 All enforcement action is taken in line with the Regulatory Services Enforcement Policy which ensures that any action taken is transparent and proportionate in relation to the offence.

5.4 Legal and Constitutional References

- 5.4.1 The Housing Act 2004, section 56 provides Local Authorities with the power to designate areas within their district, or the whole district, as being subject to an additional HMO licensing scheme in relation to some or all of their HMO properties in that area. These HMOs would be those not already subject to the mandatory HMO Licensing that is required under the Act. Barnet resolved to have an additional licensing scheme in accordance with this.
- 5.4.2 Under the Council's Constitution, Responsibility for Functions, Annex A, the Housing Committee has the following specific responsibilities (amongst others):
- Promote the better integration of privately rented properties into the Borough's framework
 - All matters related to regulation of private sector housing, including enforcement, licensing, empty properties and squatting
 - Housing licensing and housing enforcement.
 - All matters relating to provision of disabled facilities and other housing related grants, including the operation of a Home Improvement Agency

5.5 Risk Management

- 5.5.1 Care continues to be taken to implement a scheme that targets poor property management whilst using a lighter touch on the more compliant landlords.
- 5.5.2 The more legal action that is taken by the Council, the more exposed the local authority is to appeals. Since the introduction of the Additional HMO Licensing Scheme there have been three appeals to the First Tier Tribunal (two linked to additional cases and one to a mandatory case). Two of the cases were successfully defended by the Council and one was struck out by the tribunal. The appeals to date have not identified any issues with the approach, policies and procedures used in relation to HMO Licensing and have been generally positive.

5.5.3 Securing licensing applications continues to be a challenge and this can be very resource intensive. The programme will continue to be closely monitored and a flexible approach used in relation to staffing.

5.5.4 As many boroughs are currently introducing additional and selective licensing schemes and there may be an expansion to the current mandatory licensing scheme and difficulties recruiting any new staff required may arise which could cause delays in scheme administration.

5.6 Equalities and Diversity

5.6.1 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.

5.6.2 The Equality Act 2010 sets out the Public Sector Equality Duty which requires public bodies to have due regard to the need to:

- eliminate 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
- foster good relations between persons who share a relevant protected characteristic and persons who do not

5.6.3 The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.6.4 As part of the proposal to introduce the Additional HMO Licensing scheme, a full Equalities Impact Assessment was completed and submitted with the Committee report.

5.6.5 It is considered that HMO licensing and housing enforcement action requiring the improvement of accommodation has an overall positive impact for landlords, tenants, residents and businesses by virtue of the potential improvement to the quality and management of accommodation in the borough. Any enforcement action taken is in line with the Regulatory Services Enforcement Policy.

5.7 Consultation and Engagement

5.7.1 There has been no specific consultation on the approach detailed in this report as it is an update report. Extensive consultation was undertaken prior to the introduction of the Additional HMO Licensing Scheme.

6 BACKGROUND PAPERS

6.1 [Housing Committee 1st February 2016](#)

6.2 [Equalities Impact Assessment for Additional HMO Licensing](#)

	<p>Housing Committee 23 October 2017</p>
<p style="text-align: right;">Title</p>	<p>Housing Revenue Account (HRA) Business Plan</p>
<p style="text-align: right;">Report of</p>	<p>Deputy Chief Executive</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>No</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>Yes</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A- Housing Revenue Account Business Plan</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Cath Shaw, cath.shaw@barnet.gov.uk, 020 8359 4716 Paul Shipway, paul.shipway@barnet.gov.uk, 020 8359 4924</p>

Summary

The Housing Revenue Account (HRA) is a ring-fenced budget that is used to manage income and costs associated with managing the Council's Housing Stock and related assets including shops and garages on council housing estates. The Council has developed a 30 year HRA Business Plan in 2015 which identified priorities for the HRA including investment in homes and services. The plan has been updated to reflect progress since 2015 and to take account of the need for extra investment in fire safety measures.

Recommendations

1. That the Committee approve the draft Housing Revenue Account Business Plan as attached in Appendix A.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Housing Revenue Account (HRA) is a ring-fenced budget associated with council housing and other assets such as shops, garages and land on council housing estates.
- 1.2 From 2012, a national subsidy system for council housing was replaced with self-financing giving local authorities direct control over the income and expenditure associated with council housing. This settlement saw Barnet move away from having to pay circa. £11m of council rents it collected to the Treasury to a position whereby the HRA is self-sufficient and able to meet the on-going investment needs of council homes.
- 1.3 In addition, the settlement provided the council with the opportunity to borrow an additional £38m as a result of headroom generated by differences between the actual HRA debt and the amount assumed in the settlement.
- 1.4 The Council has progressed a number of priorities to make use of the additional investment. These include:
 - Additional investment in existing council homes to maintain them to the Decent Homes Standard and also provide an accelerated programme of essential health and safety works,
 - Completion of 43 new council homes for rent on existing HRA land
 - Investment in a new extra care scheme at Moreton Close which is currently on site, and a commitment to fund 2 further similar schemes
 - The acquisition of 21 of properties for affordable rent across London
 - A programme of advanced acquisitions on the Council's regeneration estates.
- 1.5 The 30 year HRA Business Plan, attached at Appendix A, has been updated to set out how the Council will manage and maintain the housing stock and properties for investment going forward.
- 1.6 In addition, following the Grenfell Tower fire earlier this year, the plan now includes options for implementing improvements to fire safety measures in the Council's housing stock.
- 1.5 The HRA Business Plan has taken into account the national policy of reducing existing council rents for each of the next two years, and the impact of the roll out of Universal Credit in 2018. A scenario is also included that shows the potential impact of proceeding with the sale of high value properties and payment of a levy to the Treasury, which featured in the Housing and Planning Act 2016 but has not yet been implemented by the Government.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Council's housing stock is managed and maintained by Barnet Homes, which completed the Decent Homes programme in 2011. It is necessary to continue to fund investment in the existing housing stock to ensure that

properties are well maintained and to ensure that the Council meets its statutory obligations in relation to health and safety. A 30 year asset management strategy has been developed by Barnet Homes to determine the future investment needs of the existing housing stock, including major works and health and safety related works.

- 2.2 It is important to learn the lessons from the Grenfell Tower fire, and the HRA Business Plan sets out how the cost of fire safety improvements could be met through the HRA.
- 2.3 The Council faces significant General Fund budget pressures and the HRA provides some opportunities to help mitigate these pressures, particularly in terms of reducing the need to use expensive temporary accommodation by providing additional homes for rent for households facing homelessness. The HRA also provides an opportunity to provide cheaper alternatives to expensive residential care for vulnerable people including older people and wheelchair users.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The HRA Business Plan has been developed to support the priorities outlined in the Housing Strategy and Housing Committee Commissioning Strategy, and no other options were considered.

4. POST DECISION IMPLEMENTATION

- 4.1 A number of other pieces of work will follow in order to implement the HRA Business Plan. This includes progressing plans to build two more extra care housing schemes and additional homes at Burnt Oak Broadway, as well as delivery of measures to improve fire safety.
- 4.2 The Council will seek financial support from the Government in meeting the additional costs associated with improvements to fire safety measures.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The HRA Business Plan contributes to the strategic objectives in Council's Corporate Plan 2015 to 2020 in the following ways:

"The Council, working with local, regional and national partners, will strive to ensure that Barnet is a place:

- *"Of opportunity, where people can further their quality of life"- by maintaining the existing housing stock in good condition delivering new affordable homes for rent;*
- *"Where people are helped to help themselves, recognising that prevention is better than cure" – by using resources to provide services that help more vulnerable council tenants to maintain their*

independence, and to provide an extra- care scheme and wheelchair units for vulnerable people;

- *“Where responsibility is shared, fairly”* – by recognising that services provided by Barnet Homes can help households affected by welfare benefit reforms to access to employment and training opportunities.
- *“Where services are delivered efficiently to get value for money for the taxpayer”* – by maintaining the housing stock efficiently to ensure that high standards are maintained and that resources are used in the most effective way.

5.1.2 Barnet’s Joint Strategic Needs Assessment 2015 to 2020 highlights the fact that there is a long term shift in housing tenure towards renting and away from owner occupancy (either outright or with a mortgage) reflecting a sustained reduction in housing affordability and an imbalance between housing demand and supply. The HRA Business Plan aims to increase the housing supply including the provision of specialist housing for vulnerable people.

5.1.3 The plan contributes to the Housing Strategy, by maintaining the quality of the existing council housing stock, provides additional housing which will help the Council to tackle homelessness and provide homes for vulnerable people, including older people and wheelchair users.

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

5.2.1 The Housing Revenue Account Business Plan seeks to provide assurance there is a viable plan in place for managing and investing the resources available to the Council in the form of council rents and income from other HRA assets such as shops and garages.

5.2.2 New affordable homes provided through the HRA will help to reduce costs to the council’s general fund by providing an alternative to short term temporary accommodation, which has a net cost to the Council of approximately £1,775 a year per unit.

5.2.3 The delivery of extra care housing and wheelchair adapted homes will help the council to meet savings targets for social care budgets by providing a more affordable alternative to residential care as a well as delivering a better outcome for vulnerable residents.

5.2.4 The HRA Business Plan is modelled on the assumption that rents for existing council homes will reduce by 1% a year until April 2019 in line with current Government Policy. It also takes account of the recent Government proposal that social rents will be able to increase by up to CPI + 1% a year for five years, starting from 2020/21 (i.e. after the end of the current rent reduction period and from 2025/26 that they will then increase by CPI. For new council homes it is assumed that affordable rents of 65% of local market rents will be charged, in line with the Councils rent policy).

5.2.5 The inclusion of additional measures to improve fire safety will put financial pressure on the HRA and constrain the ability of the Council to fund additional new homes. In view of this, the Council will seek additional financial assistance from the Government to take account of these additional costs.

5.3 Social Value

5.3.1 Social Value considerations will be considered in the individual investment decisions.

5.4 Legal and Constitutional References

5.4.1 The Localism Act 2011 reformed the way that council housing is financed in England and Wales. The national HRA subsidy system ended in April 2012 and was replaced with self-financing.

5.4.2 Annex A to the Responsibility for Functions Section of the Council's Constitution gives the Housing Committee specific responsibility in relation to the Housing Strategy (incorporating the Homelessness Strategy).

5.5 Risk Management

5.5.1 There is a risk that costs assumed in the HRA Business Plan will be higher than anticipated, this will be mitigated through regular monitoring and updating of the plan.

5.5.2 There is a risk that the Government will proceed with the implementation of measures in the Housing and Planning Act and require the Council to pay a levy to the Treasury based on assumptions about the sale of high value properties. This could make the HRA unviable, and the Council would seek additional financial freedoms for the HRA should this prove to be the case.

5.5.3 There is a risk that the Council does not make full and effective use of the HRA and borrowing headroom and that the objectives set out in the business plan are not realised. This will be mitigated by regular reviewing of progress of the objectives through resources in the Council's Commissioning Group.

5.5.4 There is a risk that there will be further unexpected constraints on rent setting beyond April 2020, which could impact on the viability of the HRA Business Plan.

5.6 Equalities and Diversity

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

sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.

5.6.2 Investment in existing council housing stock will impact positively on existing council tenants who are generally more diverse than the population of the borough as a whole. New family sized housing that is being delivered through the HRA Business Plan will be available to households in need, including homeless applicant who are likely to be more ethnically diverse and younger than existing council tenants. The HRA will also be used to support vulnerable older people and wheelchair users.

5.6.3 Each investment decision in the HRA will be subject to an equalities impact assessment.

5.7 Consultation and Engagement

5.7.1 The Council consulted with tenants, residents and stakeholders on the draft Housing Strategy and Commissioning Plan. These documents have informed the HRA Business Plan to ensure that the available resources are used to help the Council achieve its housing priorities.

5.8 Insight

5.8.1 No specific insight data has been used in the drafting of the HRA Business Plan.

6. BACKGROUND PAPERS

6.1 Relevant previous decisions are indicated in the table below.

Meeting	Decision	Link
Council 20 October 2015	Approval of Housing Strategy and Business Plan	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=8340&Ver=4
Housing Committee 19 October 2015	Approval of HRA Business Plan	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=8268&Ver=4

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Appendix A - HRA Business Plan – autumn 2017

1. Introduction

The Council's Housing Revenue Account (HRA) is funded through rents and service charges received from council tenants and leaseholders, and meets the costs associated with maintaining and managing the council's housing stock, and can also be used for funding the development or acquisition of new council homes and other related capital projects.

Since 2012, the HRA has been self-financing, although there are restrictions on borrowing and income.

This report sets out progress that has been made since 2015, when the Council's last HRA Business Plan was agreed and priorities for the next period through until 2025.

2. Executive Summary

Good progress has been made on implementing the HRA Business Plan since 2015, with the completion of 40 new council homes for rent, and the commencement of building work on a new 53 unit extra care scheme at Moreton Close, as well as the acquisition of a number of properties in London to let at affordable rent to homeless applicants.

In addition, the Council has continued to invest in existing council homes which continue to be maintained to the Decent Homes standard.

The Council and Barnet Homes have always taken fire safety very seriously, and ensuring the safety of residents was already a top priority for our investment programme. Following the Grenfell Tower fire earlier this year, the Council has committed to going beyond its statutory obligations to meet best practise in fire safety measures, and a priority for the HRA business plan going forward will be to deliver this commitment.

Other projects to be supported by the HRA Business Plan include 2 additional extra care schemes, providing 125 new homes, and a project to provide an additional 20 council flats by adding a floor to existing buildings.

3. National Policy Framework

The introduction of HRA self-financing in 2012 included a debt cap to restrict the amount of borrowing that councils could carry out against their HRAs; this reflects that HRA borrowing contributes to the national Public Sector Borrowing Requirement. In Barnet, the HRA borrowing cap is £240m.

The Welfare Reform and Work Act 2016 introduced a 4 year requirement for social landlords to reduce their rents by 1% each year from April 2016, which has reduced the

revenue available to the HRA. The Government has indicated that it will consult with social housing providers in due course on national rents policy beyond April 2020.

The roll out of Universal Credit for new applicants and where there is a change in circumstances for existing claims from February 2018 is expected to impact on rent collection and associated bad debt.

The Planning and Housing Act 2016 introduced a requirement for local authorities with housing stock to consider selling higher value homes as they become vacant and make payments to the Treasury in respect of the expected amounts raised. The funds raised would be used to provide additional affordable homes and fund an extension of the Right to Buy to tenants of Registered Providers. Further guidance on the definition of higher value homes and the payment mechanism has yet been published and it is unclear at this stage what the timetable for this is.

4. Corporate Priorities

The Council's Corporate Plan for 2015-20 sets the vision and strategy for the next five years based on the core principles of **fairness, responsibility** and **opportunity**, to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer

In addition the Council's Housing Strategy sets out the plans to meet housing need in the borough with a focus on the following priorities:

- Increasing the housing supply
- Delivering homes that people can afford
- Sustaining quality particularly in the private rented sector
- Tackling homelessness
- Providing suitable housing to support vulnerable people
- Delivering efficient and effective services to residents

The HRA Business Plan contributes to the Housing Strategy in a number of ways, including:

- Maintaining the quality of the existing supply of council housing
- Investing in the delivery of new affordable homes for rent
- Increasing the supply of housing to help tackle homelessness
- Investing in new homes for vulnerable people, including wheelchair users and older people

- Ensuring that housing services funded through the HRA are efficient and effective.

5. Maintaining the quality of the existing supply of council housing

The Council's housing stock is managed and maintained by Barnet Homes, an Arm's Length Management Organisation (ALMO) which was established in 2004 to improve services and deliver a programme of investment to bring the stock up to the Decent Homes standard.

Barnet Homes completed the Decent Homes programme in 2011, and now have a 30 year asset management strategy in place to deliver the following objectives:

- Ensure properties are maintained in a manner which provides a safe living environment and one that is not detrimental to residents and other user's health.
- Ensure operators maintaining the buildings are able to carry out works in a safe manner and without detriment to health.
- Inform the 30 year HRA business plan
- Identify the assets to be maintained
- Establish the basis for future investment in the assets
- Establish a basis for possible alternative use of the assets
- Provide an outline vision for new build dwellings
- Establish a mechanism for review of the strategy
- Seek residents' views on the objectives of the strategy to inform the development and updating of the strategy
- Achieve value for money

Since the Grenfell Tower tragedy in June 2017, the Council has responded by taking urgent steps to deal with any immediate issues, as well as agreeing to invest in enhancing fire safety in the 28 tower blocks that it manages by investing at least £10m in best practice fire safety measures. This approach is reflected in the following table showing investment plans for the council's housing stock through to 2025:

Proposed Programme £'000	Actual 15/16	Actual 16/17	Revised 17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25
Major Works	10,019	6,467	4,530	5,670	5,823	6,970	7,768	7,780	6,812	8,444
Regeneration (essential works)	2,665	1,363	2,910	1200	990	525	787	644	274	217
Mech. Engineering/Gas	11,003	9,403	9,790	5,715	5,695	6,125	3,615	3,340	2,840	3,140
Voids and Lettings	2,588	3,646	3,910	3,605	3,605	3,655	3,555	3,655	3,505	3,605
Misc. Repairs	2,214	1,785	2,440	2,784	2,315	2,315	2,324	2,315	2,314	2,315
Fire Safety			10,000							
Total	28,489	22,664	33,580	18,974	18,428	19,590	18,049	17,734	15,745	17,721

6. Investment in the delivery of new affordable homes for rent

The Council's Housing Strategy 2015-2025 sets out the need for more affordable homes in the borough, and identifies the opportunity for the use of local authority land, including land held in the HRA, to provide sites for new housing, including new affordable properties to rent and for low cost home ownership.

Barnet Homes have successfully delivered the first tranche of 40 new council homes, with the programme completing in summer 2016.

In addition, in order to make effective use of the Council's Right- to-Buy receipts, HRA funding was used to support the purchase 21 properties across London which will be let at affordable rents via the Council's Housing Allocations Scheme.

Barnet Homes have now established a Registered Provider **Open Door Homes**, which will develop approximately 320 new homes on existing HRA land. This approach means that whilst the HRA will support the developments by providing land at nil cost, the development costs of the new homes will be funded by a loan to Open Door Homes from the Council. This approach has been taken as the limit on borrowing that applies to the HRA means that it could not fund that quantity of new homes.

Although the majority of new homes are to be delivered via Open Door Homes, plans are being developed to provide 20 new homes in Burnt Oak by building an additional floor on top of existing flats. If this is successful, further similar schemes will also be considered, although the opportunity to fund these via the HRA is limited due to the need to fund additional fire safety works.

7. Increasing the supply of housing to help tackle homelessness

The delivery of new affordable homes for rent, as described above, will help to reduce homelessness by providing an alternative to expensive temporary accommodation. At present the average net annual cost of providing temporary accommodation is £1,775 per household, and this cost is set to increase due to continuing inflationary pressures in the housing market associated with population growth and a limited supply of housing.

This means that each additional 100 new affordable homes built will save the Council at least £175,000 a year in temporary accommodation costs which fall on the General Fund, as well as providing a better outcome for households facing homelessness.

8. Investment in new homes for vulnerable people

The Council has identified a need for additional supported housing for older people and wheelchair users, including additional extra care housing for older people and homes for wheelchair users.

Extra Care housing

As well as providing better outcomes for users, additional supported housing will provide a more cost effective alternative to expensive residential care. It is estimated that around 35% of people admitted to residential accommodation by the Council would have a better quality of life in extra care housing. This equates to approximately 90 clients every year. Each client placed in extra care housing provides a saving of £10,000 a year compared to the cost of residential care. Building work is now underway develop a new 53 unit extra care sheltered housing scheme in Moreton Close, and this is due to complete in the spring 2018.

In addition, the Council and Barnet Homes are bring forward plans to provide a further 50 unit extra care scheme at Stag House in Edgware, and another 75 unit scheme as part of community lead development plans for the Upper and Lower Fosters estate in Hendon, both of which will be funded through the HRA.

Wheelchair housing

The Council has identified a number people currently in residential care, who would benefit from wheelchair adapted housing. It is estimated that for each person rehoused will generate a General Fund saving of up to £50,000 a year. Barnet Homes have already built four wheelchair adapted homes as part of the 40 new council homes completed in 2016. Additional wheelchair adapted homes will be provided as part of the on-going programme of building affordable homes described in section 6 above, in line with the local plan requirement that at least 10% of new homes should be wheelchair accessible.

9. Efficient and Effective Services

The majority of services funded from the HRA are provided by the council's ALMO, Barnet Homes, including the management and maintenance of council housing and the provision of housing needs services, for example assessments of eligibility for rehousing against the council's Housing Allocations Scheme.

During 2015, the Council reviewed the services provided by Barnet Homes through a series of challenge sessions to ensure that the services are of a satisfactory standard and provide good value for money. This led to the development of a new ten year management agreement, effective from 1st April 2016 and agreed budget savings worth £2.85 million over the first four years of the agreement. This 10% budget reduction has been assessed as being a realistic target and will have a minimal impact on the effectiveness of services, whilst freeing up resources for investment in further new homes.

Savings target	Savings achieved through:
£1.839 million	<ul style="list-style-type: none">• Management and repairs savings due to forecast stock losses through estate regeneration and Right to Buy sales,

	<ul style="list-style-type: none"> • Value for money service reviews.
£0.937 million	<ul style="list-style-type: none"> • Procurement and enhancing the value of existing contract arrangements • Reduced accommodation costs due to less floor space at Barnet House • New ways of working through more effective use of IT.
£0.77 million	<ul style="list-style-type: none"> • Stopping some of the 'non-essential' works provided by Barnet Homes, • Re-prioritisation of certain types of non-urgent repairs.
£2.853 million total	

Following a slower reduction in stock than was originally forecast, the total savings amount has subsequently been adjusted to **£2.148 million**.

10.Right to Buy Receipts

The Right-to-Buy was reinvigorated in 2012 through the introduction of more generous discounts for tenants wishing to buy their council home. As part of this, local authorities have been permitted to keep a larger proportion of the receipts generated from Right-to-Buy sales on condition that these are spent on providing new affordable homes within 3 years. The Council has so far made use of Right-to-Buy receipts to support the building and acquisitions programme described in section 6 above, including 44 newly built and 20 homes acquired on the open market for affordable rent, as well as new extra care homes at Moreton Close.

The Council will continue to use its available Right-to-Buy receipts to support the building of new council homes, additional extra care homes and the 320 new homes being built by Open Door Homes for affordable rent.

11.HRA 30 Year Business Plan

The Council uses a model to project the HRA over a 30 year period, taking into account changes in stock, capital programme requirements, and expected policy changes.

A baseline position has been established which takes into account the current capital programme, the losses of stock expected through estate regeneration and sales, and the requirement to reduce council rents for the next 2 years. It also includes the capital programme as set out in Appendix 5. Key outputs from the HRA model for the baseline scenario are shown at Appendix 1. This shows that the HRA is sustainable until over the next 30 years, with some scope for additional investment.

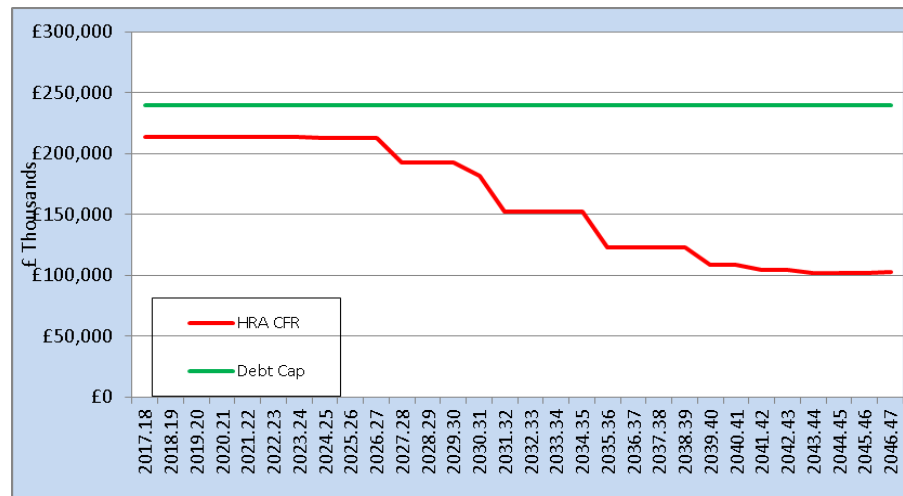
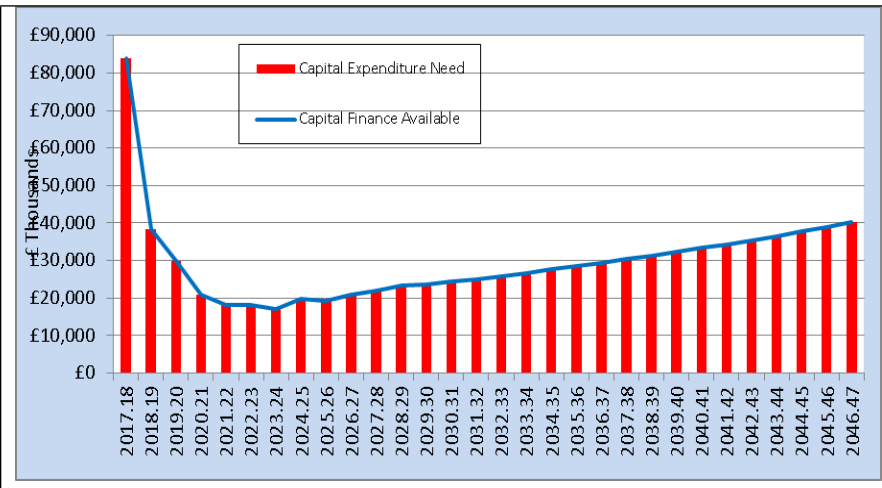
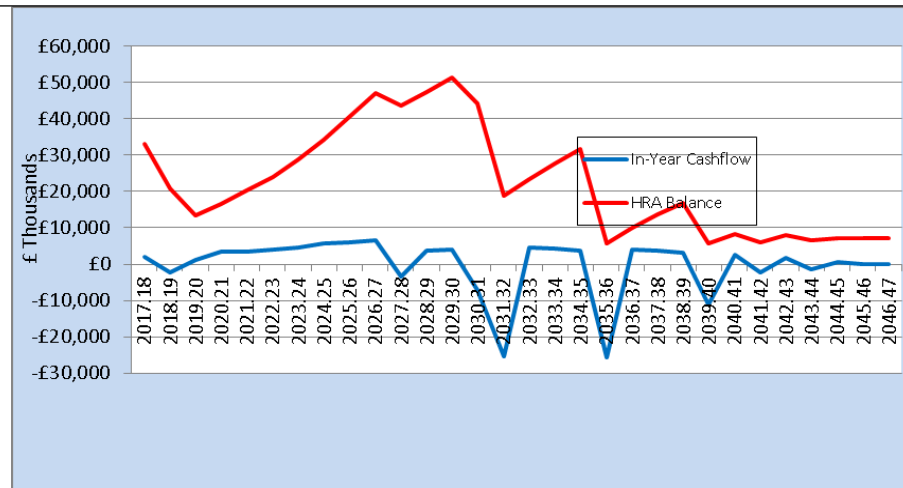
A second scenario shows the baseline but with increased expenditure on fire safety measures of £17.5m, to deliver high priority works which Barnet Homes have identified

following a review of fire safety in the Council's high rise council blocks. In this scenario, the HRA continues to be sustainable over the 30 life of the business plan, although this would limit the ability of the authority to fund other capital projects, including the building of new affordable homes.

A third scenario shows the potential impact of requiring the Council to sell higher value properties and pay a levy to the Government. Although there has been a delay in the issuing of regulations which will provide more detail of the payments that each local authority will be required to make, analysis carried out by Shelter in September 2015 suggested that based on information that the Conservative Party published during the 2015 general election, Barnet would need to raise £7.5m a year, based on the sale of 15 higher value council homes becoming empty. This suggests that the HRA would become unsustainable from 2041 onwards if applied to the baseline model.

Further modelling of the HRA will be undertaken to take account of the full extent of additional fire safety improvements once the outcome of a review of fire safety and the building regulations is known in the spring 2018.

Appendix 1 - HRA Business Plan – Baseline Model

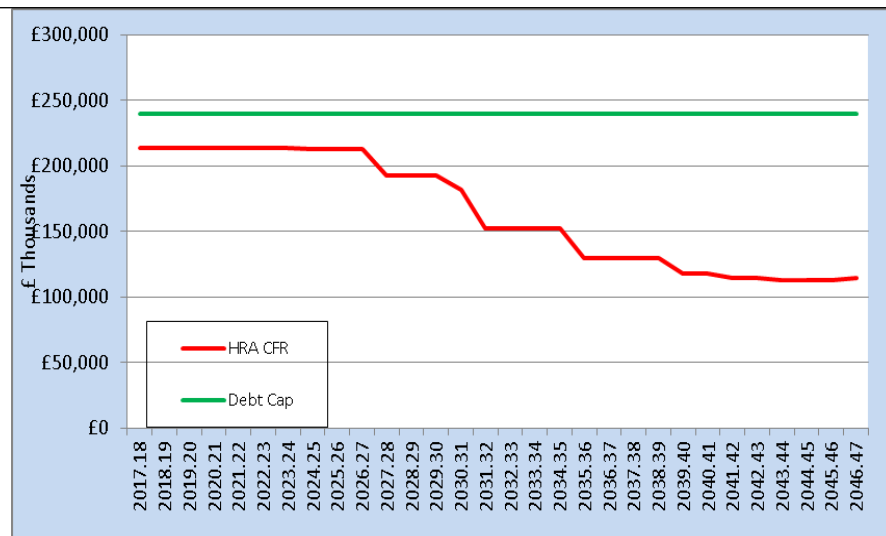
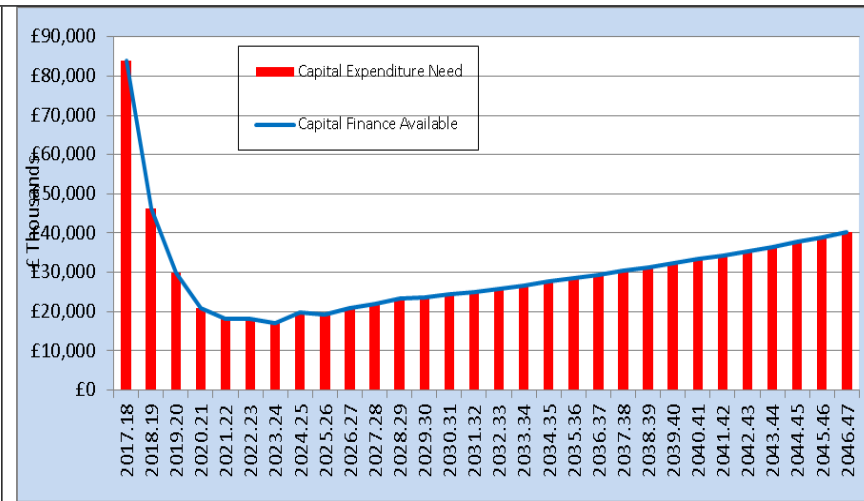
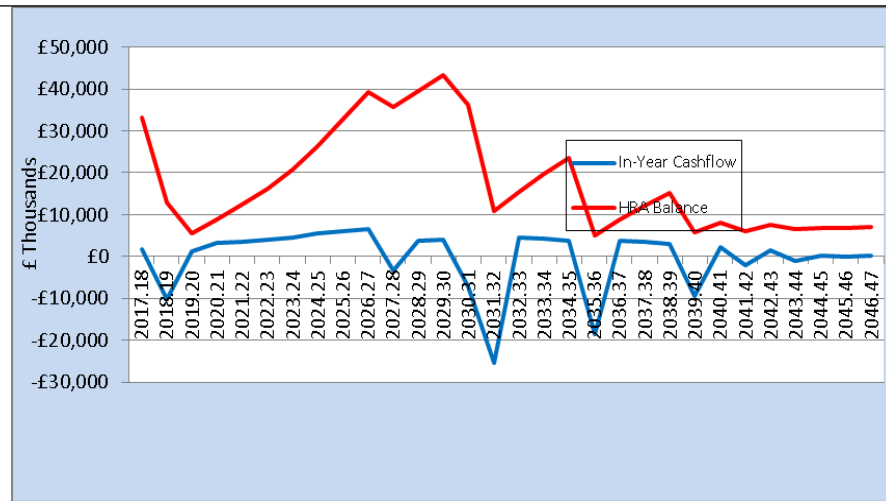


Assumptions

- Rents -Reduce by 1% per annum until 2019/20, followed by CPI + 1% from 2020/21 to 2024/25 and thereafter CPI (2.2%) only increases
- Cost Inflation -RPI throughout model
- Minimum Balance Required - £3m
- Capital Programme - As per appendix 4
- Total fire safety investment £10m
- Higher Value Voids -Not included
- HRA Levy -Not included
- GP Acceleration - Not included
- Bad debt at 1.5% to take account of Universal Credit
- Additional operating costs of £250k to 2020 for Universal Credit mitigations

Base position shows sustainable HRA over 30 life of business plan

Appendix 2- HRA Business Plan – Baseline Model + £7.5m additional fire safety expenditure

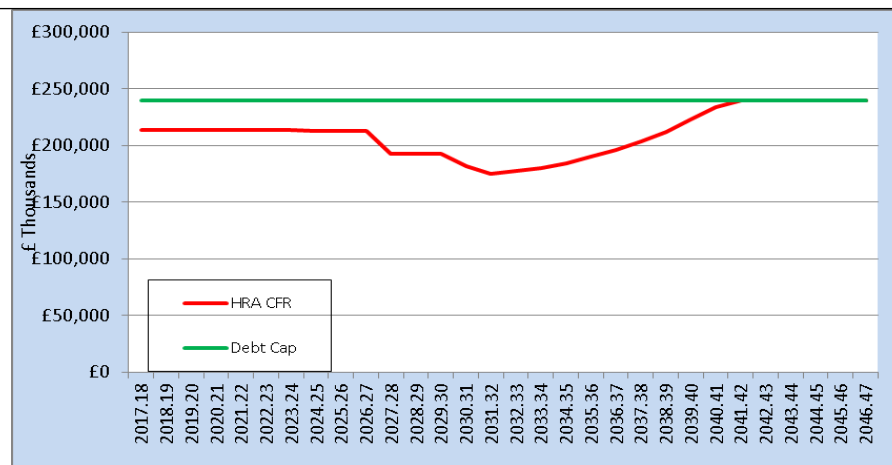
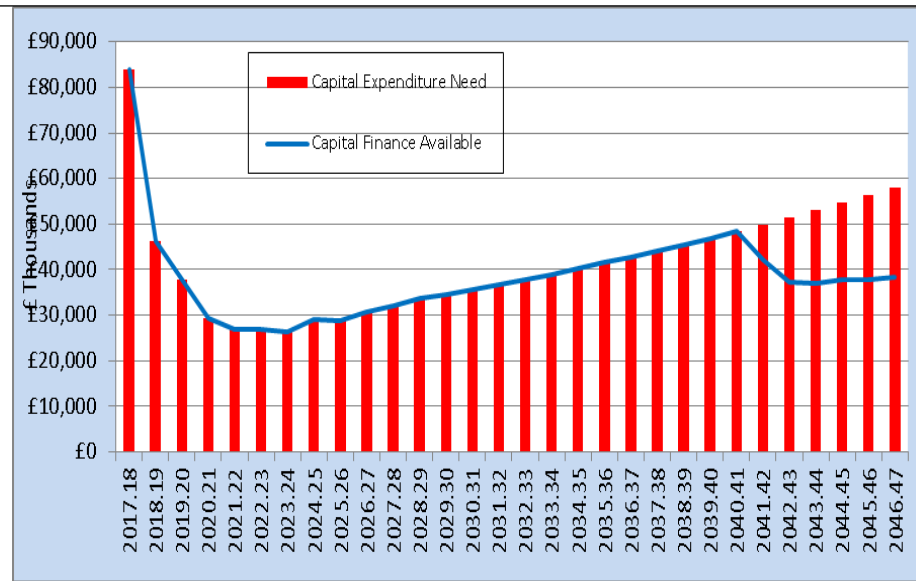
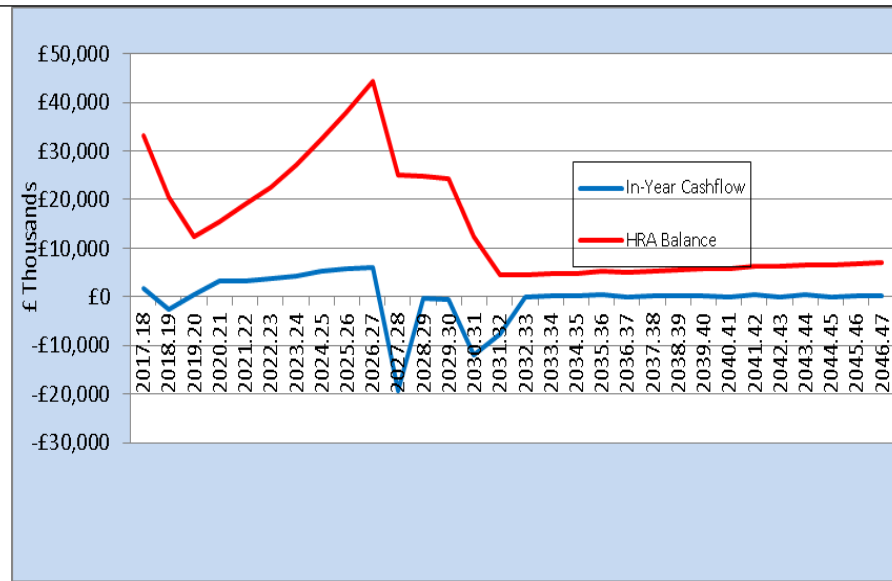


Assumptions

- Rents -Reduce by 1% per annum until 2019/20, followed by CPI + 1% from 2020/21 to 2024/25 and thereafter CPI (2.2%) only increases
- Cost Inflation -RPI throughout model
- Minimum Balance Required - £3m
- Capital Programme - As per appendix 4 + extra £7.5m invested in fire safety
- Total investment in fire safety £17.5m
- Higher Value Voids -Not included
- HRA Levy -Not included
- GP Acceleration - Not included
- Bad debt at 1.5% to take account of Universal Credit mitigations

HRA Business Plan remains sustainable

Appendix 3 - HRA Business Plan – Baseline Model + HRA Levy



Assumptions

- Rents -Reduce by 1% per annum until 2019/20, followed by CPI + 1% from 2020/21 to 2024/25 and thereafter CPI (2.2%) only increases
- Cost Inflation -RPI throughout model
- Minimum Balance Required - £3m
- Capital Programme - As per appendix 4
- Higher Value Voids -15 a year sold at £500k each
- HRA Levy -£7.5m a year
- Bad debt at 1.5% to take account of Universal Credit

Base position shows sustainable HRA until 2041 – 42, or year 24.

Appendix 5- HRA Capital Programme to 2022 - Baseline

Capital Programme Description	2017/18	2018/19	2019/20	2020/21	2021/22	Total	Notes
Major Works (excl Granv Rd)	4,534	5,670	5,823	6,970	7,768	30,765	On-going maintenance of Council Housing Stock, including additional investment in fire safety measures.
Regeneration	2,910	1,200	990	525	787	6,412	
Misc – Repairs	2,437	2,784	2,315	2,315	2,324	12,175	
M&E/ GAS	9,790	5,715	5,695	6,125	3,615	30,940	
Voids and Lettings	3,909	3,605	3,605	3,655	3,555	18,329	
Advanced Acquisitions (Regen Estates)	8,757	1,250	0	0	0	10,007	Acquisition of leasehold properties on Regeneration estates in advance of demolition. Some are let at TA, funds will be returned when properties are passed to developers.
Direct Acquisitions	1,672	0	0	0	0	1,672	To facilitate larger scheme
Dollis Valley	8,287	1,500	1,500	1,500	0	12,787	Council's equity share in new properties allocated to existing leaseholders
Moreton Close	12,656	0	0	0	0	12,656	New extra care scheme. 53 units.
Extra Care Pipeline	15,381	12,392	8,877	0	0	36,650	2 New extra care scheme, 100 units to rent, and 25 for sale.
Burnt Oak Broadway Flats	700	3,289	1,000	0	0	4,989	Additional floor added to existing flats to provide 20 flats for affordable rent
Upper & Lower Fosters Community Led Design	600	900	0	0	0	1,500	Initial funding for project
Development Pipeline Stag House	1,206	410	0	0	0	1,616	To facilitate larger scheme
HRA Fire Safety Programme	10,000		0	0	0		Fire safety improvements
HRA Programme	82,839	38,715	29,805	21,090	18,049	180,498	

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	<h2>Housing Committee</h2> <h3>23rd October 2017</h3>
<p style="text-align: right;">Title</p>	<p>Response to the Mayor’s Draft London Housing Strategy 2017</p>
<p style="text-align: right;">Report of</p>	<p>Cath Shaw- Deputy Chief Executive</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;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>Yes</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1: Draft London Housing Strategy Summary Document</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Paul Shipway – Strategic Lead (Housing) Paul.Shipway@barnet.gov.uk 02083594924</p> <p>Faisal Butt – Commissioning Lead (Housing) Faisal.Butt@barnet.gov.uk 02083596263</p>

<h2>Summary</h2>
<p>On 4 September 2017 the London Mayor, Sadiq Khan, published his draft housing strategy for London. The Strategy sets out the Mayor’s vision for tackling London’s housing crisis with key priorities of building homes for Londoners that are genuinely affordable, providing high quality homes and inclusive neighbourhoods, ensuring a fairer deal for private renters and leaseholders and tackling homelessness. A consultation will run for 3 months and London Councils and other stakeholders are invited to comment on the draft strategy.</p> <p>Highlights include a commitment to set clear and ambitious housing targets for all London Councils, a desire to work towards half of new homes being affordable, intensification of land use by building at higher densities and supporting a range of other types of intermediate rented homes as long as they are genuinely affordable to Londoners, generally meaning that they should be accessible by those whose household incomes fall under £60,000.</p>

Recommendations

- 1. That the committee delegates the preparation of a response to the Mayor's Draft London Housing Strategy to the Deputy Chief Executive, in consultation with the Chairman of the committee.**

1. WHY THIS REPORT IS NEEDED

- 1.1 On the 4th September 2017 the Mayor of London released his Draft London Housing Strategy for 2017, which sets out his vision for tackling London's housing problems. The aim of the Strategy is to address the housing shortage through an intensive use of London's available land, focusing on more genuinely affordable housing and providing help now for people feeling the effects of the housing shortage; - from private renters to rough sleepers.
- 1.2 The Strategy provides a framework for delivery of the Mayor's ambitions over several years, including over £3.15 billion of affordable housing investment through to 2021 and his longer term aims for the future. The focus is on five key priorities:
 - Building homes for Londoners
 - Delivering genuinely affordable homes
 - High quality homes and inclusive neighbourhoods
 - A fairer deal for private renters and leaseholders
 - Tackling homelessness and helping rough sleepers
- 1.3 The GLA Act (2007) gives the Mayor of London responsibility for producing London's Housing Strategy. London's councils play a central role in tackling London's housing problems and the GLA Act 1999 specifies that council statements of local housing policies must be in general conformity with the London Housing Strategy. This includes: planning and giving permission for new housing schemes; promoting regeneration and development across their areas; building new genuinely affordable homes; and ensuring that Londoners affected by the housing crisis are receiving the help and support they need. This draft strategy proposes clear expectations on Barnet for local housing delivery, backed up with some strategic support from City Hall.
- 1.4 The Mayor's London Housing Strategy 2017 will influence the way in which Barnet updates its own Housing Strategy over the coming months.
- 1.2 Consultation on the draft strategy will run for three months and London Boroughs are invited to comment and respond. It is recommended that the Committee delegates the preparation of a response on behalf of the Council

to the Deputy Chief Executive in consultation with the Chairman of the Housing Committee.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The appendix to this report sets out the proposals of the Mayor's Draft London Housing Strategy in detail and outlines the implications of these proposals for Barnet. The proposals is the Mayor's Draft London Housing Strategy will have implication for Barnet's own housing strategy and it is therefore recommended that we take this opportunity to respond to the consultation in order to input into the strategy.
- 2.2 The London Borough of Barnet's response will be formulated through consultation with various relevant services within the Council, including Barnet Homes.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative option would be for London Borough of Barnet to choose to not respond to the consultation. This would not be advisable given the strategic importance of the Mayor's Housing Strategy and its implications for Barnet's own Housing Strategy.

4. POST DECISION IMPLEMENTATION

- 4.1 If the recommendation in this report is approved, the Deputy Chief Executive will draft a response in consultation with the Chairman of the Housing Committee and once approved by the Chairman, will send it to the Mayor's Office.
- 4.2 Following consideration of the responses received to the consultation, the Mayor's Housing Strategy will be published in 2018.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

Barnet's Housing Strategy, informed by the Mayor's London Housing Strategy, contributes to the strategic objectives in the Council's Corporate Plan 2015 to 2020 in the following ways:
"The Council, working with local, regional and national partners, will strive to ensure that Barnet is a place:

- *"Of opportunity, where people can further their quality of life"-* by delivering on the Council's ambitious regeneration programme, creating 30,000 jobs and 20,000 new homes as well as improvements to infrastructure including new schools, health facilities and transport;
- *"Where people are helped to help themselves, recognising that prevention is better than cure"* – by enabling vulnerable people to live independently through floating support and supported living arrangements; our strategy for tackling homelessness focuses on

prevention and helping people to help themselves, for example by securing their own accommodation in the private rented sector with support from the Council.

- “*Where responsibility is shared, fairly*” – by helping households affected by welfare benefit reforms to find more affordable accommodation and access to employment opportunities.

5.1.1 Barnet’s Joint Strategic Needs Assessment outlines that housing affordability is the second highest concern for residents according to the 2015 Residents’ Perception Survey, as well as the long term shift in housing tenure towards renting and away from owner occupancy reflecting sustained reduction in housing affordability and an imbalance between housing demand and supply.

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

5.2.1 As this is a consultation response to the draft of the Mayor’s London Housing Strategy there are no resource implications at this time.

5.3 **Social Value**

5.3.1 The Public Services (Social Value) Act 2013 is not relevant in the context of this report.

5.4 **Legal and Constitutional References**

5.4.1 The GLA Act 1999 specifies that council statements of local housing strategy must be in general conformity with the London Housing Strategy.

5.4.2 Under the Council’s Constitution, Responsibility for Functions (Annex A) the Housing Committee has specific responsibilities including the Housing Strategy (incorporating Homelessness Strategy).

5.5 **Risk Management**

5.5.1 The key risk relating to the Mayor’s Housing Strategy is that failure to sufficiently comply with the document would put significant future housing funding at risk.

5.6 **Equalities and Diversity**

5.6.1 The Council will undertake a full Equality Impact Assessment when it comes to review its own housing strategy in the coming months.

5.7 **Consultation and Engagement**

5.7.1 There will be no consultation or engagement on the consultation response to the Mayor’s Draft London Housing Strategy.

5.8 **Insight**

5.8.1 The consultation response will take into account information gathered from across the council to ensure that the response reflects any issues and

concerns that the Mayor's London Housing Strategy might raise across the organisation.

6. BACKGROUND PAPERS

- 6.1 A copy of the Mayor's Draft London Housing Strategy 2017 can be found at the following link:
https://www.london.gov.uk/sites/default/files/2017_london_draft_housing_strategy.pdf

Appendix 1: Draft London Housing Strategy 2017

Chapter	Key Proposals	Comment
<p>1. Building Homes for Londoners</p>	<ul style="list-style-type: none"> • The Mayor will proactively intervene in the land market – he will invest £250m to launch a scheme to purchase land and make it available to developers, councils and housing associations. • To protect the Green Belt, the Mayor will promote higher density schemes on brownfield sites, in and around town centres, and on smaller sites. • To ensure that all councils contribute to the capital's needs, clear and ambitious housing targets will be set for every council in London. • The Mayor is keen to work with individual councils who are building homes directly, and have companies which can undertake development more freely and have the scope to provide a long term income source for councils. • The Mayor will support new purpose-built private rented homes which will provide a more stable and well-managed supply of homes at a range of rent levels. 	<p>Barnet has agreed (as part of its overall capital budget) £20million for a revolving fund for key real estate acquisitions.</p> <p>The council's existing planning policy strongly protects the Green Belt, Metropolitan Open Land and other valued open space from inappropriate development; this wholly aligns with the government's position. Barnet supports proposals for tall (higher density) buildings in strategic locations only (Brent Cross, Colindale, some regeneration estates and priority town centres) subject to them not having an unacceptably harmful impact on their surroundings</p> <p>Barnet's new Local Plan will set out the boroughs available supply of land to meet any new housing targets set. Meeting this target will also be heavily dependent on market conditions and developers ability to bring forward schemes.</p> <p>The Council in partnership with Re are building more than 20,000 new homes by 2025 through its regeneration programme, the most in outer London, with more potentially being delivered through a pipeline of future brownfield redevelopment. The council already has an ambition to build new affordable homes on council housing land. This programme is already underway, with the first new council houses in Barnet for over 20 years being completed in March 2014/15 with a further 40 completed in 2016/17.</p> <p>The Council plans to deliver a Build to Rent Scheme at Cricklewood Brent Cross (CBC).</p>
<p>2. Delivering genuinely affordable Homes</p>	<ul style="list-style-type: none"> • The Mayor will invest in homes around social rent levels for Londoners on low incomes, in London Living Rent homes for middle income Londoners struggling to save for a deposit, and in shared ownership homes for Londoners who cannot afford to buy on the open market. 	<p>The Council recognises that different types of affordable housing are needed to meet a range of income levels and types of household across the borough.</p> <p>When funded through the Mayor's Affordable Homes Programme, London Living Rent is designed to offer sub-market rents for up to</p>

Chapter	Key Proposals	Comment
	<ul style="list-style-type: none"> The Mayor has a long-term strategic target for ensuring that half of new homes built will be genuinely affordable. The Mayor will increase the levels of new affordable homes through investment, including his programme of £3.15 billion to support 90,000 affordable home that will start by 2021. The Mayor wants to ensure that homes demolished for redevelopment are replaced on a like for like basis and will make this a key planning requirement. The Mayor has been clear that any proposals for estate regeneration must be developed with close resident involvement from the very start, and with clear guarantees for tenants, leaseholders, and freeholders. 	<p>10 years, helping households on average income levels to save for a deposit. Eligibility for London Living Rent is restricted to households that are currently renting, with a maximum income of £60,000. The Council will also explore innovative solutions to increase the supply of affordable purpose-built rented homes, including the encouragement of institutional investment in the private rented sector and modern new homes designed specifically for renters.</p> <p>Estate regeneration is a complex process which must take account of the specific circumstances of each site, including local infrastructure needs, local housing need (tenure mix, affordability and unit size), other local development opportunities, placemaking, viability and the nature of the surrounding area. The council therefore believes that a blanket approach to re-provision of affordable rented housing is too simplistic, and should be a matter for local policies and decision making.</p> <p>The council ensures meaningful consultation with residents and other stakeholders is carried out. All schemes utilise an Independent Resident Advisor to support residents throughout the regeneration process. Pledges/residents charters have been used successfully across the schemes, including Grahame Park and Stonegrove Spur Road, to establish the aims of the regeneration. The pledges have helped to set shared expectations and we've learned that it is important to work with the community to revise and update the pledges as the scheme changes.</p>
3. High quality homes and inclusive neighbourhoods;	<ul style="list-style-type: none"> The tragic Grenfell Tower fire raises urgent questions about the safety and design of some existing buildings, and about how rules and regulations are written and enforced. In these cases, the Mayor is calling on Government to fund any financial gap that arises when ensuring all the social housing is replaced like for like. 	<p>The Council and Barnet Homes take fire safety extremely seriously. Extensive measures are in place to ensure that our homes comply with fire safety regulations.</p> <p>Addressing the housing needs of older and disabled people is a key consideration for the Council and forms part of the Barnet's commissioning strategy to increase Extra Care Housing in the Borough e.g. Morton Close.</p>

Chapter	Key Proposals	Comment
	<ul style="list-style-type: none"> • Investment for specialist and supported homes, including for older or disabled Londoners • The Mayor is funding a new Community-Led Housing Hub for London. • The Mayor will take steps to address concerns about empty homes, overseas buyers, and the impacts of estate regeneration. 	<p>The Homes for Londoners Community Housing Hub will offer support to Londoners and community groups who want to build homes themselves. The Council will support this initiative through meeting the requirements set out in the National Planning Policy Framework.</p> <p>The Mayor will urge the Government to set new standards of transparency in the property industry and particularly for properties owned by companies registered overseas which would help with the better management of properties that sit empty for long periods of time. These measures are welcomed.</p>
4. A fairer deal for private renters and leaseholders;	<ul style="list-style-type: none"> • London-public database to 'name and shame' landlords and agents who have acted unlawfully. • The Mayor will also support councils to operate well-designed property licensing schemes, and to more closely share information and coordinate their actions. • Calling on Government to devolve responsibility for considering and approving selective licensing schemes to City Hall. • The Mayor will work to promote a new deal – a London Model – for renters. This will offer greater stability and tenant rights, balanced with the legitimate interests of landlords. • Extend the London Charter for service charges and ground rents to the wider leasehold sector. 	<p>Like most London Boroughs, the Council already operates a Mandatory and Additional Licensing Scheme for private rented properties in Barnet.</p> <p>Selective Licensing Schemes (Borough-wide and for every private rented property regardless of size or location) should only be brought in where there is a real need and evidence to support this.</p> <p>The London Model proposes enhancing security of tenure for renters by considering the role that 'no fault' eviction clauses play in undermining security of tenure for renters, increasing notice periods for eviction, where a tenant is not at fault; reducing discrimination against renters who are receiving welfare benefits by banning the use of the pejorative term 'No DSS' or similar in property adverts; ensuring that any new measures to improve security of tenure do not disadvantage vulnerable groups.</p> <p>Most new homes built in London today are sold on a leasehold basis. Despite this, many leaseholders know little about their rights and obligations, and the system remains open to abuse. The Mayor will support improvements to the leasehold sector, particularly measures to improve the quality of advice and support available to leaseholders.</p>

Chapter	Key Proposals	Comment
<p>5. Tackling homelessness and helping rough sleepers.</p>	<ul style="list-style-type: none"> • The Mayor will lead on tackling the root causes of insecure private renting, and he will work with councils to try and prevent homelessness and help homeless Londoners into sustainable accommodation. • Pushing government to provide adequate funding to deliver Homelessness Reduction Act and manage homelessness, specifically the need for a long term funding settlement • Enabling councils to take a significantly more collaborative approach to securing private rented accommodation for homeless households. • 'No Nights Sleeping Rough' taskforce: will work with councils, charities, Government, and others to boost services beyond the £8.5 million a year he has committed toward support for rough sleepers. 	<p>The Mayor proposed to tackle the root causes of homelessness by investing more in affordable homes, and lobbying Government to reform private renting and review its welfare changes.</p> <p>Barnet is likely to see a 50% increase in households requiring assistance when the Homelessness Reduction Act is enacted in April 2018. Funding to meet additional demand would be welcomed.</p> <p>The Mayor will work with councils and Government to help enable councils to take a significantly more collaborative approach to securing private rented accommodation for homeless households. The Mayor's objective is to enable councils to combine their buying power. This will leave them better placed to secure accommodation that meets the needs of homeless households within a fiercely competitive market.</p> <p>The Mayor's No Nights Sleeping Rough taskforce will continue to support opportunities to improve prevention, for example by disseminating good practice from the No First Night Out (NFNO) programme and improving the data that is collected on why and how people end up sleeping rough.</p>

	<h2>Housing Committee</h2> <h3>23rd October 2017</h3>
<p>Title</p>	<p>Implementation of new enforcement powers as alternatives to prosecutions under the Housing Act 2004 introduced under Housing and Planning Act 2016 (Part 2) and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.</p>
<p>Report of</p>	<p>Deputy Chief Executive</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>Yes</p>
<p>Enclosures</p>	<p>Appendix 1 - Amendments to the Development and Regulatory Services Enforcement Policy introduced through the Housing and Planning Act 2016 Appendix 2 – Draft Assessment Table for civil penalties issued under the Housing and Planning Act 2017 Appendix 3 – Worked examples for civil penalties issued under the Housing and Planning Act 2017 Appendix 4 - Amendments to the Development and Regulatory Services Enforcement Policy introduced through Smoke and Carbon Monoxide (England) Regulations 2015</p>
<p>Officer Contact Details</p>	<p>Belinda Livesey – Group Manager (Private Sector Housing) 0208 359 7438 belinda.livesey@barnet.gov.uk</p>

<p>Summary</p>
<p>This report sets out the powers and obligations introduced by the Housing and Planning Act 2016 and the Smoke and Carbon Monoxide (England) Regulations 2015 aimed at targeting rogue landlords and improving the private rental sector. The report also sets out how the Council will implement them.</p>

From April 2017, local housing authorities have the power to issue civil penalties of up to £30,000 as an alternative to prosecuting landlords for failure to licence, and as an alternative to prosecuting a number of offences under the Housing Act 2004. Appropriate use of these powers will enable non-compliance in relation to housing conditions in the private rented sector to be addressed in a more effective way.

The Act also enables applications to be made for Banning Orders preventing a person from being a landlord, engaging in letting agency work, and/or property management work. It also creates a 'Rogue Landlord and Property Agent' Database that local authorities must update following the making of a Banning Order, and may update following a conviction for a banning order offence.

Recommendations

This report seeks agreement that:

1. Housing Committee endorse the additions to the Regulatory Enforcement Policy detailed at Appendix 1 and 2 to include information relating to civil penalties for relevant offences under the Housing Act 2004 as amended by the Housing and Planning Act 2016 , Rent Repayment Orders, Banning Orders, and the Rogue Landlords data base.
2. Housing Committee endorses the Statement of Principles to determine the amount of the penalty charge under the Smoke and Carbon Monoxide (England) Regulations 2015 detailed at Appendix 4.
3. Housing Committee endorse the method for determining the civil penalties
4. The authority to delegate all powers to develop, implement and further minor amendments to the Council's detailed Policy and Procedure in respect of the imposition of civil penalties to the Service Director – Regulatory Services in consultation with Chairman of the Housing Committee. Such policy to be in accordance with Schedule 13A of the Housing Act 2004 where appropriate, and any other guidance issued by the Secretary of State.
5. The Service Director – Regulatory Services is authorised to delegate the discharge of powers above to other Council officers.

1. WHY THIS REPORT IS NEEDED

- 1.1 Barnet Council recognises the important role that the private rented sector plays in providing housing in the borough. The Private Sector Housing Team is proactive in enforcing property and management standards and also responds to complaints of poor and/or dangerous housing conditions . Parts 1 to 4 of the Housing Act 2004 details powers for officers to assess risk in premises and require landlords to undertake works to reduce the worst hazards identified through Hazard Awareness and Improvement Notices. In the worst premises, powers are provided for the Council to undertake work through Emergency Remedial Action and to close properties or parts of them using Prohibition Orders and Emergency Prohibition Orders.

- 1.2 The 2004 Act also introduced mandatory licensing for the highest risk houses in multiple occupation (HMOs). To further tackle poor standards in HMOs in Barnet, an Additional HMO Licensing Scheme was introduced on 5th July 2016 and lasting until 4th July 2021. All landlords are required to licence certain higher risk HMOs.
- 1.3 Since the introduction of the 2004 Act the Private Sector Housing Team has dealt with thousands of service requests regarding housing conditions. In 2016-17 there were 1,673. At 1st October 2017 there are 533 licensed premises. There have been 9 successful prosecutions since March 2016 and there are two pending. Work in default of notices is undertaken where there is an imminent risk to the occupiers.
- 1.4 In 2016-17 there were 50 enforcement notices served ranging from seven Hazard Awareness Notices to four Emergency Prohibition Orders (requiring immediate vacation of the property by the tenants).
- 1.5 Failure to comply with some of these enforcement notices is an offence under Part 1 of the Housing Act 2004. The only options currently available to the Council are to complete work in default and/or prosecution in the Magistrates Court. The use of civil penalties will provide an alternative option, which whilst still requiring a similar level of evidence required for court action, will provide a potentially quicker and less costly way of dealing with rogue landlords.
- 1.6 To support landlords in understanding their legal obligations, maintaining a good standard of accommodation and avoiding legal action, Barnet actively encourages landlords to become accredited under the London Landlord Accreditation Scheme (LLAS) through:
 - Reduced HMO Licensing fees for Accredited Landlords
 - Licensing conditions requiring accreditation where landlords have a lack of understanding of their legal requirements
 - Empty Property Grant Funding for Accredited Landlords
 - Statutory Notice Charges are also waived for landlords willing to become accredited within a set amount of time
- 1.7 Barnet currently use a full range of housing activities to drive up standards in the borough. This includes:
 - Advice and support for landlords including monthly landlord drop in sessions
 - Paid for services to support landlords in running their businesses
 - Additional and Mandatory Licensing Schemes for Houses in Multiple Occupation (HMOs) including pre licensing inspections and compliance visits
 - Partnership working with the London Landlord Accreditation Scheme and associated discounts for accredited landlords

- Service of enforcement notices and associated prosecutions and works in default of the notice in line with the Regulatory Services Enforcement Policy
 - Service of Prohibition Orders where accommodation is too unsafe for the tenant to remain and associated prosecutions in line with the Regulatory Services Enforcement Policy where the order is not complied with.
- 1.8 Work is undertaken in partnership with other relevant Council departments including CAFT, Council Tax, the Planning Enforcement Team, the Community Safety Team and Social Services. Also enforcement work is undertaken with external partners including the London Fire and Emergency Planning Authority, Police and Immigration services.
- 1.9 On a regular basis however very poor accommodation is still encountered, particularly in the south and west of the borough, highlighting the fact that there are still a high number of non-compliant landlords in Barnet.

Housing Act 2004 (as amended by the Housing and Planning Act 2017)

- 1.10 The Housing and Planning Act 2016 came into force in April 2017. Through section 126 and Schedule 9 of this legislation, the government has provided more powers for local authorities to take action against non-compliant landlords. This includes Civil Penalties, Banning Orders, and Rent Repayment Orders detailed in Appendix 1.

In the House of Commons, Marcus Jones MP (Parliamentary Under Secretary of State at the Department for Communities and Local Government) stated:

“[it is necessary to] clamp down on rogue landlords, so the civil penalty [has been increased] up to a maximum of £30,000”

“It is important [to] raise the level of civil penalty to £30,000, because a smaller fine may not be significant enough for landlords who flout the law to think seriously about their behaviour and provide good quality, private sector rented accommodation for their tenants”

- 1.11 Civil Penalties are unlikely to reduce the amount of work for Enforcement Officers as a Civil Penalty cannot be issued unless the evidence has met the criminal standard of proof, the same level as is used for prosecution cases. As such, the Authority needs to be confident that any case served with a Civil Penalty would have a realistic chance of conviction in the Magistrates Court, and be able to demonstrate beyond reasonable doubt that an offence had been committed. It would also need to be in the public interest to have taken the prosecution (Crown Prosecution Service *Code for Crown Prosecutors*). In addition, the recipient of a Civil Penalty Notice has a statutory right to make representations which the Council must consider before the final notice is issued and there is a further right of appeal to the First Tier Tribunal (Property Chamber).

1.12 Under Chapter 3 of the Housing and Planning Act the Secretary of State commits to establish and operate a database for use by Local Authorities of rogue landlords and property agents. This is scheduled for later this year and is currently being piloted by a small number of authorities. It should enable authorities to record information about any landlord or property agent who has:

- Received a Banning Order
- Been convicted of a Banning Order Offence
- Received 2 or more Civil Financial Penalties over a 12 month period

Following introduction, the service will enter the required information onto this database and use it to inform decisions about future enforcement action.

Penalty Charges for breaching the Smoke and Carbon Monoxide (England) Regulations 2015

1.13 The Smoke and Carbon Monoxide (England) Regulations 2015 requires that landlords for all let properties (some exemptions exist) ensure that:

- a smoke alarm is installed on each storey of premises where there is living accommodation
- a carbon monoxide alarm is installed in any room of premises used as living accommodation, which contain a solid fuel burning appliance.

and for tenancies starting from 1 October 2015

- that checks are made by the landlord, or someone acting on his/her behalf, that the alarm(s) are in proper working order on the day the tenancy starts.

1.14 Regulation 8 of the Smoke and Carbon Monoxide Alarm (England) Regulations provides that where a Local Housing Authority is satisfied, on the balance of probabilities, that a Landlord on whom it has served a remedial notice under Regulation 5 is in breach of their compliance duty under Regulation 6(1), the Authority may require the Landlord to pay a penalty charge. The amount of the charge to be determined by the Authority, is up to a statutory maximum of £5,000.

1.15 Regulation 13 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 requires a Local Housing Authority to prepare and publish a Statement of Principles to be followed in determining the amount of penalty charge to be made for failure to comply with the requirements of a Remedial Notice under Regulation 5 of the regulations.

1.16 The Statement of Principles to determine the amount of the penalty charge under the Smoke and Carbon Monoxide (England) Regulations 2015 is detailed at Appendix 4.

- 1.17 Implementation of this legislation should improve housing accommodation in the private rented sector.

2 REASONS FOR RECOMMENDATIONS

- 2.1 This report sets out the new enforcement powers introduced under the Housing and Planning Act 2016. These were introduced on 6th April 2017. The Government wants to support good landlords who provide decent well maintained homes, and avoid unnecessary regulation which increases costs and red tape for landlords and also pushes up rents for tenants. But a small number of rogue landlords knowingly rent out unsafe and substandard accommodation.
- 2.2 Adoption of these powers will assist the Council which is determined to crack down on these landlords and disrupt their business model.
- 2.3 Implementing these powers will support the housing enforcement work already being undertaken by the London Borough of Barnet. The use of these powers is not however an easy undertaking and will require a significant evidence base, in line with a current prosecution bundle.
- 2.4 Income received from a civil penalty can be retained by the local housing authority provided that it is used to further the local housing authority's statutory functions in relation to their enforcement activities covering the private rented sector, as specified in Regulations.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 It is clear from Government guidance, that Local Authorities are expected to adopt and make full use of this legislation. The new available powers are considered to supplement and enhance the existing powers and the Council will retain the option to prosecute landlords for the worst offences.
- 3.2 The Council could consider not implementing Civil Penalties – This is not considered a viable option as the introduction of a robust process for issuing Civil Penalties should encourage a greater level of compliance across the borough, making homes safer for private tenants. This course of action would also not be in line with the action being taken by other London Boroughs.

4 POST DECISION IMPLEMENTATION

- 4.1 If the Committee is minded to endorse the recommendation then the amendments to the Regulatory Services Enforcement Policy will be presented to the Policy and Resources Committee for approval. The policy will be posted on the Council's website. The new policy will be implemented from 1st January 2018.

3 IMPLICATIONS OF DECISION

3.1 Corporate Priorities and Performance

3.1.1 This report is in accordance with the Council's Corporate Plan 2015-2020 which is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer

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

5.2.1 **Finance & Value for Money:** The penalties levied through Civil Penalties and Rent Repayment Orders can be retained by the Local Authority as long as the income is used to further the Local Authorities statutory functions in relation to enforcement activities in the private rented sector. Penalties are set on a case by case basis in line with the policy in Appendix 2, and as such it is not possible to estimate the level of income from these penalties. It is anticipated that these provisions will encourage landlords to be more compliant and as such the issuing of fines and the associated administrative work should be kept to a minimum.

5.2.5 **Procurement:** At this time there are no procurement implications.

5.2.6 **Staffing:** At this time there are no staffing implications.

5.2.7 **Property:** At this time there are no property implications.

5.2.8 **IT:** Civil Penalties will be recorded and monitored using the Regulatory Services existing Data Management System and associated Document Management System.

5.2.9 **Sustainability:** At this time there are no negative sustainability implications. Improving private rented housing provides an opportunity to reduce energy use and carbon dioxide emissions through improving poor heating and inadequate insulation provision through reduction of Category 1 hazards.

5.3 Social Value

5.3.1 The new powers will support and expand the Council's current housing enforcement activities delivering improvements to accommodation, and will target the worst performing landlords and deliver social benefits for residents in relation to improvement in standards of the private rented sector.

5.3.1 The new policy will ensure that penalties are transparent and proportionate to the offence.

5.4 Legal and Constitutional References

5.4.1 Constitution, Responsibility for Functions, Annex A, sets out the terms of reference of the Housing Committee including:

- Promote the better integration of privately rented properties into the Borough's framework
- Be responsible for all matters related to Private Sector Housing including Disabled Facility Grants
- Be responsible for housing licensing and housing enforcement

5.4.2 Schedule 9 and section 126 of the Housing and Planning Act 2016 sets out the matters that the Council should have regard to when setting a Civil Penalty as an alternative to prosecution for certain Housing Act offences (detailed in Appendix 1).

5.4.3 If a landlord appeals to the First Tier Tribunal the Civil Penalty is suspended until the appeal is determined and the fine is either upheld, withdrawn or varied. The fine may not be increased.

5.4.4 The legislation in respect of Civil Penalties, Banning Orders and Rent Repayment Orders has been set out at Appendix 1. The legislation in respect of the Database of Rogue Landlords and Letting Agents has been set out in the body of this report.

5.5 Risk Management

5.5.1 The administration associated with implementing Civil Penalties and Rent Repayment Orders is complex. Care will need to be taken to ensure that any income from these courses of action, at a minimum, cover the administration of the action taken. This will need to be closely monitored and regularly reviewed.

5.6 Equalities and Diversity

5.6.1 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.

5.6.2 The Equality Act 2010 sets out the Public Sector Equality Duty which requires public bodies to have due regard to the need to:

- eliminate 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
- foster good relations between persons who share a relevant protected characteristic and persons who do not

5.6.3 The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.6.4 Implementation of this legislation has been reviewed against the protective characteristics and it is considered that there will not be any specific adverse impact on any of the groups.

5.6.5 Any enforcement action taken will need to be in line with the revised Enforcement Policy. Any offence for which a Civil Penalty issued will need to have a realistic chance of conviction in the Magistrates Court, and be able to demonstrate beyond reasonable doubt that an offence had been committed. It would also need to be in the public interest to have taken the prosecution (Crown Prosecution Service *Code for Crown Prosecutors*). Persons served with a Civil Penalty can appeal to the First Tier Property Tribunal in respect of the decision to issue and the amount imposed. As such the Council's policy must be clear on both of these matters. Fines must be set consistently and transparently on a case by case basis taking into consideration such matters as the severity of the offence.

5.6.5 It is considered that HMO licensing and housing enforcement action requiring the improvement of accommodation has an overall positive impact for landlords, tenants, residents and businesses by virtue of the potential improvement to the quality and management of accommodation in the borough.

5.6.6 In addition there are potential benefits arising from the increased choice of high quality, well-managed affordable housing.

5.7 Consultation and Engagement

5.7.1 There has been no specific consultation on the approach detailed in this report as fines will be set on a case by case basis. It would be very difficult to run a conclusive public consultation exercise based on this approach. The approach proposed is in line with the legislation, associated guidance and Barnet's policy has been developed taking into consideration the Civil Penalties for Private Landlords Resource Pack for London Boroughs developed by the London Mayor's Office in consultation with London Boroughs and wider stakeholders.

5.7.2 If the approach detailed is supported this will be actively communicated to landlords. This will be done through:

- Social media
- The Council's website
- Communication to landlords
- Communication to tenants
- Communication to advisory organisations for example CAB
- Barnet Homes Landlords Forum

6 BACKGROUND PAPERS

6.1 [Housing Act 2004](#)

6.2 [Housing and Planning Act 2016](#)

6.3 [Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)

6.4 [Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015- Guidance for Local Authorities](#)

6.3 [DCLG – Civil Penalties Under the Housing and Planning Act 2016- Guidance for Local Housing Authorities](#)

6.4 [DCLG- Rent Repayment Orders under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities](#)

6.5 [Development and Regulatory Services Enforcement Policy](#)

Appendix 1- Amendments to the Development and Regulatory Services Enforcement Policy introduced through the Housing and Planning Act 2016

The Housing and Planning Act 2016 came into force in April 2017. Through section 126 and Schedule 9 of this legislation the government has provided more powers for local authorities to take action against non-compliant landlords. This includes:

Civil Penalties

Schedule 9 of the Housing and Planning Act 2016 has introduced the power to issue civil penalties as an alternative to criminal prosecution for failure to comply with:

- an Improvement Notice (section 30 Housing Act 2004),
- failure to licence or be licensed in respect of HMOs (section 72 Housing Act 2004),
- failure to licence or be licensed in respect of a Selective Licensing Scheme,
- failure to comply with HMO licensing conditions (section 95 Housing Act 2004),
- failure to comply with an Overcrowding Notice (section 139 Housing Act 2004),
- failure to comply with Management Regulations in respect of HMOs (section 234 Housing Act 2004), and
- breaching a Banning Order (section 23 of the Housing and Planning Act).

Any decision to impose a civil penalty must be in accordance with schedule 13A of the Housing Act 2004 (introduced by Schedule 9 of the Housing and Planning Act 2016) and any other relevant guidance.

The, government has issued statutory guidance in relation to civil penalties and the local authority must have due regard to this. It is clear that each penalty should reflect the severity of the offence and the landlords previous record of offending. Consideration should also be given to:

- The severity of the offence

- Culpability and track record of the offender
- The harm caused to the tenant
- Punishment of the offender
- Deter the offender from repeating the offence
- Deter others from committing similar offences
- Remove any financial benefit that the offender may have obtained from committing the offence

The level of civil penalty imposed must be in line with the Council's Adopted policy.

This appendix details the Council's process for deciding that a civil penalty is an appropriate alternative to prosecution, and the level of fine to be administered.

The maximum penalty is £30,000. The amount of penalty is to be determined by the local housing authority in each case. Only one penalty can be imposed in respect of the same offence.

A civil penalty can only be imposed as an alternative to prosecution. The legislation does not permit local housing authorities to impose a civil penalty and prosecute for the same offence. If a person has been convicted or is currently being prosecuted, the local housing authority cannot impose a civil penalty in respect of the same offence.

A civil penalty can be issued as an alternative to prosecution for each separate breach of the relevant legislation (section 243 (3)) e.g. each Regulation of the Management Regulations breached.

Where both the letting agent and landlord could be prosecuted for failing to obtain a licence for a licensable property, then a civil penalty can also be imposed on both the landlord and agent as an alternative to prosecution. The amount of the civil penalty may differ depending on the individual circumstances of the case.

A civil penalty cannot be issued unless the evidence has met the criminal standard of proof, the same level as is used for prosecution cases. As such the Authority needs to be confident that any case served with a civil penalty would have a realistic chance of conviction in the Magistrates Court, and be able to demonstrate beyond reasonable doubt that an offence had been committed. It would also need to be in the public interest to have taken the prosecution (*Crown Prosecution Service Code for Crown Prosecutors*).

Persons served with a civil penalty can appeal to the First Tier Property Tribunal in respect of the decision to issue and the amount imposed. Fines must be set consistently and transparently on a case by case basis taking into consideration such matters as the severity of the offence.

The government has issued statutory guidance under schedule 9 of the Housing and Planning Act 2016 to which the local authority must have regard. Paragraph 3.5 states that

“the amount levied in any particular case should reflect the severity of the offence , as well as taking into account the landlords previous record of offending”. The same paragraph sets out several factors that should be taken into account to ensure that the civil penalty is set at an appropriate level in each case:

a) **Severity of the offence.** The more serious the offence, the higher the penalty should be.

b) **Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.

c) **The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.

d) **Punishment of the offender.** A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.

e) **Deter the offender from repeating the offence.** The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

f) **Deter others from committing similar offences.** While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending. The Council will publicise any civil penalties that have been issued whilst the details will remain confidential except where the issue of two or more penalties leads to an entry on the Secretary of State’s database of rogue landlords.

g) **Remove any financial benefit the offender may have obtained as a result of committing the offence.** The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

Civil Penalty Matrix

Officers setting civil penalties will have regard to the Barnet's Civil Penalty Matrix. This has been developed having consideration to a system proposed by the DCLG. This will be used as a guide assessing the appropriate civil penalty to be levied. Fines must be set on a case by case basis but officers must be clear of the factors informing each civil penalty.

Harm	Culpability	Starting assessment baseline
Moderate	Moderate	£750
Moderate	Substantial	£5,000
Moderate	Extreme	£10,000
Substantial	Moderate	£10,000
Substantial	Substantial	£15,000
Substantial	Extreme	£20,000
Extreme	Moderate	£15,000
Extreme	Substantial	£20,000
Extreme	Extreme	£25,000

A seven step process will be used for setting civil penalty levels.

Step 1: Severity of the offence

Objective: to determine the level of harm that was or could have been caused by the offence

The offence to be assessed against the degree of potential or actual harm caused, both to individual tenant and more widely, for example:

- Nature/extent of hazards present.
- Vulnerability of tenants e.g. age, illness, disability, someone with language issues etc
- Evidence of discrimination/action against the tenants
- Effect on neighbouring premises
- Number of persons and/or households affected e.g. single family or HMO
- Level of risk to occupiers or third parties

Step 2: Culpability

Objective: to determine the offender's culpability as deliberate, reckless or negligent.

Renting out or managing residential property is a business and it is the responsibility of a landlord or letting agent to ensure that they are fully aware of their legal responsibilities. Ignorance of the law is not an excuse and generally, therefore, the presumption should be that any offence was deliberately committed, unless the landlord or letting agent can demonstrate otherwise.

The offender to be assessed against three levels of culpability:

- Deliberate: offender intended to cause harm or ignored legal responsibilities.
- Reckless: offender was reckless as to whether harm was caused or duties were not complied with.
- Negligent: failure to ensure awareness of legal responsibilities.

Step 3: Initial assessment of civil penalty

Objective: to reach an *initial assessment* of the civil penalty based on severity of the offence and culpability.

Step 4: Track record of landlord

Objective: to consider the offenders track record and issues that may influence the civil penalty.

- Has committed similar offences before
- Offence was planned
- Experienced landlord who should know responsibilities
- Owns a number of properties so should be aware of the legislation (i.e. not a single property landlord)
- Period of time over which offence(s) committed
- High level of profit from the offence/sought profit in committing
- Offender is a letting agent
- Attempt to cover up evidence of offence
- Landlord with a generally well managed portfolio

Step 5: Any mitigating factors

Objective: to consider any mitigating factors and whether they are relevant to the offence e.g. ill health of landlord, obstructive behaviour of third parties etc

Step 6: Revised assessment

Objective: to reach a *provisional* overall assessment of a civil penalty appropriate to the offence based on following the above steps. The civil penalty imposed should never be less than what it would have cost the landlord to comply in the first place, in order to incentivise compliance.

Step 7: Check

Check that the provisional civil penalty assessment meets the aims of the sentencing principles:

- Punishment of offender
- Reduction of/stopping crime
- Deterrent for other potential offenders

- Reform of offender
- Protection of public
- Reparation by offender to victim(s)
- Reparation by offender to community

Check that the provisional assessment is proportionate and will have an appropriate impact.

- This step should take account of the offender's income and assets, and make adjustments within band or change band accordingly. The general presumption should be that a civil penalty should not be revised downwards simply because an offender has (or claims to have) a low income. The Crown and Courts Act 2013 expressly permits the value of an offender's assets, e.g. their rental portfolio, to be taken into account when determining an appropriate penalty.
- For example, if a landlord with a large portfolio was assessed to warrant a low civil penalty, the civil penalty might require adjustment to have sufficient impact, and to conform to sentencing principles above.

Assessment Table

Draft assessment table in Appendix 2

Worked Examples

Examples of how the civil penalty will be approached are contained in Appendix 3

Offence Categories

1. Offence - Failure to comply with an Improvement Notice.

Under Part 1 of the Housing Act 2004 an Improvement Notice can be served requiring improvement and or repairs to reduce Category 1 and or 2 hazards. Hazards are identified using the Housing Health and Safety Rating System. Category 1 hazards (band A-C) are the most serious hazards and have the highest risk of harm to the occupiers. The Council has statutory duty to take enforcement action in relation to Category 1 hazards.

Following the identification of a category 1 hazard or category 1 and 2 hazards, the Enforcement Officer would contact the relevant person to advise them that a category 1 hazard had been identified, what was causing the hazard and the proposed enforcement action to be taken by the Council. If the landlord carries out the work at this stage no formal action is taken.

Where the landlord does not commence works within an appropriate timescale, and the proposed course of action is an Improvement Notice, this will be served and a charge made to the relevant person to cover the cost of service of the notice. This is currently £477.

Improvement notices do not become operative for twenty eight days and six to eight weeks are usually allowed for notice compliance to allow time to obtain quotes and complete the works. Where the work is still not completed, the tenant(s) will have been living in unsafe/unhealthy conditions for weeks and sometimes months and the landlord will have had a significant amount of time to comply.

There is no limit to the maximum court fine that can be levied for failure to comply with an Improvement Notice.

2. Offence - Failure to licence a House in Multiple Occupation (HMO) under the Mandatory Scheme

Under Part 2 of the Housing Act 2004, higher risk HMOs of three or more stories, occupied by 5 or more persons forming two or more households have been required to hold a mandatory HMO licence. The aim of this legislation was for local authorities to improve standards and conditions in the higher risk HMOs through licence conditions. Relevant persons have been required to hold a mandatory HMO licence for over 12 years.

There is no limit to the maximum court fine that can be levied for failure to licence an HMO.

3. Offence - Failure to licence a House in Multiple Occupation under the Additional Licensing Scheme for HMOs

Barnet Council introduced an Additional HMO Licensing Scheme for lower risk HMOs on 5th July 2016. An HMO requires to be licensed under the Additional HMO Licensing Scheme when:

- it has two or more storeys, occupied by four or more persons in two or more households and where some or all facilities are shared or lacking
- It has two or more storeys, with a resident owner and is occupied by four or more other persons in two or more households and where some or all facilities are shared or lacking
- it is a flat occupied by four or more persons in two or more households and where some or all facilities are shared or lacking and where the flat is on the second storey or higher
- It is a building 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 flats it contains are owned by the same person (none of the individual flats within the building being under separate ownership)
- It is a 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.

Relevant persons have been required to hold an Additional HMO licence for over a year.

There is no limit to the maximum court fine that can be levied for failure to licence an HMO.

4. Offence - Failure to comply with an Overcrowding Notice

Under section 139 of the Housing Act 2004, where an HMO is not required to be licensed, an Overcrowding Notice can be served. The notice specifies:

- the maximum number of persons allowed to occupy each room as sleeping accommodation.
- Rooms unsuitable to be used as sleeping accommodation

The standards for overcrowding are low and as such overcrowded accommodation exposes the occupying tenants to significant risk and has a detrimental effect on their health.

There is no limit to the maximum court fine that can be levied for failure to comply with an Overcrowding Notice.

5. Offence - Failure to Comply with the Management of Houses in Multiple Occupation (England) Regulations

The manager of an HMO is required to comply with the requirements of the Management of Houses in Multiple Occupation (England) Regulations 2006 or in the case of 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
- taking safety measures, including the maintenance of fire alarms and fire-fighting equipment
- maintaining water supply and drainage
- supplying and maintaining gas and electricity
- maintaining the common parts, fixtures and appliances (including windows)
- maintaining living accommodation
- providing waste disposal facilities

A person commits an offence if he/she fails to comply with any of the Regulations.

Contraventions of the Management Regulations can be fairly minor, for example failure to display a notice containing the contact details of the manager. They can also be extreme for example failure to maintain living accommodation leaving the tenants in imminent risk.

As such a failure to comply could for each regulation be considered against any banding depending on the severity of the offence, the risk to the occupiers and the culpability of the landlord.

Up to £5,000 fine can be levied for failure to comply with each individual management regulation.

Discounts

The following discounts will apply to any civil penalty imposed in the following circumstances:

- If the offender undertakes the necessary work of compliance within the representation period of the “Notice of Intent” stage the Council will reduce the penalty by 20%
- If the offender books onto an accreditation course with the London Landlord Accreditation scheme within the representation period of the “Notice of Intent” stage, and subsequently completes the course on the relevant date, the Council will reduce the penalty by 10%.

If an offender undertakes the necessary work of compliance within the representation period of the “Notice of Intent” stage and becomes accredited a total discount of 30% will apply.

Decision to issue a civil penalty or prosecute

The local authority cannot issue a civil penalty and prosecute for the same offence.

In deciding whether to prosecute or issue a civil penalty, consideration should be given to any public interest in referring the case for prosecution over and above that required to issue a civil penalty. The greater the impact of the offending on the community, the more likely it is that a prosecution will be appropriate.

The statutory guidance states that a prosecution may be the most appropriate option where an offence is particularly serious or the offender has committed similar offences in the past.

Imposing a civil penalty

Schedule 9 of the Housing and Planning Act 2016 sets out the process which must be followed when imposing a civil penalty.

Notice of Intent

Before imposing a civil penalty on a landlord or agent, the Council must serve a ‘notice of intent’ on the landlord or agent in question. This notice must be served within 6 months of the last day on which the Council has evidence of the offence occurring. This notice must contain the following information:

- The amount of the proposed civil penalty;
- The reasons for proposing to impose a civil penalty, and;
- Information about the Landlord's right to make representations to the Council.

Representations

Any landlord who is in receipt of a notice of intent has the right to make representations against that notice within 28 days of the date on which the notice was given. Representations can be against any part of the proposed course of action. All representations from landlords will be considered by an appropriate senior colleague.

Where a landlord challenges the amount of the civil penalty, it will be for the landlord to provide documentary evidence (e.g. tenancy agreements etc.) to show that the calculation of the penalty amount is incorrect. Where no such supporting evidence is provided, the representation against the amount will not be accepted.

Written responses will be provided to all representations made by the recipients of a Notice of Intent. No other parties have an automatic right to make representations but if any are received, they will be considered on a case by case basis and responded to where the Council considers it necessary.

Final Notice

Once the representation period has ended, the Council must decide, taking into consideration any representations that were made, whether to impose a civil penalty and the final amount of the civil penalty. The final amount of a civil penalty can be a lower amount than was proposed in the Notice of Intent but it cannot be a greater amount.

The imposing of a civil penalty involves serving a Final Notice and this notice must contain the following information:

- The amount of the financial penalty;
- The reasons for imposing the penalty;
- Information about how to pay the penalty;
- The period for payment of the penalty;
- Information about rights of appeal, and;
- The consequences of failure to comply with the notice.

The period of payment for the civil penalty must be 28 days beginning with the day after that on which the notice was given.

Withdrawing or Amending Notices

At any time, the Council may withdraw a Notice of Intent or a Final Notice or reduce the amount of a civil penalty. This is done by giving notice in writing to the person on whom the notice was served.

Where a civil penalty has been withdrawn, and there is a public interest in doing so, the Council can still pursue a prosecution against the landlord for the conduct for

which the penalty was originally imposed. Each case will be considered on a case by case basis.

Appeals to the Tribunal

If a civil penalty is imposed on a landlord/agent, that Landlord can appeal to the First-tier Tribunal (“the Tribunal”) against the decision to impose a penalty or the amount of the penalty. The Tribunal has the power to confirm, vary (increase or reduce) the size of the civil penalty imposed by the Council, or to cancel the civil penalty. Where an appeal has been made, this suspends the civil penalty until the appeal is determined or withdrawn.

Payment of a civil penalty

A civil penalty must be paid within 28 days, beginning with the day after that on which the final notice was given (“the 28 day payment period”), unless that notice is suspended due to an appeal. Details of how to pay the penalty will be provided on the final notice.

Other consequences of having a civil penalty imposed

Where a civil penalty has been imposed on a landlord, this will form a part of our consideration when reviewing licence applications for properties in which they have some involvement. This includes licences under Part 2 or Part 3 of the Housing Act 2004.

Whilst a civil penalty will not automatically preclude us from granting a licence where such persons are involved, the reasons for imposing the penalty and the extent of the person’s involvement in the property will be considered.

Where a landlord has two civil penalties imposed on them in a 12 month period, each for a banning order offence, the Council will include their details on the Database of Rogue Landlords and Property Agents.

“Banning order offence” means an offence of a description specified in regulations made by the Secretary of State under Section 14(3) of the Housing and Planning Act 2016.

Recovering an unpaid civil penalty

It is the policy of the Council to consider all legal options available for the collection of unpaid civil penalties and to pursue unpaid penalties in all cases through the county courts. Some of the orders available to the Council through the county courts are as follows:

- A Warrant of Control for amounts up to £5000;
- A Third Party Debt Order;
- A Charging Order, and;
- Bankruptcy or insolvency.

A certificate, signed by the Chief Finance Officer for the Council and stating that the amount due has not been received by the date of the certificate, will be accepted by the courts as conclusive evidence of the payment due.

Where a Charging Order has been made, and the amount of the order is over £1000, the Council can consider applying for an Order for Sale against the property or asset in question. When considering which properties to apply for a Charging Order against, the Council can consider all properties owned by the Landlord and not just the property to which the offence relates.

Where the civil penalty was appealed and the Council has a tribunal decision, confirming or varying the penalty, the decision will be automatically registered on the Register of Judgments, Orders and Fines, once accepted by the county court. Inclusion on this Register may make it more difficult for the Landlord to get financial credit.

Income from civil penalties

Any income from Civil Penalties is retained by the Local Housing Council which imposed the penalty. The Council must spend any income from Civil Penalties on its enforcement functions in relation to the private rented sector. Further details can be found in Statutory Instrument 367 (2017).

Banning Orders

Section 15(1) of the Housing and Planning Act provides local authorities with the power to apply for a 'Banning Orders' against a person who has been convicted of a relevant offence. Details of the relevant offences has not yet been provided by the Secretary of State. A Banning Order prevents a person from:

- Letting any house
- Engaging in letting agency work
- Engagement in property management work or
- Doing two or more of these activities

An Order is limited to England, must specify the duration of the Order and must last at least 12 months. Penalty for breaching an Order, upon summary conviction is either a fine, imprisonment or both.

Rent Repayment Orders (RRO)

The Housing Act 2004 section 73 first introduced Rent Repayment Orders (RROs) where the tenant or the Local Housing Authority could apply to the First Tier Tribunal for the repayment of Housing Benefit/Universal Credit that was paid to convicted landlords where the landlord of a property had failed to obtain a licence for a property that was required to be licensed, Under the 2016 Act RROs are being extended to cover the following situations:

- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004;
- Failure to comply with a Prohibition Order under section 32 of the Housing Act 2004;
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016;
- Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977; and

- Illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977.

An RRO can be applied for when the landlord has committed an offence, whether or not a landlord has been convicted of one of the offences listed in above. Where an application for an RRO is made and the landlord has not been convicted of the offence for which the RRO application is being made, the First-tier Tribunal will need to be satisfied beyond reasonable doubt that the landlord has committed the offence. The maximum rent recoverable is capped at 12 months. A local housing authority can impose a civil penalty or prosecute and apply for an RRO for certain offences. Both sanctions are available for the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of Houses of Multiple Occupation (section 72(1));
- Offences in relation to licensing of houses under Part 3 of the Act (section 95(1)).

Local Housing Authorities or tenants can use these powers, but under section 48 of the Housing and Planning Act 2016 local authorities now have a duty to consider applying for a Rent Repayment Order if a person has been convicted of a relevant offence.

Where the rent was paid from housing benefit or universal credit the sum awarded under the RRO is returned to the Council to be used by the Authority to further its statutory functions in relation to private housing enforcement work.

Decision to prosecute and/or apply for a Rent Repayment Order (RRO)

Local Housing Authorities are expected to develop and document their own policy on when to prosecute and when to apply for a Rent Repayment Order and when to do both. Each case should be decided independently.

In deciding whether to prosecute and/or apply for an RRO consideration should be given to any public interest in referring the case for prosecution over and above that required to apply for an RRO. The greater the impact of the offending on the community, the more likely it is that a prosecution will be appropriate.

The statutory guidance states that a prosecution may be the most appropriate option where an offence is particularly serious or the offender has committed similar offences in the past.

In deciding whether to apply for a Rent Repayment Order the Council will consider if there are tenants willing to be involved in the making of such an application.

Appendix 2

Draft Assessment Table for civil penalties issued under the Housing and Planning Act 2017

This assessment table is a draft to demonstrate how the civil penalty assessment will be completed under the Housing and Planning Act 2016. This may be revised and updated in line with the guidance contained in the committee report.

Details of offence	
Legal Contravention	
Condition of premises	
Number of tenants	
Number of households	
Any particular vulnerability of the tenants	
Had the landlord received any previous communication regarding the offence (add dates and detail of communication)	
Were any other properties affected by the offence?	
Is there evidence that the landlord has tried to avoid his legal responsibilities e.g. threatened the tenants or acted in a discriminatory way in relation to the tenants	
Severity of offence	
<ul style="list-style-type: none">• Nature/extent of hazards present.• Vulnerability of tenants e.g. age, illness, disability, someone with language	

issues etc <ul style="list-style-type: none"> • Evidence of discrimination/action against the tenants • Effect on neighbouring premises • Number of persons and/or households affected e.g. single family or HMO • Level of risk to occupiers or third parties 					
Considerations					
Banding based on severity of offence considerations					
Extreme		Substantial		Moderate	
Culpability consideration					
The offender to be assessed against three levels of culpability: <ul style="list-style-type: none"> ▪ Deliberate: offender intended to cause harm or ignored legal responsibilities. ▪ Reckless: offender was reckless as to whether harm was caused or duties were not complied with. ▪ Negligent: failure to ensure awareness of legal responsibilities. 					
Considerations					
Banding based on culpability considerations					
Extreme		Substantial		Moderate	
Initial assessment of civil penalty	Severity of Offence			Moderate	
				Substantial	
				Extreme	
	Culpability			Moderate	
				Substantial	
				Extreme	
				Initial civil penalty assessment	£
Track record of landlord					
<ul style="list-style-type: none"> ▪ Has committed similar offences before ▪ Experienced landlord who should know responsibilities ▪ Owns a number of properties (i.e. not a single property landlord) ▪ Period of time over which offence(s) committed ▪ High level of profit from the offence/sought profit in committing 					

- Offender is a letting agent
- Attempt to cover up evidence of offence

(Penalty to be **increased** by a minimum of £1k for each aggravating factor)

Considerations

No considerations

Penalty increase

Number of considerations

£

No considerations

£0

Mitigating Factors

Any mitigating factors and whether they are relevant to the offence e.g. ill health of landlord, obstructive behaviour of third parties etc

Penalty to be decreased by a minimum of £1k for each mitigating factor

Considerations

Penalty decrease

Number of considerations

£

No considerations

£0

Check

Check that the provisional civil penalty assessment meets the aims of the sentencing principles:

- Punishment of offender
- Reduction of/stopping crime
- Deterrent for other potential offenders
- Reform of offender
- Protection of public
- Reparation by offender to victim(s)
- Reparation by offender to community

Check that the provisional assessment is proportionate and will have an appropriate impact.

- This step should take account of the offender's income and assets, and make final adjustments to the penalty calculation even where this results in a penalty point within another band. The general presumption should be that a civil penalty should not be revised downwards simply because an offender has (or claims to have) a low income. The Crown and Courts Act 2013

<p>expressly permits the value of an offender’s assets, e.g. their rental portfolio, to be taken into account when determining an appropriate penalty</p> <ul style="list-style-type: none"> For example, if a landlord with a large portfolio was assessed to warrant a low civil penalty, the civil penalty might require adjustment to have sufficient impact, and to conform to sentencing principles above. 		
Considerations		
Civil penalty assessment before discounts		
Discounts:	Details	Total Amount of Discount (£)
(a) Works of compliance within the representation period? (discount of 20% to be applied)		
(b) Accreditation course with the London Landlord Accreditation scheme booked within the representation period? (discount of 10% to be applied)		
(c) Total discounts (maximum 30%)		
Final assessment of civil penalty	£	

Appendix 3 – Worked examples for civil penalties issued under the Housing and Planning Act 2017

Example 1 - Improvement notice

HMO six people

Back door has no lock and opens onto an unlit alley way.

Landlord not notified by tenants although lock broken for 2 months

Cat 1 letter sent

Landlord has had cancer and been unable to organise the work

Improvement notice served and expired 2 months ago. Extra time given due to ill health.

Details of offence	
Legal Contravention	Failure to comply with an Improvement Notice under Section 11 of the Housing Act 2004
Condition of premises	Back door has no lock and opens onto an unlit alley way. Entry by intruders – Cat 1
Number of tenants	Six
Number of households	Six
Any particular vulnerability of the tenants	None
Had the landlord received any previous communication regarding the offence (add dates and detail of communication)	Yes and note additional time given in consideration of mitigating circumstances .
Were any other properties affected by the offence?	No

<p>Is there evidence that the landlord has tried to avoid his legal responsibilities e.g. threatened the tenants or acted in a discriminatory way in relation to the tenants</p>	<p>No</p>				
<p>Severity of offence</p> <ul style="list-style-type: none"> • Nature/extent of hazards present. • Vulnerability of tenants e.g. age, illness, disability, someone with language issues etc • Evidence of discrimination/action against the tenants • Effect on neighbouring premises • Number of persons and/or households affected e.g. single family or HMO • Level of risk to occupiers or third parties 					
<p>Considerations</p>	<ul style="list-style-type: none"> • Substantial Category 1 hazard leaving tenants/premises vulnerable to intruders. • HMO six people and the effect of the hazards is amplified to that extent. • No particular vulnerability among the tenants noted. • No evidence of discrimination • No effect on neighbouring premises • Escalation to extreme 				
<p>Banding based on severity of offence considerations</p>					
<p>Extreme</p>	<p>X</p>	<p>Substantial</p>		<p>Moderate</p>	
<p>Culpability consideration</p> <p>The offender to be assessed against three levels of culpability:</p> <ul style="list-style-type: none"> ▪ Deliberate: offender intended to cause harm or ignored legal responsibilities. ▪ Reckless: offender was reckless as to whether harm was caused or duties were not complied with. ▪ Negligent: failure to ensure awareness of legal responsibilities. 					
<p>Considerations</p>	<ul style="list-style-type: none"> • Tenants had not advised the landlord • Notice of the hazard has been given in the form of a letter prior to service of the Improvement Notice and additional time to reflect mitigating 				

	<p>circumstances.</p> <ul style="list-style-type: none"> Landlord is aware of responsibility but has been suffering from ill health which has been an obstruction to compliance. So cannot be said to be reckless or negligent in that respect. Downgrade to moderate. 		
Banding based on culpability considerations			
Extreme	Substantial Moderate X		
Initial assessment of civil penalty	Severity of Offence	Moderate	
		Substantial	
		Extreme	X
	Culpability	Moderate	X
		Substantial	
		Extreme	
	Initial civil penalty assessment	£15,000.00	
Track record of landlord			
<ul style="list-style-type: none"> Has committed similar offences before Experienced landlord who should know responsibilities Owns a number of properties (i.e. not a single property landlord) Period of time over which offence(s) committed High level of profit from the offence/sought profit in committing Offender is a letting agent Attempt to cover up evidence of offence <p>(Penalty to be increased by a minimum of £1k for each aggravating factor)</p>			
Considerations	No considerations		
	Penalty increase		
Number of considerations	£		
No considerations	£0		

Mitigating Factors	
Any mitigating factors and whether they are relevant to the offence e.g. ill health of landlord, obstructive behaviour of third parties etc	
Penalty to be decreased by a minimum of £1k for each mitigating factor	
Considerations	Landlord has been unwell and unable to organise the work
	Penalty decrease
Number of considerations	£1,000
No considerations	£0
Check	
<p>Check that the provisional civil penalty assessment meets the aims of the sentencing principles:</p> <ul style="list-style-type: none"> ▪ Punishment of offender ▪ Reduction of/stopping crime ▪ Deterrent for other potential offenders ▪ Reform of offender ▪ Protection of public ▪ Reparation by offender to victim(s) ▪ Reparation by offender to community <p>Check that the provisional assessment is proportionate and will have an appropriate impact.</p> <ul style="list-style-type: none"> • This step should take account of the offender's income and assets, and make adjustments within band or change band accordingly. The general presumption should be that a civil penalty should not be revised downwards simply because an offender has (or claims to have) a low income. The Crown and Courts Act 2013 expressly permits the value of an offender's assets, e.g. their rental portfolio, to be taken into account when determining an appropriate penalty • For example, if a landlord with a large portfolio was assessed to warrant a low civil penalty, the civil penalty might require adjustment to have sufficient impact, and to conform to sentencing principles above. 	
Considerations	None
Final assessment of civil penalty	£14,000.00

Additional Comment

In this case the mitigating discount may be increased depending on any details provided by the landlord in relation to his illness, business model etc.

Example 2 -Failure to licence

- 4 person HMO 2 storeys
- 3 letters sent requesting the owner to licence
- Property generally in an ok condition
- No licence application

Details of offence	
Legal Contravention	Failure to licence a an HMO requiring a licence under S.72 Housing Act 2004
Condition of premises	Generally satisfactory
Number of tenants	Four
Number of households	Four
Any particular vulnerability of the tenants	No
Had the landlord received any previous communication regarding the offence (add dates and detail of communication	Three letters to landlord concerning the requirement to licence
Were any other properties affected by the offence?	No
Is there evidence that the landlord has tried	No

<p>to avoid his legal responsibilities e.g. threatened the tenants or acted in a discriminatory way in relation to the tenants</p>					
<p>Severity of offence</p> <ul style="list-style-type: none"> • Nature/extent of hazards present. • Vulnerability of tenants e.g. age, illness, disability, someone with language issues etc • Evidence of discrimination/action against the tenants • Effect on neighbouring premises • Number of persons and/or households affected e.g. single family or HMO • Level of risk to occupiers or third parties 					
<p>Considerations</p>	<ul style="list-style-type: none"> • No Cat 1/substantial hazards present. • Premises is an HMO but this is an inherent part of the offence and therefore not taken into consideration in determining the severity of the offence and although the fact that a small one may be a factor in determining moderate offence. • Tenants not especially vulnerable • No evidence of discrimination/action against the tenants • No known effect on neighbouring premises • No substantial level of risk to occupiers or third parties 				
<p>Banding based on severity of offence considerations</p>					
<p>Extreme</p>		<p>Substantial</p>		<p>Moderate</p>	<p>X</p>
<p>Culpability consideration</p> <p>The offender to be assessed against three levels of culpability:</p> <ul style="list-style-type: none"> ▪ Deliberate: offender intended to cause harm or ignored legal responsibilities. ▪ Reckless: offender was reckless as to whether harm was caused or duties were not complied with. ▪ Negligent: failure to ensure awareness of legal responsibilities. 					
<p>Considerations</p>	<p>Reckless: offender was reckless as to whether harm was caused or duties were not complied with and no</p>				

	evidence of deliberate offence (no indication that LL intended to cause the offence)		
Banding based on culpability considerations			
Extreme		Substantial	X Moderate
Initial assessment of civil penalty	Severity of Offence		Moderate X
			Substantial
			Extreme
	Culpability		Moderate
			Substantial X
			Extreme
	Initial civil penalty assessment		£5,000.00
Track record of landlord			
<ul style="list-style-type: none"> ▪ Has committed similar offences before ▪ Experienced landlord who should know responsibilities ▪ Owns a number of properties (i.e. not a single property landlord) ▪ Period of time over which offence(s) committed ▪ High level of profit from the offence/sought profit in committing ▪ Offender is a letting agent ▪ Attempt to cover up evidence of offence (Penalty to be increased by a minimum of £1k for each aggravating factor)			
Considerations	No considerations		
	Penalty increase		
Number of considerations	£0		
No considerations	£0		
Mitigating Factors			

Any mitigating factors and whether they are relevant to the offence e.g. ill health of landlord, obstructive behaviour of third parties etc

Penalty to be decreased by a minimum of £1k for each mitigating factor

Considerations	No considerations
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Penalty decrease

Number of considerations	£
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No considerations	£0
-------------------	----

Check

Check that the provisional civil penalty assessment meets the aims of the sentencing principles:

- Punishment of offender
- Reduction of/stopping crime
- Deterrent for other potential offenders
- Reform of offender
- Protection of public
- Reparation by offender to victim(s)
- Reparation by offender to community

Check that the provisional assessment is proportionate and will have an appropriate impact.

- This step should take account of the offender’s income and assets, and make adjustments within band or change band accordingly. The general presumption should be that a civil penalty should not be revised downwards simply because an offender has (or claims to have) a low income. The Crown and Courts Act 2013 expressly permits the value of an offender’s assets, e.g. their rental portfolio, to be taken into account when determining an appropriate penalty
- For example, if a landlord with a large portfolio was assessed to warrant a low civil penalty, the civil penalty might require adjustment to have sufficient impact, and to conform to sentencing principles above.

Considerations	None
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Final assessment of civil penalty	£5,000.00
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Appendix 4- Amendments to the Development and Regulatory Services Enforcement Policy – Statement of Principles for The Smoke and Carbon Monoxide (England) Regulations 2015

Introduction

The Smoke and Carbon Monoxide (England) Regulations 2015 require that landlords for all let properties (some exemptions exist) ensure that:

- a smoke alarm is installed on each storey of premises where there is living accommodation
- a carbon monoxide alarm is installed in any room of premises used as living accommodation, which contain-a solid fuel burning appliance.

and for tenancies starting from 1 October 2015

- that checks are made by the landlord, or someone acting on his/her behalf, that the alarm(s) are in proper working order on the day the tenancy starts.

Properties subject to Part 2 or Part 3 licensing are exempt from the 2015 Regulations although compliance is achieved through licensing conditions.

Regulation 8 of the Smoke and Carbon Monoxide Alarm (England) Regulations provides that where a Local Housing Authority is satisfied, on the balance of probabilities, that a Landlord on whom it has served a remedial notice under Regulation 5 is in breach of their compliance duty under Regulation 6(1), the Authority may require the Landlord to pay a penalty charge. The amount of the charge to be determined by the Authority, is up to a statutory maximum of £5,000.

Regulation 13 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 requires a Local Housing Authority to prepare and publish a Statement of Principles to be followed in determining the amount of penalty charge to be made for failure to comply with the requirements of a Remedial Notice under Regulation 5 of the regulations.

In particular the council will have regard to:-

- The nature of the breach of the Regulations
- Continued, or repeat, breaches of the Regulations.

The primary aims of any financial penalty will be to:

- Recover the Council's costs in carrying out the necessary remedial work, under Regulation 7.
- Lower the risk to tenant's health, safety and wellbeing by ensuring that the property in question benefits from basic early warning in the event of a fire.
- Promote compliance of landlords in the private rented sector.
- Eliminate any financial gain or benefit from non-compliance with regulation.
- Educate Landlords on the associated risks of non-compliance.
- Be proportionate to the nature of the breach of legislation and the risk posed.
- Aim to prevent future non-compliance.

The Council may revise its Statement of Principles at any time, but where it does so, it must publish the revised statement. The current statement of principles which is in force at the time of the commission of the offence is to be used when deciding on the amount for the penalty charge.

Remedial Works to comply with Regulations

To comply with these Regulations the type of smoke alarm deemed acceptable is either a mains powered alarm or one operated with a sealed battery with a 10 year life with one fitted on each floor.

It is important to remind landlords that a full fire risk assessment should be undertaken to ensure that this level of detection meets the risk within the premises. The Council can assess risk using the Housing Act 2004 and this may require additional detection. Such circumstances include mode of occupation, nature of tenants, property layout or height of building. Freeholders may also be required to risk assess the common ways under the Regulatory Reform (Fire Safety) Order 2005.

Carbon Monoxide Alarms – In order to comply with these Regulations, a carbon monoxide alarm will be installed in every room containing a solid fuel combusting appliance.

Enforcement

Where the Council has "reasonable grounds" to believe that a landlord is in breach of one or more of the above duties, the Council **must** serve a Remedial Notice on the landlord under Regulation 5. This will list the remedial works required to be taken by the Landlord. 'Reasonable grounds' would include being informed by a tenant, letting agent or housing officer that the required alarms are not installed.

Regulation 5(e) makes provision for the landlord to be able to request a written review of the Remedial Notice within 28 days.

If the Landlord fails to take remedial action, within the specified timescale, a penalty charge notice may be issued. The 2015 Regulations (Regulation 7) requires the Council to carry out the works in default where the necessary consent is given by the

occupier and can then reclaim all reasonable costs incurred by the builder and themselves in organising the works.

Where a penalty charge is to be imposed for non-compliance, the landlord subject to the charge shall be notified in writing by a Penalty Charge Notice. This notice shall include;

- the reason for imposing the penalty;
- the premises to which it relates;
- the number and type of alarms the Council has installed at the premises;
- the amount of the penalty (including eligibility for first offence early payment discount);
- details to make payment; and,
- details of the right to request a review and how to request it.

The purpose of the penalty charge is to:

- Protect the interests of the public
- Lower the risk to tenant's health and safety
- Reimburse the costs incurred by the Council in arranging remedial action in default of the landlord
- Change the behaviour of the landlord and aim to prevent future non-compliance
- Penalise the landlord for not installing alarms in line with the Regulations and after being required to so, under notice
- Eliminate financial gain or benefit from non-compliance with the Regulations.
- Be proportionate to potential harm outcomes, the nature of the breach, and the cost benefit to comply with these legal requirements.

Criteria for the imposition of a penalty charge

In deciding whether it would be appropriate to impose a penalty charge, the Council will take full account of the particular facts and circumstances of the regulation breach under consideration. Factors which the Council will take into consideration include, but are not limited to:-

- The extent to which the circumstances giving rise to the contravention were within the control of the landlord.
- The presence or absence, of internal controls or procedures on the landlord's part which were intended to prevent the breach.
- The steps that the landlord has taken since being served with the Remedial Notice,
- Whether the landlord has been obstructed in his duty, or if tenant removal of alarms has occurred.
- The condition of the premises e.g. any Category 1 hazards, if there is overcrowding, vulnerability of the occupiers, any high fire risk, any electrical/gas risks etc

- Evidence provided that supports compliance with a Remedial Notice, (this may include a signed inventory at the start of a tenancy, or photographic evidence showing alarms installed, with a date & time stamp).
- Any past breaches.

The expectation is that a landlord is proactive with complying with his duties to ensure that the number and type of alarms at least meets the expectations of the 2015 Regulations.

The Penalty Charge Notice will be issued where the Council is satisfied, on the balance of probabilities, the landlord has failed to comply with his duties.

To determine relevant facts the Council will try to collect evidence, including; information from a property inspection or provided by the tenant, landlord or agent on property management and whether any remedial action has been satisfactorily completed.

Landlords can demonstrate compliance with their duty to install by supplying dated photographs of alarms, together with installation records or signed confirmation by the tenant that a system is in proper working order at the start of the tenancy. Tenancy agreements can specify the frequency that a tenant should then test the alarm to ensure it is in proper working order.

Criteria for determining the amount of Penalty Charge

The Regulations set a maximum penalty charge of £5,000. A penalty charge will be set at a level which the council considers is proportional to the breach and will take into account all the other circumstances of the case, which will include (the list is not exclusive):-

- Costs incurred by the Council in taking remedial action following non-compliance, including officer time and the cost of contractor supervision.
- Whether or not the breach under consideration is a first-time breach.
- Where justified representations have been made to the Council to formally review the penalty charge imposed, under Regulation 10.

Barnet Council has set the penalty charge as follows:-

Offence	Fine
First-time breach depending on the facts of the case	Up to £5,000 .
An early payment of the penalty charge, within 28 days from Penalty Charge Notice service	Discount of 50% (to £2,500)

Offender books onto an accreditation course with the London Landlord Accreditation scheme within 28 days of service of the Penalty Charge Notice and subsequently completes the course on the relevant date	Penalty reduced by 10%.
If the offender undertakes the necessary work of compliance within 28 days of service of the Penalty Charge Notice	Penalty reduced by 20%.
As such, for a first time breach, if the landlord completes the works, pays within 28 days and becomes accredited the fine will be £1,500.	
Subsequent breaches by the same landlord	£5,000. No discounts will be available in this case.

Review of Penalty Charge Notice and Appeals

On receipt of a Penalty Charge Notice a landlord can, within 28 days from Notice service, make a written request to the Council to review their decision. Information on how to request a review will be on the reverse of the notice.

The Council must consider any representation and decide whether to confirm, vary or withdraw the Penalty Charge Notice. The Council in making a decision will consider the following:

1. Whether the facts of the matter supported the service of the Penalty Charge Notice
2. Whether the decision was correct having regard to the relevant laws.
3. The amount of the charge was reasonable having regard to any mitigating, aggravating or other circumstances submitted with the request for review.

Adjustments to the penalty charge will be in steps of £250.

The Council will review the facts of the case and can confirm or vary their decision, and will serve notice giving the result of their review.

A landlord can then appeal against the review decision to the First Tier Tribunal. The Tribunal can then quash, confirm, or vary the Penalty Charge Notice (but cannot increase the penalty charge). Appeals should be made within 28 days from the date of the Decision Notice served by the Council.

The operation of the Penalty Charge Notice is suspended until the Tribunal has determined the appeal.

Recovery of Penalty Charges.

If the charge is not paid, then recovery will be pursued as laid out in the 2015 Regulations, including the obtaining of a Court Order where necessary. Where landlords make an appeal to the First-tier Tribunal, recovery will commence after the appeal period has elapsed or from when the appeal is finally determined or withdrawn.

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	<h2>Housing Committee</h2> <h3>23rd October 2017</h3>
<p style="text-align: center;">Title</p>	<p>Private Sector Housing Fees and Charges 2018/19</p>
<p style="text-align: center;">Report of</p>	<p>Deputy Chief Executive</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>Yes</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix A – Proposed Fees and Charges 2018/19</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Belinda Livesey – Group Manager (Private Sector Housing) 0208 359 7438 belinda.livesey@barnet.gov.uk</p>

Summary
<p>This report seeks to obtain approval for the Council's proposed new and above inflation plus 2% fees and charges for 2018/19 to support the Commissioning Business Plan, and delivery of the services provided by Re (Regional Enterprise) within the Private Sector Housing Team, for the Council.</p>

Recommendations
<p>That the Housing Committee consider and approve the proposed fees and charges for 2018/19 as set out in Appendix A</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Fees and charges are reviewed on an annual basis to ensure that the costs of chargeable services are covered and the Council is achieving value for money. This report sets out the proposed above inflation fee increases as well as new fees and charges for services within the Private Sector Housing Team provided by Re. Any fees and charges which are being increased by less than

the rate of inflation plus 2% are not included in this report as their approval will be completed via a Delegated Powers Report.

- 1.2 The new fees are being introduced as the Council has the ability to charge for these functions but have not considered a fee previously. They are in line with other enforcement fees already approved.
- 1.3 The Fire Risk Assessment (for standard HMO) fee has increased as the original fee was introduced prior to the development of the service based on a market rate for a similar service. The proposed fee is set on a cost recovery basis to cover investigative work, full inspection, report preparation and some level of post report discussion .

2. REASONS FOR RECOMMENDATIONS

- 2.1 It is recommended that the Housing Committee consider and approve the proposed fees and charges for 2018/19, as it is considered good practice to review fees and charges annually to ensure that the costs of providing the services are recouped for private sector housing.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative approach would be to not review the existing fees and charges, and to not add new ones where appropriate. This is not however considered to be good practice and would potentially expose the Council to the risk of not recovering the costs of the provision of the service, or potentially, over recovering where the charge is set at a cost recovery level.
- 3.2 Given the financial pressures currently faced by the Council the only viable option for continuing to provide the services noted in Appendix A is to levy an appropriate fee or charge.

4. POST DECISION IMPLEMENTATION

- 4.1 In accordance with the Constitution, if the Committee approves the recommendation then the fees and charges will be reported to the Policy and Resources Committee for noting (as part of the Council wide budget setting). Once the budget is approved by full Council the fees and charges will be posted on the Council's website and, where a statutory duty requires it, advertised in the approved publication and appropriate location. These new fees and charges will be implemented from 1st April 2018.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Corporate Plan 2015-2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer

The Council's priorities include:

- High quality services maintained whilst reducing unit costs to the lowest amongst Barnet's statistical neighbours.

5.1.2 Fees and charges need to be reviewed to ensure value for money and cost recovery. This complies with the 2015-2020 Corporate Plan priority for Barnet to be in the lowest 25% of all Councils (Boroughs and County Councils) for expenditure per head of population. The Fees and Charges review is a means of ensuring that net costs are kept under control.

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

5.2.1 **Finance & Value for Money:** With public and Member expectations increasing, the review of fees and charges ensures that sufficient resources are made available to manage and prioritise those expectations.

5.2.2 All fees and charges will ensure effective cost recovery for delivering the service; prices listed do not include VAT, which will only be charged where indicated. The charges are discretionary to cover the cost of delivery.

5.2.3 The Constitution requires that all new charges, and charges that are proposed to be increased by more than inflation plus 2%, are agreed by the relevant Theme Committee, and also reported to Policy and Resources Committee for noting.

5.2.5 **Procurement:** At this time there are no procurement implications.

5.2.6 **Staffing:** At this time there are no staffing implications.

5.2.7 **Property:** At this time there are no property implications.

5.2.8 **IT:** At this time there are no IT implications.

5.2.9 **Sustainability:** At this time there are no sustainability implications.

5.3 **Social Value**

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits.

- 5.3.2 Housing enforcement action requiring the improvement of accommodation will deliver social, economic and environmental benefits for residents in relation to improvement in standards of the private rented sector.

5.4 Legal and Constitutional References

Local authorities have a variety of powers to charge for specific statutory services set out in statute.

Section 49(5) of the Housing Act 2004 permits a local housing authority to make such reasonable charge as it considers appropriate as a means of recovering expenses incurred by the authority in carrying out any review of suspended improvement notices and suspended prohibition orders, or serving copies of the authority's decision on such a review. The amount charged cannot exceed any amount specified by order.

If an appeal against the underlying notice or order is allowed by a tribunal, it may also make such order as it considers appropriate in relation to any charge made in respect of the notice or order - reducing, quashing, or requiring the repayment of the charge.

- 5.4.1 The Local Government Act 2003 also provides a power to trade and a power to charge for discretionary services, the latter on a cost 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.
- 5.4.2 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 these are subject to conditions/limitations similar to those noted above.
- 5.4.3 Where a local authority has a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard. Should a request be made, however, for delivery above and beyond that standard, this may constitute a discretionary service for which a charge could be made.
- 5.4.5 Under the Council's Constitution, Responsibility for Functions, Annex A, the Housing Committee has the following specific responsibilities (amongst others):
- Promote the better integration of privately rented properties into the Borough's

framework

- All matters related to regulation of private sector housing, including enforcement, licensing, empty properties and squatting
- Housing licensing and housing enforcement.
- All matters relating to provision of disabled facilities and other housing related grants, including the operation of a Home Improvement Agency

5.4.6 The Council's Constitution (Financial Regulations) also states: "*For the fees and charges within their remit, theme Committees, Planning Committee and Licensing Committee must approve changes to fees and charges that are above inflation by 2% or more, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle. Changes to fees and charges approved by theme Committees, Planning Committee and Licensing Committee must be reported to Policy and Resources Committee for noting.*"

5.5 Risk Management

5.5.1 The fees and charges proposed within this report are based on recovery of costs incurred by the Council. There will nonetheless remain an element of reputational risk and challenge.

5.6 Equalities and Diversity

5.6.1 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.

5.6.2 The Equality Act 2010 sets out the Public Sector Equality Duty which requires public bodies to have due regard to the need to:

- eliminate 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
- foster good relations between persons who share a relevant protected characteristic and persons who do not

5.6.3 The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.6.4 The proposed fees and charges have been reviewed against the protected characteristics and it is considered that there will not be any specific adverse impact on any of the groups.

5.6.5 It is considered that HMO licensing and housing enforcement action requiring the improvement of accommodation has an overall positive impact for landlords, tenants, residents and businesses by virtue of the potential improvement to the quality and management of accommodation in the borough.

5.6.4 In addition there are potential benefits arising from the increased choice of high quality, and well-managed housing.

5.7 Consultation and Engagement

5.7.1 There was no specific consultation on the fees and charges in this report. The additional enforcement charges are in line with existing fees. The fees and charges will be noted by Policy and Resources Committee.

6 BACKGROUND PAPERS

6.1

Appendix 1 – Proposed Fees and Charges from 1st April 2018/19

Description of charge	Unit	Subject to VAT	Current charge excluding VAT	Proposed Charge excluding VAT	Percentage change	Power to charge	Basis for Charging
Review of Suspended Prohibition Order	1	no	new	316	n/a	Section 49 Housing Act 2004	Statutory discretionary/cost recovery
Review of Suspended Improvement Notice	1	no	new	313	n/a	Section 49 Housing Act 2004	Statutory discretionary/cost recovery
Hazard Awareness Notice	1	no	new	288	n/a	Section 49 Housing Act 2004	Statutory discretionary/cost recovery
Fire Risk Assessment (for standard HMO)	1	yes	Up to £400 for a standard HMO plus hourly rate up to £84 for revisits and/or additional advice.	Up to £590 for a standard HMO plus hourly rate up to £85.40 for revisits and/or additional advice.	Up to 47.5% for standard HMO Up to 1.67% for revisits and/or additional advice	s93 Local Government Act 2003	Discretionary /cost recovery

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Housing Committee 23rd October 2017

Title	Compulsory Purchase of long term vacant properties
Report of	Deputy Chief Executive
Wards	Hale, Childs Hill, West Hendon, Colindale and Golders Green
Status	Public (with a separate exempt report)
Enclosures	None
Officer Contact Details	Belinda Livesey – Group Manager 0208 359 7438 Clive Dinsey – Environmental Health Officer 0208 359 2494

Summary

Empty properties provide extra pressure on the housing market. The Private Sector Housing Team endeavour to work with the owners of these properties to bring them back into residential use through advice and financial assistance. Where this is not possible the Council seeks to take steps to compulsorily acquire the properties in order to bring them back into use.

This report recommends the making of Compulsory Purchase Orders (CPO) in relation to five long term vacant properties. The property identification and case details are contained within the associated exempt report.

Recommendations

- 1** That the Committee recommends the Assets, Regeneration and Growth Committee to authorise the making of Compulsory Purchase Orders, under Section 17 of the Housing Act 1985, in respect of the properties identified as 'a to e' in the exempt report.
- 2** That, subject to the Assets, Regeneration and Growth Committee authorising the making of the Compulsory Purchase Orders referred to in recommendation 1 above, the Orders be submitted to the Secretary of State for Communities and Local Government for consideration and confirmation.
- 3** That, in the event of the Secretary of State for Communities and Local Government returning any of the Orders for confirmation by the Council, the Deputy Chief Executive be authorised to confirm the Orders.
- 4** Following confirmation of any of the Orders, to authorise the Deputy Chief Executive to enter into a cross-undertaking with the owner(s) of any relevant property not to implement the Order on the condition that the owner(s) agree 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, to recommend that the Assets, Regeneration and Growth Committee authorises the Deputy Chief Executive to proceed with the compulsory acquisition of any of the properties in question.
- 6** Following compulsory acquisition of any of the properties 'a to e', an options paper on the onward disposal will be brought back to the Assets, Regeneration and Growth Committee for a decision.
- 7** To note that the financial costs of the CPOs will be funded through the currently approved capital programme.

1. WHY THIS REPORT IS NEEDED

- 1.1 Barnet currently has around 1,478 properties recorded with Council Tax as being long term empty (empty for more than 6 months and unfurnished). There are also 2,322 properties recorded as second homes (empty for more than 6 months). These may be second homes or empty properties containing an element of furnishings. Some of these properties are in a poor condition and represent an environmental blight on the local neighbourhood.

- 1.2 The Private Sector Housing Team, part of the Environmental Health Department within Re, work with empty property owners to secure property improvement and reoccupation. This is done through a combination of offering, in the first instance advice, support and grant aid to owners. The Empty Property Grant Offer was reviewed in 2017 by Housing Committee to make the offer more attractive to empty property owners. Where this fails the appropriate enforcement action is taken depending on the response. This ranges from minor enforcement action to improve and/or secure the property to taking over of the property through Compulsory Purchase powers.
- 1.3 National experience, and the local experience of the Borough, has shown that making a resolution to compulsorily purchase a property focuses the minds of the current owner(s) to either dispose of the property or bring it back into use without further need for intervention. In the majority of cases where the Compulsory Purchase process is started, the Council rarely reaches the situation where purchase becomes necessary. As such, this is a very cost effective tool in bringing empty properties back into use.
- 1.4 Should the Council resolve to make the CPOs ('the Orders') on the properties "a to e"; they will be submitted to the appropriate Secretary of State for confirmation. Where an objection to an Order is made by an owner and is not withdrawn, then, unless satisfied that the objection is exclusively related to compensation, the appropriate Secretary of State must arrange for either a public local inquiry or a hearing before an inspector, appointed by the Minister. The time limit for the exercise of a Confirmed Order is three years from the time the Order becomes operative.
- 1.5 National experience of the use of Compulsory Purchase powers has demonstrated that once CPO action has been initiated, an owner may belatedly come forward with proposals. In such instances, a local authority can enter into an undertaking (in the form of a legally enforceable agreement) with the owner to bring the property back into use within an agreed reasonable time-scale and not object to the making of the CPO or to withdraw any objection and allow it to be confirmed unopposed. This would mean that the Council cross-undertakes not to implement the CPO within the agreed time period, but if the owner fails to carry out works, then the Council (the CPO having been confirmed at this stage) can move to possession. This negates the need for an Inquiry and all the costs involved in the Inquiry process.
- 1.6 Once the Order is confirmed, and if there is no cross-undertaking (or the terms of the cross-undertaking is not adhered to by the owner), the Order can be implemented either by way of Notice to Treat, or by General Vesting Declaration (GVD). The Notice to Treat procedure would enable the Council to take possession of the property very quickly. However, it would not give the Council legal ownership of the property. Ownership can only be transferred when compensation has been paid. If the level of compensation is disputed and the matter is referred to the Lands Tribunal for settlement, it may take up to two years for the Council to obtain ownership. Throughout this period it would not be possible to sell the property for refurbishment. The

GVD procedure, which is the preferred route, enables possession to be obtained only three to four months after confirmation thus allowing prompt transfer and commencement of refurbishment without waiting for compensation issues to be settled. The owner can apply for 90% advance payment of the Council's valuation. The balance of the compensation (or the whole if no advance payment is claimed) is payable on completion of the transfer of ownership. Whether the Council proceeds by way of Notice to Treat or GVD, it will also have to pay interest on the compensation from the date of entry to the date of completion of the purchase. The rate of interest is prescribed by regulation made under the Land Compensation Act 1961.

1.7 Once the Order is confirmed, the property would be sold either with a mechanism to ensure that the house is brought back into repair and habitation, or following improvement with a mechanism to ensure that the property is occupied.

1.9 Details of the properties are contained in the associated Exempt Report.

2 REASONS FOR RECOMMENDATION

2.1 These properties are considered to be a high priority for targeted enforcement work because there is little prospect of the properties being returned to residential use otherwise. There has been a lack of action taken by the owners thus far and they are having detrimental effect on neighbouring premises and the wider community. Case details are contained in the associated Exempt Report.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 There are two other possible options for dealing with this property:

- Making of Empty Dwelling Management Orders - due to the amount of work required to make each of the properties habitable, this option holds more financial risk for the Council.
- Do nothing – this is not felt to be appropriate due to the drain on Council and emergency services resources caused by long term empty properties, and the pressure on the existing housing stock.

4 POST DECISION IMPLEMENTATION

4.1 Should the recommendation be approved, the owner of properties “a to e” will be notified in writing. If insufficient or inadequate progress is made in bringing the property back into use after the committee date of 23rd October 2017, an application will be made to the Secretary of State at the Department for Communities and Local Government for consideration and confirmation of fresh CPO(s).

5 IMPLICATIONS OF DECISIONS

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan 2015-2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer

5.1.2 The policy meets the Council's key Corporate Priorities detailed in the Barnet Corporate Plan 2015-2020 as follows:

Increasing the available housing stock meeting minimum standards will help ensure that people can further their quality of life.

5.1.3 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. Taking CPO action contributes to this by improving the condition and sustainability of the existing housing stock.

5.2.1 RESOURCES (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

The costs to the Council are divided into capital and revenue costs

Estimated Capital Cost

a. The properties have an indicative value, in their present condition, of:

- Property a – £850,000-£920,000
- Property b – £1million-£1.1 million
- Property c – £775,000-£875,000
- Property d – £525,000-£575,000
- Property e – £1.2million -£1.3 million
- **TOTAL - £4,350,000 - £4,770,000**

The Council has an Empty Property capital budget to assist in bringing empty properties back into residential use. This funding will be used to support the purchase of the properties and any property security, repairs or improvements that need to be carried out prior to sale. It is highly unlikely that all of these properties will be required to be purchased. The properties requiring purchase are likely to fall across more than one

financial year. The current draft capital budget for Empty Properties is as follows:-

2017/18	£ 3,460,000
2018/19	£1,000,000
2019/20	£1,000,000

- b. If the Compulsory Purchase Order for any of these properties is confirmed, Barnet will proceed if necessary with the acquisition of the property. Compensation will be payable to the owner/the Crown based on the valuation on the date of possession, which could be higher or lower than the Council's valuation. At this time there is no way of knowing exactly whether or not the Council will be able to recover this compensation in full. In the current economic conditions it is anticipated that the risk to the Council could be high. There is however every chance that the pressure of initiating the Compulsory Purchase procedure will be sufficient to ensure that the property owner takes the appropriate action to either repair and reoccupy the property or sell the property.
- c. The Planning and Compulsory Purchase Act 2004 introduced an entitlement for former owners of compulsorily acquired property to claim basic loss payments. The amount is 7.5% of the value of the person's interest in the land, subject to a maximum of £75,000. The Act provides that the entitlement to basic loss payment is lost if certain criteria are all met:
- a specified statutory notice/order has been served on the owner;
 - at the time the Compulsory Purchase Order is confirmed the statutory notice/order has effect or is operative; and
 - The owner has failed to comply with any requirement of the statutory notice/order.

Revenue Costs

- e. For the Compulsory Purchase Order and acquisition, the revenue costs of making the Order and associated administration has been provided by funds from the North London Housing Sub Region. These funds are currently held in the Council's reserves. The reserve is managed by Re and currently stands at £196,000

In-house property acquisition costs (including inspection, valuation, security and maintenance, liaison with legal services, negotiations with the owner throughout the Compulsory Purchase Order) are estimated at £12,000. These costs will be financed from the £196k reserve mentioned above.

- f. While enforcement engenders the aforementioned revenue costs, once the property in question is returned to use, it will no longer generate a demand for Council resources, enabling these to be focused on other

priorities.g. The acquisition and immediate disposal of this property may result in nomination rights for the Council to meet the needs of accepted homeless families, if the property was sold to a Registered Social Landlord.

5.3 Legal and constitutional references

5.3.1 Section 17 of the Housing Act 1985 ('the 1985 Act') empowers local housing authorities to compulsorily acquire land, houses or other properties for the provision of housing accommodation. Acquisition must achieve a quantitative or qualitative housing gain.

5.3.2 In 2015 the Department for Communities and Local Government issued the document: 'Guidance on compulsory purchase process and the Crichel Down rules for disposal of surplus land acquired by, or under threat of, compulsion'. The guidance is clear that Compulsory Purchase powers only be used in the last resort and where there is a compelling case in the public interest. The action must not unduly interfere with the owner's human rights. Historically the compulsory purchase of empty properties may be justified as a last resort in situations where there appears to be no other prospect of a suitable property being brought into residential use. Authorities will first encourage the owner to restore the property to full occupation. When considering whether to confirm a compulsory purchase order the Secretary of State will normally wish to know how long the property has been vacant; what steps the authority has taken to encourage the owner to bring it into acceptable use; the outcome; and what works have been carried out by the owner towards its re-use for housing purposes.

5.3.3 In making its recommendations, the Housing Committee should have regard to the relevant provisions of the Human Rights Act 1998, namely Article 1 to the First Protocol – 'no one shall be deprived of his possessions except in the public interest', and Article 8 to the Convention – 'the right to respect for private and family life, home and correspondence'.

5.3.4 It is considered that the potential exercise of Compulsory Purchase powers may be justified in due course by reason of being in the public interest, authorised by law and both necessary and proportionate towards meeting the Council's Housing Strategy and the environmental, social and economic well-being of the area.

5.3.5 Local Authorities are given powers to dispose of housing land in accordance with *The General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1985 - 2013 which came into force on 11 March 2013*, which states:

A Local Authority may dispose of land for a consideration equal to its market value.

5.3.6 In the case of this empty property held for housing purposes the relevant section of those general consents is A3.3.1 which states that a Local Authority

may dispose of an unoccupied dwelling-house to a person who intends to use it as their only or principal home.

- 5.3.7 It should be noted that any transfer to the buyer will contain a restriction that the owner must, having carried out works (where appropriate), occupy the property.
- 5.3.8 The Council Constitution, Responsibility for Functions – sets out the terms of reference of the Housing Committee which includes “All matters related to regulation of private sector housing, including enforcement, licensing, empty properties and squatting”.
- 5.3.9 The Assets Regeneration and Growth Committee has responsibility as regards – ‘all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council’.

5.4. RISK MANAGEMENT ISSUES

- 5.4.1 There are risks associated with compulsory purchase. These arise from two sources:
- 5.4.2 Financial risks - these arise if the resale value of the property, once acquired, is less than the compensation paid for it at the time that possession is taken. This is possible in the current declining housing market. To reduce the risk, it is essential that the property be disposed of as soon as possible after acquisition. The corollary is that the Council would benefit from any increase in value in an appreciating market, which could be used to offset the costs of acquisition. Any shortfall would have to be funded from Council resources.
- 5.4.3 There is also a risk to the Council in not dealing with empty properties, both in the way central government assesses the Council’s strategic housing performance and in the way residents see the ability of the Council to intervene in the problems which beset them.
- 5.4.4 An options paper on the onward disposal of the properties will be brought back to the Housing Committee for a decision to be made at a later date.
- 5.4.5 If the acquisition from forced sale of property “a does not proceed, no action will take place. The property will continue to deteriorate and be the subject of neighbour complaints.

5.5 EQUALITIES AND DIVERSITY ISSUES

- 5.5.1 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the

potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.

5.5.2 The Equality Act 2010 sets out the Public Sector Equality Duty which requires public bodies to have due regard to the need to:

- eliminate 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
- foster good relations between persons who share a relevant protected characteristic and persons who do not

5.5.3 The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.5.4 The proposed action has been reviewed against the protective characteristics and it is considered that there will not be any specific adverse impact on any of the groups.

5.5.5 It is considered that requiring the improvement of this property will have a positive impact for all local residents. The property is 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.

5.5.6 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.

6. LIST OF BACKGROUND PAPERS

Department for Communities and Local Government entitled "Guidance on Compulsory Purchase Process and the Crichton Down rules for disposal of surplus land acquired by, or under threat of, compulsion" 2015

Anyone wishing to inspect these papers should telephone Belinda Livesey on 020 8359 7438

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**London Borough of Barnet
Housing Committee Work
Programme - October 2017**

Contact: Jan Natynczyk 020 8359 5129 Email: jan.natynczyk@barnet.gov.uk

Title of Report	Overview of decision	Report Of (<i>officer</i>)	Issue Type (Non key/Key/Urgent)
7 February 2018			
Council dwelling rents and service charges for 2018/19	For approval.	Deputy Chief Executive	Key
Barnet Homes Annual Commitments Plan 2018	To receive Plan	Deputy Chief Executive	Key
Approval of Changes to Local Tenancy Strategy	To approve changes	Deputy Chief Executive	Key
Draft Corporate Plan 2018/19 Addendum with Housing Activities and Indicators	To receive Draft Corporate Plan 2018/19 Addendum with Housing Activities and Indicators.	Deputy Chief Executive	Key
Acquisitions Project	<p>A review of progress made on the Out of Borough Acquisitions Project.</p> <p>It was agreed at the April 2017 ARG Committee that a report on this matter be submitted to a future Housing Committee</p>	Deputy Chief Executive	Key
9 May 2018			

Title of Report	Overview of decision	Report Of (<i>officer</i>)	Issue Type (Non key/Key/Urgent)
Final Corporate Plan 2018/19 Addendum, alongside Annual Performance Report	To receive Final Corporate Plan 2018/19 Addendum, alongside Annual Performance Report	Deputy Chief Executive	Key

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By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

AGENDA ITEM 19

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