

	<h2>Housing Committee</h2> <h3>2 February 2015</h3>
<p style="text-align: right;">Title</p>	<p>Approval of Further Changes to Housing Allocations Scheme</p>
<p style="text-align: right;">Report of</p>	<p>Commissioning Director, Growth and Development</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1- Full Draft Housing Allocations Scheme</p>
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<h2>Summary</h2>
<p>The Housing Allocations Scheme sets out how the Council allocates council housing, housing association rented and private rented sector homes in the borough. Following on from the meeting on 27th October 2014, Housing Committee is asked to approve some further changes to the Scheme. These are related to the way the Council gives a preference to homeless households by placing them into a band, even if they are adequately housed in long-term temporary accommodation.</p>

<h2>Recommendation</h2>
<p>That the Housing Committee approves the proposed revisions to the Council's Housing Allocations Scheme.</p>

1. WHY THIS REPORT IS NEEDED

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

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

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

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

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

4 POST DECISION IMPLEMENTATION

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

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

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

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

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

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

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

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

5.3 Legal and Constitutional References

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

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

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

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

5.4 Risk Management

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

5.5 Equalities and Diversity

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

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

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

5.6 Consultation and Engagement

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

6 BACKGROUND PAPERS

6.1 Relevant previous decisions are listed in the table below.

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

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