

MEETING**HOUSING COMMITTEE****DATE AND TIME****THURSDAY 21ST JUNE, 2018****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG****TO: MEMBERS OF HOUSING COMMITTEE (Quorum 3)**

Chairman: Gabriel Rozenberg

Vice Chairman: Shimon Ryde

Councillors

Daniel Thomas	Laithe Jajey
Tim Roberts	Ammar Naqvi
Julian Teare	Thomas Smith

Paul Edwards
Ross Houston

Substitute Members

Rohit Grover	Richard Cornelius
Charlie O-Macauley	Kath McGuirk

Anthony Finn
Geoff Cooke

You are requested to attend the above meeting for which an agenda is attached.**Andrew Charlwood – Head of Governance**

Governance Services contact: Maria Lugangira

Media Relations contact: Sue Cocker 020 8359 7039

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 at 10AM on 18 June 2018. Requests must be submitted to maria.lugangira@barnet.gov.uk

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the Previous Meeting	5 - 8
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)	
7.	Housing Strategy	9 - 34
8.	Fire Safety	35 - 54
9.	End of Year 2017/18 Commissioning Plan Performance	55 - 68
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11.	Compulsory Purchase of long term vacant properties - Public	125 - 138
12.	Committee Forward Work Programme	139 - 142
13.	Motion to exclude press and public	
14.	Compulsory Purchase of long term vacant properties - Exempt	143 - 152
15.	Any Other Items that the Chairman Decides are Urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES
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Decisions of the Housing Committee

7 February 2018

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 (sub
for Councillor Tim Roberts)

Councillor Ross Houston
Councillor Adam Langleben
Councillor Kath McGuirk

Apologies for Absence

Councillor Tim Roberts

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting held on 23 October 2017, be agreed as a correct record.

2. ABSENCE OF MEMBERS

None.

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

Councillor Arjun Mittra	Non-pecuniary interests: 7. Annual Review of Council Dwelling Rents; 8.Barnet Homes 2018/19 Delivery Plan; 9.Draft Corporate Plan 2018/19. Mother a Barnet Homes Tenant.
Councillor Adam Langleben	Non-pecuniary interest: 7. Annual Review of Council Dwelling Rents Trustee of West Hendon Community Estate Trust Fund.
Councillor Ross Houston	Non-pecuniary interests: 7. Annual Review of Council Dwelling Rents; 8.Barnet Homes 2018/19 Delivery Plan; 9.Draft Corporate Plan 2018/19;

	10. Proposed Monetary Penalties for Offences Related to Letting and Property Management Agents. Council appointed Board Member, Barnet Group.
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4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

6. PROPOSED MONETARY PENALTIES FOR OFFENCES RELATED TO LETTING AND PROPERTY MANAGEMENT AGENTS

The Chairman changed the running order, to consider this item before item 6.

The Committee received the report.

RESOLVED that

1. the Committee approve the London Borough of Barnet Trading Standards Team to impose monetary penalties in relation to the Consumer Rights Act and The Redress Schemes for Lettings Agency Work and Property Management Work Requirement to Belong to a Scheme etc) (England) Order 2014;
2. the Committee agree that any monetary penalties received in connection with the above offences be used to fund the cost of enforcing the legislation;
3. The Trading Standards Department be tasked to create a policy to be followed in relation to these penalties, in consultation with the Deputy Chief Executive and Chairman of this Committee.

7. MEMBERS' ITEMS (IF ANY)

The Committee received the following Members Item:

Councillor Ross Houston

Barnet's Housing Needs Assessment

Councils have a vital role to play in boosting homes for families in need and solving our housing crisis. The borrowing cap on local authorities restricts the number of new homes that local authorities can deliver.

The November Budget did not abolish or raise the local authority borrowing cap however it did allow councils in some "high demand areas" to apply to have their cap lifted.

To maximise the effectiveness of an application by Barnet we will rely on our housing needs data. As the last housing needs assessment dates from 2014 I ask that the committee authorise a new assessment so that Barnet is best placed to have the evidence base to make a successful application.

RESOLVED that the above request be agreed and incorporated within the Housing Strategy.

8. ANNUAL REVIEW OF COUNCIL DWELLING RENTS AND SERVICE CHARGES FOR 2018/19

The Committee received the report.

RESOLVED that

- 1. the proposed rent decrease in line with Government policy for existing Council tenants as set out in paragraph 1.6 to take effect from 1 April 2018 be approved;**
- 2. the proposed increase in service charges as set out in paragraph 1.8 to take effect from 1 April 2018 be approved.**

9. BARNET HOMES 2018/19 DELIVERY PLAN

The Committee discussed this item in tandem with agenda item 9 – Draft Corporate Plan 2018/19 addendum. However, separate votes were taken on the two items.

Members raised the following issues:

1. Care Leavers with Council Tax Arrears

Members asked if there were triggers in place as there were with rent arrears. Officers replied that there was not currently a process for cross referencing with Council Tax arrears. However, Officers would look at this and come back to Committee if there was a problem with Council Tax arrears.

2. Impact of Housing Policy on Children

Members asked why this wasn't incorporated in the Corporate Plan.

The Chairman requested that the Housing Strategy be refreshed to incorporate this or a separate paper be submitted to this Committee in October 2018 regarding the impact of Housing Policy on children.

3. Non-Secure “TA” Tenants Moving from Regeneration Properties into other Regeneration Properties

Members requested to understand how many and on how many occasions non-secure “TA” tenants have moved from Regeneration properties into other

Regeneration properties. It was agreed that this should sit in the most appropriate plan as a 'monitor only' indicator

The Committee voted as follows on approving the Barnet Homes 2018/19 Delivery Plan as follows:

For	5
Against	0
Abstained	4

RESOLVED that the Barnet Homes 2018/19 Delivery Plan be approved.

10. DRAFT CORPORATE PLAN 2018/19 ADDENDUM

Committee had already discussed this issue in tandem with the Barnet Homes Delivery Plan.

Having considered the Draft Corporate Plan 2018/19 addendum, the Committee took a vote on recommending the Draft Corporate Plan 2018/19 addendum as drafted to Policy and Resources Committee on 13 February 2018:

For	5
Against	0
Abstained	4

RESOLVED that the Draft Corporate Plan 2018/19 addendum, as drafted, be recommended to Policy and Resources Committee on 13 February 2018.

11. COMMITTEE FORWARD WORK PROGRAMME

Noted.

12. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

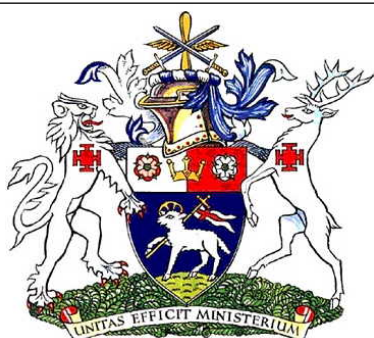
None.

13. VOTE OF THANKS

The Vice-Chairman thanked the Chairman for his conduct of the Committee over the past year.

The meeting finished at 7.23pm

AGENDA ITEM 7

**Housing Committee****21 June 2018**

Title	Housing Strategy
Report of	Councillor Gabriel Rozenberg
Wards	All
Status	Public
Urgent	<i>n/a</i>
Key	Yes
Enclosures	Housing Strategy Summary Evidence Base
Officer Contact Details	Paul Shipway, Strategic Lead Housing Paul.shipway@barnet.gov.uk 0208 359 4924

Summary

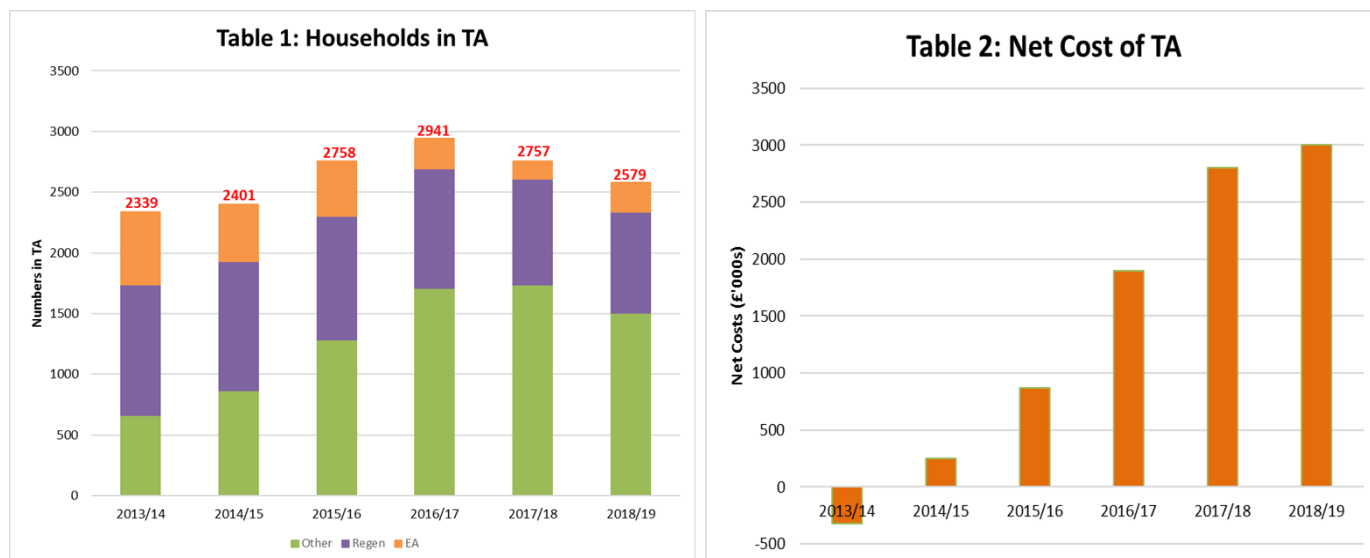
Council Officers have updated the evidence base that supports the Housing Strategy, and a summary version of this is attached at appendix 1. This report also includes information about a number of changes and events that have occurred since the Housing Strategy was agreed by the Council in 2015. The report recommends that officers are instructed to prepare a new draft housing strategy and sets out some emerging themes for that strategy. It also notes the requirement to produce a Homelessness Strategy and recommends that officers are instructed to prepare a draft homelessness strategy based on the themes set out.

Officers Recommendations

1. That the committee endorse the emerging themes for the new Housing Strategy and instruct the Deputy Chief Executive to prepare an updated draft strategy for consideration by the Housing Committee at its meeting on 10 October 2018.
2. That the committee endorse the emerging themes for the new Homelessness Strategy and instruct the Deputy Chief Executive to prepare an updated draft strategy for consideration by the Housing Committee at its meeting on 10

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council's Housing Strategy dates from 2015, and a number of changes have occurred since then which mean that the Council's approach to housing needs to be reviewed and updated. These changes include:
 - a change in Government,
 - a new London Mayor with a new London Housing Strategy,
 - new legislation including the Housing and Planning Act 2016, and
 - the Homelessness Reduction Act 2017, and
 - the updated Homelessness Code of Guidance for Local Authorities.
- 1.2 The Homelessness Reduction Act 2017 (HRA 2017) requires that the Council's Homelessness Strategy is updated. Barnet's Homelessness Strategy is currently a component of the Housing Strategy but it is proposed the two are separated to reflect the increased focus on tackling homelessness.
- 1.3 Officers have updated the evidence base (appendix 1) that supports the Housing Strategy. A new Strategic Housing Market Assessment has been commissioned, setting out the level of demand for housing in the borough.
- 1.4 Since 2015, other significant events have impacted on Housing at a national level, including the EU referendum and the Grenfell Tower fire disaster.
- 1.5 Additionally, the Council is in the process of updating the Local Plan, and the Assets, Regeneration and Growth Committee is preparing a Regeneration Strategy.
- 1.6 The updated evidence shows a great deal of continuity in the trends which drove the 2015 housing strategy, and thus a degree of continuity in the themes for the new strategies. However, housing costs have risen unexpectedly fast, relative to both local median incomes and Local Housing Allowance (LHA) rates. The resulting affordability gap has created real challenges for households seeking to buy or rent, and also for the Council's temporary accommodation budget.
- 1.7 Despite the Council's increased focus on homelessness prevention, it is increasingly difficult to secure good quality, sustainable and affordable temporary accommodation of all types in London, and especially at prices within the LHA cap. The cost of procuring temporary accommodation (TA) has increased significantly and the current levels of costs cannot be sustained indefinitely. Table 1 illustrates that despite the reduction in the number of households in TA from 2016/17, the net cost of the accommodation (Table 2) has continued to increase and has created a significant financial pressure for the Council.



1.8 Tackling and preventing homelessness and rough sleeping continue to be a focus for the Council. It is recommended that the Homelessness Strategy focus on the following themes:

- **Preventing homelessness.** Prevention remains the most effective way to manage homelessness and the Council will look to help people to stay in their own homes or support them to find new homes. The Homelessness Reduction Act 2017 places a duty on the Council to intervene at earlier stages to prevent homelessness. It also requires the Council to provide homelessness services including advice and assistance to all those affected, not just those who are in 'priority need'¹.
- **Reducing the use of Temporary Accommodation (TA).** Temporary accommodation in Barnet is of good quality. Nonetheless, its temporary nature by definition inhibits families' efforts to move forward with their lives. Furthermore, the cost burden of TA is a significant pressure on the Council's finances. The Homelessness Strategy must therefore set out a broad range of measures which can be taken to secure accommodation whilst reducing the use TA.
- **Establishing effective partnerships, working arrangements and support.** To prevent homelessness and improve outcomes for people, especially rough sleepers, care leavers and other vulnerable groups.

1.9 It is recommended that the new Housing Strategy focus on the following themes:

¹ Section 189(1) and the Homelessness (Priority Need for Accommodation) (England) Order 2002 (the 2002 Order) provide that the following categories of applicant have a priority need for accommodation e.g. pregnant woman, person with dependent children, vulnerable adult, 16/17 year olds, looked after children under 21 years old no longer in care, vulnerable looked after children over 21, Armed Forces, domestic violence victims, homeless due to an emergency such as fire, flood or other disaster.

- **Raising standards in the private rented sector.** Developments in the housing market over many years mean that the private rented sector is home to a high and rising proportion of Barnet's households. Affordability constraints have prompted many families to turn to the private rented sector as a way of life. The new strategy will therefore place more emphasis on supporting responsible tenants and ensuring that landlords provide a good quality offer.
- **Delivering more homes that people can afford.** The evidence shows that Barnet's population continues to grow sharply. While the Local Plan will set the policy framework and targets for new homes, the Housing Strategy will set out how the Council will deliver new homes, and particularly affordable homes. The updated strategy will therefore focus on exploring innovative approaches to accelerate building, noting the opportunities presented through The Barnet Group and its subsidiary Opendoor Homes.
- **Safe and secure homes.** The tragic fire at Grenfell Tower in June 2017 drew attention to the fundamental importance of fire safety, particularly in high rise blocks. The Housing Strategy will set out the Council's continuing commitment to the highest standards of fire safety, and wider health and safety, across all tenures.
- **Promoting independence.** Good housing can help to support other Council objectives, such as helping older and vulnerable people to live independently. The strategy will promote the delivery of homes that meet the needs of older people and those with disabilities. It will promote measures to support young people leaving care to make a successful transition to living independently.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The updated evidence base and changes set out in section 1 of this report mean that the Housing Strategy which was produced in 2015 needs to be reviewed and updated.
- 2.2 The Homelessness Reduction Act 2017 requires that the Council's Homelessness Strategy is updated to reflect the new legislative provisions and updated Homelessness Code of Guidance.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Council could decide not to review the Housing Strategy or the Homelessness Strategy, but this is not recommended as the document would not then reflect the changes that have occurred since 2015.

4 POST DECISION IMPLEMENTATION

- 4.1 Council officers will prepare a draft updated Housing Strategy and draft Homelessness Strategy for consideration by the Housing Committee at its meeting in October 2018.
- 4.2 The Council will consult with key partners and stakeholders when developing both draft strategies and subject to the agreement of the Housing Committee, wider consultation on the draft Housing Strategy and draft Homelessness Strategy will take place during the winter, and a further draft that takes account of this will be brought back to Housing Committee early in 2019.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Housing Strategy contributes to the Councils Corporate plan purpose as follows:

Successful Places	Meeting the housing needs of the borough is key to ensuring Barnet remains a successful place
Great Outcomes	Housing is important to helping residents achieve great outcomes
Quality Services	Housing services provided by Barnet Homes, Re and Housing Associations
Resilient Communities	Access to housing and reducing homelessness is key to building resilient communities

- 5.1.2 The Housing Strategy contributes to key priorities identified in Councils Corporate plan priorities including ***Increasing the housing supply, including Colindale*** and ***Building compliance and fire safety***.

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

- 5.2.1 The costs of producing the draft documents will be met within existing resources.

5.3 Social Value

- 5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

5.4 Legal and Constitutional References

- 5.4.1 The Council's Constitution Article 7.5 Responsibility for Functions, states that the Housing Committee is responsible for housing matters including housing strategy, homelessness, social housing and housing grants, commissioning of environmental health functions for private sector housing.

5.5 Risk Management

- 5.5.1 There is a risk that the housing requirements of the Borough are not met if the Housing Strategy is not updated.
- 5.5.2 There is a risk that the Council's Homelessness Strategy will not reflect recent legislative changes and that homelessness may increase if the Council does not update the strategy and set out the measures it will take to tackle homelessness.

5.6 Equalities and Diversity

- 5.6.1 Equality and diversity issues are a mandatory consideration in the decision making of the Council. This requires elected Members to satisfy themselves that equality considerations are integrated into day to day business and that all proposals emerging from the finance and business planning process have properly taken into consideration what impact, if any, there is on any protected group and what mitigating factors can be put in place.
- 5.6.2 The Public Sector Equality duty is set out in s149 of the Equality Act 2010: A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.6.3 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 5.6.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 5.6.5 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard of the need to tackle prejudice and promote understanding.
- 5.6.6 Compliance with the duties in this section may involve treating some persons more favourably than others but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:
- a) Age
 - b) Disability
 - c) Gender reassignment
 - d) Pregnancy and maternity
 - e) Race
 - f) Religion or belief
 - g) Sex
 - h) Sexual orientation
- 5.6.7 An Equalities Impact Assessment will be undertaken to assess the impacts of both the Housing Strategy and the Homelessness Strategy.

5.7 Corporate Parenting

- 5.7.1 Promoting independence is proposed to be a central theme of the Housing Strategy. This includes ensuring that care leavers make a successful transition to independent living.

5.8 Consultation and Engagement

- 5.8.1 Consultation with key stakeholders will be undertaken to support and inform the development of the draft Housing and Homelessness strategies. There will also be public consultation on the draft strategy, once developed. Feedback from this will inform the final version of the documents.

5.9 Insight

- 5.9.1 The Housing Strategy and Homelessness Strategies will be informed by evidence bases. A summary of the Housing Strategy evidence base is appended to the report.

6 BACKGROUND PAPERS

6.1 Housing Strategy (2015)

<http://barnet.moderngov.co.uk/documents/s24071/Housing%20Strategt.pdf>

REPORT CLEARANCE CHECKLIST

(Removed prior to publication and retained by Governance Service)

Note: All reports must be cleared by the appropriate Committee Chairman, Chief Officer, Legal, Finance and Governance as a minimum. Report authors should also engage with subject matter experts from other service areas where this is required (e.g. procurement, equalities, risk, etc.). The name and date that the chairman or officer has cleared the report must be included in the table below or the report will not be accepted.

Legal, Finance and Governance require a minimum of 5 working days to provide report clearance. Clearance cannot be guaranteed for reports submitted outside of this time and your report is likely to be withdrawn from the agenda and deferred to the next scheduled meeting.

AUTHOR TO COMPLETE TABLE BELOW:

Who	Clearance Date	Name
Committee Chairman	07/06/2016	Cllr Rozenberg
Chief Officer	06/06/2018	Cath Shaw
HB Public Law	08/06/2018	Baljeet Virdee
Finance	07/06/2018	Gary Hussein
Governance	05/06/2018	Maria Lugangira
Equalities	07/06/2018	Leslie Holland

Housing Strategy

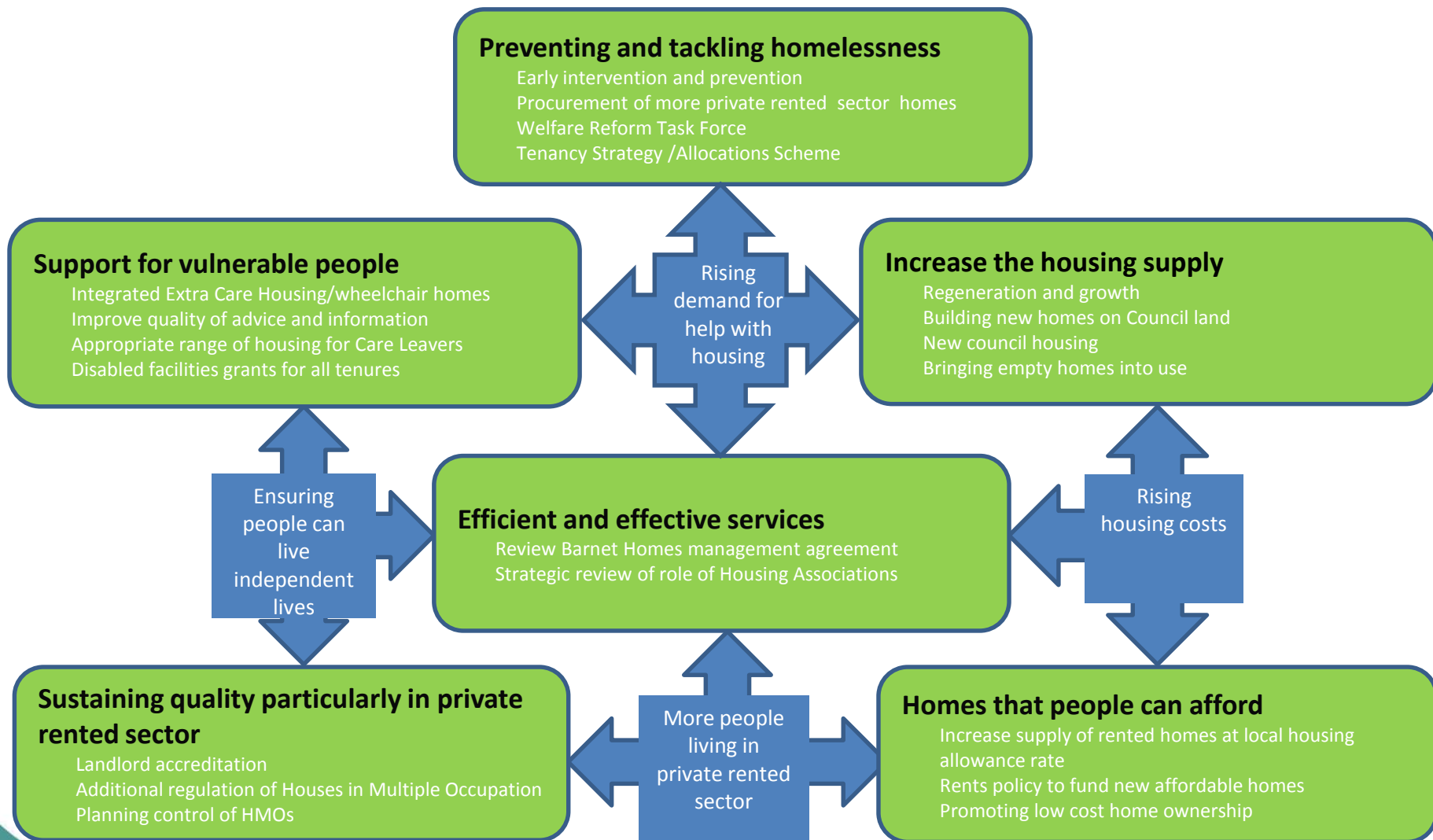
London Borough of Barnet

May 2018

Overview

- Barnet's Housing Strategy 2015
- Changes since 2015
- National/Regional context
- Context
- Delivery
- Emerging Themes

Barnet's Housing Strategy 2015



Context

- Current Housing Strategy dates from 2015
- Since then:
 - May 2016 - Housing and Planning Act (2016) royal assent
 - **May 2016 – New London Mayor**
 - June 2016 – EU Referendum
 - Feb 2017 – White Paper – Fixing our broken housing market
 - April 2017 – Homelessness Reduction Act (2017) royal assent
 - June 2017 – General Election
 - **June 2017– Grenfell Tower tragedy**
 - Sept 2017 – Budget with commitment to fix housing market
 - **Sept 2017 – Draft London Housing Strategy**
 - Oct 2017 – Supported Housing consultation
 - **Nov 2017 – Draft London Plan**
 - Feb 2018 – London Mayor publishes Good Practice Guide to Estate Regeneration

Context

National

- Housing and Planning Act (2016)
- White Paper – *Fixing our broken housing market* (2017)
- Review of fire safety and building regulations (2018)
- Green paper on social housing expected Spring 2018

Commitments:

- 1m new homes by 2020 + 500k by 2022
- Halve rough sleeping by 2022 and eliminating it by 2027
- £2bn additional funding for affordable housing +£1bn for council housing.

Regional

Draft London Housing Strategy

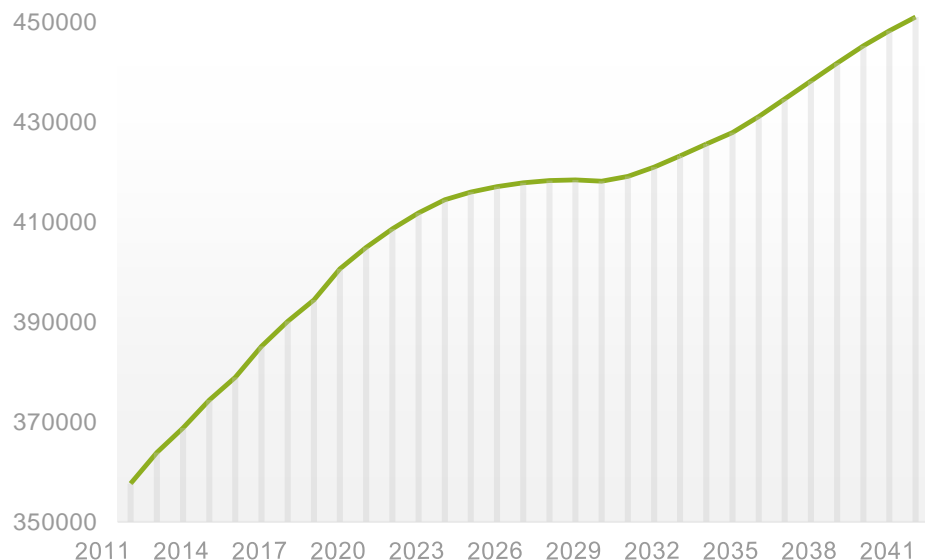
- Building more homes for Londoners
- Delivering genuinely affordable homes
- High quality homes and inclusive neighbourhoods
- A fairer deal for private renters and leaseholders
- Tackling homelessness and helping rough sleepers

Commitments

- 90,000 affordable housing starts by 2021
- Aim for 50% of new homes as affordable
- 65,000 new homes a year (draft London Plan)

Evidence – a growing and increasingly diverse population

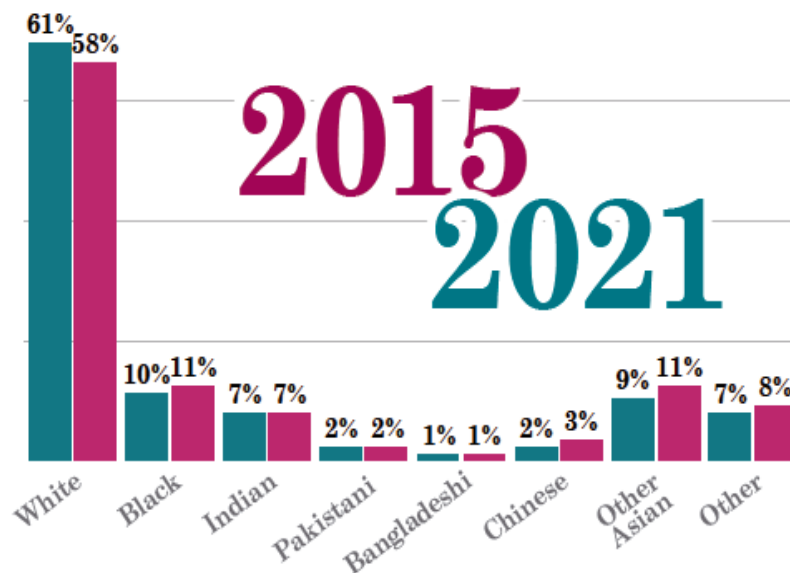
Projected Population Growth



Barnet's Population in 2017- **390,127**
 Expected Population by 2041- **451,040***
 Projected increase **60,913/16%**

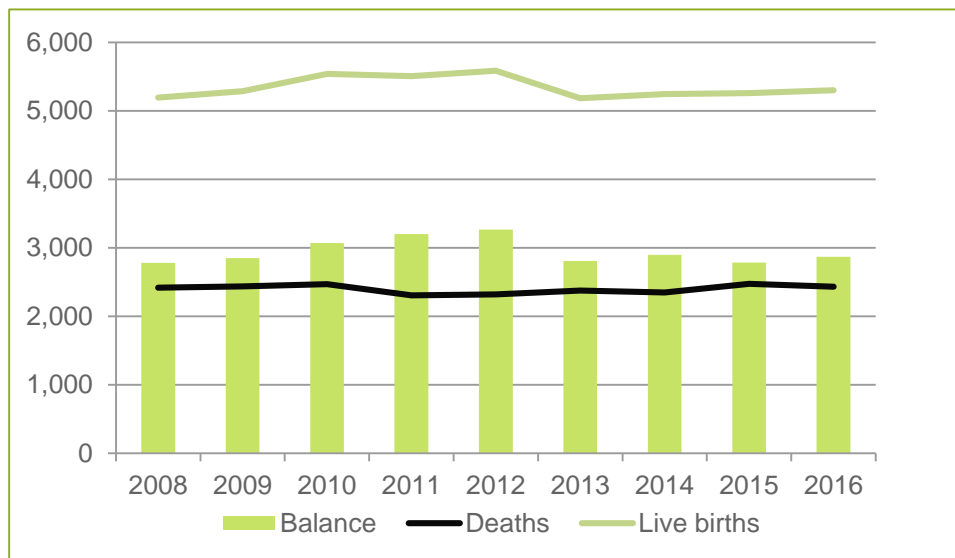
*2014 projection was 374,374

Barnet's population – ethnicity



180 languages other than English spoken by pupils in Barnet primary schools where Polish and Romanian are the most common languages spoken after English. In Secondary schools, 135 languages other than English are spoken with Polish and Gujarati most common.

Evidence- What's driving population growth?



- Net migration is about **+2700** per annum
- International migration is about **+4600** per annum and has been rising
- Net difference between live births and deaths is about **+3000** per annum

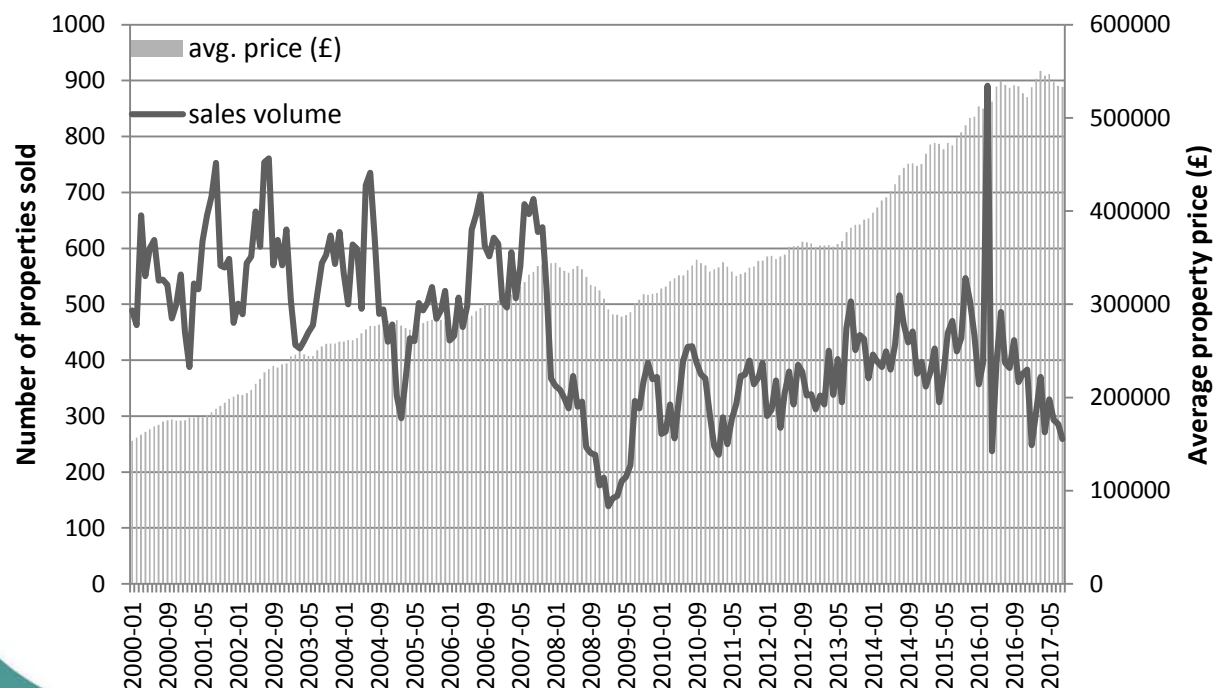
Barnet Migration Figures							
		2011/12	2012/13	2013/14	2014/15	2015/16	Overall
Long-term International	Inflow	6766	6102	7720	8220	8516	37324
	Outflow	2861	2190	2950	2813	3293	14107
	Net	3905	3912	4770	5407	5223	23217
Internal	Inflow	20777	20664	21984	21755	22812	107992
	Outflow	21611	22396	23868	25134	24591	117600
	Net	-834	-1732	-1884	-3379	-1779	-9608
Overall	Net Change	3071	2180	2886	2028	3444	13609

Evidence - Relatively high incomes but house prices also high

Median Household Incomes		2015	2016	2017
Un-equivalised	Barnet	£41,468	£41,674	£43,873
	Outer London	£35,484	£35,925	£37,529
Equivalised*	Barnet	£36,202	£35,812	£36,071
	Outer London	£31,356	£30,417	£31,072

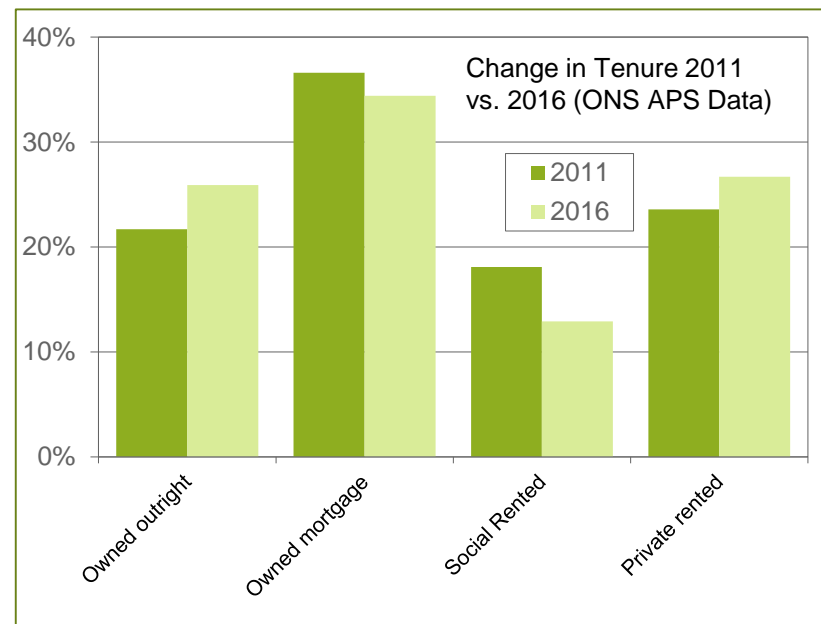
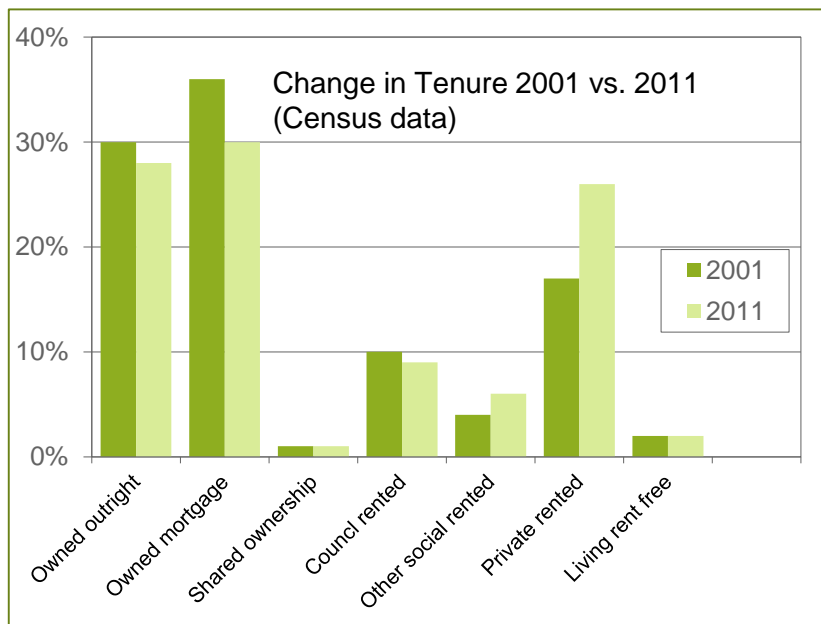
*Equivalised income estimates take into account the size and composition of a household and reflect the idea that a larger household would require a higher income than a small household in order to achieve an equivalent standard of living

- Median equivalised household income in Barnet dropped by 0.4% between 2015-17, indicating a squeeze on standards of living.
- noticeable increase in the percentage of households earning £100-120k in Barnet
- Burnt Oak median un-equivalised household income is £28,912, while it is £59,884 in Garden Suburb.



Median house price in Barnet rose by **4%** during the year to Oct 2017. The Barnet median house price in October 2017, **£544,597** is **15X** the Barnet equivalised median income. *(in 2014, avg. price was £391k, 10X emi)*

Evidence - tenure shift



2011 census showed significant shift in tenure

Increase in Private Renting - **53%**

Reduction in owner occupation - **12%**

Increase in Council/HA renting – **6%**

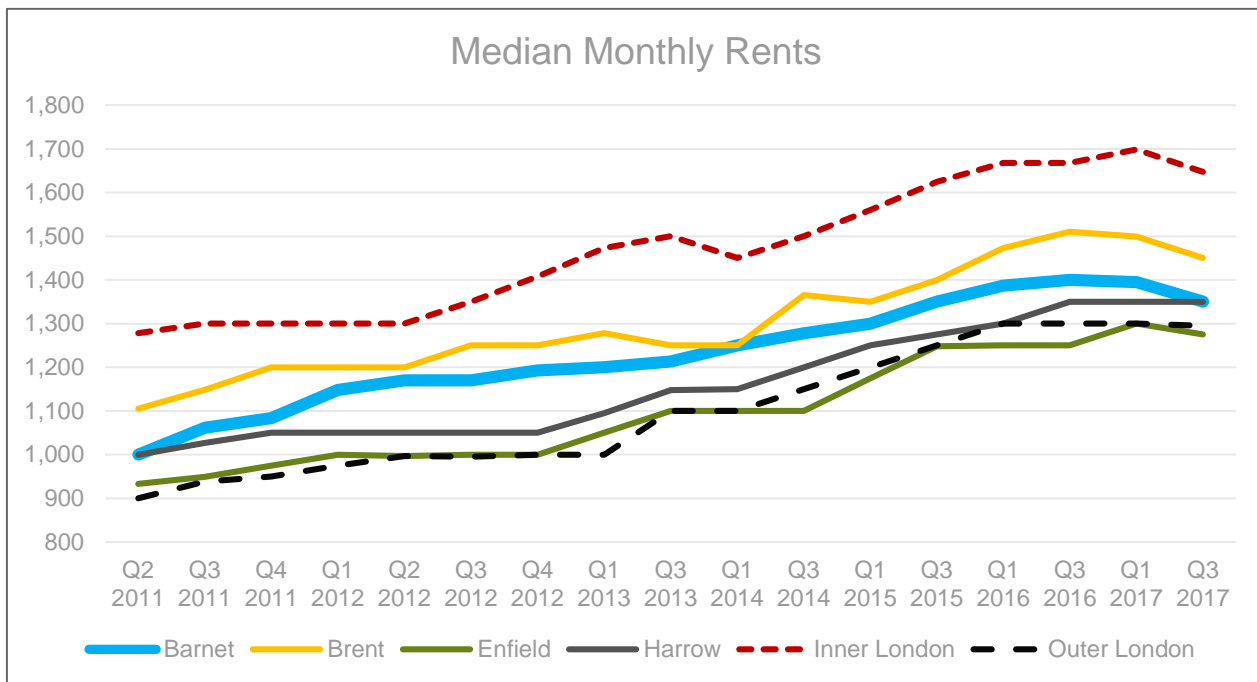
Annual ONS population survey shows increase in PRS has continued, but owned outright has also increased + significant reduction in affordable rented

Increase in Private Renting - **13%**

Increase in owner occupation - **2%**

Reduction in Council/HA renting – **27%**

Evidence – Private Sector Rents

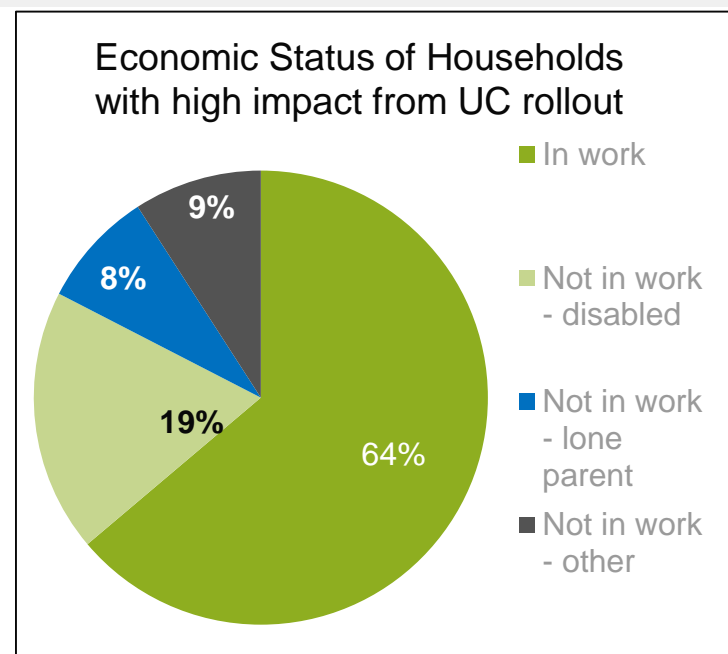
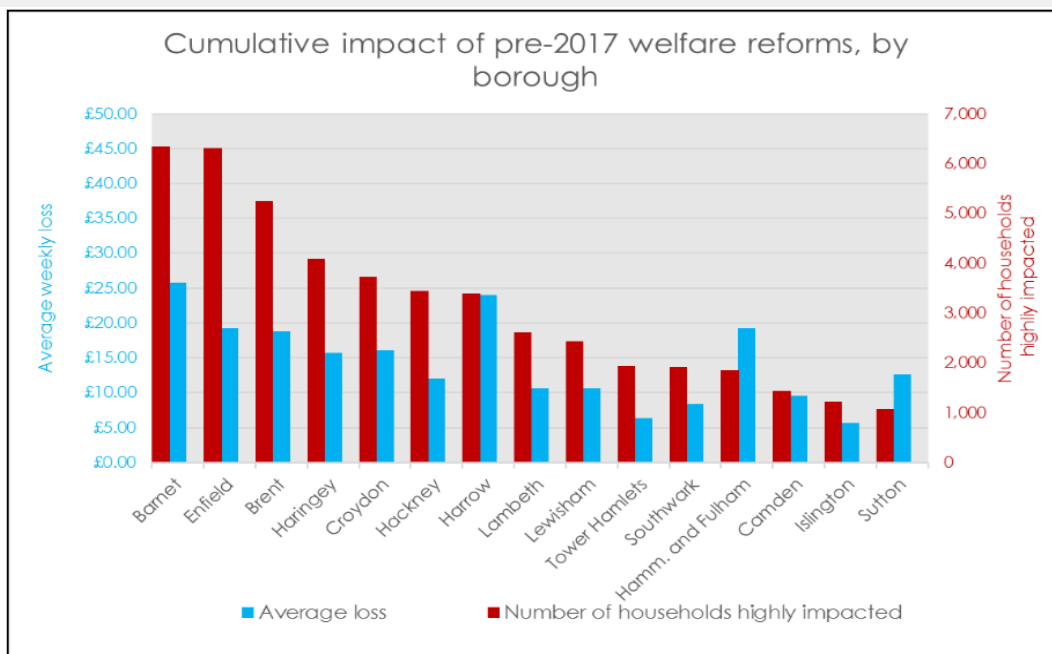


- Median monthly rent in Barnet is £1350* vs outer London median of £1295
- All but 1 median and 2 lower quartile rents are higher than local housing allowances in all areas
- Rents fell slightly in Q3 2017

*up from £1278 Q3 2014

Barnet Rents Q3 2017	Shared/ Room	1 Bed	2 Bed	3 Bed	4 Bed	
Barnet Median Private	£138	£253	£314	£414	£575	> than all LHA areas
Barnet Lower Quartile Private	£120	£230	£288	£374	£481	> Than 2 LHA areas
NWL LHA	£87	£191	£242	£303	£374	< all LHA areas
ONL LHA	£91	£200	£255	£315	£389	
INL LHA	101	£263	£302	£354	£417	

Evidence- welfare reform



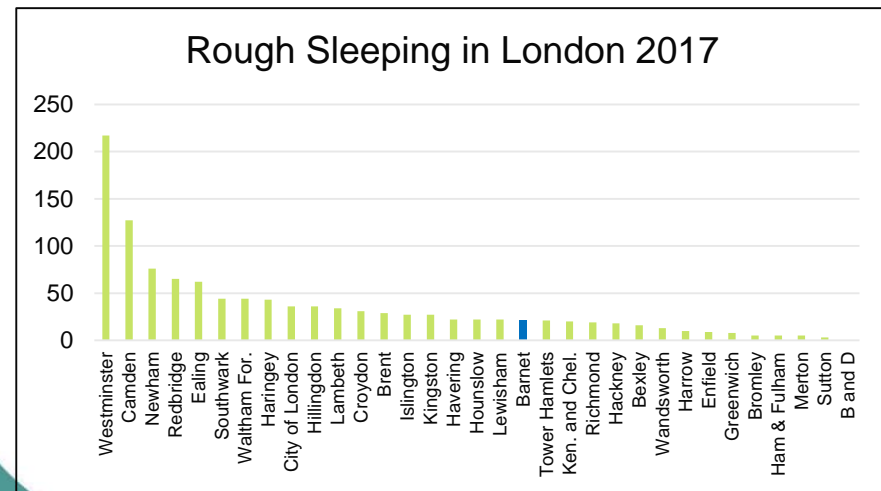
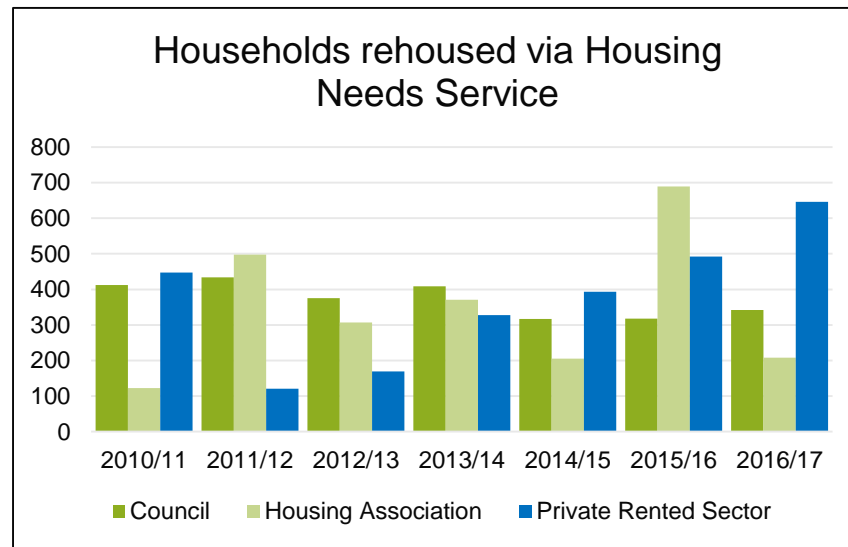
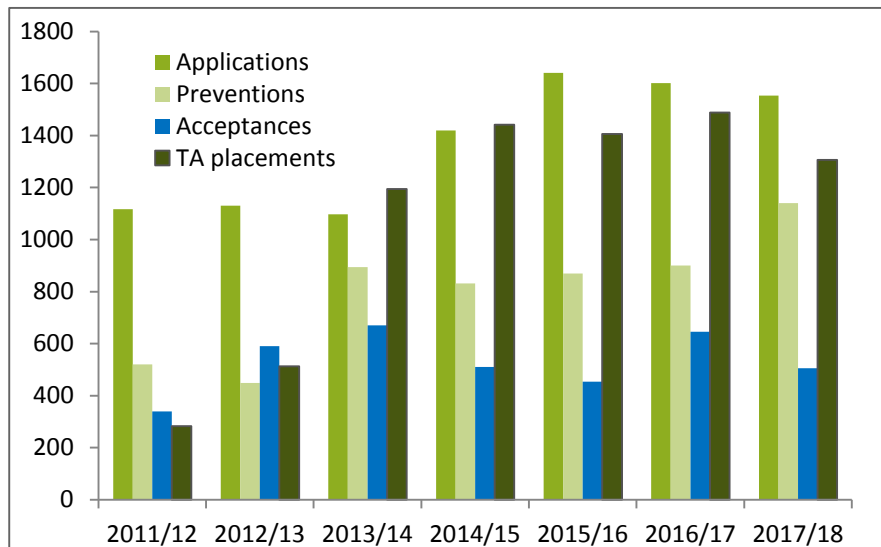
Barnet has seen high impact from welfare reforms to date

Impact of welfare reforms on households in Barnet

	Households	Avg. reduction pw	Annual total
Under-occupation charge	948	£22.55	£1,111,641
LHA Cap	10,173	£61.60	£32,583,800
Benefit Cap	784	£48.53	£1,978,434
Council Tax support	25,342	£4.14	£5,455,626

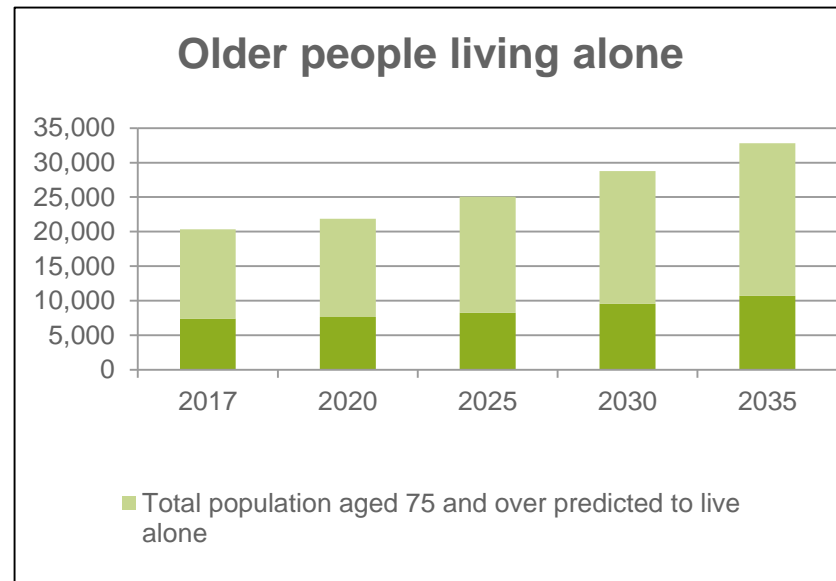
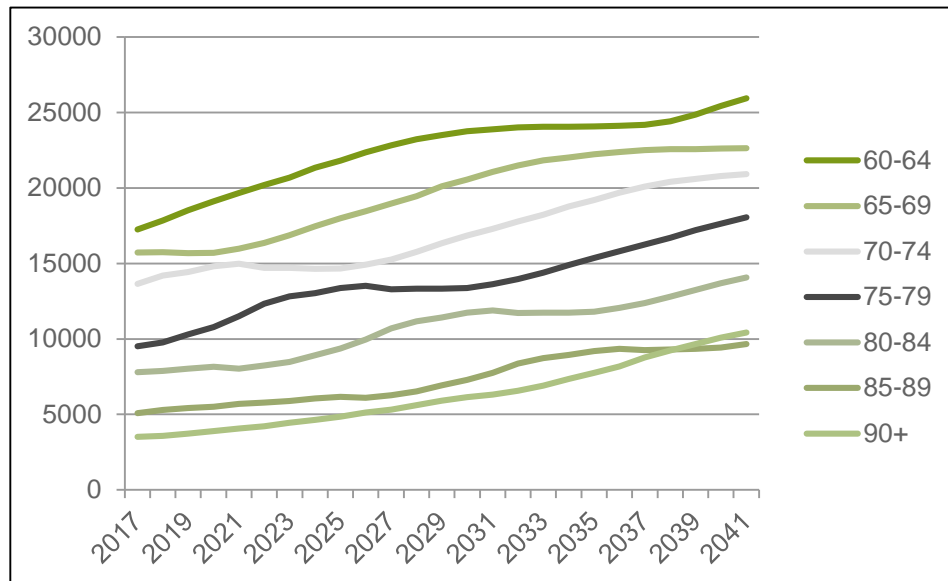
- **25,000+** households affected by C.TAX and HB reforms
- **10,000+** households have a shortfall between their rent and Local Housing Allowance rate
- Looking ahead UC rollout most like to have high impact on working households and those with a disability

Evidence - Homelessness



- The supply of social rented/affordable homes has fallen, but Barnet Homes have successfully increased the number of private sector lets available for housing applicants.
- Homeless Applications have remained high, but preventions have increased and use of TA has started to reduce.
- Rough Sleeping lower than London avg. in Barnet

Evidence – Older People

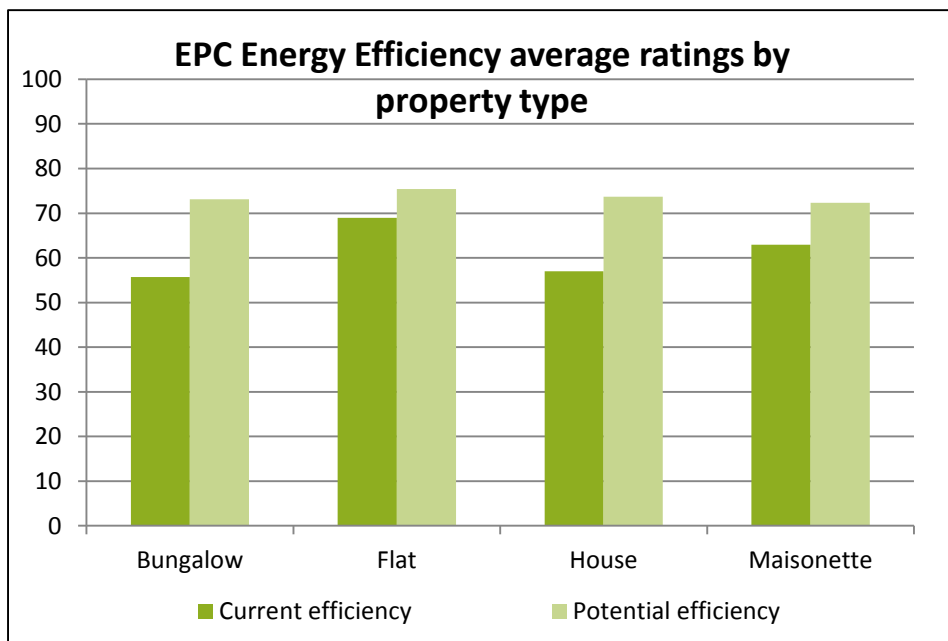


	2017	2020	2025	2030	2035
Population 65+ with a long term illness whose day-to-day activities are limited a little	13,151	14,102	16,138	18,512	21,061
Population 65+ with a long term illness whose day-to-day activities are limited a lot	11,804	12,725	14,696	17,011	19,727
Total population aged 65 and over predicted to have dementia	4,136	4,502	5,236	6,261	7,407

- The over 60 population is currently 72,519* and is projected to be 121,701 by 2041# - a 68% increase
- The over 90 population is set to increase from 3,519 in 2017 to 10,420 by 2041.
- The number of older people living alone is expected to increase
- The number of older people with long term limiting health conditions and dementia will increase

*2014 projection was 70,411 #2014 projection was 109,849

Evidence— Stock Condition



A (92+)	0.1%
B (81-91)	12.3%
C (69-80)	27.4%
D (55-68)	36.5%
E (39-54)	18.5%
F (21-38)	4.4%
G (1-20)	0.9%

Most domestic properties in Barnet have a current energy performance certificate rating of either C (27.4%) or D (36.5%).

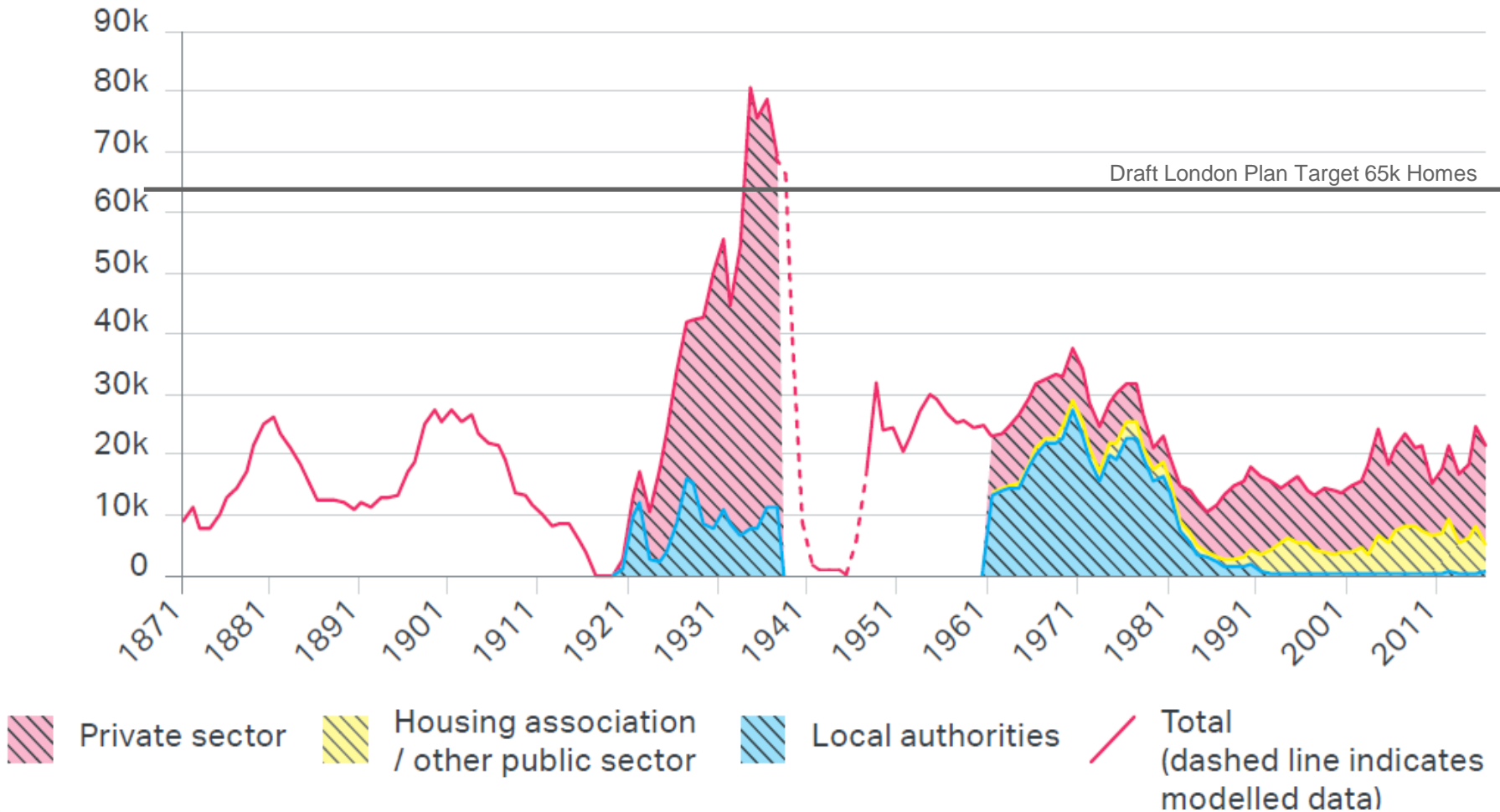
- Across all postcode areas, domestic properties have an average of 11 improvement points to reach potential energy efficiency levels.
- On average, flats in Barnet have the highest current levels of energy efficiency (avg. score 69), while bungalows (56) and houses (57) are the lowest.

Delivery of New Homes

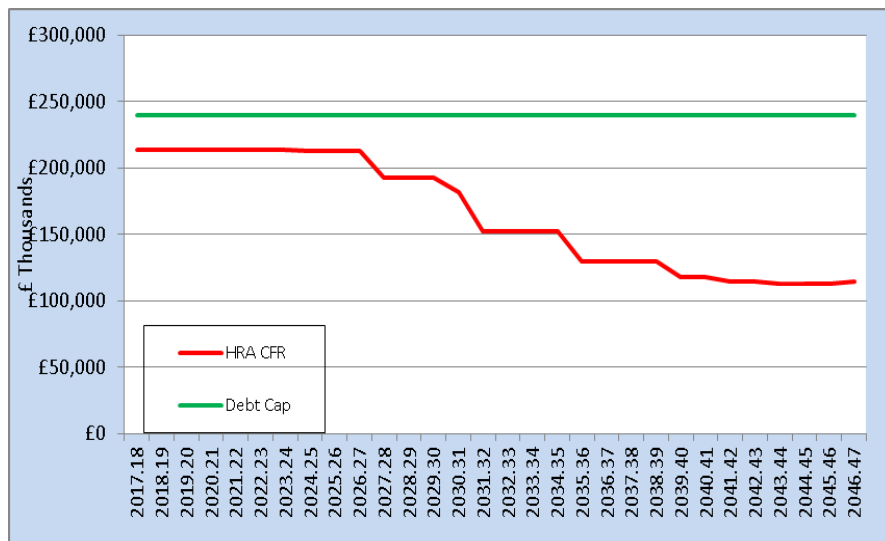
Barnet Pipeline 2011-2026 and beyond	2011-2016	2016-2021 (in brackets = already delivered)	2021-2026	Beyond 2026	Totals
Brent Cross/Cricklewood	0	99	1500	5648	7247
Colindale (Inc. Grahame Park)	3400	2745 (455)	2725	742	9612
Mill Hill East	300	905	941	0	2146
North London Business Park	0	300	700	0	1000
Granville Road	0	37	74	0	111
Dollis Valley	60	41 (41)	48	0	149
Stonegrove/Spur Road	180	118 (107)	0	0	298
West Hendon	380	200	641	515	1736
Other sources (e.g. small schemes, town centres)	4080	7810 (1042)	3319	0	15209
Totals	8400	12255 (1645)	9948	6905	37508

Context – Delivery of new homes in London

Figure 3.1: Estimated number of new homes built in Greater London, 1871 to 2016



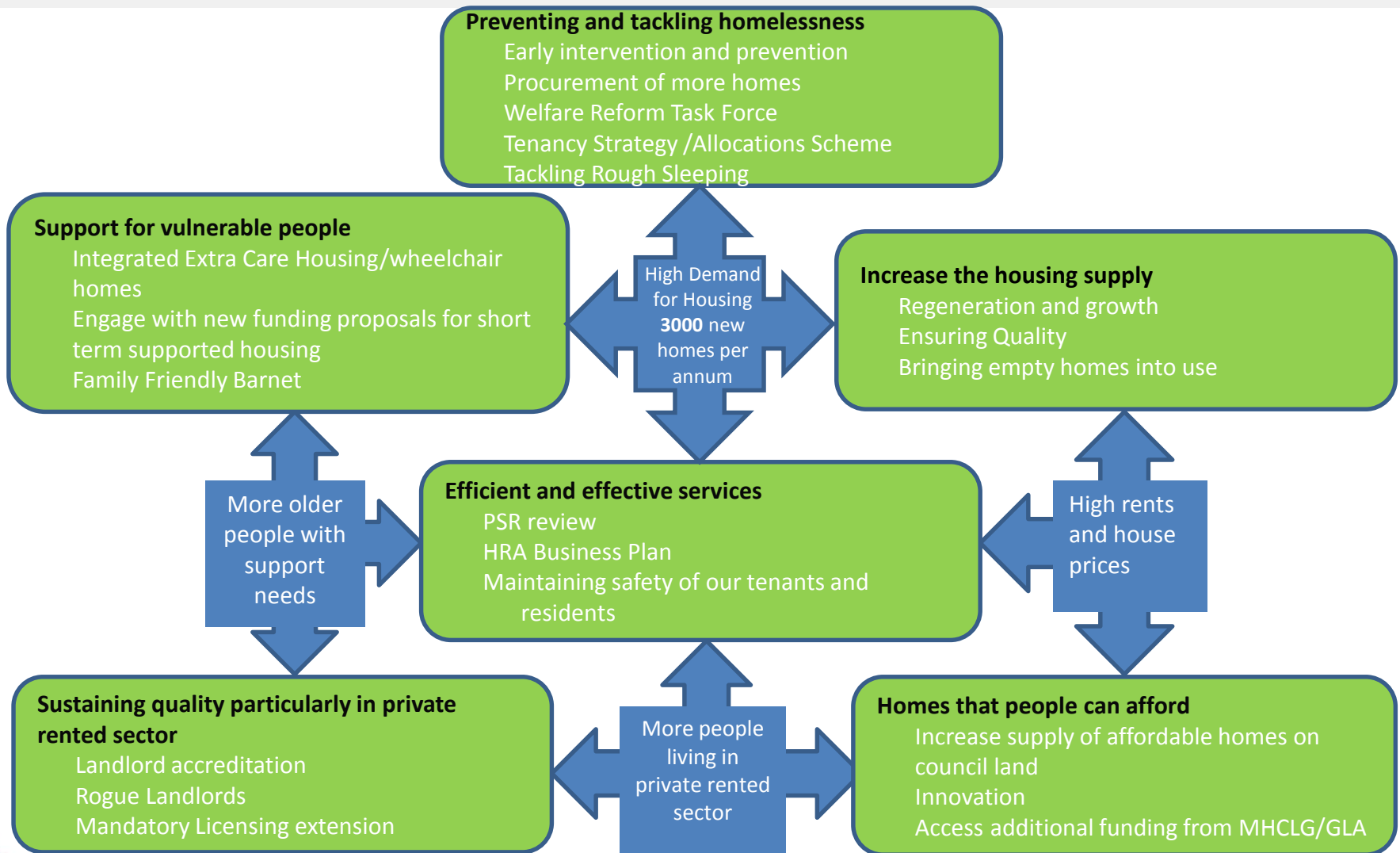
Financing the Strategy



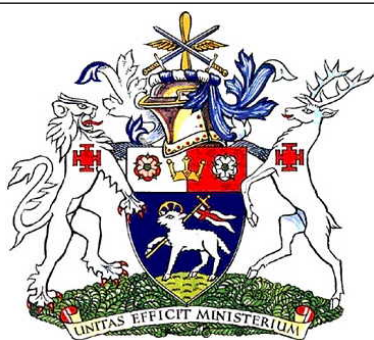
- HRA Business Plan October 2017 shows we are operating within our Headroom, includes 17.5m fire safety works
- Currently under review
- Containing General Fund pressures remains a challenge

Housing General Fund	2017/18 Budget	2017/18	2018/19	2019/20	2020/21
<i>Provisional Out turn Apr 2018</i>	£'s	£'s	£'s	£'s	£'s
Expenditure	31,407,999	31,412,743	29,826,043	28,493,040	26,585,658
Income	-24,548,250	-23,878,219	-22,337,110	-21,219,910	-19,054,378
Net Expenditure	6,859,749	7,534,524	7,488,932	7,273,130	7,531,280
Budget Pressure		674,775	629,183	413,381	671,531

Emerging Themes



AGENDA ITEM 8



Housing Committee

21 June 2018

Title	Fire Safety – progress update
Report of	Chairman of the Housing Committee
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1: Fire safety and the Council's response to the Grenfell Tower fire disaster Appendix 2: Summary of the Hackitt Review Appendix 3: Secretary of State direction dated 17 May 2018
Officer Contact Details	Paul Shipway, Strategic Housing Lead, paul.shipway@barnet.gov.uk 0208 359 4924

Summary

This report provides an overview of progress with the Council's response to the Grenfell Tower fire disaster, including replacement of cladding on council tower blocks at Granville Road, and improvements to fire safety in other council blocks.

In addition, the Council has completed a review of private sector tower blocks in the borough and identified those with cladding, and sought information from owners in respect of action that they are taken to address this.

Officers Recommendations

1. That the committee notes the progress to date with high priority fire safety works including the positive progress in replacing the cladding at Granville Road.

<p>2. That the committee approves a revised programme of fire safety works for council dwellings as set out in Appendix 1, to include:</p> <ul style="list-style-type: none"> – Ongoing works to replace cladding at Granville Road – High priority works as previously agreed by the Committee in October 2017 – Desirable works to high rise properties including the installation of sprinkler systems to blocks of flats with 10 or more floors and a single stairwell.
<p>3. That the Committee agrees that, subject to agreement by Policy and Resources Committee, an additional £12.5m is allocated from the Council's Housing Revenue Account to meet the full cost of the revised programme in 2. Above. This is in addition to the amount of £17.5m previously agreed, bringing the total amount to £30m, noting that £7m of this is expected to be reimbursed by the Government to cover recladding costs at Granville Road.</p>
<p>4. That the Committee instructs Barnet Homes to proceed with developing a programme of fire safety works for low and medium rise flats and provides the Committee with costed proposals for this in October 2018.</p>
<p>5. That the Committee instructs the Deputy Chief Executive to undertake a review of fire safety and high rise residential blocks in the borough to ensure compliance with the direction issued by the Secretary of State and the ongoing safety of residents in the borough.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Reports have previously been made to Housing Committee setting out the Council's approach to ensuring the safety of residents following the Grenfell Tower fire disaster in June last year.
- 1.2 The Housing Committee has previously agreed that £17.5m should be invested in meeting the costs of removal and replacement of cladding on towers at Granville Road and high priority safety improvements to other council tower blocks, and this report provides information on progress with these works.
- 1.3 The Housing Committee in October 2017 also agreed that further desirable works should be approved, but deferred until the publication of a review of Building Regulations and Fire Safety by Dame Judith Hackitt commissioned by the Government, and to receive an update on these works following publication of the review.
- 1.4 The final Hackitt review has now been published and this report includes proposals that take its findings and recommendations into account. A summary of the key points from the Hackitt report is attached to this report (Appendix 2).
- 1.5 In addition, further consideration has also been given to fire safety of the Council's wider housing stock, including low and medium rise accommodation.

- 1.6 The Secretary of State has also issued a direction to all Local Housing Authorities to pay particular regard to cladding-related issues when reviewing housing in their areas. A copy of the direction is attached to this report (Appendix 3).

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Council needs to ensure that it is compliant with the direction issued by the Secretary of State.
- 2.2 The Hackitt Review has now been published and further consideration has also been given to improving fire safety across the Council's housing stock.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Council could continue to rely on statutory regimes to ensure residents' safety, however it is considered that a more proactive approach is needed.
- 3.1 The Council could decide not to proceed with the full package of works identified by Barnet Homes, however this would be inconsistent with the commitment made by the Housing Committee to move towards best practice in relation to fire safety in the residential housing stock. It would also be inconsistent with the recently published independent review of Building Regulations and Fire Safety which seeks to move towards an outcomes driven focus on fire safety, rather than one of minimum compliance levels with statutory obligations.

4. POST DECISION IMPLEMENTATION

- 4.1 Barnet Homes will continue to progress a programme of works to improve fire safety as set out in Appendix 1 and develop proposals for a programme of fire safety works for low and medium rise council flats.
- 4.2 Officers will undertake a review of the Council's approach to fire safety to ensure compliance with the direction issued by the Secretary of State on 17 May 2018, which will be completed by the end of July 2018.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 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.
- 5.1.2 The improvement of fire safety in council housing blocks and other housing tenures will also ensure the continuing health and wellbeing of residents.

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

5.2.1 The full programme of fire safety works recommended in this report is £30m, which includes £17.5m of works previously agreed by the Policy and Resources Committee.

5.2.2 The Government has announced that it will fully fund the cost of replacement of ACM cladding on council and housing association properties that has failed fire safety tests. Details of how to claim this funding have not yet been provided, but the Council expects to receive approximately £7m for the cost of recladding 3 tower blocks at Granville Road, meaning that the net cost of the full programme of works is anticipated to be £23m.

5.2.3 There are likely to be additional costs associated with a wider programme of works to low and medium rise council flats; this will be reported to the Committee in October 2018 alongside an updated HRA Business Plan.

5.2.4 Following completion of works, ongoing maintenance costs associated with the additional fire safety measures are expected to be in the region of £675k per annum.

5.2.5 The HRA Business Plan has been reviewed and is able to accommodate this additional expenditure on the fire safety programme.

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 Council's Constitution Article 7.5 Responsibility for Functions, states that the Housing Committee is responsible for housing matters including housing strategy, homelessness, social housing and housing grants, commissioning of environmental health functions for private sector housing

5.4.2 The Council's Constitution Article 7 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.

5.4.3 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.

5.5 Risk Management

- 5.5.1 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 fire disaster that the safety of residents could be compromised.
- 5.5.2 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.
- 5.5.3 The Council will undertake a review of its approach to fire safety and ACM cladding to ensure compliance with the Secretary of State direction issued in May 2018 and the ongoing safety of residents.

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 wider population of the borough.

5.7 Corporate Parenting

- 5.7.1 The Council assigns the highest priority for council housing to care leavers and foster carers (if they require a larger property to foster more children) through its Housing Allocation Scheme. Care leavers are placed into suitable accommodation when leaving care to allow a successful transition to independent living whilst also developing their skills by providing the right support to help them maintain their tenancies.

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. 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. When works are being undertaken regular updates on these works are provided and meetings held with residents.
- 5.8.3 Leaseholders will be consulted as early as possible within the fire safety

review process to ensure their views in relation to options and recommendations have been considered. Leaseholders will not be expected to contribute towards the cost of the removal of the cladding and its replacement at 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.

5.9 Insight

- 5.9.1 Information about the Council's Housing stock held by Barnet Homes has been used to identify high rise residential blocks owned by the Council.
- 5.9.2 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 contact with their owners.

6. BACKGROUND PAPERS

- 6.1 Housing Committee 23rd October 2017 – Item 9 – Fire Safety Update - <http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=9237&Ver=4>
- 6.2 Housing Committee 26th June 2017 – Item 7 – Response to Grenfell Tower Fire
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=9236&Ver=4>

Appendix 1

Fire safety and the Council's response to the Grenfell Tower fire disaster

Introduction

1. This report provides a progress update on Fire Safety issues in Barnet, including progress with implementing a £17.5m package of fire safety improvement works for the council properties managed by Barnet Homes which includes the replacement of cladding at Granville Road. In addition, the report includes proposals for taking forward additional works following the publication of the final review of building regulations and fire safety by Dame Judith Hackitt, and other developments, as well as information on fire safety issues for dwellings managed by Registered Providers and in the Private Sector.

Independent Review of the Building Regulations and Fire Safety

2. The final report was published on the 17th May 2018 and can be viewed at; <https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-final-report>. A summary of this report is given at [Appendix 2]. The report has initially focused on multi-occupancy higher risk residential buildings (HRRB's) that are 10 storeys or more in height, although within the report there is indication that this could be extended at a future point to include a wider range of residential buildings.
3. The report also proposes that there is a move "towards a system where ownership of technical guidance rests with industry as the intelligent lead in delivering building safety and providing it with flexibility to ensure that guidance keeps pace with changing practices with continuing oversight from an organisation prescribed by government". Within the report there is a continued theme of outcome based regulation rather than prescriptive based regulation.

Barnet Council Housing Stock

4. There are 26¹ blocks of flats managed by Barnet Homes which have 6 or more floors (or 5 and more floors with a retrospectively fitted cladding system). Within the 26 blocks, 12 blocks have 10 or more floors. All 26 blocks have been inspected by Barnet Homes' fire risk assessors to determine a scope of works to each block. These inspections have included a sample of flats within each block.
5. As reported to Housing Committee in October 2017, a prioritised programme of works required to move beyond legislative compliance to deliver best practice in fire safety has been developed by Barnet Homes, including consideration of sprinkler systems, improved fire and smoke alarm systems and other measures as set out in the following table:

Category (in order of priority)	Scope	Est. Cost (cumulative)
Granville Road Recladding	• Replacement cladding for 3	£8,122,900

¹ This excludes 2 blocks Grahame Park estate which have been largely vacated pending demolition

Category (in order of priority)	Scope	Est. Cost (cumulative)
	blocks with ACM panels <ul style="list-style-type: none"> • Compensation for additional fuel costs for residents at £15 per week per household from October to May inclusive 	
<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 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"> • Upgrade works to replace existing fire detection (alarm) systems within dwellings and linking new systems to central control panels • Some signage works • Some emergency lighting works • Some elements of smoke ventilation • Some works to provide improved access for emergency services, particularly the LFB 	£5,781,482 (£23,124,815)
<u>Category 3a</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 current building regulation requirements for new buildings. This will be applied to blocks with a single stairwell • Some emergency lighting works • Some smoke ventilation systems 	£6,937,481 (£30,062,296)
<u>Category 3b</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 and two or more stairwells to reflect current building regulation requirements for new buildings. 	£3,213,212 (£33,275,508)
<u>Category 4</u> – These works	Works included within this category	£627,576

Category (in order of priority)	Scope	Est. Cost (cumulative)
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.	primarily relate to the provision of improved storage facilities for residents.	(£33,903,081)

6. The Housing Committee agreed that Barnet Homes should be instructed to proceed with high priority works (category 1) and the recladding of Granville Road, whilst a final recommendation on additional measures identified (categories 2-4) would be made to the Housing Committee in June 2018 following the anticipated publication of a review of building regulations and fire safety and by Dame Judith Hackitt this Spring.

Replacement Cladding at Granville Road

7. As reported to the Housing Committee in October 2017 the cladding system previously fitted to three tower blocks at Granville Road has been removed. Regular updates have been provided to residents within these blocks as to the progress of this and arrangements for compensating residents for additional fuel costs over the winter months associated with the removal of the cladding have been implemented.
8. A comprehensive piece of work was undertaken to determine the best replacement product. A system which had been tested to BR135 was selected. The system makes use of solid aluminium panels and is non-combustible exceeding the requirements of the current building regulations and clarifications issued by the Government following the Grenfell Tower fire. Planning consent has been received and passing of plans from Building Control. The works to install the replacement system commenced in April 2018 and are due to be completed by October 2018.
9. The Government has announced that Councils and Registered Providers will be fully reimbursed for the building costs of recladding blocks that have failed ACM tests, and the Council expects to receive £7m in due course.

Delivery of high priority (Category 1) fire safety works

10. Significant progress has been made on the delivery of the High Priority works together with a broader range of fire safety measures. A summary of the achievements to date are;
- The establishment of a dedicated fire safety team to lead on and deliver fire safety works and measures to high rise blocks
 - Other high-rise blocks. Delivery of a range of fire safety measures at other locations has commenced. This has included;

- Works above the dropped ceilings on the Grahame Park Estate and replacement of fire doors
- Works to the high-rise blocks on the Whitefields estate. These have included upgrade works to the bin chutes, installation of new fire doors and signage works
- Design works at Silk House have been undertaken and a contractor appointed to undertake the works. Works are due to commence in June 2018
- The employer's requirements for the works at Longford Court have been prepared and have been issued to the contractor who have commenced surveying and design works.
- Detailed design surveys continue to be undertaken to other high-rise blocks across the borough
- FRA's to all high-rise blocks were reviewed in light of the Grenfell Tower fire. Regular ongoing inspections of high rise blocks have continued.
- The undertaking of home visits to all residents in high rise blocks to understand their current make up and needs has commenced. This will enable better information to be shared with the LFB in the event of an emergency.
- Increased communications with residents on fire safety through regular information in At Home, targeted letters to specific locations and use of social media.

Additional Measures (Categories 2-4) following publication of Hackitt Review

11. Following the publication of the Independent Review of the Building Regulations and Fire Safety the Government are currently considering the recommendations made within the report. It will, therefore, be some time before there are any subsequent formal changes to regulation, but there is nothing to indicate that it would not be appropriate to proceed with the works identified in the table above.
12. However, taking into account the need to consider a wider programme of fire safety works on lower rise stock, as set out in paragraphs 15 – 21 below, it is proposed that Barnet Homes proceed with Category 2 and part of the Category 3 works, with the remainder to be considered alongside this wider programme and an updated HRA Business Plan by the Committee in October 2018. Priority has been given to ensuring residents have early warning of fires within their dwellings through the installation of more comprehensive fire detection and alarm systems. In addition, priority has been given to the installation of sprinklers within high rise dwellings which only have a single escape stairwell.
13. The additional Category 2 and Category 3 works would include the following:
 - I. The installation of sprinklers and LD2 fire detection systems (linked to a central control panel) to high rise blocks with a single stairwell and 10 or more floors.
 - II. The installation of LD2 fire detection systems to high rise blocks with two or more stairwells and 10 or more floors, linked to a central control panel
 - III. The installation of LD2 fire detection systems to all other tenanted high-rise flats.

14. The cost of undertaking this additional work would be £12.7m, bringing the total commitment to fire safety works to £30m, including the recladding works and Category 1 works previously agreed by the Committee
15. As stated in paragraph 9 above, it is anticipated that the Government will reimburse the Council for £7m of these costs.

Further developments – low rise blocks

16. The Hackitt Review has focused initially on multi-occupancy higher risk residential buildings (HRRB's) that are 10 storeys or more in height. However, it is important to recognise that fire safety is not just a matter limited to high rise homes. Of the 9,900 flats managed by Barnet Homes 660 are in blocks of flats with 10 or more floors.
17. Using the previous definition adopted by Barnet Homes and LBB (6 or more floors, or 5 or more floors with a retrospective cladding system) less than 1,400 homes are included.
18. In early April 2018, a serious fire occurred at a small block on the Grahame Park Estate. Although nobody was hurt, the whole block of 20 flats is now uninhabitable, and residents have been provided with alternative accommodation. Following this fire, Barnet Homes instructed an intrusive survey of the communal areas of the block which highlighted the need for some improvements to the fire separation measures within areas not generally accessible through the Fire Risk Assessment process, such as within enclosed riser ducts and suspended ceiling void spaces. Surveys were undertaken to blocks of a similar construction on the same estate, which highlighted the need for similar improvements. Arrangements have been made to implement works to address these matters.
19. Whilst the Regulatory Reform (Fire Safety) Order 2005 focuses on communal areas, Barnet Homes have piloted some surveys which go over and above these requirements and include areas within dwellings. Within some properties areas for further improvements have been identified of a similar nature to that of the high-rise properties.
20. It is therefore recommended that Barnet Homes extend its programme of fire safety works to include all blocks of flats. This would include;
- Surveying of sample properties internally as part of an extended fire risk assessment programme
 - The installation of enhanced fire detection and alarm systems within all tenanted flats.
 - That measures identified as part of the extended fire risk assessment surveys are undertaken through a programme of works to be developed as the surveys progress.
21. Until the surveys have been undertaken to all blocks it is difficult to accurately estimate the cost of undertaking the arising works. The next fire safety update to the Housing Committee will include more a detailed and costed programme along with proposals for funding these works.

22. Barnet Homes will make use of existing capital budgets to address any urgent works identified that need to be dealt with prior to the October 2018 Housing Committee up to a value of £200,000.

Further developments – Manse Masterdoor

23. On the 15th March 2018, the Government released a statement regarding potential issues identified with door-sets produced by the company Manse Masterdoor. Further testing of these doors was undertaken and an updated statement made on the 16th May 2018. An excerpt of this statement is as follows:

“The expert panel has concluded there is a performance issue with these Manse Masterdoor fire doors, which do not consistently meet the 30-minute fire resistance standard. Nevertheless, the National Fire Chiefs Council has advised the expert panel the risk to public safety remains low”

24. The full statement can be viewed at; <https://www.gov.uk/government/news/update-on-fire-doors-investigation-risk-to-public-safety-remains-low>. The statement also confirmed that the MHCLG is writing to affected customers. The affected doors were supplied between 2013 and 2014.
25. There is a total of 1,183 of these doors on Barnet Homes properties. All affected residents have been written to confirming the steps are being taken to replace the door-sets, whilst also confirming the Governments advice that the risk posed remains low.
26. In addition, Barnet Homes has arranged for the fire risk assessments to blocks containing these doors be updated in light of this matter. This will be completed by 29th June 2018. These fire risk assessments will form the basis for prioritising the door replacement programme.
27. The estimated costs for replacing these doors is in the region of £1.5m, however Barnet Homes are engaged in positive discussions with the contracted party that installed the doors in order to mitigate any cost implications to the Council.

Ongoing servicing costs

28. Annual costs for the ongoing maintenance and servicing of newly installed systems is expected to be in the region of £675k, some of which may be recoverable through service charges.

Leaseholders

29. As previously reported, Leaseholders will not be required to contribute towards the cost of the recladding at Granville Road or high priority (category 1) works to improve fire safety.
30. However, in respect of additional measures, the Council will seek to recover any contribution due under the terms of each leaseholder's lease. This will ensure that the programme remains affordable within the Housing Revenue Account. In some cases, it will not be possible to recover a contribution and ongoing maintenance costs where the terms of an individual lease preclude this.

31. Leaseholders affected by fire safety works would be able to take advantage of existing extended payment options offered by the Council.

32. Some of the proposed works will only be undertaken to tenanted homes as the responsibility for undertaking such works would fall, under the terms of the lease, to the leaseholder. Barnet Homes will continue to provide fire safety advice to leaseholders. In addition, in some instances it would be of benefit for Barnet Homes to offer to undertake such works for leaseholders at a pre-agreed sum.

Summary of proposed costs

Granville Road cladding removal, recladding and associated costs	£8,122,900
Category 1 works	£9,220,433
Additional fire safety works to high rise buildings (Category 2 and 3a works)	£12,656,667
Total	£30,000,000
Anticipated income from central Government for Granville Road cladding removal and replacement	£7,000,000
Total anticipated funding required from HRA	£23,000,000

33. In addition, it is estimated there would be an ongoing revenue cost of £675k per annum for the maintaining and servicing of equipment installed.

Registered Providers

34. As reported previously there are approximately 7,000 homes managed by RPs or Housing Associations in the borough and these are regulated by the Regulator of Social Housing (RSH). RPs 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.

35. 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.

36. 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. One of these (Origin) has received advice from the LFB that the building is safe, and the cladding is being retested in September.

37. Metropolitan Housing Trust has approved the removal of the existing cladding on a block it owns and its replacement with non-combustible terracotta tiles and render, for which planning permission and in principle building control approval have both been obtained. The remaining design process is almost complete and

the tendering process for the works is also nearing completion. Additional works being carried out include the replacement of all doors and windows and the addition of a sprinkler system.

38. Genesis has already removed the cladding from their property and have a programme to replace it with render by the end of September this year.
39. In addition, Sanctuary Housing Association has one block which they hold on a lease that has failed the testing. There is an up to date fire risk assessment for this block and Sanctuary has stated that the freeholder is responsible any work associated with replacing the cladding. Earlier this year, the owner of the building was contacted by the Council's Building Control Service and confirmed that they have submitted a fire engineer's report to the Ministry for Housing, Communities and Local Government (MHCLG) which recommends that it is not necessary to remove the cladding and are awaiting a response. A further update is currently being sought from the owner of this building.

Private Sector buildings (residential and commercial)

40. As previously reported to the Housing Committee, in the case of privately owned high rise blocks, the Councils' power to act is limited as whilst Barnet is the planning authority for most new building works, the authority's 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.
41. Owners are required to carry out fire risk assessments and spot checks are carried out by the London Fire Brigade. However, these are restricted to 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.
42. The Council has complied with a request from the Ministry of Housing, Communities and Local Government (MHCLG) to collect and submit data on the status of privately owned high rise blocks exceeding 18 metres in the borough, including whether they have ACM cladding and any actions that owners are taking to address this.
43. Following this exercise, it has been confirmed that there are 2 privately owned blocks higher than 18 meters within Barnet that have ACM cladding which has failed the Government's fire safety tests. The Council's building control team are seeking information from the owners of these buildings on remediation measures that they are taking, and this includes the building referred to in paragraph 39 above.
44. On 17 May 2018 the Secretary of State issued a direction requiring all local authorities to take particular regard of the Government's consolidated advice on the hazards associated with the use of ACM cladding on high-rise buildings, to take

appropriate steps to identify and notify the Government of all high rise residential buildings in their area with a view to identifying any action that may be required under the Housing Act 2004, and to carry out a review to consider any fire safety hazards arising out of the use of ACM cladding on these buildings. A copy of the direction is appended to this report (Appendix 3).

45. The Government has announced that it will also give local authorities further levers to speed up identification and ensure remediation of unsafe cladding in the private sector later this year.
46. To ensure that the Council is compliant with the Government's direction, the Council will carry out a review of cladding and fire safety in relation to high rise residential buildings in the borough to be completed by the end of July 2018.

Appendix - Barnet Council Fire Safety Action Plan – June 2018

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. Consultation with residents on proposed solution February 2018.
Granville Road – installation of new cladding system.	On going	To commence spring 2018 and fully complete by October 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 agreed by Housing Committee and Policy and Resources Committee. Programme now underway.
Finalise package of additional measures.	On going	Report to Housing Committee in June 2018 including proposals for low rise flatted dwellings.
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	Update to Housing Committee June 2018.
Private Sector Residential and Non-residential		
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.
Identify private dwellings in the borough potentially at risk.	Ongoing	10 sites identified– information on mitigations requested from owners.
Complete data collection exercise and submit to Government.	Ongoing	Initial returns made. Additional information being sought from owners for blocks where ACM present.
Ensure compliance with Government direction on fire safety 17 May 2018.	Ongoing	Carry out review of approach to be completed by the end of July 2018.
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 retailers have been contacted to confirm works required. Enforcement action will be taken where appropriate.

Appendix 2

Summary of; Building a Safer Future Independent Review of Building Regulations and Fire Safety: Final Report

The final report was published on the 17th May 2018. The full report can be viewed at; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707798/Building_a_Safer_Future_-_print.pdf

Within the foreword Dame Judith Hackitt identifies four key failings;

1. Ignorance through regulations and guidance not being read by those who need to, or these being misinterpreted
2. Indifference – motivations of speed and cost taking priority over quality and safety. When concerns are raised by residents these are often ignored.
3. Lack of clarity on roles and responsibilities resulting in a lack of ownership
4. Inadequate regulatory oversight and enforcement tools, with penalties being too small to be an effective deterrent.

The following themes run through the report;

- Risk ownership and clear responsibilities being assigned to individuals
- A new regulatory framework which is outcome based rather than the use of “prescriptive rules”
- Audit trail of information – from the building construction stage all the way through to the current day
- Changes to the way the industry operates (references back The Egan report – rethinking construction)
- Greater powers for residents and engaging residents in proposed works.

The initial focus is on a new regulatory framework for “**Multi-occupancy higher risk residential buildings that are 10 storeys or more in height**” (HRRB’s) – but the report is clear this could be extended to other lower rise blocks or to other buildings which may not be high rise, but pose other risks (such as hospitals and care homes).

Regulation and enforcement

A Joint competent authority (JCA) is proposed to be established consisting of representative from Local Authority Building Standards (a rebrand of building control), the HSE and the fire and rescue authority. This is to be achieved by the having a framework enabling the parties to work together rather than them being merged. The works would be undertaken on a “full cost recovery basis” so that engagements between duty holders and the JCA would be chargeable.

It is proposed that there should be a clear and identifiable duty holder with responsibility for building safety of the whole being. This person should maintain the fire and structural safety of the whole building, identify and make improvements where reasonable and practicable.

The duty holder would be required to present a safety case to the JCA at regular intervals. The JCA will hold duty holders to account with robust sanctions where necessary. It is proposed that the safety case be presented annually or when other events occur (such as a significant refurbishment). The duty holder “is also likely to consider the measures that others in the sector are introducing to compare and contrast their alignment with industry practice”.

When there are multiple owners all would retain their responsibilities and accountability of the duty holder (and not able to obstruct these) – however the multiple owners may choose to nominate one owner to the JCA as the main point of contact.

Planning permissions for HRRB's should consider fire safety with the full plans approval becoming the second gateway point.

Technical standards and product traceability

It is proposed that there is a move towards a system whereby ownership of technical guidance rests with the industry and that regulations would be based more on outcomes rather than prescriptive specifications.

Clearer testing regime with clearer labelling and product traceability – including ensuring such labels are still present once packaging etc is removed.

Residents

It is proposed that residents should have a greater ability to access information and also should be provided with block specific information. Residents should be informed as to how they can report matters of concern about fire safety and a route for escalating such matters.

As part of the design stage of a building it is proposed there should be a pre-completion stage fire risk assessment undertaken together with resident engagement strategy which needs to be signed off by the JCA prior to building occupation.



Ministry of Housing,
Communities &
Local Government

The Rt Hon James Brokenshire MP
*Secretary of State for Housing, Communities and
Local Government*

**Ministry of Housing, Communities and Local
Government**

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 3450

Email:

james.brokenshire@communities.gsi.gov.uk

www.gov.uk/mhclg

17 May 2018

To: Local Authority Chief Executives,

Direction made by the Secretary of State under section 3(3) of the Housing Act 2004 to all local housing authorities in England, 17 May 2018

On 11 August 2017, I wrote to you¹ asking you to identify and then actively ensure all building owners of high-rise residential buildings with potentially unsafe cladding are taking appropriate measures to guarantee their buildings are safe and residents feel safe.

On 5 September 2017, the Ministry of Housing, Communities and Local Government (“the Department or MHCLG”) also published an update² and consolidated advice for building owners³ following large-scale testing, setting out detailed safety advice for owners of high-rise residential buildings.

Local housing authorities⁴ have a duty under the Housing Act 2004 (“the Act”) to keep housing conditions in their area under review with a view to identifying any action that may need to be taken by them under the Act (section 3(1)).

Having considered it necessary and urgent to ensure all high-rise residential buildings with potentially unsafe cladding are quickly identified and interim measures are in place, I now direct all local housing authorities pursuant to powers under section 3(3) of the Act in carrying out their duty to review housing conditions in their area as follows:

- a. to take particular regard, when reviewing housing conditions in their area, to the Department’s consolidated advice⁵ (Reference: MHCLG/BSP/Advice Note/11/280218) and MHCLG’s Independent Expert Advisory Panel’s view that Aluminium Composite Material (ACM) with an unmodified polyethylene filler (category 3 in screening tests) with any type of insulation presents a significant fire hazard on buildings over 18m;
- b. to take all appropriate steps to identify and notify the MHCLG of all high-rise residential buildings over 18m in their area with a view to identifying any action they should take in

¹ <https://www.gov.uk/government/publications/letter-to-local-authority-chief-executives-following-the-grenfell-tower-fire-11-august-2017>

² <https://www.gov.uk/government/publications/letter-to-local-authority-chief-executives-identifying-all-residential-tower-blocks-with-acm-cladding-5-september-2017>

³ <https://www.gov.uk/government/publications/building-safety-programme-update-and-consolidated-advice-for-building-owners-following-large-scale-testing>

⁴ ‘Local housing authority’ is defined in section 261 of the Housing Act 2004.

⁵ <https://www.gov.uk/government/publications/building-safety-programme-update-and-consolidated-advice-for-building-owners-following-large-scale-testing>

accordance with their duties under the Act, including carrying out inspections and assessments of hazards; and

- c. to carry out a review to consider any fire safety hazards arising out of potentially unsafe ACM cladding on high-rise residential buildings in their area.

I would also like to take this opportunity to emphasise that, under the Housing Act 2004, local housing authorities and their officers must:

- a. comply with any directions (section 3(3)(a));
- b. keep such records (and supply them) as the Secretary of State may specify (section 3(3)(b));
- c. have due regard to any guidance issued by the Secretary of State of Housing, Communities and Local Government about exercising their functions under the Housing Act 2004 (section 9(2)); and
- d. to take all necessary enforcement action where appropriate.

Thank you again for your commitment to this important work.

Yours sincerely,



RT HON JAMES BROKENSHIRE MP



Housing Committee

21 June 2018

Title	End of Year 2017/18 Commissioning Plan Performance Report
Report of	Housing Committee Chairman
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Alaine Clarke, Head of Performance and Risk alaine.clarke@barnet.gov.uk

Summary

The report provides an **annual overview** of performance at the **End of Year (EOY) 2017/18**, including budget outturns for revenue and capital (where relevant), progress on key activities, indicators that have not met the annual target, and management of high level risks for the Theme Committee in relation to the Commissioning Plan.

Recommendations

- 1. The Committee is asked to review the finance, performance and risk information in relation to the Theme Committee's Commissioning Plan.**

INTRODUCTION

- 1.1 This Commissioning Plan performance report is an extract from the End of Year (EOY) 2017/18 Performance Monitoring Report (Performance by Theme Committee).

PERFORMANCE BY THEME COMMITTEE (COMMISSIONING PLANS)

- 1.2 The priorities for Housing Committee are to increase the supply of housing and build more affordable homes through the development pipeline; tackle homelessness through prevention, use of temporary accommodation and housing in the private rented sector; drive up the quality of the private rented sector; and provide suitable housing to support vulnerable people.

Budget outturn

Revenue							
Service	Original Budget £000	Revised Budget £000	Outturn £000	Variance from Revised Budget Adv/(fav) £000	Reserve Move-ments £000	Variance after Reserve Move-ments Adv/(fav) £000	Variance after Reserve Move-ments Adv/(fav) %
Housing Needs and Resources (Barnet Homes)	5,560	6,859	7,763	904	(16)	888	12.9

- 1.3 The overspend of £0.888m for **Housing Needs and Resources** represents 12.9% of the total Delivery Unit budget (£6.859m). The overspend reflects the ongoing cost pressures associated with the rising cost of temporary accommodation in the borough set against restrictions on rents that can be charged and remain eligible for housing benefit. Actions have been taken to mitigate this pressure, including purchasing homes on the open market as a cheaper alternative to existing temporary accommodation options, an increase in homelessness preventions and a focus on reducing the use of temporary accommodation. This overspend is after a permanent allocation from contingency of £1.300m.

Capital						
Service	2017/18 Revised Budget £000	Additions/ (Deletions) £000	(Slippage)/ Accelerated Spend £000	2017/18 Outturn £000	Variance from Approved Budget £000	Variance from Approved Budget %
Housing Needs and Resources (Barnet Homes)	20,758	-	(5,605)	15,153	(5,605)	(27.0)
HRA (Barnet Homes)	50,414	196	(1,231)	49,379	(1,035)	(2.1)

- 1.4 The capital outturn for **Housing Needs and Resources** shows slippage of £5.605m. The Open Doors Homes funding requirements have been reprofiled and the drawdown of £4.882m of the total £10.000m loan will now take place in 2018/19. Within the project to bring empty properties back into use, two properties are in the pipeline but will not complete this year; this has resulted in £0.843m slipping to 2018/19.
- 1.5 The **HRA** outturn shows an underspend of £1.035m. This is due to delays in the purchase of four flats as part of the Development Pipeline Stag House project (£1.066m) and the re-cladding of Granville Road not completing until 2018/19 (£1.500m), offset by earlier than expected completion of foundation remedial works at Moreton Close accelerating spend that had previously been slipped (£2.319m).

Progress on key activities

- 1.6 With Barnet now having the largest population of any borough in London and continuing to grow, the Commissioning Plan outlines the council's housing priorities

(as in paragraph B.25 above). A progress update on the key activities has been provided below.

Summary for year

A continued focus on early intervention and family mediation helped to prevent more people from becoming homeless; whilst the use of temporary accommodation was reduced. However, due to the lack of supply of longer-term temporary accommodation, more people were housed in Emergency Temporary Accommodation for short periods. A focus on quality in the private-rented sector led to increased numbers of licensed HMOs and more landlords achieving accreditation under the London scheme.

- **Building compliance and fire safety** – the Housing Committee approved £17.5m of additional fire safety works to 26 high rise blocks of flats within the borough in October 2017. This included works on the Whitefield Estate (replacement of doors to communal areas and upgrading of rubbish chutes) and Grahame Park Estate (works to ceilings), as well as the replacement of cladding on three blocks at Granville Road (which are due to be installed in May 2018). All works are due to be completed by September 2019.
- **Tackling homelessness** - in January 2018, the Ministry of Housing, Communities and Local Government (MHCLG) evaluated the council's readiness for the Homelessness Reduction Act and concluded that the Housing Options team was well prepared for implementation. Key preparations included transitioning to an 'appointment-only' service; establishing a 'Customer Ready' Team to reduce the administrative burden on specialist frontline officers; recruiting additional staff on the frontline; and implementing a new single homeless pathway, bringing St Mungo's services in-house and increasing provision for single applicants through greater access to prevention and support services. The new Act went live on 3 April 2018.

1,554 homelessness applications were made (compared with 1,583 last year), of which 506 (33 per cent) were accepted (compared with 632 (40 per cent)) last year. Mitigations focusing on early intervention, prevention, family mediation and reduction in the use of temporary accommodation (TA) continued to deliver positive results. Homelessness preventions stand at 1,140 in 2017/18 (compared with 972 last year). The piloted Family Mediation Team saw 88 applicants who faced eviction from family or friends' accommodation for reasons of overcrowding, relationship breakdown and affordability. The Team prevented homelessness in 24 of the 88 cases, and mediation work resulted in only 9 out of the 88 customers moving into TA. Overall numbers in TA reduced to 2,579 (from 2,757 last year). The team prioritised moving customers who were entrenched in Emergency Temporary Accommodation (ETA) and the average time spent by customers in ETA fell to 38.7 weeks (from 67.8 weeks last year). The let2barnet team procured 644 affordable units in the private rented sector (exceeding target of 575). To further increase affordable supply, 87 'out of London' properties were procured through Phases 1 and 2 of the acquisitions programme.

- **Driving up the quality of the private rented sector** – there are now 710 licensed HMOs in Barnet and 671 landlords accredited under the London Landlord Accreditation Scheme. In December 2017, Policy and Resources Committee approved the introduction of Financial Penalty Notices for landlords contravening relevant offences under the Housing Act 2004. As such landlords may be issued with a penalty notice as an alternative to prosecution for key offences such as failure to licence relevant HMOs, failure to comply with HMO license conditions, failure to manage premises etc. Despite the rapidly increasing number of mandatory HMOs

licensed, compliance with major conditions in the higher risk premises has remained above 60%. Landlords have been reminded of their obligation to comply with HMO licensing conditions throughout the licence period or face prosecution or a penalty notice. Landlords have also been updated on the Government's expansion of the mandatory HMO licensing scheme. All properties covered by the new requirements must submit the application by 1 October 2018.

In partnership with Middlesex University and Citizens UK six students were recruited to complete street searches for HMOs around the Middlesex University Campus part time for a six-week period from January to March 2018. The data is being analysed and followed-up in relation to potentially licensable HMOs.

'Empty Property Week' fell in October 2017 and events were organised with Let2Barnet, including drop-ins for people interested in Empty Property Grants, mailshots to solicitors and care homes, leaflets to auction houses and key locations across the borough. 190 empty properties were brought back into use this year.

- **Providing suitable housing to support vulnerable people** – the contractor for the new build extra care scheme at Moreton Close reported a delay due to the foundations of the scheme being under-engineered. Remedial work was undertaken and construction fully recommenced on the remainder of the scheme unaffected by the potential loading issues. This resulted in a delay in completion until December 2018. Clients are being identified to move into the extra care scheme and units are being allocated. A communications plan and information about the service is being developed so that the scheme can be promoted to staff and potential residents.

Performance indicators

- 1.7 The EOY 2017/18 position for the basket of indicators in the Theme Committee's Commissioning Plan has been set out in table 1 below. This shows that the majority of indicators (77%) have met the annual target; and 45% have improved or stayed the same since last year.

Table 1: Theme Committee Indicators (EOY 2017/18)

Theme Committee	Green	Green Amber	Red Amber	Red	Improved/Same	Worsened	Monitored only	No. indicators
Housing	77% (14)	6% (1)	0% (0)	17% (3)	45% (10)	55% (12)	7	25

- 1.8 All Housing indicators in the Corporate Plan have met the annual target. However, four indicators in the Housing Commissioning Plan have not met the annual target. Comments on performance for these indicators are provided below.

- **BH/C11 Percentage of scheduled fire risk assessments completed in period (RAG rated GREEN AMBER)** – 96.7% against annual target of 100%. 59 out of 61 fire risk assessments were completed on time; two assessments were carried out late due to difficulties accessing the relevant blocks. The assessment procedure has been amended to ensure Barnet Homes is notified immediately when access issues arise so that alternative arrangements can be made. Both fire risk assessments were completed in April 2018.
- **BH/S1 Numbers in Emergency Temporary Accommodation (RAG rated RED)** – 244 against annual target of 175. Numbers have risen due to reduced supply of available longer-term temporary accommodation (TA) due to a high volume of

properties handed back to the provider and due to reduced procurement of longer-term TA for financial reasons. However, overall numbers in TA reduced for the fourth successive quarter to 2,579 due to focused TA reduction activities, which include providing hand-holding support to assist clients with move-on opportunities. Over the past 12 months the average time spent by clients in emergency TA dropped to 38.7 weeks (from 67.8 weeks last year).

- **BH/S4 Current arrears as a percentage of debit (RAG rated RED)** – 3.3% against annual target of 2.9%. Variance equates to £226k of a £59.5m annual debit; and **BH/C5 Temporary Accommodation (TA) current arrears as percentage of debit (RAG rated RED)** – 5.6% against annual target of 4.95%. Variance equates to £157k of a £22.8m annual debit. Further actions are being taken to drive improvement, including a new income collection management tool, which will provide increased control on prioritisation of cases in terms of income collection; patch re-design and targeted patches on high arrears cases; a review of the income collection procedure to reduce the level of steps in the collection process and to emphasise the benefits of early intervention; trial of a new approach to the Income Contact Centre management; and a new universal arrears report.

Corporate Plan Indicators ¹									
Ref		Indicator	Polarity	Period Covered	2017/18 Annual Target	2017/18 EOY Result	2016/17 EOY Result	DOT Long Term (From EOY 2016/17)	Benchmarking
CPI	CG/S6 (RPS – biannual)	Percentage of residents who list affordable housing as a concern ²	Smaller is Better	Autumn 2017	Monitor	71% (Autumn 2017)	34% (Autumn 2016)	▼ Worsening	No benchmark available
CPI	REGEN KPI05	Delivery of affordable housing completions	Bigger is Better	Apr 2017 - Mar 2018	112	303 ³	474	▼ Worsening	No benchmark available
CPI	Re/S17 (Annual)	Percentage of new homes that are affordable (net)	Bigger is Better	Apr 2017 - Mar 2018	40%	26% ⁴	21%	▲ Improving	Rank 14 (out of 33 London Boroughs) (2017, GLA) ⁵
CPI	BH/S2	Number of homelessness preventions	Bigger is Better	Apr 2017 - Mar 2018	1,050	1,140 (G)	972	▲ Improving	2 nd Quartile (out of 33 London Boroughs) (2016/17, DCLG)
CPI	BH/KPI1	Numbers of households in TA	Smaller is Better	Apr 2017 - Mar 2018	2,600	2,579 (G)	2,757	▲ Improving	Rank 29 (out of 33 London Boroughs) (Q3 2017/18, DCLG)

¹ The Monitor indicators have been included for information.

² There is a +/-4.4%pts tolerance on the results due to the confidence interval for the sample size (i.e. if we surveyed the whole population we can be confident that the results would be the same +/-4.4%). This is reflected in the RAG rating and DOT for the indicators in the Corporate Plan and Commissioning Plans.

³ This is a provisional result (303) as at March 2018, so no RAG rating applied. The final result will be published in the GLA Annual Monitoring Report in May 2019. Last year's result (474) is the final result, as published in the GLA Annual Monitoring Report in May 2018.

⁴ This is a provisional result (26%) as at March 2018, so no RAG rating applied. The final result will be published in the London Plan AMR for 2017/18. Last year's result (21%) is also a provisional result. The final result will be published in the London Plan AMR for 2016/17.

⁵ The GLA Annual Monitoring Report is published in May each year, prior to the final results being confirmed in the summer. Therefore, the benchmarking refers to the final results published in the previous summer (summer 2016) for the 2015/16 financial year. Barnet's 2015/16 result was 12%, as published in summer 2016.

Corporate Plan Indicators ¹									
Ref		Indicator	Polarity	Period Covered	2017/18 Annual Target	2017/18 EOY Result	2016/17 EOY Result	DOT Long Term (From EOY 2016/17)	Benchmarking
CPI	BH/KPI9	Families with children in TA ⁶	Smaller is Better	Apr 2017 - Mar 2018	Monitor	62.9%	New for 2017/18	New for 2017/18	No benchmark available
CPI	EH02I	Compliance with licensing requirements for HMOs	Bigger is Better	Apr 2017 - Mar 2018	60%	65.4% (G)	71.6%	▼ Worsening	No benchmark available

Commissioning Plan Indicators ⁷									
Ref		Indicator	Polarity	Period Covered	2017/18 Annual Target	2017/18 EOY Result	2016/17 EOY Result	DOT Long Term (From EOY 2016/17)	Benchmarking
SPI	BH/C11	Percentage of scheduled fire risk assessments completed in period	Bigger is Better	Oct 2017 – Mar 2018	100%	96.7% (GA)	New for 2017/18	New for 2017/18	No benchmark available
SPI	BH/C12	Percentage of Priority 0 and Priority 1 fire risk safety actions completed in period	Bigger is Better	Oct 2017 – Mar 2018	90%	100% (G)	New for 2017/18	New for 2017/18	No benchmark available
SPI	BH/C4	Average re-let time routine lettings	Smaller is Better	Jan 2018 - Mar 2018	13 days	10.7 days (Q4 2017/18) (G)	14. days (Q4 2016/17)	▲ Improving	Top Quartile (out of 33 London Boroughs) (2016/17, Housemark)

⁶ New indicator – target set as Monitor for 2017/18 whilst baseline identified.

⁷ The Monitor indicators have been included for information.

Commissioning Plan Indicators ⁷									
Ref		Indicator	Polarity	Period Covered	2017/18 Annual Target	2017/18 EOY Result	2016/17 EOY Result	DOT Long Term (From EOY 2016/17)	Benchmarking
SPI	BH/C8	Percentage of respondents very or fairly satisfied with repairs and maintenance	Bigger is Better	Jan - Mar 2018	96%	98.7% (G)	99.2% (Jan – Mar 2017)	▼ Worsening	No benchmark available
SPI	BH/C6	Households placed directly into the private sector by Barnet Homes	Bigger is Better	Apr 2017 - Mar 2018	575	644 (G)	646	▼ Worsening	No benchmark available
SPI	BH/S1	Numbers in ETA	Smaller is Better	Apr 2017 - Mar 2018	175	244 (R)	149	▼ Worsening	Rank 10 (out of 33 London Boroughs) (Q3 2017/18, DCLG)
SPI	BH/S3	Length of stay in ETA	Smaller is Better	Apr 2017 - Mar 2018	Monitor	38.7 weeks	67.8 weeks	▲ Improving	No benchmark available
SPI	BH/C2	Percentage of those households in ETA pending enquiries or found to be intentionally homeless	Smaller is Better	Apr 2017 - Mar 2018	Monitor	50.0%	28.9%	▼ Worsening	Rank 8 (out of 23 London Boroughs) (Q3 2017/18, DCLG)
SPI	BH/C1	Number of families with children living in Bed and Breakfast for more than 6 weeks	Smaller is Better	Apr 2017 - Mar 2018	0	0 (G)	0	↔ Same	Top Quartile (out of 33 London Boroughs) (Q3 2016/17, DCLG)
SPI	BH/KPI 15	Number of tenancy failures (evictions and abandonments)	Smaller is Better	Apr 2017 - Mar 2018	35	23 (G)	31	▲ Improving	No benchmark available

Commissioning Plan Indicators ⁷									
Ref		Indicator	Polarity	Period Covered	2017/18 Annual Target	2017/18 EOY Result	2016/17 EOY Result	DOT Long Term (From EOY 2016/17)	Benchmarking
SPI	BH/S4	Current tenant arrears as a percentage of the annual rent debit	Smaller is Better	Apr 2017 - Mar 2018	2.9%	3.3% (R)	3.0%	▼ Worsening	3 rd Quartile (out of 33 London Boroughs) (Q3 2017/18, Housemark)
SPI	BH/C5	TA current arrears as percentage of debit	Smaller is Better	Apr 2017 - Mar 2018	4.95%	5.64% (R)	5.36%	▼ Worsening	No benchmark available
SPI	CG/S21	Delivery of 10% affordable homes as wheelchair or accessible units	Bigger is Better	Apr 2017 - Mar 2018	Monitor	0% ⁸	11.5%	▼ Worsening	No benchmark available
SPI	EH04A	Number of empty properties brought back into residential use	Bigger is Better	Apr 2017 - Mar 2018	100	224 (G)	120	▲ Improving	No benchmark available
SPI	EH04B	Number of private tenanted properties with Category 1 hazards reduced to Category 2 hazards	Bigger is Better	Apr 2017 - Mar 2018	165	170 (G)	211	▼ Worsening	No benchmark available
SPI	EH02J	Known licensable HMOs are licensed in a timely manner	Bigger is Better	Apr 2017 - Mar 2018	60%	82.2% (G)	86.4%	▼ Worsening	No benchmark available
SPI	EH11	Increase in the number of accredited landlords	Bigger is Better	Apr 2017 - Mar 2018	658	667 (G)	627	▲ Improving	No benchmark available

⁸ No wheelchair or accessible units were completed in 2017/18, as part of the Tranche 3 affordable housing programme. The full scheme of 323 units is due to be completed in Q3 2018/19, of which 32 units (10%) will be wheelchair accessible. Three units out of 26 completions were wheelchair/accessible last year.

Commissioning Plan Indicators ⁷									
Ref		Indicator	Polarity	Period Covered	2017/18 Annual Target	2017/18 EOY Result	2016/17 EOY Result	DOT Long Term (From EOY 2016/17)	Benchmarking
SPI	EH10	Increasing number of HMOs licensed under the mandatory scheme	Bigger is Better	Apr 2017 - Mar 2018	171	355 (G)	244	▲ Improving	No benchmark available

Risk management

B.31 Housing risks are held on The Barnet Group joint risk register. This includes nine risks overall, which are being managed in line with the council's risk management framework. None are high level risks with a residual risk score of 15 or above.

2 REASONS FOR RECOMMENDATIONS

- 2.1 These recommendations are to provide the Committee with the necessary information to oversee the performance of the Commissioning Plan 2017/18 addendum. This paper enables the council to meet the budget agreed by Council on 7 March 2017.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None.

4 POST DECISION IMPLEMENTATION

- 4.1 None.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The report provides an annual overview of performance, including budget outturn for revenue and capital, progress on key activities, indicators that have not met the annual target and management of high level risks.
- 5.1.2 The EOY 2017/18 results for all Corporate Plan and Commissioning Plan indicators are published on the Open Barnet portal at <https://open.barnet.gov.uk/dataset>
- 5.1.3 Robust budget and performance monitoring are essential to ensure that there are adequate and appropriately directed resources to support delivery and achievement of council priorities and targets as set out in the Corporate Plan and Commissioning Plans. In addition, adherence to the Prudential Framework ensures capital expenditure plans remain affordable in the longer term and that capital resources are maximised.
- 5.1.4 Relevant council strategies and policies include the following:
- Corporate Plan 2015-2020
 - Corporate Plan - 2016/17 Addendum and 2017/18 Addendum
 - Commissioning Plans
 - Medium Term Financial Strategy
 - Treasury Management Strategy
 - Debt Management Strategy
 - Insurance Strategy
 - Risk Management Framework
 - Capital, Assets and Property Strategy.
- 5.1.5 The priorities of the council are aligned to the delivery of the Health and Wellbeing Strategy.
- 5.2 **Resources (Finance and Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.3 Legal and Constitutional References

- 5.3.1 Section 151 of the Local Government Act 1972 states that: “without prejudice to section 111, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs”. Section 111 of the Local Government Act 1972, relates to the subsidiary powers of local authorities.
- 5.3.2 Section 28 of the Local Government Act 2003 (the Act) imposes a statutory duty on a billing or major precepting authority to monitor, during the financial year, its income and expenditure against the budget calculations. If the monitoring establishes that the budgetary situation has deteriorated, the authority must take such action as it considers necessary to deal with the situation. Definition as to whether there is deterioration in an authority’s financial position is set out in sub-section 28(4) of the Act.
- 5.3.3 The Council’s Constitution (Article 7, Article 7 – Committees, Forums, Working Groups and Partnerships) sets out the responsibilities of all council Committees. The responsibilities of the Housing Committee include:
- Responsibility for housing matters including housing strategy, homelessness, social housing and housing grants, commissioning of environmental health functions for private sector housing
 - To receive reports on relevant performance information and risk on the
 - services under the remit of the Committee.

5.4 Risk Management

- 5.4.1 Various projects within the council’s revenue budget and capital programme are supported by time-limited grants. Where there are delays to the implementation of these projects, there is the risk that the associated grants will be lost. If this occurs either the projects will be aborted or a decision to divert resources from other council priorities will be required.
- 5.4.2 The revised forecast level of balances needs to be considered in light of the risk identified in 5.4.1 above.

5.5 Equalities and Diversity

- 5.5.1 The Equality Act 2010 requires organisations exercising public functions to demonstrate that due regard has been paid to equalities in:
- Elimination of unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
 - Advancement of equality of opportunity between people from different groups.
 - Fostering of good relations between people from different groups.
- 5.5.2 The Equality Act 2010 identifies the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex and sexual orientation.
- 5.5.3 In order to assist in meeting the duty the council will:

- Try to understand the diversity of our customers to improve our services.
- Consider the impact of our decisions on different groups to ensure they are fair.
- Mainstream equalities into business and financial planning and integrating equalities into everything we do.
- Learn more about Barnet's diverse communities by engaging with them.

This is also what we expect of our partners.

5.5.4 This is set out in the council's Equalities Policy together with our strategic Equalities Objective - as set out in the Corporate Plan - that citizens will be treated equally with understanding and respect; have equal opportunities and receive quality services provided to best value principles.

5.5.5 Progress against the performance measures we use is published on our website at: www.barnet.gov.uk/info/200041/equality_and_diversity/224/equality_and_diversity

5.6 Consultation and Engagement

5.6.1 During the process of formulating budget and Corporate Plan proposals for 2015-2020 onwards, four phases of consultation took place:

Phase	Date	Summary
Phase 1: Setting out the challenge	Summer 2013	The council forecast that its budget would reduce by a further £72m between 2016/17 and 2019/20, setting the scene for the PSR consultation
Phase 2: PSR consultation to inform development of options	October 2013 - June 2014	Engagement through Citizen's Panel Workshops which focused on stakeholder priorities and how they would want the council to approach the Priorities and Spending Review An open 'Call for Evidence' asking residents to feedback ideas on the future of public services in Barnet.
Phase 3: Engagement through Committees	Summer 2014	Focus on developing commissioning priorities and MTFS proposals for each of the 6 committees Engagement through Committee meetings and working groups
Phase 4: Strategic Plan to 2020 Consultation	December 2014 – March 2015	A series of 6 workshops with a cross section of residents recruited from the Citizens Panel and Youth Board, plus two workshops with users ⁹ of council services. An online survey (17 December 2014 – 11 February 2015)

⁹ One "service user" workshop was for a cross section of residents who are users of non-universal services from across the council. The second workshop was for adults with learning disabilities.

6 BACKGROUND PAPERS

- 6.1 Council, 3 March 2015 (Decision item 12) – approved Business Planning 2015/16 – 2019/20, including the Medium-Term Financial Strategy.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=7865&Ver=4>
- 6.2 Council, 14 April 2015 (Decision item 13.3) – approved Corporate Plan 2015-2020.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=7820&Ver=4>
- 6.3 Council, 4 April 2016 (Decision item 13.1) – approved 2016/17 addendum to Corporate Plan.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=8344&Ver=4>
- 6.4 Council, 7 March 2017 – approved 2017/18 addendum to Corporate Plan.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=8819&Ver=4>

AGENDA ITEM 10

	<h2 style="text-align: center;">Housing Committee</h2> <h3 style="text-align: center;">21 June 2018</h3>
Title	Local Lettings Policy
Report of	Chairman of the Housing Committee
Wards	All
Status	Public
Urgent	No
Key	Key
Enclosures	Appendix 1: Consultation Report Appendix 2: Housing Allocation Policy
Officer Contact Details	Cath Shaw, Deputy Chief Executive Cath.Shaw@barnet.gov.uk , 020 8359 4716 Faisal Butt, Housing Commissioning Lead Faisal.butt@barnet.gov.uk , 020 8359 6263

Summary

In June 2017 the Housing Committee agreed to consult on the introduction of a Local Lettings Policy in Barnet. Following a positive outcome from the consultation, with 71% of respondents in agreement (Appendix 1), this report recommends amending the Housing Allocation Policy (Appendix 2, Paragraph 4.12) whereby existing Council tenants with an established housing need under the Council's Housing Allocations Scheme (in Band 1 or Band 2) are given priority for new-build properties on in-fill developments on their estate. This approach will benefit existing residents of estates whose existing homes would become available for reallocation without disadvantaging others in housing need or increasing the homelessness cost pressures for the Council.

Recommendations

1. That the proposed amendment to the Housing Allocations Scheme be approved as appended in Appendix 1, Paragraph 4.12.

2. That the findings of the consultation report be noted.

1. WHY THIS REPORT IS NEEDED

- 1.1 The purpose of this report is to note the outcome of the consultation on introducing a local lettings approach in Barnet and to agree to amending the Housing Allocations Policy (Appendix 2, Paragraph 4.12) to allocate a proportion of new build housing stock through this mechanism.
- 1.2 The Council and The Barnet Group are committed to ensuring that its new homes are meeting the needs of the local community. Currently all properties, including new build, are allocated through the Council's Housing Allocations Scheme, which prioritises customers based on their assessed housing needs using a priority banding system (where Band 1 and Band 2 are the highest priority rehousing bands). There is a provision in the Council's Housing Allocations Scheme to apply "*special allocations arrangements in respect of properties available for letting on new build developments*". However, this provision is not sufficiently detailed to be an effective mechanism for prioritising local people for new developments.
- 1.3 Local Lettings Policies have been used to address a wide range of issues related to housing management needs and wider public policy concerns. These issues include: creating balanced and mixed communities; improving community stability and cohesion; protecting existing stable communities; tackling low-demand areas and difficult-to-let estates; preventing future problems occurring in newly developed estates or in relation to recently modernised properties; reducing the incidence of anti-social behaviour. In London they have been used to benefit existing Council tenants with an established need to move where in-fill developments have taken place on their estate.
- 1.5 The Barnet Group has started a programme of affordable housing development, and it is important that the introduction of a local lettings policy approach for new-build development is considered. The absence of a local lettings policy in Barnet entails a risk that both community well-being and cohesion could be negatively impacted by new households moving into new-build properties on existing estates, especially if there is a perception amongst existing residents that the new households have 'taken' new-build properties that could have been allocated to local residents.
- 1.6 Adopting a local lettings policy for new build 'in-fill' developments on existing estates would help encourage the engagement of local residents and their support for such projects. It would also promote family and community well-

being as local residents could continue to maintain links with their established community and retain their support network.

2. REASONS FOR RECOMMENDATIONS

- 2.1 A Local Lettings Policy (LLP) uses flexibilities within Council Housing Allocation Schemes/ Policies to allocate a proportion of housing stock through special arrangements. These special arrangements prioritise local tenants for properties in specific developments or areas – according to the particular needs of those developments or areas. LLPs are often used by Councils to prioritise existing Council tenants with a housing need for new homes on in-fill development sites on their estate. Over the next three years, The Barnet Group – through its new Registered Provider Opendoor Homes – will develop 330 new homes on existing Council land and a large number of these properties will be delivered through in-fill development sites on existing Council estates.
- 2.2 Introducing a local lettings approach in Barnet which prioritises Council tenants who have a housing need under the Housing Allocations Scheme for some of the new-build properties on in-fill developments on their estate will not only help to meet the needs of these residents, but will also free up their former properties to benefit those customers assessed as having the greatest housing need.
- 2.3 The suggested approach to a local lettings policy in Barnet is that existing secure tenants living on an estate are prioritised for new homes being built on their estate, where they have an assessed housing need within Band 1 or Band 2 of the council's Housing Allocations Scheme.
- 2.4 The Council would retain the right to override the local lettings policy where there is an identified housing need that could not readily be met elsewhere, for example to rehouse someone with wheelchair accessible requirements.
- 2.5 To minimise void works costs existing tenants will be required to leave their previous home in a standard where it can be let to another household immediately (including providing access before they leave so that works can be completed).
- 2.6 Existing Council tenants who move to a new-build property will keep their security of tenure¹ but will pay rent at an affordable rent level (65% of average market rent value) rather than social rent. It is worth noting that when an existing Council tenant transfers into a housing association property, the housing association property's rent is also set at affordable rent levels.

¹ Note that the Council will be required to use fixed term tenancies for new Council tenants subject to regulations to be published by the Secretary of State following the enactment of the Housing and Planning Act 2016.

- 2.7 A review of the local lettings approach of other Councils has identified that it is not necessary to develop a separate Local Lettings Policy. Instead, changes can be made to the existing Council Housing Allocations Scheme, specifying the circumstances in which a special allocations arrangement could be made and the eligibility criteria for such an arrangement.
- 2.8 Consequently, the Council has amended the Housing Allocation Scheme (Appendix 1, Paragraph 4.12) with the following change:

“Special allocation arrangements may apply in respect of properties available for letting on new-build developments. The Council has a Local Letting Policy whereby existing Council tenants with an established housing need under the Council’s 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.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Given the significant level of established housing need in Barnet (with 2,639 households in a form of Temporary Accommodation, December 2017) it would not be appropriate to take a local lettings approach for other family members whom have lived with residents on an estate for the past 12 months or more. Allowing family members or ‘homeless from home’ applicants to move into a new property without freeing up the former property would reduce the properties available to be allocated to customers who have a housing need that do not live on the estate and impact on our ability to house applicants whom have a housing need. Such an approach could also potentially generate increased demand through parental and familial evictions.
- 3.2 Not introducing an LLP is a viable option – particularly if the local lettings approach adopted impeded the Council’s ability to house applicants whom have a housing need and to move applicants on from expensive temporary accommodation. However, introducing an LLP that fits the borough’s housing context can mitigate these issues and can produce positive results – including the reallocation of existing social housing and increased levels of buy-in from local communities affected by in-fill development.

4. POST DECISION IMPLEMENTATION

- 4.1 The revised Housing Allocations Scheme will be published and implemented as soon as possible following approval.

- 4.2 Barnet Homes and Opendoor Homes will introduce a procedure to ensure that Council tenants with an established housing need in Bands 1 or 2 are prioritised for new properties on in-fill developments on their estate.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan 2015-20 states that 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;
- 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 highest priority of the Council's Housing Strategy is increasing the supply of housing with the population of Barnet forecast to increase by 19% over the next 25 years.

- 5.1.3 Barnet's Health and Wellbeing Strategy recognises the importance of access to good quality housing in maintaining Well-Being in the Community.

- 5.1.4 Lack of affordable housing is highlighted in Barnet's Joint Strategic Needs Assessment (JSNA) as one of the top three concerns identified by local residents in the Residents' Perception Survey.

- 5.1.5 The impact of a local lettings approach will be reviewed on an annual basis by Barnet Council and Barnet Homes as part of an annual review of the impact of the Council's Housing Allocations Scheme.

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

- 5.2.1 A local lettings policy has some financial implications as there will be costs associated with re-letting the homes freed up by Council tenants who move into new properties on their estate. These will include the cost of voids works and safety checks required to re-let the home at a suitable standard and incentive payments made to tenants who have moved to a smaller property (via the Barnet Homes 'Fresh Start Scheme')². Voids works costs should be minimised by the requirement of the outgoing tenant to leave their property in a condition that is 'ready to let'. This approach would also help minimise turnaround times for empty properties.

² The Barnet Homes Fresh Start Scheme helps secure tenants (both Council and housing association tenants) to downsize to a smaller property within the London Borough of Barnet in exchange for an incentive payment. The incentive payment varies depending on the size of property that is freed up by the tenant downsizing.

- 5.2.2 Should the LLP approach put forward in this report be implemented, there are potential financial benefits for the Council. This includes increased rent collection and reduced use of Discretionary Housing Payment monies (which could then be used to assist other Barnet residents) where existing tenants that move to new properties on their estate were under occupying their previous home and affected by the Government's removal of the spare room subsidy.
- 5.2.3 As existing Council tenants will only be prioritised for a new home on their estate in cases where their previous home will become empty and available for allocation to another household in housing need, the same number of homes will still be available to a wider group of residents in housing need. This means that the Council will still benefit financially when new homes are allocated to those in housing need who have been living in expensive forms of temporary accommodation.
- 5.2.4 As outlined in the risks section below, the adoption of a local lettings policy approach for in-fill developments could result in legal challenge from those others in housing need who have not been allocated the homes because existing Council tenants on the estates have been prioritised for the properties ahead of them. Legal challenge would bring associated costs.

5.3 Social Value

- 5.3.1 Social value is central to a local lettings approach. By prioritising local people whom have a housing need, a local lettings approach can contribute to the sustainability of a community. A local lettings approach recognises that by helping residents to remain within the area, residents can continue to make a community contribution through their employment and volunteering, and can continue to use local shops and services or provide on-going support to family members.

5.4 Legal and Constitutional References

- 5.4.1 The Council's Constitution (Article 7 –Committees, Forums, Working Groups and Partnerships) sets out the terms of reference of the Housing Committee. This includes
- Responsibility for housing matters including housing strategy, homelessness, social housing and housing grants, commissioning of environmental health functions for private sector housing.
 - To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.
 - To make recommendations to Policy and Resources Committee on issues relating 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.
 - To determine fees and charges for services which are the responsibility of the committee.

- 5.4.2 The Housing Committee is responsible for reviewing and signing off amendments to the Council's Housing Allocations Scheme. Having carried out a full consultation and Equality Impact Assessment on the adoption of an LLP, approving or rejecting the inclusion of a local lettings approach within a revised Housing Allocations Scheme will be the responsibility of the Housing Committee.

5.5 Risk Management

- 5.5.1 From time to time the Council has to review the Housing Allocations Scheme in response to legislative changes and court judgements, and to continually ensure that the scheme is as accessible and robust as possible. These changes ensure that the scheme remains legally compliant.

5.6 Equalities and Diversity

- 5.6.1 It is important that any equalities implications are carefully considered. An Equalities Impact Assessment has been completed to evaluate the likely impact of introducing a local lettings approach within the Housing Allocations Scheme.
- 5.6.2 It is known that the diversity profile of existing Council tenants differs to the profile of homeless households living in temporary accommodation. For example, the proportions of BME and younger people are higher in temporary accommodation compared to existing council tenants. If only existing Council tenants were expected to benefit from the introduction of local lettings policies, certain groups of customers (particularly those who have an assessed housing need under the Council's Housing Allocations Scheme and live in temporary accommodation) would be adversely affected by its introduction. However, as the recommended approach would allow other properties to be freed up for reallocation, a wider group of customers who have been assessed as having a housing need under the Council's Housing Allocations Scheme would still benefit.
- 5.6.3 Some groups of Council tenants who have been assessed as having a need to move may benefit from the adoption of local lettings policies because their specific housing needs can be incorporated into the development plans for the new homes on their estate. For example, a Council tenant with specific health needs who needs to move home for medical reasons (such as more accessible accommodation) but also needs to remain in the same area is likely to have their specific needs met far sooner than waiting to be rehoused through the normal housing allocation route.
- 5.6.4 A review of the numbers of existing Council tenants that would benefit from a local lettings policy showed that only a small proportion would potentially move to a new home on their estate. This means it is highly likely that a wider group of customers with an established housing need would be allocated new-build properties on developments where a local lettings policy is in place. Discretion within the Council's Housing Allocations Scheme can be exercised where new properties designed to benefit particular groups of customers, such as

wheelchair accessible properties, to ensure that these properties go to customers who need them most.

- 5.6.5 An Equality Impact Assessment (EIA) was undertaken as part of this review. The 9 protected characteristics were considered and there is no evidence to indicate that individuals who identify as having a protected characteristic would be adversely impacted by the introduction of a Local Lettings Policy. In January 2017 only 3% of households would qualify for the proposed Local Lettings Policy (LLP) – 85 households out of a total of 2,856. The likely number of households who would be able to move through a LPP is much lower because it is dependent on the locality of the new properties being built and if they match the housing need of the household.

5.7 Corporate Parenting

- 5.7.1 The Council has developed a joint protocol between the Housing Options and Children's Care Leavers Service called 'Onwards and Upwards' to ensure that all eligible and relevant care leavers are placed in suitable accommodation when leaving care to fulfil our corporate parenting duties and allow a successful transition to independent living; to ensure that young people have a realistic expectation of what their housing options are when they leave care; and to reduce homelessness through developing young people's skills and having the right support in place to maintain their tenancies. The provision of discretionary funds for care leavers has also been improved to reduce the risk of homelessness and poor outcomes to those leaving care. In addition, the council has a joint protocol in place with Barnet Homes for responding to homelessness in 16-17 year olds, ensuring they are safe from harm and have somewhere to stay with an appropriate level of support whilst their needs are being assessed. There is a Youth Mediation Coordinator in place to support this process. Where possible, the aim is for children to stay at home if it is safe to do so – if a statutory assessment of needs is not required then consent will be sought to refer to the Multi Agency Safeguarding Hub (MASH) to enable early help options to be explored.

5.8 Consultation and Engagement

- 5.8.1 An 8 week consultation on the introduction of a Local Lettings Policy approach was carried out between the 16th October and the 8th December 2017 (Appendix 2).
- 5.8.2 The consultation was carried out through the engage Barnet website and Tenant and Resident Associations, the Community and Voluntary Sector in Barnet and Registered Providers were all directly contacted alerting them to the consultation. Housing applicants, households in temporary accommodation, Barnet residents and visitors to Barnet House were also made aware of the

consultation.

5.8.3 A total of 86 responses were received. A summary of the consultation results (which can be found in more detail in Appendix 2) were as follows:

- 71% of respondents supported the introduction of an LLP that gave council tenants priority for new homes on in-fill developments on their estate.
- 70% of respondents agreed that letting homes through an LLP approach on infill sites was an effective way for the council to better meet local housing need.
- 67% of respondents agreed that an LLP should only be made available to tenants placed in Band 1 and Band 2.

5.8.4 A profile of the respondents to the consultation was as follows:

- 66% of responses were from Barnet Residents, with a further 18% from Housing Associations. The remainder were from voluntary/community organisations, public sector and other.
- 25% of responses were from households living in the private rented sector, with 23% from households renting from the council, 23% owners with a mortgage, 20% owned outright and 5% of households living in housing association accommodation.
- 39% of respondents were aged 35-54, 30% aged 18-34 and 27.5% aged 55+.
- 62.5% of respondents were female and 35% male
- 66% of respondents were White, 10% Asian, 5% Black and 12.5% Mixed and Other.
- 9% of respondents identified as having some form of disability with the largest category focussing on mobility/physical co-ordination and then hearing.

5.8.5 Furthermore where potential in-fill sites are identified, consultation with existing residents of the estate takes place as part of the planning process. So far, the consultation feedback has not referenced a desire for properties on the new development to be reserved for existing residents. However, this area has not previously formed a focus of the consultation exercises. An expected benefit of introducing local lettings policies is that it will improve relations with existing local residents and encourage engagement and support from them for the new development.

5.9 Insight

5.9.1 The Council's Housing Strategy, which identifies the need for new affordable homes, is supported by a comprehensive evidence base, including a Housing Needs Assessment and a study of affordability carried out by the Council's insight team.

5.9.2 To help establish whether the introduction of a local lettings policy would benefit Council tenants who are currently living on estates that have been identified as

potential new-build in-fill development sites, the housing needs of the Council tenants living on the four estates with the largest development potential have been reviewed. The table below shows the number of Council tenants living on these four estates who have either been assessed as having a need to 'transfer' to another home under the Council's Housing Allocations Scheme (because of a need to move to a smaller property, larger property or property that better meets the health needs of the household) or are under occupying their existing home and affected by Government's removal of the spare room subsidy³. The table also shows the size of the home that these tenants need to move to, as well as the number and size of homes that have been suggested for new development on each estate.

- 5.9.3 This review identified that a total of 21 existing Council tenants potentially have a need to move home and that at least seven of these tenants (highlighted in green) could benefit from a local lettings policy approach if the in-fill development was to deliver the types of homes expected⁴. The types of homes to be developed on the Prospect Ring estate, where there are currently six tenants who have a need to move (highlighted in yellow), have not yet been specified and the remaining eight tenants (highlighted in red) would not have their housing need met by the types of properties that are currently planned to be developed.

Table 2: Council tenants that may qualify for new-build properties on four estates where new homes are planned through in-fill development

³ Of the 17 Council tenants under occupying their property and affected by the removal of the spare room subsidy, currently nine have rent arrears (and all rent arrears are under £500) and eight are in credit on their rent account. None of these tenants are currently in receipt of a Discretionary Housing Payment.

Estate (expected homes)	Type of tenant	Total	Type of property needed				
			1 bed	2 bed	3 bed	4 bed	5 bed
Basing Way (57 x 2 bed)	Transfer cases	2	1	0	0	0	1
	Under occupiers	6	6	0	0	0	0
	Total	8	7	0	0	0	1
North Road (10 x 1 bed 26 x 2 bed)	Transfer cases	0	0	0	0	0	0
	Under occupiers	4	3	1	0	0	0
	Total	4	3	1	0	0	0
Prospect Ring (34 size TBC)	Transfer cases	1	0	0	0	1	0
	Under occupiers	5	5	0	0	0	0
	Total	6	5	0	0	1	0
Sheaveshill Court (16 x 1 bed, 8 x 2 bed, 10 x 3 bed)	Transfer cases	1	0	1	0	0	0
	Under occupiers	2	1	1	0	0	0
	Total	3	1	2	0	0	0
All	Transfer cases	4	1	1	0	1	1
	Under occupiers	17	15	2	0	0	0
	Grand total	21	16	3	0	1	1
Expected units	Total	127	26	91	10	0	0

6 BACKGROUND PAPERS

- Housing Committee, 26 June 2017, 'Introducing a Local Lettings Policy in Barnet'
<http://barnet.moderngov.co.uk/documents/s40394/Introducing%20a%20Local%20Lettings%20Policy%20in%20Barnet.pdf> "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."
- Barnet Council Housing Allocations Scheme, reviewed August 2017
<https://www.barnet.gov.uk/citizen-home/housing-and-community/council-housing.html>
- Housing Committee, 27 June 2016, 'Agenda and draft minutes'
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=8628&Ver=4> "It was resolved that Councillor Houston's request for the Housing Committee to consider introducing a local lettings policy be agreed."

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Local Lettings Policy Consultation Report

1. Introduction

- 1.1 An 8 week consultation was conducted from 16th October to 8th December 2017 to inform the potential introduction of a Local Lettings Policy (LLP)¹ in Barnet.

2. About the consultation

- 2.1 The consultation was conducted via the online survey tool Survey Monkey. The survey was distributed directly to Tenant and Resident Associations, the Community and Voluntary Sector in Barnet, the Resident Scrutiny Group (PAG), and Registered Providers. Housing applicants, households in temporary accommodation, and visitors to Barnet House were also alerted to the consultation. The survey was additionally advertised through the Engage Barnet website and Barnet Homes' website, as well as the London Borough of Barnet and Barnet Homes' Twitter accounts. This approach was taken to maximise accessibility and ensure that a broad range of stakeholders had the opportunity to provide their views.

- 2.2 A total of 86 responses were received. A profile of the respondents to the consultation was as follows:

- 66% of responses were from residents of Barnet, with a further 18% from Registered Providers. The remainder were from voluntary/community organisations, public sector and other.
- 25% of responses were from households living in the private rented sector, with 23% from households renting from the council, 23% owners with a mortgage, 20% owned outright and 5% of households living in housing association accommodation.
- 39% of respondents were aged 35-54, 30% aged 18-34 and 27.5% aged 55+.
- 62.5% of respondents were female and 35% male
- 66% of respondents were White, 10% Asian, 5% Black, and 12.5% Mixed and Other.
- 9% of respondents identified as having some form of disability with the largest category focusing on mobility/physical co-ordination and then hearing.

3. Questions

- 3.1 Respondents were asked to consider three main questions around the implementation of a LLP. The questions were as follows:

¹ The proposed LLP approach would ensure that Council tenants with an established housing need in Bands 1 or 2 are prioritised for new-build properties on in-fill developments on their estate. This approach recognises that by helping residents to remain within the area, residents can continue to make a community contribution through their employment and volunteering, use local services, or provide on-going support to family members.

- a) Overall, to what extent do you support or oppose the Council's proposal to introduce a Local Lettings Policy that gives council tenants priority for new homes on in-fill developments on their estate?
 - b) To what extent do you agree or disagree that letting homes through a Local Lettings Policy on in-fill development sites is an effective way for the council to better meet local housing need?
 - c) To what extent do you agree or disagree that a Local Lettings Policy should only be made available to tenants placed in Band 1 and Band 2?
- 3.2 Respondents were given the opportunity to provide comments if they answered with 'disagree'. Respondents were then given further opportunity to comment on ways that new build properties should be allocated or provide any further suggestions. Diversity information was collected at the conclusion of the consultation.

4. Outcome of the consultation

- 4.1 The outcome of the consultation showed 71% of respondents supported the proposed LLP approach in Barnet where council tenants are given priority for new homes on in-fill developments on their estate. Respondents noted the positive potential for maintaining established communities through the proposed LLP.

"It is good to allow people to stay in communities they have lived in for many years' and I feel that keeping people with housing need in the same community is a positive thing."

- 4.2 Overall, 70% of respondents agreed that letting homes through a LLP approach on in-fill sites was an effective way for the Council to better meet local housing need. Respondents felt that prioritising existing residents for new homes on in-fill sites was both a practical and a fair approach.

"People should be given every opportunity to stay in their local area when change is happening around them' and I believe all new housing should be firstly offered to the current residents on the estate."

- 4.3 A majority (67%) of respondents agreed that a LLP should only be made available to tenants placed in Bands 1 and Band 2.

- 4.4 There were some concerns expressed over the exclusion of households in lower priority bands, noting that the LLP would only be made available to tenants in Bands 1 and 2.

"It would put those in Bands 1 and 2 at an unfair advantage and would be viewed as discriminatory."

"The need for an overriding commitment to maintaining community, regardless of whether the household is able to make a community contribution."

- 4.5 However it must be noted that the proposed approach to the Local Lettings Policy, whereby a property must be released in order for a household to qualify, adequately addresses the concerns raised above. In addition, Barnet Council's Housing Allocations Scheme allows for banding discretion in cases where it may be unreasonable to require a particular household to make a community contribution.

5. Conclusion

- 5.1 The outcome of this consultation supports the introduction of a LLP. The majority of respondents agreed that letting new homes on in-fill sites by the proposed LLP is an effective approach to meeting local housing need.
- 5.2 They also agreed that a LLP be made exclusive to tenants in Band 1 and Band 2 and more generally expressed support for the proposed LLP.

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Barnet Council

The Housing Allocations Scheme

June 2018

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1. **Context and Scheme Aims**

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

In Barnet, the demand for social housing is very much greater than the number of homes available. This Allocations Scheme describes how the Council prioritises housing applicants to ensure that those in greatest housing need, as described by the legal definition of Reasonable Preference (see Section 2.3), are given a head start to access available social housing, compared with those who have no housing need, but who want to move to or within social housing.

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

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

The key objectives of this Allocations Scheme are to:

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

Social housing in Barnet will be allocated through a property pool that will match applicants to available council and housing association homes, along with homes that the Council has secured access to in the private rented sector. The system will be supported by a housing options approach giving applicants realistic advice and promoting other housing options, such as low cost home ownership options and private sector renting.

We are committed to providing a fair and transparent service to everyone applying for housing under the Council's Allocations Scheme and to allocate

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

accommodation, in the majority of cases, to those households with the greatest need. In doing so we are also committed to ensuring that the allocation of homes is done in such a way as to promote social cohesion and promote mixed communities, to enhance Barnet's reputation as a place where people want to live.

2. **LEGAL CONTEXT**

- 2.1 Barnet Council's Allocations Scheme sits within a legal framework which is summarised in this section.
- 2.2 The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocations Scheme. A summary of the Allocations Scheme must be published and made available free of charge to any person who asks for a copy. This document and a FAQ of the scheme are available on the Council's web site, www.barnet.gov.uk and paper copies will be provided on request.
- 2.3 The Housing Act 1996, (as amended) requires local authorities to give Reasonable Preference in their Allocations Schemes to people with high levels of assessed housing need who are defined as:
- All homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with Barnet Council)
 - People who are owed a duty under s.189B, s.190 (2), 193 (2) or 195 of the Housing Act 1996 (or under s.65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing Authority under s.192 (3) People occupying insanitary, overcrowded or otherwise unsatisfactory housing
 - People who need to move on medical or welfare grounds (including grounds relating to a disability)
 - People who need to move to a particular locality within the district to avoid hardship to themselves or others
 - People serving in the armed forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
 - People who have formerly served in the armed forces, where the application is made within five years of discharge
 - People who have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the armed forces and whose death was attributable (wholly or partly) to that service, or
 - People serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
- 2.4 The Act also requires local authorities to state within their Allocations Scheme what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Our policy on choice is described below in Section 4. Further amendments have been made to the Housing Act 1996, by the Homelessness

Reduction Act 2017, which now place duties on local authorities to intervene at an earlier stage to prevent homelessness in their areas.

2.5 The Allocations Scheme complies with the requirements of:

- The Housing Act 1996, Part VI as amended by Localism Act 2011
- The Homelessness Code of Guidance 2018 (published on 22 February 2018)
- The Children's Act 2004
- The Homelessness Reduction Act 2017

2.6 The Allocations Scheme also complies with the following statutory regulations:

- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- The Homelessness (Suitability of Accommodation) Order 2012 (as amended by the Homelessness Reduction Act 2017)
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- The Homeless (Review Procedure etc.) Regulations 2018
- In framing the Council's Allocations Scheme, we have also had regard to the Council's Homelessness Strategy, the Tenancy Strategy and the London Housing Strategy.

2.7 The Allocations Scheme is subject to the provisions of the Equality Act 2010; and the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353); and specifically, s.149 which states that the Council has a duty to eliminate unlawful discrimination, advance equality of opportunity, and to foster good relations between persons who share a relevant protected characteristic and those who do not. The Council has undertaken an Equality Impact Assessment and has due regard to the protected characteristics as defined in Section 4 of the Equality Act 2010, which are age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief and gender reassignment.

2.8 This Scheme has considered:

- The Council's statutory obligation to provide homelessness services to all eligible housing applicants affected by homelessness, not just those who have a "priority need", these include:
 - (a) An enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage ("the prevention duty"); and

(b) A duty for those who are already homeless so that the housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation. (“the relief duty”)

- The Council’s statutory obligation to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness and following this assessment the duty to develop a personalised housing plan which will include actions (or ‘reasonable steps’) to be taken by the authority and the applicant to try and prevent or relieve homelessness.
- The Council’s statutory obligations and discretion as to who is eligible for housing allocation
- The Council’s statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law i.e. those who must be given a ‘head start’ under the Council’s Allocations Scheme
- The Council’s statutory discretion to grant “additional preference” and/or to determine priority between applicants with Reasonable Preference
- The general and specific statutory discretions the Council can exercise when allocating housing in support of its Community Strategy
- The Council also recognises its discretion to give additional preference to particular descriptions of people with urgent housing needs
- The Council’s participation in the pan-London mobility scheme administered by the Greater London Authority

2.9 Tenancies for council homes are allocated pursuant to Part VI of the Housing Act 1996 and according to the Council’s Local Tenancy Strategy as required as part of the Localism Act 2011. Other registered providers have had due regard to the Council’s Local Tenancy Strategy when setting their own policies.

3. **OUR PRIORITIES FOR SOCIAL AND PRIVATE SECTOR HOUSING**

ELIGIBILITY

- 3.1 Anyone can approach the Council for housing advice and assistance, however, the amount of social housing in Barnet is very limited, and the Council no longer maintains an open housing waiting list² containing households that it is unable to help access a council or housing association home.
- 3.2 Under s.160ZA of the Housing Act 1996, as amended by the Localism Act 2011, a person will be considered to be ineligible for re-housing if they are:
- Subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless they are of a class prescribed by regulations made by the Secretary of State pursuant to s.160ZA (2) of the Housing Act 1996
 - From a class of persons from abroad who the Secretary of State has made regulations prescribing that they are ineligible pursuant to s.160ZA (4) of the Housing Act 1996.
- 3.3 In some instances, a person may be eligible despite being subject to immigration control. The Council will disregard as members of the household those who are “restricted”, such as those who are:
- Subject to immigration control and from a class of persons abroad, as defined in Section 3.2 above
 - Those with no leave to enter or remain in the UK
 - Those with leave but subject to a condition of no recourse to public funds.
- 3.4 For households, eligible to be rehoused only because of the housing need of the restricted persons, the Council has a duty to arrange as far as practicable, an assured shorthold tenancy with a private landlord.
- 3.5 If the main applicant is eligible and not subject to immigration control, non-eligible dependent children, other dependent family members and live in carers in receipt of carers allowance **will be** taken into account.
- 3.6 Adult children (aged 18 and over) will not be taken into account, unless they are either in full time education and subject to applicant/partner receiving Child Benefit, or the applicant/partner receives Carer’s Allowance for them. Also, relatives, non-relatives and lodgers will not be taken into account.
- 3.7 Furthermore, due to shortage of properties with 4 bedrooms or more the Council will discuss with large households whether their application may be divided into two or more smaller households.

² Also known as a Housing Register

CLASSES OF PERSON THAT DO NOT QUALIFY

- 3.8 Having considered the changes made to the Housing Act 1996 Part VI in the Localism Act 2011, the following classes of person will not normally qualify for a place in a band. There is discretion to waive these classes in exceptional circumstances, as approved by a Housing Needs Manager or Housing Service Manager. Examples of what the Council means by discretion can be found in Section 3.18:
- a) Applicants who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974
 - b) Applicants in serious breach of another condition of their Tenancy Agreement in respect of their current or former accommodation (including temporary accommodation). Examples of a serious breach could include subletting, deliberate damage to property, perpetrator of domestic violence or anti-social behaviour.
 - c) Applicants in breach of s.214 of the Housing Act 1996.
 - d) Applicants with lawfully recoverable arrears or other housing related debt within the meaning of this Allocations Scheme, which have been accrued through deliberate and wilful non-payment
 - e) Applicants whose income or assets exceeds the limits set by the Council using median income data taken from paycheck data (as these limits will change, Housing Needs Officers will use guidance to apply this test).
 - f) Applicants who owe arrears of rent or other accommodation charges to the Council in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a minimum period of 8 weeks. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need. Existing tenants with rent arrears because they have been affected by the under-occupancy charge will not normally be excluded where a move will prevent further arrears building up and they have made a reasonable contribution towards the charge
 - g) Applicants who have refused one reasonable offer of accommodation under the terms of the Allocations Scheme, see Section 4.26
 - h) Applicants that have in the 12 months prior to making an application voluntarily surrendered any tenancy that would have been reasonable for them to continue to occupy
 - i) Applicants who are only lacking one bedroom and are not statutorily overcrowded and this is their only housing need
 - j) Applicants with no residential connection to Barnet as set out at Section 3.10 (save for applicants placed in Band 4 as in Section 3.9 below).

Following the implementation of Homelessness Reduction Act 2017, the Council recognises that if eligible persons are threatened with becoming homeless within 56 days, it still owes them a statutory duty under s.179 to provide advisory assistance on preventing homelessness and securing accommodation when homeless; and a statutory duty under s.195 and s.189B of the Housing Act 1996 (as amended) to take the reasonable steps, set out in their personalised housing plan, to help them either remain in their existing accommodation or secure

alternative accommodation. Those applicants whose homelessness is prevented or relieved or who are referred to another local authority (and the decision to refer is not successful challenged) will not be placed on the housing register

ASSESSMENT OF NEED

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

Band 1: People who have a Reasonable Preference³ and are granted additional preference (being people with a very urgent need to move).

Band 2: People who need to move and fall within one of the Reasonable Preference categories but also qualify for the positive Community Contribution criteria such as being in employment, training or voluntary work. Also for people who currently live in supported housing and have been prioritised as ready for independent living by Adult Social Care, Health or another support provider authorised/approved by the Council.

Band 3: People who need to move and fall within one of the Reasonable Preference categories but do not qualify for the positive Community Contribution criteria.

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

RESIDENTIAL CONNECTION

- 3.10 Residential connection within the terms of this Allocations Scheme will normally mean that an applicant currently lives in the borough and has continuously done so for a minimum of 5 years. However, following the implementation of the Homelessness Reduction Act 2017, a young person owed leaving care duties under section 23C of the Children's Act 1989, looked after by Barnet Council (irrespective of whether they have been placed in a different local authority) will be considered to have established a local connection to Barnet until they reach the age of 21 (when this duty will cease, but this does not affect whether they have a local connection with Barnet under any other provision in the Housing Act 1996). In addition, a person who has been provided with accommodation under s.22A of the Children Act 1989 (provision of accommodation for children in care) who has resided in Barnet for

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

a continuous period of at least two years will be considered to have established a local connection to Barnet even if some of that period accrued before that person turned 16 years old.

- 3.11 Households placed in accommodation outside of the borough by this authority in meeting its statutory duties will also have a residential connection as long as they fulfil the 5 year residential connection. The time spent placed by Barnet in temporary accommodation outside the borough will count towards time spent in Barnet.
- 3.12 Residential connection may also be awarded to people who need to move to a particular locality in the borough, where failure to meet that need would cause exceptional hardship to themselves or to others. Those without a residential connection will not be eligible to be placed in Bands 1, 2 or 3 until this condition is satisfied.
- 3.13 Residential connection requirements will not be applied to those who have been awarded Reasonable Preference under the Allocations Scheme as a result of their spouse or civil partner having served in the armed forces, as set out in Section 2.3 above.
- 3.14 People in the following categories will not normally be considered as having a residential connection:
- Households applying for housing through this Allocations Scheme owed a homeless duty by any other local housing authority under the Housing Act 1996 Part VII s.188, s.190, s.198 or s.193, will be regarded as non-qualifying persons regardless of whether they have been placed in Barnet or not. This is because that other local authority retains the responsibility for re-housing whether under s193 or any other duty by which the other local authority retains responsibility for their accommodation
 - Those placed in the borough of Barnet in residential or supported housing by another borough
 - Secure or flexible tenants of other boroughs
 - Those who do not meet the residential criteria but who have family members in this borough.
- 3.15 Applicants who have been placed in long-term temporary accommodation by the Council will be placed in Band 4. This will only be reviewed if the arrangement is due to expire within the next 3 months and their property lease or occupation arrangement cannot be renewed, or there is a change in circumstances that may increase their priority under the Allocations Scheme. Long-term temporary accommodation includes⁴ private sector properties let via the Council or Housing Association under a leasing arrangement, and non-secure tenancies on the regeneration estates.
- 3.16 Applications for housing will be assessed by Housing Needs Officers using information supplied by the applicant and as a result of further enquiries as

⁴ These examples do not represent an exhaustive list.

appropriate. The Housing Needs Officer will decide whether the applicant falls within the Council's housing banding system and if so which band will apply.

- 3.17 Applicants who are assessed as not falling within one of the Council's Housing bands will only be offered housing advice and assistance as necessary.
- 3.18 The Council recognised that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion in the banding assessment and residential connection. In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:
- Threat to life
 - Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
 - Households who, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community.
 - Cases nominated under the Police Witness Protection Scheme or other similar schemes that the Council has agreed to be part of.
 - An applicant who provides a form of essential support to a close family relative, as defined under s.178(3) of the Housing Act 1996 (this includes parents, siblings, children, uncles, aunts, grandparents, spouses and former spouses) with a serious or enduring health condition who resides in the borough.
 - An applicant who has an exceptional need that is not covered in the Allocations Scheme. For example, where child or public protection issues require rehousing or for domestic abuse where all other options to remain in the home have been considered.
 - Other exceptional circumstances as authorised by the Assistant Director of Operations or equivalent.
- 3.19 Medical priority will be awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their housing conditions and the expected benefits of providing suitable alternative settled housing. Applicants who are assessed as having an overriding medical or welfare housing need will be placed in Band 1; the circumstances that justify this are detailed in Annex 1. The Housing Needs Officer will make the decision based on a medical adviser's recommendations. Thereafter applicants can ask for a review on the assessing officer's decision, which will be carried out by an Officer with no involvement in the case.
- 3.20 We will work together with Social Services and other agencies looking at supply and demand to identify clients currently in supported housing who are ready for independent living. Subject to these discussions and agreement that the client's housing needs cannot be met outside of social housing, clients referred by Adult Social Care and Health will be placed in Band 2, unless there is an urgent need to move in line with the Band 1 criteria.

- 3.21 Where a young person is identified by Children's Services as ready to move on to other accommodation, the young person will be placed in Band 2 or 3 subject to Community Contribution (unless there is an urgent need to move in line with the Band 1 criteria). The amount and type of contribution may vary for young people and the Housing Needs Officer will have discretion to assess this as set out in Annex 3 of this Allocations Scheme.

CONDITION AND SIZE OF ACCOMMODATION

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

COUNCIL TENANTS

- 3.27 Council tenants wishing to move from their existing home will be assessed in the same way as other applicants applying for housing advice and assistance under the Allocations Scheme. As such they will also be subject to the qualification criteria in Section 3.8.
- 3.28 Applications for a transfer may be made jointly by separate tenants of the Council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the Council makes one reasonable offer of a transfer to a third property.

- 3.29 On occasion it may be necessary for a council tenant to move out of their existing home to allow major works to be carried out or because their home is due to be demolished. In these circumstances, the Council will use its discretion to prioritise a move to a suitable alternative home by placing the tenant in Band 1 at an appropriate time.
- 3.30 Council tenants who have to move because major works are required to their home will have the option of moving back to their original home once the works have been completed.
- 3.31 The Council is undertaking a number of regeneration schemes. Under these schemes a large number of existing council homes will be demolished and replaced with new homes owned and managed by Housing Associations. Under the Allocations Scheme, existing secure tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their estate in accordance with the provisions agreed for each estate, before they are made available to any other applicants.
- 3.32 Where a secure council tenant is imprisoned for a period of more than 12 months, and would therefore either accumulate rent arrears or possibly lose their tenancy, they can voluntarily give up their tenancy. Upon release, they would be made a direct allocation of a secure tenancy that meets their needs. The size of accommodation would be the same as their previous tenancy, or a size that meets their needs under the terms of this Allocations Scheme, whichever is smaller. This will not apply to tenants who have been imprisoned in relation to a crime that would enable the Council to seek repossession of their accommodation- where this applies the Council will normally take repossession action.

HOUSING ASSOCIATION TENANTS

- 3.33 Housing association tenants will be assessed in the same way as other applicants applying for housing advice and assistance under the Allocations Scheme.

MUTUAL EXCHANGES

- 3.34 Secure tenants have certain rights in relation to exchanging their tenancies with other secure tenants and in relation to the circumstances in which a member of their household can succeed to their tenancy. These do not fall within the scope of the Allocations Scheme, and full details for how these schemes operate can be obtained from Barnet Homes or their Landlord in the case of Housing Association Tenants.

DISCRETIONARY SUCCESSION

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

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

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

SERVICE TENANCIES

3.37 Employees of the Council or Barnet Homes who have a service tenancy associated with their employment may be rehoused by the Council in certain circumstances as set out in Annex 4. This will be achieved outside of assisted choice through the operation of Section 4.11, subject to the applicant being eligible for assistance under the Allocations Scheme and not disqualified under Section 3.8.

4. HOW THE COUNCIL ALLOCATES PROPERTIES

THE PROPERTY POOL AND ASSISTED CHOICE

- 4.1 Barnet Council operates a property pool and assisted choice lettings system. This means that the Council will maintain a list of properties that are available to let to housing applicants who fall into one of the housing bands described in Annex 1. This will include Council and Housing Association properties and those in the Private Rented Sector.
- 4.2 Priority for Council and Housing Association properties being let as secure or assured tenancies will be determined by housing band, with those applicants in Band 1 having a greater priority than those in Bands 2-4, and those in Band 2 having a greater priority than those in Bands 3-4, and so on. Within bands, priority will be determined by date order⁵.
- 4.3 In considering priority for re-housing between applicants with a similar priority under the banding scheme, the Council will also take account of the immediacy of need of each applicant. This means, for example, that where two applicants in the same band are nominated to the same property, preference may be given where one of the applicants is facing a more immediate loss of their existing home than the other.
- 4.4 To avoid the loss of properties available to the Council, properties in the private rented sector may be offered to applicants across Bands 1-4. In the interests of maximizing the supply of properties to those in housing need and working in partnership with local landlords, landlords play a role in selecting tenants for whom their properties are suitable from a shortlist provided by Barnet Homes.
- 4.5 Applicants will be selected for a property from those that are available that meet their needs and will be required to accept this property as their offer of rehousing. Section 4.24-4.25 below explains in more detail how the Council will determine the suitability of a property.
- 4.6 If no suitable properties are available at the time of banding the applicant's case will remain open until a property becomes available. However, while the case remains open, customers will be encouraged and supported to secure their own accommodation by making use of the private rented sector incentive schemes.

EXCEPTIONS TO ASSISTED CHOICE

- 4.7 Properties which are adapted or are suitable for adaptation, e.g. Extra Care or Sheltered Plus housing, may be allocated to applicants with a substantial disability or with other support needs outside of the Allocations Scheme. Applicants for such properties will be assessed either by Adult Social Care or another health/support provider authorised /approved by the Council as having a significant housing need and meets the Council's eligibility threshold for care and support services.

⁵ Date order means that date that an applicant was placed in the housing band

- 4.8 An allocation may also be made outside banding priority in the case of a Council tenant who is willing to transfer from a property which s/he does not require and which is particularly suitable for an applicant with special or support needs.
- 4.9 Applicants who have a special need for an adapted property or other particular type of accommodation which is in very short supply may be invited to consider a suitable property which becomes available outside of the areas preferred by the applicants concerned.
- 4.10 Applicants who have given up their council tenancy whilst they are in prison as set out in Section 3.32 above.
- 4.11 There may be circumstances where there are urgent strategic, operational or financial reasons to make a direct offer of housing outside of the band and date order criteria. Specific examples of the circumstances where there may be urgent strategic, operational or financial reasons to allocate outside of the band and date order criteria are:
- People that need to move due to a fire or flood, or severe storm damage to their home
 - People who are at imminent risk of violence and are to be housed through a Witness Protection Programme
 - People who it has been agreed must be housed urgently as part of a - for example – a multi-agency protocol such as a MAPPA, MARRAC case or a protocol between the Housing and Social Care Departments of the Council where there is a need agreed between housing and social services to provide a specific property for a vulnerable household.
 - Where a vacant adapted property or a property designed to disability standards becomes available it may be offered to those households with a need for this property type regardless of the date they were registered.
- 4.12 Special allocation arrangements may apply in respect of properties available for letting on new-build developments. **The Council has a Local Letting Policy whereby existing Council tenants with an established housing need under the Council's 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.**
- 4.13 Properties acquired outside the borough may be allocated outside the strict banding and date order priority. The Council will exercise its discretion to prioritise families already living outside the borough for these units. This will enable the Council, in some instances, to better meet the needs of such families as they are able to maintain social networks and support links already established in those areas. In most instances, these households will be already living in other forms of temporary accommodation. This approach supports the Council's commitment to provide a fair and transparent service to everyone applying for housing under the Allocations Scheme and to promote social cohesion in its allocation of accommodation.

- 4.14 Decisions to allocate properties outside of the property pool and assisted choice under Section 4.7 to 4.13 will be authorised by the Assistant Director of Operations. In addition, decisions under Section 4.11 and 4.12 will be notified to an appropriate senior representative of the Council.

PAN-LONDON MOBILITY

- 4.16 Barnet Council participates in pan-London mobility (PLM) arrangements⁶ and accordingly up to five percent of the properties that become available to the Council for re-letting or nomination each year will be made available to transferring tenants from other London local authorities participating in the scheme.
- 4.17 Homes under this scheme are allocated according to the PLM allocations scheme rules and not the rules outlined in this Allocations Scheme. Full details of the PLM Scheme can be found at www.london.gov.uk.
- 4.18 Existing tenants of Barnet Council can make transfer applications through PLM to be considered for vacancies in other London local authority areas.

TYPES OF PROPERTY

- 4.19 Some properties or blocks of properties may be designated for allocation only to applicants sharing a common characteristic or need, for example:
- Properties in blocks of flats for people aged over 40, or aged over 50.
 - Properties in sheltered housing developments for people over 60.
 - Properties in supported housing schemes offering special services.
 - Individual properties which are adapted or otherwise particularly suitable for applicants who use a wheelchair, or
 - Priority for ground floor, level access accommodation, will be given to customers with an assessed need for ground floor, level access accommodation.
 - Priority for houses will normally only be given to households in Band 1 or households with children under the age of 16, unless there are exceptional circumstances approved by Assistant Director of Operations and allocated to households with children over 16.

SELECTION OF PROPERTIES

- 4.20 In selecting properties from the property pool for applicants to consider, the Council will normally take into account the following factors:
- The number of bedrooms required (see Annex 2)
 - Any essential requirement concerning the type or location of rehousing
 - The housing band into which the applicant's case falls
 - The suitability of the accommodation.

- 4.21 The Council will not normally take into account:

⁶Currently known as Housing Moves

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

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

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

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

4.24 The Council will consider that a property is suitable if all of the following criteria are met:

- It is located in an area that the Council considers to be suitable for the applicant and their household
- If it is affordable for the applicant and his or her household based on his or her financial circumstances at the time of offer
- It is sized in accordance with the criteria in Annex 2
- It complies with any recommendation made by a Medical or other relevant advisor.

4.25 In determining the suitability of accommodation, the Council will consider the following:

- The significance of any disruption to the employment, education or caring responsibilities of the applicant or a member of the household
- The accessibility of medical or other support facilities that are currently used by the applicant or a member of the household
- The accessibility of local services, including places of worship, amenities and transport
- Its duty to safeguard children under Section 11 Children Act 2004
- Its public sector equality duty under Section 149 Equality Act 2010
- If a suitable property is located outside of the borough's boundary then the Council has to take into consideration the distance from the applicant's existing accommodation in the borough

- The above are matters for the Council to determine based on the facts of the case.

- 4.26 The Council will allow one reasonable offer of accommodation to be made. Applicants who have received one reasonable offer of accommodation either through assisted choice or a direct allocation and refused it will be excluded from being considered under the Allocations Scheme for 2 years from the date of refusal.
- 4.27 Those households accepted as statutorily homeless and owed a duty to house or have been granted homeless status under s.166A (3) (a) (people who are homeless within the meaning of Part VII of the Housing Act 1996) will lose their priority status banding if they refuse one reasonable offer of accommodation. Unless they have another reason to be awarded priority banding they will then no longer qualify to be placed in a housing band. The one reasonable offer of accommodation made will also bring to an end any statutory homeless duty to any of these applicants owed a s.193(2) or 195(2) and they will be warned of this consequence at the point the property is formally offered to them. The suitability criteria used to determine whether an offer to end a full homeless duty will be the criteria set down in the Suitability of Accommodation Order England 2012, as amended by s.12 of the Homelessness Reduction Act 2017, relevant case law and statutory guidance.
- 4.28 This criteria only applies to an offer of social housing or private rented housing made with the intention of ending a full homeless duty. Where an offer is made to any other banded applicant who is not owed a full homeless duty it is for the Council to define on the facts of the case whether the offer is suitable following the criteria set out in Section 4.24 – 4.25 above.
- 4.29 If an applicant does not reply to an offer within 2 working days of receiving the offer it will be deemed to have been refused unless there are exceptional circumstances as to why there is no response.
- 4.30 Applicants may be offered a property in the private rented sector. These offers are subject to specific regulations that protect the health and safety of tenants. Full details of these regulations are available on request.
- 4.31 An offer of accommodation which is arranged by way of a nomination to a Housing Association will be considered to be as reasonable as an offer of a council tenancy.
- 4.32 An applicant who has been removed from the banding system under Section 4.26 will not be entitled to be reconsidered for housing under this Allocations Scheme for a period of 2 years from the date that the Council notified them of its decision, except where there has been a material change in circumstances such that the offer of re-housing would no longer be suitable, for example because of an enlargement of the applicant's household or a deterioration in ill health.

5. PROCEDURE FOR APPEALS AND REVIEWS

- 5.1 All applicants have the right to request general information about their application, including details of their personalised housing plan, whether they are entitled to any preference for housing and whether and when one reasonable offer of accommodation will be made to them. Decisions made under the Allocations Scheme will be notified to applicants in writing and applicants are entitled to request information concerning the facts of their case that have been taken into account, this includes decisions in relation to the discharge of the prevention or relief duties under s.193C and s.189B of the Housing Act 1996. If the Council intends to discharge their duty due to the applicant's deliberate and unreasonable refusal to co-operate, these applicants will receive a formal notice of the Council's intention pursuant to s.193(B)(2) or s.189B(7) of the Housing Act 1996.
- 5.2 Applicants who are unhappy with a decision made under the Allocations Scheme should in the first instance contact the Housing Options service and explain why they think that the decision is not reasonable. An initial review will then be undertaken of the decision to offer the applicant the property. This review will be undertaken by either the housing officer who dealt with their case or an equivalent officer.
- 5.3 The applicant will be notified whether the decision still stands and the reasons for this usually within 2 working days via a telephone call, text, email or letter.
- 5.4 Where the Council reaches a decision:
- That the applicant is not eligible for the Council's Allocations Scheme by virtue of s160ZA (2) or (4) of the Housing Act 1996 or
 - That the applicant is not a qualifying person under s160ZA (7) of the Housing Act 1996
 - An applicant has requested that the Council consider their housing circumstances are exceptional, but the outcome is that the Council has decided that their circumstances are not exceptional to require the qualification criteria to be waived

For an application where any of the 3 outcomes set out above applies, an applicant will be informed of the Council's decision in writing and will be informed of the reasons for the decision and will have a right to request of that decision. The review process is set out in Section 5 of this Allocations Scheme.

- 5.5 If an applicant wishes to take the matter further, they can make a request for a formal review of the decision within 21 days. In these cases, the applicant will be invited to make a written submission stating the reasons for their request for a review and the Council will seek any further information it requires, including advice from medical and other specialist advisors. Formal reviews will be conducted by a Housing Needs Manager who will notify the applicant of the outcome of the review including the reasons for their decision within 56 days.
- 5.6 Where an applicant wishes to appeal the suitability of an offer of accommodation under Section 5.2 of this Allocations Scheme, the property will be held available

whilst the appeal is considered where this is not likely to lead to an unreasonable delay in letting the property.

- 5.7 Where an applicant requests a formal review concerning the suitability of accommodation under Section 5.6 of this Allocations Scheme, the property will not normally be held available whilst the appeal is considered.

6. GENERAL RULES AND CONDITIONS

DECISIONS

- 6.1 All decisions taken under this Allocations Scheme will be by Housing Needs Officers within The Barnet Group unless otherwise specified. Housing Needs Officers are supported by Housing Needs Managers.

REQUESTS FOR ASSISTANCE

- 6.2 Requests for housing assistance must be made to the Housing Options Service. The Council aims to notify applicants of the result of the assessment of their priority under the Housing Banding System within 33 days. However, in cases where a medical assessment or other special assessment is required, it may take longer to notify applicants of the result.

PERSONS ELIGIBLE FOR ASSISTANCE

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

EVIDENCE OF IDENTITY AND HOUSING CIRCUMSTANCES

- 6.5 All applicants must provide satisfactory evidence of identity and past and current residences for themselves and all household members. The Council will request documentary evidence from each applicant and will conduct such further enquires as are reasonable in the circumstances. It is the responsibility of the applicant to provide the Council with all the information and to provide any supporting information or documents as requested. Thereafter the applicant must fully comply with any request subsequently made by the Officer assessing the application for further information or documentation. Incomplete applications will not be made active until such time as the Council is satisfied that it has in its possession all of

the information it requires to complete an assessment. All incomplete applications will be cancelled after a period of 28 days of inactivity from the applicant from the date information has been requested and not provided (unless there are extenuating circumstances). This cancellation does not prevent the applicant making a subsequent application at a later date, although all applicants should note that in such cases the effective date of registration would not be backdated to the earlier application date.

- 6.6 The Council will normally carry out a visit to each applicant's residence if their priority is sufficient for an allocation of housing under this Allocations Scheme. Visits conducted will include an inspection of the accommodation and facilities and are normally but not necessarily arranged by appointment.

INCOME AND SAVINGS

- 6.7 All applicants will be required to supply evidence of their financial income and resources. Verification of income and savings will be required prior to applicants being offered accommodation. Income assessments will take into account the incomes of both the main applicant and their partner. The income that is assessed will include both gross earned income and income from benefits (excluding disability benefits). Households will not normally be placed in a band or offered social housing if their total income is above the median income level for their household size in Barnet. This is calculated using Paycheck data. Similarly, where applicants have resources above the level set by the Council (£30,000 capital or savings) they will not normally be placed in a band or offered social housing. Households with incomes or assets below these limits will only be banded if they meet the criteria set out in this scheme.

CHANGES OF CIRCUMSTANCES

- 6.8 Once placed in a priority band, applicants should notify the Council in writing of any material change in their circumstances that will affect their priority for housing, for example:
- A change of address, for themselves or any other person on the application
 - Any additions to the family or any other person joining the application
 - Any member of the family or any other person on the application who has left the accommodation
 - Any change in income or savings.
- 6.9 Applications may be temporarily suspended while the Council assesses the information provided by the applicant and completes further enquiries that may be necessary.
- 6.10 The Council will carry out an assessment of each applicant's entitlement to and priority for re-housing on the basis of information which has been provided by the applicant or otherwise received in connection with the applicant.

INVESTIGATION OF FRAUD

- 6.11 The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud. Such enquiries will be made in all cases where applicants appear to have sufficient priority for an offer for rehousing, and in other cases as resources allow and may be made at any time either at the time of application or subsequently including after any grant of tenancy. Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed.
- 6.12 Any applicant seeking to obtain accommodation by making a false or misleading statement, by withholding relevant information or by failing to inform the Council of any material change in circumstances is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.

MEMBERS OF THE COUNCIL, STAFF MEMBERS AND THEIR RELATIONS

- 6.13 In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or rehousing from members of the Council, employees of the Council or associated persons must be disclosed. These applications will be assessed in the normal way but any allocation of housing will require special approval by a Housing Service Manager.

EQUAL OPPORTUNITIES AND MONITORING

- 6.14 The Council is committed to the principle of equal opportunities in the delivery of all of its services.
- 6.15 Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require other special services as a result of visual impairment, hearing difficulties or other disability.
- 6.16 Confidential interview facilities are provided at Barnet House and there is full access for people who use a wheelchair. Home interview services are available for applicants who are elderly or who experience mobility difficulties.
- 6.17 The Council will seek to ensure that its allocation policies are being operated in a manner that is fair to all sections of the community regardless of race, marital status, age, sex, sexual orientation, religion pregnancy and maternity, gender reassignment or disability. The information provided will be kept confidential and treated with respect. The Council believes it is important to understand the different communities who apply for housing and it is only by asking these questions that we can check we are operating a fair system.

- 6.18 All applicants for housing or rehousing will be asked to provide details of nationality, ethnic origin, marital status, age, gender, sexual orientation, religion and disability. This will not, however, be a requirement for acceptance of an application. Equalities records will be kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly.
- 6.19 Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.

CONFIDENTIALITY

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

ACCESS TO PERSONAL DATA

- 6.22 The Data Protection Act 1998 (DPA) provides individuals with a right to request access to any of their personal data held by the Council, and a right to know where the data came from, how it is used and why it is held. Such a request is called a “subject access request” and applies to personal data in housing files.
- 6.23 Subject access requests can be made in writing to any member of the Housing Options Team and must describe the information sought. The request will be sent to the Complaints and Information Team to action. Applicants must state their name and provide proof of their identity, such as a copy of a passport, driving license, or recent utility bill.
- 6.24 Any applications made by third parties on behalf of an applicant (for example by a lawyer acting for a client) must be accompanied by written evidence of authority to act. If this is not possible by reason of disability then the Council should be contacted in order to make alternative arrangements.
- 6.25 The Council may charge a £10 fee to handle a subject access request. There is no charge for students, pensioners, staff, benefit claimants and those on Income Support.

- 6.26 Once the Council has received the information, documentation and fee (if charged) referred to above in Sections 6.23, 6.24 and 6.25, it must begin processing the request and respond within 40 calendar days. There is a limited range of exemptions from the right of subject access.
- 6.27 Housing files may contain information about other people (third parties), such as details of complaints made by other tenants, or comments made by housing staff. If the Council cannot respond to a request without giving information about other people, it is not obliged to include this information in its response unless they consent, or unless it thinks it is reasonable in all the circumstances to disclose this information without their consent.
- 6.28 Under the DPA applicants may also have the right to challenge the information held on them and may request the correction of records which they believe to be inaccurate. Such challenges should be made in writing and addressed to the Assistant Director of Operations.

ACCESS TO OTHER INFORMATION

- 6.29 Anyone has the right to request access to recorded information held by the Council, either under the Freedom of Information Act 2000 (FOIA) or, for environmental information, the Environmental Information Regulations 2004 (EIRs) and after 25 May 2018, the General Data Protection Regulation (GDPR)
- 6.30 Requests under the FOIA must be made in writing, must include the applicant's name and a correspondence address and must specifically describe the information requested. Requests under the EIRs must also comply with these regulations except that they can be made verbally. Please address requests under the FOIA or EIRs to the "FOI Officer" at the Council's postal address or to foi@barnet.gov.uk.
- 6.31 Once a valid request has been reviewed the Council must usually respond within 20 working days.
- 6.32 Requests made by individuals for their own personal data will be treated as "subject access requests" under the DPA (see Section 6.22 to 6.28 above).

ANNEX 1 – BARNET HOUSING BANDS

Band 1: Urgent Need to Move due to Reasonable Preference PLUS additional priority and a residential connection⁷	
	Summary Guide of Criteria⁸
<p>Emergency medical or disability</p> <p>Reasonable Preference category s.166A(3)(d)</p>	<ul style="list-style-type: none"> • Where an applicant's condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the provision of suitable care. • The condition is life threatening and the applicant's existing accommodation is a major contributory factor. • The applicant's health is so severely affected by the accommodation that it is likely to become life threatening. • The applicant has severe mobility issues, is housebound and is unable to leave their accommodation save with assistance that will result in high risk to themselves or their carer. They have an assessed need to move to accommodation that meets their needs. • The applicant is a wheelchair user who is unable to use their wheelchair within their current accommodation and has an assessed need to move to wheelchair suitable accommodation. • The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months. • Where overcrowding in the property leaves the applicant at risk of life threatening infection.
<p>Exceptional Circumstances</p> <p>Welfare and Hardship Criteria</p> <p>Reasonable Preference category s.166A(3)(e)</p>	<ul style="list-style-type: none"> • Emergency need to move determined by the Council and authorised by the Assistant Director of Operations or equivalent. • Applicants who are currently experiencing domestic violence in their home or have had to leave their current home to a place of safety in emergency temporary accommodation allocated by the Council. • Examples of exceptional circumstance cases are given in

⁷ As defined in paragraph 3.5 of this scheme

⁸ This summary guide of criteria does not represent an exhaustive list of all applicants entitled to Reasonable Preference

	Section 3.18
Disability need to move on hardship grounds Reasonable Preference category s.166A(3)(d)	<ul style="list-style-type: none"> Applicants who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.
Release of adapted property Reasonable Preference category s.166A(3)(e)	<ul style="list-style-type: none"> Where a tenant is willing to transfer to a suitable non adapted property and is releasing an adapted house or designated older persons property.
Statutory Overcrowded Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> Tenants who are statutorily overcrowded.
Acute Overcrowding Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> Where a household is 3 bedrooms short of the bedroom standard outlined in Annex 2.
Private sector properties insanitary or unfit Those living in insanitary conditions where the conditions pose an ongoing and serious threat to health Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> Private sector tenants and residents of dwellings that the Council's Private Sector Housing Team has determined that the property poses a Category 1 hazard under the Housing Health and Safety Rating System (e.g. crowding and space, excessive cold or risk of falls) and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, <u>and</u> there is no prospect of the problems being remedied within a 6 month time period. A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004.
Under-occupation Reasonable Preference category s.166A(3)(e)	<ul style="list-style-type: none"> Where a secure Council tenant will release a home with two or more bedrooms by moving to a property with fewer bedrooms than they currently have. Housing association tenants who will release a home with two or more bedrooms are eligible if their landlord agrees that the vacated property can be used for a nomination by the Council.
Major works or demolition Reasonable Preference category	<ul style="list-style-type: none"> Where a council tenant has to move either temporarily or permanently whilst major works are undertaken or where their home is due to be demolished.

s.166A(3)(c)	
Foster carers referred by the Council's Children's Service Reasonable Preference category s.166A(3)(d) and (e)	<ul style="list-style-type: none"> Foster carers approved by the Council whose housing prevents them from being able to start, or continue, to provide foster care.

Band 2 Need to move – Reasonable Preference plus Community Contribution and a residential connection⁹	
	Summary of Criteria
Homeless households owed a full homeless duty under s.193(2) or 195(2). Reasonable Preference categories s.166A(3)(a)	<ul style="list-style-type: none"> People who are owed a duty under s.193 (2) or 195 (2) of the Housing Act 1996 (or under s. 65 (2) or 68(2) of the Housing Act 1985) - This means households who are homeless or threatened with homelessness and in priority need.¹⁰ Applicants owed a full homeless duty by any other Council will not require a residential connection to be placed in this band, but receive a reduced preference for not having a local connection to Barnet Council (until they acquire a local connection with the borough).
Overcrowded by the Bedroom standard. Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> Where a household is 2 bedrooms short of the bedroom standard outlined in Annex 2.
Applicants living in unsatisfactory housing lacking basic facilities. Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> Applicants without access at all to any of the following facilities. No access to: <ul style="list-style-type: none"> A bathroom or kitchen An inside WC Hot or cold water supplies, electricity, gas or adequate heating. Applicants who occupy a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by s.33 of the Housing Act 2004. Applicants who only have access to shared facilities in

⁹ As defined in paragraph 3.5 of this scheme

¹⁰ A person is also threatened with homelessness under s.175 (5) of the Housing Act 1996, as amended by the Homelessness Reduction Act 2017, if they have been given a valid notice under s.21 of the Housing Act 1988, in respect of the only accommodation which that person has which is available for their occupation and which will expire within 56 days.

	shared accommodation will not qualify under these criteria.
Medical grounds Reasonable Preference category s.166A(3)(d)	<ul style="list-style-type: none"> Where an applicant's (or a member of their household) housing is unsuitable because of severe medical reasons or because of their disability. The applicant (or member of their household) is not housebound but their current housing is exacerbating their health conditions.
Hardship or welfare need to move for care or support Reasonable Preference category s.166A(3)(c) and (d)	<ul style="list-style-type: none"> Those who need to move to give or receive care that is substantial and ongoing. Those who need to access Social Services facilities, and are unable to travel across the Borough. Those who need to take up (or continue) employment education or a training opportunity that is not available elsewhere <u>and</u> who do not live within reasonable commuting distance.
Housing need due to age Reasonable Preference category s.166A(3)(d)	<ul style="list-style-type: none"> Older or disabled applicants seeking Retirement or Extra Care or Sheltered Plus housing.
Ready to move on from Council accredited supported care schemes Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> An applicant is ready to move to independent settled housing on the recommendation of the support worker or equivalent. The applicant is in need of medium to long term rather than short term ongoing tenancy support. That support package has been assessed and is in place.
Move on from Care Reasonable Preference category s.166A(3)(c)	<ul style="list-style-type: none"> A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living. They possess the life skills to manage a tenancy including managing a rent account. The care leaver is in need of either a long term or medium term tenancy support. That support package has been assessed and is in place. Following the implementation of the Homelessness Reduction Act 2017," former relevant" carer leaver, as defined by s.24(1B) of the Children's Act 1989 (for whom the Council is continuing to exercise its duties under s.23C of the Children's Act 1989) is considered to have established a local connection to Barnet, irrespective of whether they were placed in Barnet.
Discretionary Succession	<ul style="list-style-type: none"> Where the Council has agreed to grant a tenancy under Section 3.35 of this Allocations Scheme.
Existing Foster carers approved by	<ul style="list-style-type: none"> Where a Foster carer already providing a home for at

the Council willing to provide care for an additional child Reasonable Preference category s.166A(3)(d) and (e)	least one foster child offers to provide care for an additional foster child.
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Band 3: Need to move – Reasonable Preference BUT no Community Contribution and a residential connection¹¹

	Summary of Criteria
Reasonable Preference categories s.166A(3)(a)	<ul style="list-style-type: none"> Applicants in this band will have the same element of housing need / Reasonable Preference as those applicants in Band 2 but will <u>not</u> have the Community Contribution award as defined in Annex 3 of this Allocations Scheme. Once a Community Contribution or Working Household award is given, the applicant will be moved into Band 2.

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

	Summary of Criteria
<p>Applicants owed Reasonable Preference but who have been given reduced priority but are owed, or are likely to be owed, a duty under s.193 (2) or 195 (2) of the Housing Act 1996 (or under s.65 (2) or 68(2) of the Housing Act 1985). Those households owed a full homeless duty in suitable long term temporary accommodation will be allocated Band 4.</p> <ul style="list-style-type: none"> No local connection Unspent housing or welfare benefits convictions Rent or other housing arrears Income or assets exceeding the limits set out in Section 6.7 	<ul style="list-style-type: none"> Customers in this band have reduced preference and are extremely unlikely to be offered social housing but may be helped to find a home in the private rented sector.

¹¹ As defined in paragraph 3.5 of this scheme

<ul style="list-style-type: none"> • Breaches in tenancy conditions • Intentionally homeless (Reasonable preference category S166A(3)(a)) • Homeless but assessed as having no priority need under the homelessness law (Reasonable preference category S166A(3)(a)) • Those in long-term temporary accommodation, including private sector tenancies let via the Council or a Housing Association, to whom a duty is still owed unless the property does not meet the needs of the household or is about to be terminated. 	
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ANNEX 2 - SIZES OF HOMES

The number of bedrooms needed by an applicant depends upon the size of their family. The chart shows the number of bedrooms that we consider an applicant needs based on household size.

- Unborn babies and children under the age of 1 are not considered when determining the number of bedrooms needed.
- Multiple births e.g. twins under the age of 1 are considered when determining the number of bedrooms needed.
- Single people without children are usually offered studios.
- Single bedrooms will be used for one person not sharing (for example a single parent).
- Double bedrooms will be used for two people sharing (for example two children sharing)
- A couple or single parent expecting a baby is entitled to one double bedroom.
- A couple or single parents with a child under one are entitled to one double bedroom.
- Two children of the opposite sex under ten will be expected to share a bedroom.
- Some retiring staff are contractually entitled to one bedroom more than they need.
- Council or Housing Association tenants trading down from properties with three or more bedrooms may choose a property with one bedroom more than they need
- Sometimes Housing Associations adopt different criteria for determining the number of bedrooms a household requires.

SIZE OF FAMILY	SIZE OF PROPERTY
Single person	Bedsit/single person home with single bedroom
A couple without children	1 bedroom
A couple with 1 child who is under the age of 1	1 bedroom
Two adults of the same sex and generation ¹² for example, flat sharers, or two brothers	1 bedroom
A couple with a child aged one or over, including an adult son or daughter	2 bedrooms
A couple with two children of the same sex	2 bedrooms
Two adults of opposite sex who do not live as a couple, for example, brother and sister	2 bedrooms
A couple with two children of opposite sex and both under ten	2 bedrooms
A couple with two children of opposite sex one of whom is 1 or over and the other who is 10 or over	3 bedrooms
A couple with three children	2 or 3 bedrooms

¹² A generation is 20 years or more

	depending on the age of the children
A couple with four children (all of the same sex or two of each sex)	3 bedrooms
A couple with two children of the opposite sex under ten and one dependent relative (for example, widowed mother)	3 bedrooms
A couple with four children (three of one sex and one of the opposite sex)	3 or 4 bedrooms depending on the age of the children
A couple with more than four children	4 bedrooms

ANNEX 3 – COMMUNITY CONTRIBUTION: HOW PRIORITY IS AWARDED

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

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

We recognise that some single adult households who have caring responsibilities for a pre-school child/children may find it more difficult to make a positive community contribution. Therefore, discretion may be applied to the number of hours that adults in such households must be working or volunteering for the household to be awarded a positive community contribution.

Community Contribution Awards – How they work in practice

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

Applicants or their partners and all household members must be able to demonstrate as much as reasonably possible that they have a *current positive residence history* to qualify for a Community contribution award and that none of the following apply:

- On-going culpable involvement in anti-social behaviour or criminal activities.
- Breaches of tenancy within the last 3 years
- Outstanding lawfully recoverable housing-related debt over £100.
- Have an outstanding unspent conviction.

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

Applicants or their partners awarded Community Contribution must also fulfil the eligibility criteria in Section 3 of this Allocations Scheme.

Applicants can access increased priority for housing in five ways;

1. Working Households

This Allocations Scheme aims to support the economic growth of Barnet.

We want to encourage people who can, to work and want to raise levels of aspiration and ambition. We will offer increased priority to applicants who are working but are on a low income and therefore find difficulty in accessing outright

home ownership or low cost ownership. Applicants who have Reasonable Preference can receive increased priority to Band 2 by virtue of their "working" status.

Definition of Working Households

For the purposes of the Allocations Scheme employment is described as having a permanent contract, working as a temporary member of staff or being self-employed. Households will only qualify if either the applicant or their partner has worked for at least 64 hours per month for 6 out of the last 12 months and is currently in employment. Applicants who are on maternity leave or paternity leave but remain in employment can also qualify for this award. Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper in order to qualify.

A person is self-employed if they run their business for themselves. Self-employed workers are not paid through PAYE, and they do not have the employment rights and responsibilities of employees. Households who are self-employed will only qualify if either the applicant or their partner has worked for at least 64 hours per month for 6 out of the last 12 months and is currently self-employed. Applicants must be able to provide evidence to confirm their self-employment in addition to certified accounts as supplied to HM Revenue and Customs (not an online self-assessment) or proof of National Insurance Contributions. Verification will be sought at point of application as well as point of offer under the same terms. If an applicant or their partner is unable to provide satisfactory evidence to confirm that they are self-employed in line with this Allocations Scheme, a household may not be awarded with a Community Contribution.

2. Volunteering

Households will only qualify if either the applicant or their partner has volunteered for at least 64 hours per month for 6 out of the last 12 months and is currently volunteering. Volunteering must be for a not-for profit organisation that is:

- registered with CommUNITY Barnet or
- recognised by the Council or
- a charity that is registered with the Charity Commission or
- is funded by the Council, another local authority or a faith based community group or organisation.

Tenants and Residents Associations which are constituted are classified as not-for-profit organisation. They must be registered with Barnet Council or a Registered Social Landlord to qualify.

Evidence required for voluntary work.

A letter on the organisation's headed paper from the manager responsible for volunteers confirming the applicant's involvement in a minimum of 64 hours per

month of voluntary work for at least 6 months. This person must not be related to the applicant in any way.

3. Training or Education

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

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

To be eligible for the vocational training qualification a person must initially access a recognised Information, Advice and Guidance (IAG) service to develop an agreed action plan and to be signposted to relevant training providers. Candidates must be working towards gaining employment in a vocational occupation.

Applicants eligible for out-of-work related benefits must also be registered with Job Centre Plus and accessing mainstream job brokerage provision, thus actively seeking work. This training must be in addition to, or supplementary to any mandatory training required and may be undertaken in conjunction with volunteering to gain further knowledge and experience.

Some people undertaking training are not actively seeking work. Where the Department of Work and Pensions can confirm that the applicant is not required to actively seek work because of their circumstances, for example they have caring responsibilities, their training can be recognised in this Allocations Scheme.

Households will only qualify if either the applicant or their partner is studying or training against the eligible criteria and definition outlined, for at least 64 hours per month for a continuous period of at least 6 months up to the point of application and continuously until the point of offer.

Evidence required for Training element

Further/higher education candidates must supply evidence of:

- Letter from College or University confirming participation in course of study for period of 6 months.

For vocational training award, the following evidence must be provided:

- Certificate or letter from a registered awarding body for the course or by a recognised training provider as evidence of gaining a recognised vocational qualification or successfully completing accredited work-related training (over a continuous period of at least 6 months).

4. Ex-service personnel

Applicants or their partner, who are assessed as falling within the Reasonable Preference categories relating to service in the armed forces set out in Section 2.3 of this Allocations Scheme, will qualify for a Community Contribution award automatically, with the exception of those who have been dishonourably discharged. This includes people who have served in the Royal Navy, Royal Air Force and British Army.

Service with the armed forces will be confirmed with the Veterans UK.

5. Registered Foster Carers

We recognise the contribution that Barnet foster carers make towards ensuring that children in Barnet's care receive a good service. In order to qualify for a Community Contribution award under this Allocations Scheme, applicants will require a letter from the Council's Children's Service confirming that they have been approved as a Barnet foster carer and that they are in a position to take one or more placements.

6. Carers

An applicant or their partner who is receiving carers allowance for caring for a person will qualify for the Community Contribution award under this Allocations Scheme.

7. Protected Characteristics

Where any applicant cannot reasonably make a Community Contribution, for example go out to work or volunteer, because they have protected characteristics, Housing Needs Officers will consider such cases on an individual basis and use their discretion to award a Community Contribution where they consider this is appropriate.

Protected characteristics include the following: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief, gender and sexual orientation.

8. Young people

Generally young people (applicants aged 25 and under) will be required to meet the full Community Contribution criteria outlined above. However, Housing Needs Officers will have discretion with regard to the length of time a young person has been in employment. In addition, where a young person is able to participate in volunteering and is not in employment or training the number of hours required is 64 hours per month.

Young people referred by Barnet Family Services (Care Leavers)

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

9. Vulnerable adults referred by Adult Social Care

It is acknowledged that vulnerable adults who have been referred for independent living by Adult Social Care and Health are unlikely to meet the requirements of the Community Contribution criteria. In these cases, there will be discretion to apply Community Contribution with the approval of a Housing Needs Manager.

ANNEX 4 - SERVICE TENANCIES

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

AGENDA ITEM 11



Housing Committee

21st June 2018

Title	Compulsory Purchase of long term vacant properties
Report of	Councillor Gabriel Rozenberg
Wards	West Hendon, Brunswick Park and Golders Green
Status	Public (with a separate exempt report)
Enclosures	None
Officer Contact Details	<p>Belinda Livesey – Group Manager 0208 359 7438</p> <p>Clive Dinsey – Environmental Health Officer 0208 359 2494</p> <p>Danielle Franklin - Housing Technical Officer 020 8359 5730</p>

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 appropriate enforcement action is taken.

This report recommends the making of Compulsory Purchase Orders (CPO) in relation to three long term vacant properties and to give Officers the discretion to proceed with any of the three options detailed in the report of consensual purchase, cross undertaking or dispute resolution. The property identification and case details are contained within the exempt report.

Recommendations

- 1** That the Housing Committee recommends to the Assets, Regeneration and Growth Committee to authorise the making of Compulsory Purchase Orders, under Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981, in respect of the properties identified as 'a to c' 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 Housing, Communities and Local Government for consideration and confirmation.
- 3** That, in the event of the Secretary of State for Housing, Communities and Local Government returning any of the Orders for confirmation by the Council, the Deputy Chief Executive be authorised to confirm the Order(s).
- 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** If a cross-undertaking is not entered into as referred to in recommendation 1.5 below, 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** To authorise the Deputy Chief Executive to enter into negotiations for consensual purchase of the property at current market value or to enter into alternative dispute resolution with the owner
- 7** Following compulsory acquisition of any of the properties 'a to c', an options paper on the onward disposal will be brought back to the Assets, Regeneration and Growth Committee for a decision.
- 8** 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 2,000 properties recorded with Council Tax as being long term empty. Some of these properties are in a poor condition and represent an environmental blight on the local neighbourhood and waste of the Borough's housing stock.
- 1.2 The Private Sector Housing Team, part of the Environmental Health Service within Re Ltd, 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. 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 c"; they will be submitted to the appropriate Government Minister 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 Minister 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 The Government guidelines for the making of CPOs (the Crichel Down Rules) also provide for two other ways to proceed. The first of these is that the Council could purchase the property by consent. Once approval for making a CPO is granted, should the owner wish to, they may enter into negotiations with the Council for a sale at current market value. This would be at a similar

cost as the price payable to the owner should the CPO proceed to conclusion but would save considerable Officer time and legal costs.

- 1.7 The second is the use of Alternative Dispute Resolution (ADR) techniques – This involves employing (at joint cost) a suitably qualified independent third party throughout the compulsory purchase process. This mediation might, for example, help to clarify any concerns around the principle of the compulsory acquisition of the land, while an independent valuation might help the owner with regard to the potential level of compensation eventually payable if the order were to be confirmed. The use of ADR can save time and money for both parties, while its relative speed and informality may also help to reduce the stress which the compulsory purchase process could place on an owner.
- 1.8 Once the Order is confirmed, and if there is no consensual agreement to purchase, no ADR used or no cross-understanding agreed (or the terms of the cross-understanding 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.
- 1.9 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.
- 1.10 Details of the three properties are contained in the 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. This is because of the lack of action taken by the owners thus far and the detrimental effect they are having on neighbouring

premises and the wider community. Case details are contained in the associated exempt report.

- 2.2 Whilst there is a procedure for officers to work through to initiate CPO action this is flexible as it depends on the actions taken during the process by the empty property owner. A CPO is a significant piece of enforcement action and if at any stage the owner demonstrates a firm commitment to carry out repairs and return a property to residential use this has to be taken into consideration. As such the timescale of the CPO process varies significantly depending on the particular details of the case.
- 2.3 In relation to property a-c, a full summary of the case details is contained in the "Exempt Report", but the basic details are as follows:

Property Reference	Case summary
A	<p>This vacant property is a two-storey semi-detached property.</p> <p>It is believed that the house has been empty for the majority of the time since at least 2005.</p> <p>To deal with empty homes, Environmental Health have devised a series of three standard format letters to be sent to owners offering assistance to bring the house back into use and advising the owners of the consequences of failing to do so.</p> <p>These letters were sent 2016-2017.</p> <p>On 29 March 2017 the owner attended a meeting at the property.</p> <p>The property was found to be in good order and repair with no significant or obvious defects.</p> <p>The owner indicated a willingness to lease the property to Barnet Homes and the two parties were put in touch but the leasing arrangements were not accepted by the owner.</p> <p>An exchange of letters followed culminating in a formal complaint in March 2018.</p> <p>Whilst this exchange continued, on 21 November 2017, the Empty Property Steering Group considered the case, including the offer of a lease and decided that this report should be submitted to the Housing Committee.</p>
B	<p>This vacant property is a three storey, three / four bedroom semi-detached property. The internal walls have been knocked down and the property has been stripped out. The Council Tax record states that the property has been empty since August 2013.</p>

	<p>The property was first brought to the attention on Environmental Health in February 2017 via a neighbour complaint and an initial visit was carried out on 15th February 2017. The complaint was regarding the lack of progress with the renovation work and the unsightly appearance of the property. One year later there has been very little progress with the renovation works.</p> <p>Environmental Health visited the property again on 2nd May 2017 and the case was referred to the Planning Enforcement team on 5th May 2017 as the work had not progressed following promises from the owner. The Planning Enforcement team served a Town and Country Planning Act 1990 Section 215 Notice in July 2017 taking effect on 16th August 2017. The notice required the owners of the property to clear the land surrounding the building</p> <p>On 16th May 2017 the property was inspected with the owner and extensive work still found to be required.</p> <p>Since this time further communications have been exchanged with the owner regarding the need to progress the works.</p> <p>A Housing Technical Officer visited the property again on 5th December 2017 and 11th January 2018 but no noticeable progress was seen.</p> <p>The Empty Property Steering Group met on 22nd January 2018 and agreed the best course of action would be a Compulsory Purchase Order.</p> <p>Further complaints about vermin have since been received.</p>
C	<p>This vacant property is a three storey 3/4 bedroom, semi-detached property of a traditional solid brick construction.</p> <p>The property was first brought to the attention of Environmental Health in July 2008 following a complaint from a neighbour concerned that the property was unsecure and vulnerable to unauthorised entry. Statutory action was taken by the Council to secure the property.</p> <p>Various letters were sent to the owner with no response. A letter was sent on the 12th June 2009 informing the owner that the Council would be considering Compulsory Purchase action.</p> <p>Multiple efforts were made to engage the owner but all attempts failed and eventually the property was referred to the Councils Cabinet Resources Committee with the intention to Compulsory Purchase the property. On the 16th March 2010 authorisation was given by the Council's Cabinet Resources Committee for a Compulsory Purchase Order (CPO) to be made.</p>

	<p>Communication with the owner followed regarding plans for reoccupation.</p> <p>Following a fire at the property a Prohibition Order was served in April 2012 to ensure no occupation of the property took place in its current condition.</p> <p>The owner was written to on 3rd October 2013 outlining options to bring the property back into use. Mentioned in this letter were the option of a cross-undertaking, Alternative Dispute Resolution (ADR) and a voluntary purchase of the property.</p> <p>A Compulsory Purchase Order was made on 31 January 2014 and an objection received from the Owner. A compromise was reached whereby the Owner who agreed to carry out works to restore the property to a habitable condition.</p> <p>The owner entered into a Cross Undertaking in August 2014 and was given 18 months to complete the work. By agreement the Owner withdrew her objection to the CPO, which was then confirmed. Under the terms of the Cross Undertaking the Council agreed not to implement the CPO provided that the Owner complied with her promise to carry out the work. The Owner did commence the work, which was nearing completion at the time of the Cross Undertaking deadline and the owner was therefore allowed extra time in order to finish the work.</p> <p>Unfortunately, the work was never completed.</p> <p>Further communications were exchanged between HB Law and the owner regarding proposals for completion of the works and the timescale for completion was extended.</p> <p>Despite the extra time given by extending the Cross Undertaking and the multiple attempts to engage the owner to complete the works, the property remains empty and the works are not finished.</p> <p>The Empty Property Steering Group met on 13th March 2018 and agreed the best course of action would be to recommence action for a Compulsory Purchase Order.</p>
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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 firstly to the lack of evidence of anti-social behaviour required to warrant such action and secondly, in one of the three cases, b, the amount of work required to make the property 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, the pressure on the existing housing stock and the continued cause for neighbour complaint.

4 POST DECISION IMPLEMENTATION

4.1 Should the recommendation be approved, the owners of properties “a to c” will be notified in writing. If insufficient or inadequate progress is made in bringing the property back into use, an application will be made to the Secretary of State at the Ministry of Housing, 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 estimated desktop valuation, in their present condition, of

Property a – £600,000

Property b – £540,000

Property c – £765,000

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 property and any property security, repairs or improvements that need to be carried out prior to sale. It is broadly estimated that the property purchases will not all take place during 2018/19. The current capital budget for Empty Properties is as follows:-

2018/19	£2,843,000
2019/20	£2,000,000
2020/21	£467,000

- b. If the Compulsory Purchase Order for any of the properties “a to c” is confirmed, Barnet will proceed if necessary with the acquisition of the property. Compensation will be payable to the owner 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 owners take 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.

- d. A Section 215 notices under the Town and Country Planning Act 1990 is in place on the property b. Unless the owner complies with the terms of this notice, which is unlikely, the consequence is that the owner will lose the entitlement to the Basic Loss Payment described above.

Revenue Costs

- e. For the Compulsory Purchase Orders and acquisition, the revenue costs of making the Orders and associated administration has been provided by funds secured previously from the North London Housing Sub Region for CPO work. These funds are currently held in the Council's reserves. The reserve is managed by Re and currently stands at £158,890.

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 £15,000 per property. These costs will be financed from the reserve mentioned above.

- f. While enforcement engenders the aforementioned revenue costs, once the properties in question are returned to use, they will no longer generate a demand for Council resources, enabling these to be focused on other priorities. The acquisition and immediate disposal of these properties may result in nomination rights for the Council to meet the needs of accepted homeless families, if the properties were 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 Crichton 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. 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 Assets, Regeneration and Growth Committee for a decision.
- 5.4.5 If the acquisition from forced sale of these properties 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 these properties will have a positive impact for all local residents. Empty properties 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 Crichel Down rules for disposal of surplus land acquired by, or under threat of, compulsion" 2015

Anyone wishing to inspect the individual case papers should telephone Belinda Livesey on 020 8359 7438

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Housing Committee Work Programme

June 18 - March19

Title of Report	Overview of decision	Report Of (<i>officer</i>)	Issue Type (Non key/Key/Urgent)
10 October 2018			
Housing Strategy	To agree on the new housing priorities for Barnet	Chairman of the Committee	Key
Homelessness Strategy	To consult on a strategy for tackling homelessness in Barnet	Chairman of the Committee	Key
HRA Business Plan	Update of the Council's Housing Revenue Account Business Plan	Chairman of the Committee	Key
Fire Safety - Progress Update	To receive update (agreed at Housing Committee on 23/10 that an update should be submitted to forthcoming meetings of this Committee.	Chairman of the Committee	Key
Annual Performance Review of Registered Providers (RPs)	For review	Chairman of the Committee	Key
Quarterly Performance Report (KPIs and financial monitoring)	To receive a Quarterly Performance report throughout 2018/19	Chairman of the Committee	Key
An update to Private Sector Housing Fees and Charges	For consideration	Chairman of the Committee	Key

Title of Report	Overview of decision	Report Of (<i>officer</i>)	Issue Type (Non key/Key/Urgent)
14 January 2019			
Homelessness Strategy	To agree on a strategy for tackling homelessness in Barnet	Chairman of the Committee	Key
Barnet Homes Annual Commitments Plan 2019/20	To receive Plan	Chairman of the Committee	Key
Council dwelling rents and service charges for 2019/20	For approval	Chairman of the Committee	Key
Draft Corporate Plan 2019/20 - Housing Addendum	To receive Draft Corporate Plan 2018/19 Addendum with Housing Activities and Indicators	Chairman of the Committee	Key
Quarterly Performance Report (KPIs and financial monitoring)	To receive a Quarterly Performance report throughout 2018/19	Chairman of the Committee	Key
Fire Safety - Progress Update	To receive update (agreed at Housing Committee on 23/10 that an update should be submitted to forthcoming meetings of this Committee.	Chairman of the Committee	Key

Title of Report	Overview of decision	Report Of (<i>officer</i>)	Issue Type (Non key/Key/Urgent)
21 March 2019			
Fire Safety - Progress Update	To receive update (agreed at Housing Committee on 23/10 that an update should be submitted to forthcoming meetings of this Committee.	Deputy Chief Executive	Key
Quarterly Performance Report (KPIs and financial monitoring)	To receive a Quarterly Performance report throughout 2018/19	Deputy Chief Executive	Key

AGENDA ITEM 14

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