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| | <p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER {March 2018}</p> |
| Title | <p>Amendments to the Housing Allocations Scheme</p> |
| Report of | <p>Deputy Chief Executive</p> |
| Wards | <p>All</p> |
| Status | <p>Public</p> |
| Enclosures | <p><i>Appendix 1: Housing Allocations Scheme Appendix 2: Equality Impact Assessment</i></p> |
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Summary

The Homelessness Reduction Act 2017(HRA) comes into force on 3 April 2018. Some minor wording changes to the Allocations scheme (Appendix 1) have been identified as necessary, following legal advice. These changes and the HRA itself should make no difference to the outcomes being achieved by the scheme. Changes have had to be made for several reasons;

1. The statutory definition of being threatened with homelessness has increased from within 28 days to 56 days of threatened homelessness arising,
2. The HRA amendments have introduced new prevention and relief duties imposing additional obligations on the Council to attempt to assist homeless applicants and to attempt to prevent homelessness.
3. The HRA amends the conception of “local connection” for care leavers.
4. The Government has published a new Statutory Homelessness Code of Guidance on 22 February 2018 which explains how Councils should implement the HRA
5. New regulations have also been published governing the statutory review procedure.

All of these issues need to be addressed and included in the allocations scheme.

Decisions

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| 1. That the proposed minor changes to the Housing Allocations Scheme be approved |
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1. WHY THIS REPORT IS NEEDED

- 1.1 The Homelessness Reduction Act (HRA) and the revised Homelessness Code of Guidance come into force on 3 April 2018. The revised Homelessness Code of Guidance requires the way in which local authorities respond to homelessness under the HRA be reflected in the Council's housing allocation scheme.

2. REASONS FOR DECISIONS

- 2.1 Some homeless people are entitled to "reasonable preference" by law under housing allocations schemes and some of the changes to the way in which local authorities are required to respond to homelessness under the HRA need to be reflected in our housing allocations scheme.

- 2.2 Some minor wording changes to the Allocations scheme (see Appendix 1) have been identified as necessary, following legal advice. These changes and the Homelessness Reduction Act itself should make no difference to the outcomes being achieved by the scheme.

- a. The statutory definition of being threatened with homelessness has increased from within 28 days to 56 days of threatened homelessness arising.
- b. The HRA amendments have introduced new prevention and relief duties imposing additional obligations on the Council to assist homeless applicants and to attempt to prevent homelessness.
- c. The HRA amends the conception of "local connection" for care leavers.
- d. The Government has published a new Statutory Homelessness Code of Guidance on 22 February 2018 which explains how Councils should implement the HRA
- e. New regulations have also been published governing the statutory review procedure.

- 2.3 All of these issues need to be addressed and included in the allocations scheme.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 The Council could continue with the existing Housing Allocations Scheme and not make any amendments. This is not recommended as the HRA has amended the statutory provisions underlying the Scheme.

4. POST DECISION IMPLEMENTATION

- 4.1 The revised allocations scheme will be published on the website in April 2018.
- 4.2 Barnet Homes will ensure that all staff dealing with housing applicants are aware of the changes and able to apply them when considering housing applications.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan 2015 to 2020 is based on the priorities of Fairness, Responsibility and Opportunity. Through managing demand for services, the Council is committed to working to prevent homelessness, procuring more properties at Local Housing Allowance rates and helping people to access accommodation in the Private Rented Sector.
- 5.1.2 Through the growth and regeneration programme the Council is building more than 20,000 new homes by 2025. This will include more affordable homes which will be allocated to housing applicants.
- 5.1.3 Preventing and tackling homelessness is a key priority in the Council's Housing Strategy 2015 to 2025.

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

- 5.2.1 This decision is to make minor changes to the Housing Allocations Scheme and has no direct financial implications.

5.3 Social Value

- 5.3.1 Moving people who are homeless or at risk of homelessness into accommodation is of great social value. Longer term better outcomes for homeless households are accumulated through a number of economic, social and health initiatives whilst reducing longer term costs to public services.

5.4 Legal and Constitutional References

5.4.1 Under Article 9 .1(a) of the Constitution, the Chief Officers have delegated powers in respect of all matters which are not key decision (as defined in Article 2) and not reserved for decision by the Council or by a Committee of the Council to make decisions relating to their functions and the functions of their department

5.4.2 Legal advice has been obtained to ensure that the proposed changes are legally compliant.

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

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a protected characteristic and those who do not share it; and
- foster good relations between people from who share a protected characteristic and people who do not share it.

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

5.6.3 An Equality Impact Assessment (EIA) (Appendix 2) was undertaken as part of making changes to the Housing Allocation Scheme. 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 the proposed amendments.

5.6.4 A full Equality Impact Assessment (EIA) was recently undertaken as part of this review of the Housing Allocations Scheme last year (August 2017).

5.7 Corporate Parenting

5.7.1 The Council has implemented a joint protocol 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 There have been two public consultations on the Allocations Scheme; in 2011 when the scheme was originally introduced and the second in 2014. As part of this second consultation consultees were specifically asked to comment on the proposed increase of the Residential Connection from two to five years, the introduction of a Community Contribution and whether applicants who are fleeing violence should be placed into temporary accommodation. As the proposed material changes are only minor amendments to these particular issues and are within the scope of the 2011 and 2014 consultations, the Council has taken the view that it is not necessary or proportionate to send these proposed changes out for further consultation.

5.9 Insight

5.9.1 None

6 BACKGROUND PAPERS

6.1 Relevant previous decisions are listed in the table below.

| Item | Decision | Link |
|--|---|---|
| Cabinet 10 January 2011 | Decision item 6- approved the existing scheme following an extensive period of consultation. | http://barnet.moderngov.co.uk/CeListDocuments.aspx?Committeeld=120&MeetingId=317&DF=10%2f01%2f2011&Ver=2 |
| Cabinet 4 April 2012 | Decision item 5- approved revisions to the existing scheme following a 6 month review. | http://barnet.moderngov.co.uk/CeListDocuments.aspx?Committeeld=120&MeetingId=6792&DF=04%2f04%2f2012&Ver=2 |
| Delegated Powers Report 27 November 2012 | Approved further minor changes in relation to the Homelessness (Suitability of Accommodation) (England) Order 2012. | http://barnet.moderngov.co.uk/documents/s6674/1873%20-%20Revisions%20to%20Housing%20Allocations%20Scheme.pdf |
| Cabinet 24 September 2013 | Decision item 7- approved amendments to the existing scheme and the introduction of a placements policy. | http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=7464&Ver=4 |
| Housing Committee 30 June 2014 | Decision item 6- approved draft changes to the existing scheme and approved public | http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=7935&Ver=4 |

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| | consultation in the proposals. | |
| Housing Committee 27 October 2014 | Decision item 8-approved the proposed revisions to Scheme following on from a period of public consultation, subject to a further review. | http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MIId=7936&Ver=4 |
| Housing Committee 2 February 2015 | Decision item 13- approved the proposed revisions to the Council's Housing Allocations Scheme. | http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MIId=7937&Ver=4 |
| Delegated Powers Report 21 June 2016 | Minor Changes to Housing Allocations Scheme | https://barnetintranet.moderngov.co.uk/ieDecisionDetails.aspx?ID=6473 |
| Delegated Powers Report 15 December 2016 | Minor Changes to the Housing Allocations Scheme | http://barnet.moderngov.co.uk/documents/s36905/Housing%20Allocations%20Scheme%20minor%20changes.pdf |
| Delegated Powers Report August 2017 | Amendments to the Housing Allocations Scheme | https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=6688 |

7. DECISION TAKER'S STATEMENT

7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

8. OFFICER'S DECISION

I authorise the following action

Signed



Date

16th April 2018

REPORT CLEARANCE CHECKLIST

(Removed prior to publication and retained by Governance Service)

Report authors should engage with their Governance Champion early in the report writing process and record the date below. If the decision/report has been reviewed at an internal board please record the date and name of the meeting (e.g. SCB). Otherwise enter N/A.

All reports must be cleared by the appropriate Director/AD, Legal, Finance and Governance as a minimum.

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.

AUTHOR TO COMPLETE TABLE BELOW:

| Who | Clearance Date | Name |
|--|-----------------------|---------------------------------|
| Director / AD / Lead Commissioner | 16/04/2018 | Cath Shaw |
| Chief Legal Advisor | 17/04/2018 | David Tatlow |
| Commissioning and Policy | 26/03/2018 | Paul Shipway |
| Equalities & Diversity | | n/a |
| HB Public Law | 11/04/2018 | Victoria Seifert / legal |
| Finance | 28/03/2018 | Catherine Peters |
| Governance | 10/04/2018 | Jan Natynczyk |