



Cabinet

Title	Housing Strategy, Homelessness and Rough Sleeping Strategy, Tenancy Strategy, and Housing Allocation Scheme
Date of meeting	18 July 2023
Report of	Deputy Leader and Cabinet Member (Portfolio Holder) for Homes and Regeneration
Wards	All
Status	Public
Key	Key
Urgent	No
Appendices	<p>Appendix A – Draft Housing Strategy</p> <p>Appendix B – Draft Homelessness and Rough Sleeping Strategy</p> <p>Appendix C - Draft Tenancy Strategy</p> <p>Appendix D – Draft Housing Allocation Scheme</p> <p>Appendix E – Housing Strategy and Homelessness and Rough Sleeping Strategy Evidence Base</p> <p>Appendix F – Housing Strategy Summary Consultation Report</p> <p>Appendix G – Homelessness and Rough Sleeping Strategy Summary Consultation Report</p> <p>Appendix H – Tenancy Strategy Summary Consultation Report</p> <p>Appendix I – Housing Allocation Scheme Summary Consultation Report</p> <p>Appendix J – Housing Strategy Equality Impact Assessment</p> <p>Appendix K – Homelessness and Rough Sleeping Strategy Equality Impact Assessment</p> <p>Appendix L – Tenancy Strategy Equality Impact Assessment</p>

	Appendix M – Housing Allocation Scheme Equality Impact Assessment
Lead Officer	Cath Shaw, Deputy Chief Executive Officer; Laura Giles, Head of Strategy and Compliance (The Barnet Group)
Officer Contact Details	cath.shaw@barnet.gov.uk laura.giles@barnethomes.org

Summary

The council has developed new drafts of the Housing Strategy, Homelessness and Rough Sleeping Strategy, Tenancy Strategy, and Housing Allocation Scheme to take account of changes to the administration’s priorities and the current context (including changes in the housing sector, demographics, and economic factors, as summarised for the Housing and Growth Committee in March 2023), and to ensure key documents are updated in line with statutory expectations. The draft documents were approved for public consultation by the Housing and Growth Committee in March 2023. The consultations have now been completed and revised drafts of the documents are presented for Cabinet’s consideration, along with a summary of the consultation outcomes.

Recommendations

1. That Cabinet approves the revised draft Housing Strategy attached at Appendix A.
2. That Cabinet approves the revised draft Homelessness and Rough Sleeping Strategy attached at Appendix B.
3. That Cabinet approves the revised draft Tenancy Strategy attached at Appendix C.
4. That Cabinet approves the revised draft Housing Allocation Scheme attached at Appendix D.

1. Reasons for the Recommendations

Introduction

- 1.1 The Housing and Growth Committee approved the development of a new Housing Strategy, Homelessness and Rough Sleeping Strategy, and Tenancy Strategy, and a review of the Housing Allocation Scheme in June 2022. In March 2023, Housing and Growth Committee approved all four draft documents for public consultation.
- 1.2 Public consultation has now been completed, and this report summarises the changes that have subsequently been made and presents the updated documents for approval. The main changes to and the priorities within the four documents take forward the council’s aims as set out in the Labour Group’s election manifesto in the 2022 local elections. The public consultation provided additional opportunity to gain feedback from residents and stakeholders to help shape the documents.
- 1.3 Officers have also updated the evidence base (Appendix E) that supports the Housing Strategy and Homelessness and Rough Sleeping Strategy to reflect the latest performance information where relevant.

Housing Strategy

- 1.4 The Housing Strategy includes the following themes:

- Prevent homelessness and support rough sleepers off the streets. [Note: to be articulated through the Homelessness and Rough Sleeping Strategy]
- Deliver the right homes in the right places.
- Ensure safe, sustainable council housing.
- Raise quality and standards in the private rented sector.
- Support living well by promoting healthy homes and wellbeing.

1.5 A summary report on the public consultation is included at Appendix F. No significant changes have been made to the strategy as a result of the consultation. There was no substantial feedback to suggest that changes were necessary, and there was strong support for the vision, themes, and priorities within the strategy. The majority of the comments concerned matters that do not fall directly under the scope of the Housing Strategy; in particular concerns about infrastructure. In response to this, the existing references to infrastructure and the need to shape places and secure healthy, resilient, and cohesive communities through the council's regeneration and development plans have been slightly expanded upon.

1.6 The consultation period also saw continued engagement with stakeholder council services, and the following additions have also been made to the strategy:

- Foreword from the Portfolio Holder for Homes and Regeneration added.
- Recognition of the contributions and collaborative working with partner organisations added to the introduction section.
- Existing text on the standards for accessible properties amended to ensure accuracy in line with the Local Plan provisions (theme 2).
- Additional information added about diverse types of housing across all tenures that the borough aims to deliver through its Local Plan, to improve the Planning Department's ability to manage the new Local Plan and for the provision of homes across tenures (theme 2).
- A commitment added on better understanding the needs of the Gypsy, Roma, and Irish Traveller community within Barnet, in line with the London Housing Strategy and to support the new Local Plan (theme 2).
- A commitment added on improving the approach to tackling housing fraud (theme 2).
- Brent Cross case study updated with the latest copy from the developers (theme 2).
- Key charts and performance information updated throughout to reflect latest data.
- Diagram added to the end of the strategy to put the Housing Strategy into context alongside other key council strategies and plans.

Homelessness and Rough Sleeping Strategy

1.7 The Homelessness and Rough Sleeping Strategy includes the following themes, which were influenced by the Government's 'Homelessness Code of Guidance' on publishing a homelessness strategy:

- Prevent homelessness
- Ensure a sufficient supply of accommodation

- Provide support for people who are or have been homeless

1.8 A summary report on the public consultation is included at Appendix G. No significant changes have been made to the strategy as a result of the consultation as there was no substantial feedback to suggest that changes were necessary, and there was very strong support for the themes and priorities within the strategy. Some of the suggestions made during the consultation will be considered as the supporting implementation plan is developed.

1.9 The following changes have been made to the strategy:

- Foreword from the Portfolio Holder for Homes and Regeneration added.
- Key charts and performance information updated throughout to reflect latest data, including key achievements since the previous strategy.
- Priority 2 aim expanded to clarify that funding will be sought to meet diverse needs.

Tenancy Strategy

1.10 The Tenancy Strategy sets out the matters to which the registered providers of social housing operating within a local authority area, including the local housing authority itself, are to regard in formulating policies relating to:

- the kinds of tenancies they grant;
- the circumstances in which they will grant a tenancy of a particular kind;
- where they grant tenancies for a fixed term, the lengths of the terms; and
- the circumstances in which they will grant a further tenancy on coming to the end of an existing tenancy.

1.11 A summary report on the public consultation is included at Appendix G. There was very strong support for the proposals and no changes have been made to the strategy as a result of the consultation.

1.12 The following changes have been made to the strategy:

- Key charts and performance information updated throughout to reflect latest data.

Housing Allocation Scheme

1.13 Under Section 166A of the Housing Act 1996, as amended by the Localism Act 2011, every local housing authority in England must have a scheme (their “allocation scheme”) for determining priorities and the procedure to be followed in allocating housing accommodation. The Housing Allocation Scheme is one of the most important policy documents for the council. It makes a real difference to people’s lives, but inevitably there are far more residents seeking social housing than there are properties available to let. Barnet is the second largest London borough in terms of population but has one of the smallest social housing stocks in the capital with just over 9,000 council-owned homes for rent, for allocation to those in need of social housing. The 2021 Census indicated that only 13.5% of all Barnet’s housing is social housing.

1.14 A summary report on the public consultation is included at Appendix I. No significant changes have been made to the strategy as a result of the consultation as there was no substantial feedback to suggest that changes were necessary, and there was strong support for each of the main proposed changes within the policy.

1.15 The consultation period also saw continued engagement with stakeholder council services. As a result of initial feedback from the Housing Options service, a large number of minor changes

were made to the policy in the version approved for public consultation; these were intended to provide greater clarity about the approach taken and ensure the policy is up to date with the latest legislative and operational requirements. During the consultation period a detailed review of the draft policy was undertaken with Housing Options officers, and this has led to the changes below. All changes are to improve clarity and consistency for applicants and officers and do not represent major policy changes.

- Section 1.8 - Clarification of the role that will take decisions to allocate properties outside of band and date order.
- Section 2.6 - Correction of the residential connection requirement to read “for the applicant or their partner” (rather than “and their partner”).
- Section 2.7 - Clarification that housing related debt of under £100 will not be considered.
- Section 2.8 - Clarification added regarding former social housing tenancy rent arrears for former Barnet Council tenancies and other former social housing tenancies.
- Section 2.8 - Clarification added that the council will not monitor whether the applicant has set up or adhered to a payment plan once a decision has been taken that they do not qualify for this rule.
- Section 2.9 - Additional information about how and when applicants can request discretion.
- Section 3.2 - Correction of (non-related) live in carers being added as household members on the application in the first draft; this has been moved instead to bedroom need considerations; this would allow for carers to change, and does not bestow succession rights to carers.
- Section 3.8 - Additional detail added regarding the level of authorisation needed regarding applicants with connections to the council or The Barnet Group.
- Section 3.9 - Clarification regarding applications being cancelled if the applicant has had their homelessness resolved through Let2Barnet, an offer of accommodation, or finding their own private rented sector accommodation.
- Section 3.10 - Clarification regarding instances where the council does not accept justification for household members moving in added to the “worsening circumstances” rules.
- Section 3.12 - Clarification added that the 21 days to request formal review of a decision comes from the date of being informed of the outcome of the informal review.
- Section 3.16 - Additional information added regarding size of accommodation to allow for households with a child under 5 with a need for two-bedrooms to be considered for a one-bedroom property if they request this.
- Section 3.16 - Additional information added regarding size of accommodation to allow for transferring households with a child living in a one-bedroom property who are not considered to be statutorily overcrowded to be allocated a two-bedroom property where there is availability and if they agree.

- Section 3.16 - Clarification added regarding how additional communal living rooms will be treated as a bedroom for the measurement of overcrowding and assessment of size of accommodation.
- Section 4.2 - Clarification added to summarise the requirements of applicants in order to be banded.
- Annex 1 - Clarification added to summarise the requirements of applicants in order to be banded.
- Annex 2 - Addition of live in carer (where evidenced) resulting in a requirement for an additional bedroom.
- Annex 2 - Addition of detail from section 3.16 regarding consideration for a property that is one bedroom size less than their assessed need.
- Annex 2 - Addition of detail from section 3.16 regarding potential discretion for allocation of a two-bedroom property for transferring households currently living in a one-bedroom property that are not considered to be statutorily overcrowded.
- Annex 3 - Correction to Community Contribution to remove all household members as needing to meet the qualification rules.
- Annex 3 - Education added to section title on evidence of training.
- Annex 6 - Personal Independence Payment added.

1.16 In March 2023, Housing and Growth also requested a change to Annex 2's bedroom size requirements. The consultation draft had been updated to allow for households with a child aged over 6 months old to have a two-bedroom need; the policy has been updated to allow for households with one child of any age to have a two-bedroom need. Other size of property determinations based on size of family remain as per the outgoing policy.

Reasons for the recommendations

- 1.17 The Homelessness Act 2002 places a statutory duty on each local authority to carry out a review of homelessness and develop a strategy every 5 years.
- 1.18 The Localism Act 2011 places a statutory duty on local housing authorities to keep their tenancy strategy under review.
- 1.19 The Housing Act 1996, as amended by the Localism Act 2011, places a statutory duty on each local authority to have an allocation scheme for determining priorities and setting out the procedure to be followed in allocating housing accommodation.
- 1.20 The draft documents have been reviewed following the public consultations that took place between April 2023 and June 2023. The responses to the consultations were positive and it is recommended that the draft documents are approved by Cabinet.
- 1.21 The reports to Housing and Growth on 23 March 2023 set out the reasoning for the changes between the current documents and the consultation drafts.

2. Alternative Options Considered and Not Recommended

- 2.1 Cabinet could decide not to approve the revised draft Housing Strategy, Homelessness and Rough Sleeping Strategy, Tenancy Strategy, and Housing Allocation Scheme; however, at Housing and Growth Committee's meeting in June 2022 it instructed officers to prepare these, and subsequently approved the draft versions for consultation in March 2023. The responses

received during the public consultation about the proposed documents have largely been positive.

- 2.2 Not revising the statutory Homelessness and Rough Sleeping Strategy, Tenancy Strategy, or Housing Allocation Scheme, or not having a revised Housing Strategy is not recommended because the current ones would not be reflective of the changes noted earlier in this report nor of the administration's manifesto commitments, nor would the council meet the statutory requirement to prepare and publish a Homelessness and Rough Sleeping Strategy, Tenancy Strategy, and Housing Allocation Scheme and keep these under review.

3. Post Decision Implementation

Housing Strategy and Homelessness and Rough Sleeping Strategy

- 3.1 The Housing Strategy and Homelessness and Rough Sleeping Strategies will be implemented by the council. Implementation Plans will be finalised and delivered, with regular updates on progress provided to appropriate stakeholders, including through the implementation of relevant priorities in Our Plan for Barnet (the council's Corporate Plan) and the Transformation Programme. The approved strategies will be art-worked and published on the council's website.

Tenancy Strategy

- 3.2 The Tenancy Strategy will be implemented by the council and as from 1 August 2023, Barnet Homes will start to issue secure periodic tenancies to all new council tenants. In some instances, as set out in the draft strategy, these will continue to be preceded by an introductory tenancy. In the period between Cabinet approval of the new strategy and the implementation date, Barnet Homes will agree processes and documentation to deliver the change in approach.
- 3.3 The approved Tenancy Strategy will be published on the council's website, and communications will be issued to private registered providers in the borough to make them aware of the new strategy.
- 3.4 Barnet Homes will also implement a tenancy migration plan to issue new secure periodic tenancies to existing tenants on fixed-term tenancies. Based on the legal advice received, to vary the tenancy the council will be required to ask tenants to agree a variation of the terms of their existing flexible tenancies in order to convert this to a secure periodic tenancy. Flexible tenancies held jointly and where one of the joint tenants is no longer around will be required to be surrendered before a secure periodic tenancy is issued.
- 3.5 Where the tenant does not sign, their current tenancy will prevail. Experience shows that not all flexible tenants will sign the variation and therefore a proportion will remain on their current flexible tenancy until it is either brought to an end at the expiry of the fixed term or becomes a secure periodic tenancy. The variation exercise will target tenants with flexible tenancies and provide them with the information on the process and their rights to help them with their decision. The variation exercise is expected to run over a 12-month period. Those households that a) have the longest remaining duration periods on their existing introductory tenancy that would become a flexible tenancy and b) have the longest remaining duration period on their existing flexible tenancy, will be prioritised first in the variation exercise. In the period between Cabinet approval of the new Tenancy Strategy and the implementation date of 1 August 2023, seven introductory tenancies that would become flexible tenancies are due to reach their review date; these are expected to become flexible tenancies and they will be picked up in the variation exercise to become secure periodic tenancies.

- 3.6 The aim following the approval of the draft Tenancy Strategy is to migrate the current flexible tenancies to secure periodic tenancies over as short a period as possible and to stop granting new ones at the earliest possible opportunity. The migration model will cover the following and is expected to affect approximately 1,500 existing council tenants who currently have a flexible tenancy or an introductory tenancy that was due to become a flexible tenancy:
- Introductory tenants who were previously told their tenancy would become secure periodic tenancies after the initial 12 months will be allowed to convert as normal.
 - Introductory tenants who were previously told their tenancy would become flexible tenancies after the initial 12 months will be asked to sign a variation to allow the tenancy to become a secure periodic tenancy.
 - Flexible tenancies with 9 months or less to go will be allowed to convert to secure periodic tenancies.
 - Flexible tenancies with more than 9 months will be asked to sign a variation to allow the tenancy to change to a secure periodic tenancy with immediate effect.
 - Joint flexible tenancies with more than 9 months, and where one of the joint tenants is absent, will be asked to serve 4 weeks' notice and then granted a new secure periodic tenancy; we cannot legally vary the tenancy with only one of the joint tenants.

Housing Allocation Scheme

- 3.7 The Housing Allocation Scheme will be implemented by the council and as from 1 October 2023, the changes will come into effect. The approved Housing Allocation Scheme will be published on the council's website, and communications will be issued to private registered providers in the borough to make them aware of the new policy. Prior to the policy's implementation, Barnet Homes' Housing Options service will undertake preparatory activities including required process and system changes, staff training, and updates to letter templates.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 Our Plan for Barnet 2023-26 is centred around being a council that cares for people, our places, and the planet.
- The Housing Strategy will play a key role in helping to achieve the ambitions under the People priority to care for people by tackling inequalities, being family friendly, and living well. Under the Places priority it will help to achieve the ambitions to deliver quality, affordable homes. Under the Planet priority it will support our journey to net zero.
 - The Homelessness and Rough Sleeping Strategy will play a key role in helping to achieve the ambitions under the People priority to care for people by tackling inequalities. Under the Places priority it will help to achieve the ambitions to deliver quality, affordable homes.
 - The Tenancy Strategy will play a key role in helping to achieve the ambitions under the People priority to care for people by tackling inequalities, being family friendly, and living well.
 - The Housing Allocation Scheme will play a key role in helping to achieve the ambitions under the People Strategy by tackling inequalities and being family friendly.

4.2 The Housing Strategy context diagram on page 32 of the draft strategy sets out the links between the Housing Strategy and other key council strategies, including Our Plan for Barnet 2023-26.

Corporate Performance / Outcome Measures

4.3 The council's key housing-related strategies will contribute to the delivery of Our Plan for Barnet and the Transformation Strategy. The outcomes framework includes the below measures, which are a combination of statutory requirements, Barnet Homes Delivery Plan targets, and outcomes or outputs that are expected to demonstrate delivery of the priorities within the Housing Strategy and Homelessness and Rough Sleeping Strategy.

- % of tenanted council homes that meet the Decent Homes Standard;
- % of tenanted council homes for which all required gas safety checks have been carried out;
- % of tenanted council homes for which all required fire risk assessments have been carried out;
- Council tenant satisfaction that the home is well-maintained;
- Council tenant satisfaction that the home is safe to live in;
- % repeat homelessness applications;
- % rough sleepers returning to the streets;
- Number of homelessness preventions;
- Number of affordable homes completed;
- 1,000 homes at 50% of market rent;
- Number of social housing lettings per annum.

Sustainability

4.4 There are no direct environmental or sustainability implications from approving the recommendations. The draft Housing Strategy includes aims that support the delivery of the council's Sustainability Strategy, the BarNET Zero campaign, and the council's Net Zero targets regarding its social housing stock, and these would be expected to have a positive impact on sustainability.

Corporate Parenting

4.5 Foster carers are included in the group that would receive highest priority (if their housing prevents them from being able to start, or continue, to provide foster care) through the council's Housing Allocation Scheme. Council housing also remains the most affordable housing option for care leavers. 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.

4.6 As a corporate parent to all children in care and care leavers, the council must have regard to the need to act in the best interests and promote the physical and mental health and wellbeing of those children and young people, help them gain access to and make the best use of services provided, promote high aspirations and seek to secure the best outcomes for them, help ensure

they are safe and have stability in their home lives, and prepare them for adulthood and independent living.

Risk Management

- 4.7 There is a risk if the Housing Strategy, Homelessness and Rough Sleeping Strategy, Tenancy Strategy, and Housing Allocation Scheme are not updated that the current documents do not reflect the significant contextual changes summarised in this report, that the housing requirements of the borough are not met, and the statutory expectations associated with the Homelessness and Rough Sleeping Strategy, Tenancy Strategy, and Housing Allocation Scheme are not met. There are no identified significant risks associated with taking these decisions as recommended.
- 4.8 Regarding the Tenancy Strategy, when the council decided to move to issuing flexible tenancies in 2012, risks were identified regarding a potential negative impact on community cohesion with tenants feeling less of a commitment to the area in which they live, the potential for flexible tenancies to curtail their aspirations in order to keep their homes, and for increased administration in assessing whether a tenancy should be extended. The proposed move to issuing secure periodic tenancies and ceasing to offer flexible tenancies removes these risks.
- 4.9 The move to issuing secure tenancies instead of fixed-term tenancies is expected to have a positive impact on community cohesion, with tenants likely to feel more of a commitment to the areas in which they live. It will also relieve the administration in managing fixed-term tenancies, including assessing whether tenancies should be extended.
- 4.10 The intention of implementing fixed-term tenancies was to provide local flexibility in the granting of tenancies that would help to ensure that, in a borough with high demand for social housing and relatively low availability of homes each year, the council's housing stock could be managed effectively and more homes could be provided for those most in housing need by dealing effectively with under-occupation so that such households could be offered properties more suited to their housing need.
- 4.11 In practice, it has been found that the use of fixed-term tenancies has not been an effective tool in reducing the number of under-occupiers, with none offered a smaller property due to under-occupation. The majority of households upon review of their fixed-term tenancy have had it continued at the same property for a further five years, with a total of only 5 tenancies ending or being reissued at an alternative property. The review process has highlighted that the majority of households under-occupying are elderly tenants who, through the outgoing Tenancy Strategy, hold secure tenancies and therefore are not subject to the review process.
- 4.12 There is a low risk that ceasing to offer fixed-term tenancies could remove a tool for taking action against tenants who are in breach of their tenancy agreement. However, tenancy is not a tool for tackling issues such as anti-social behaviour, and breaches of tenancy will continue to be managed through effective tenancy management practices.
- 4.13 Regarding the Housing Allocation Scheme, the move to two offers of social housing instead of one is expected to have a positive impact on residents who qualify under the Housing Allocation Scheme, as they will be afforded more choice in the home they are allocated. Under the current one offer policy, the number of cases in Barnet where applicants are removed from the Housing Needs Register for refusing one offer is relatively low at just over 40 cases on average each year, which is around 5% of all lettings, with 95% of applicants accepting the property they are offered. This low refusal rate is understandable when set against the fact that Barnet is an area where demand for social housing far outweighs availability. To mitigate the risk of delays to the

letting of properties as a consequence of introducing a two-offer policy, Barnet Homes' Housing Options service will review its lettings procedures with the aim of minimising the turnaround times on empty properties.

Insight

- 4.14 The Housing Strategy and Homelessness and Rough Sleeping Strategy have been informed by the evidence base at Appendix E which includes insight gained through the Healthy Workplan's Homelessness Prevention and Insight Project.
- 4.15 More and more local authorities are ceasing to grant flexible tenancies following the enactment of the Localism Act 2011 when the first tenancy strategies were issued. Registered providers are following suit. The main reason for this is the management of flexible tenancies is resource heavy and unless they are administered in accordance with the legislation, they cease to have the effect they were intended for. Barnet's new Tenancy Strategy reflects this.

Social Value

- 4.16 There are no social value implications; however, outcomes that are ultimately delivered through the new Housing Strategy and Homelessness and Rough Sleeping Strategy will take into account the delivery of social value through any procurement that is undertaken. It should be noted that the strategies themselves will additionally secure wider social, economic, and environmental benefits through delivery of its objectives.

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

- 5.1 There is limited supply of social housing in Barnet. In 2022/23 there were over 2,700 homeless applications and only 609 social housing properties available to let, of which 298 were council homes. There are significant costs associated with social housing generally, including managing the allocations service, managing the provision of council housing and providing services to those experiencing homelessness or the threat of homelessness. All of these are affected over time by the demand for housing.
- 5.2 The Housing Strategy aims to increase the supply of suitable affordable accommodation in Barnet for those in most housing need who cannot afford home ownership or high private sector rents, will support the council to work with partners to meet the housing and support needs of residents, and will promote the health and wellbeing of individuals and build sustainable, balanced, and cohesive communities.
- 5.3 The Homelessness and Rough Sleeping Strategy aims to increase the supply of suitable affordable accommodation in Barnet for those in most housing need who cannot afford home ownership or high private sector rents, will support the council to work with partners to meet the support needs of residents, and will deliver earlier interventions to prevent homelessness.
- 5.4 The Tenancy Strategy will provide council homes in Barnet for those in most housing need who cannot afford home ownership or high private sector rents, will support the council to work with social landlords to meet the housing and support needs of residents, and will promote the health and wellbeing of individuals and build sustainable, balanced, and cohesive communities.
- 5.5 The Housing Allocation Scheme is the means by which that demand is allocated to existing properties. The revised Housing Allocation Scheme will assist in managing those pressures and assist officers in making the best use of the resources available to them. The Housing Allocation Scheme is intended to ensure the available social housing is allocated fairly to those who are most in need. The Housing Allocation Scheme will support the council to work with social

landlords to meet the housing and support needs of residents, and will promote the health and wellbeing of individuals and build sustainable, balanced, and cohesive communities.

- 5.6 Following approval, the documents will be delivered within the existing budgetary frameworks within the Housing Revenue Account and the General Fund, and where applicable from the budgets of key service areas as appropriate including Adult Social Care, Family Services, and Public Health. As options for targeted service development and improvement are identified under the Housing Strategy and Homelessness and Rough Sleeping Strategy, these will be appraised and business cases will be managed to secure their delivery.
- 5.7 It should be noted that there is a shortfall in funding to address some of the challenges set out in the Housing Strategy and Homelessness and Rough Sleeping Strategy, including achieving national and local decarbonisation targets, increasing housing supply to meet all of the borough's demand, providing sufficient specialist housing to meet likely needs, and providing specialist support and accommodation for those who are homeless or at risk of homelessness, including those who are survivors of domestic violence. The strategies therefore acknowledge the need to apply for competitive funding to deliver a range of outcomes, and they emphasise the need for increased funding from Central Government, regarding which the council sets out that it will play a role in campaigning and lobbying for. This uncertainty of funding for some aspects of the strategies means that there is a chance that some of the aims will not be possible to deliver, either in full or partially, during the lifetime of this strategy; however, in the event that relevant funding cannot be secured, other options for achieving positive outcomes in line with the aims will be explored, including the potential for allocation of resource from existing budgets where possible. Barnet Council and Barnet Homes have a strong track record of successfully applying for funding where opportunities have arisen, and the council has no reason to anticipate that it would not achieve future success in the event of new funding streams becoming available.
- 5.8 The additional resource required to undertake the variations for existing flexible tenancies under the Tenancy Strategy will be met through existing resource in Barnet Homes.
- 5.9 The move to issuing secure period tenancies instead of flexible tenancies will remove the administrative burden associated with managing flexible tenancy reviews. This is presently undertaken by half a full-time equivalent post. Barnet Homes will use this post to initially deliver the tenancy migration exercise, and will then deploy the resource to further the aim of providing tenants with guaranteed security through ending fixed term tenancies by enabling officer time to be focused on tenancy management issues such as supplementing the resourcing available to provide an empathetic and effective anti-social behaviour service.
- 5.10 Alongside the review of the Tenancy Strategy, Barnet Homes is reviewing its Tenancy Management Policy; this sets out the principles and practices in place regarding a range of tenancy-related matters including sole and joint tenancies, tenancy fraud, introductory and demoted tenancies, ending a tenancy, right to appeal, changes to a tenancy, and succession.

6. Legal Implications and Constitution References

Housing Strategy

- 6.1 Section 29 of the Deregulation Act 2015 abolished the statutory requirement for English authorities to produce a housing strategy as previously required by section 87 of the Local Government Act 2003.

6.2 Where a Greater London authority has a local housing strategy, section 333D of the Greater London Authority Act 1999 provides that this should be in general conformity with the Mayor's London Housing Strategy.

Homelessness and Rough Sleeping Strategy

6.3 Section 1 of the Homelessness Act 2002 provides that a local housing authority in England may from time to time

- (a) carry out a homelessness review for their district; and
- (b) formulate and publish a homelessness strategy based on the results of that review.

The legislation also expects that the homelessness strategy will be renewed within five years of the last one being published.

6.4 The Homelessness Reduction Act 2017 significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services, in some form, to all those affected, not just those who have 'priority need'.

Tenancy Strategy

6.5 Section 150 of the Localism Act 2011 sets out that:

(1) A local housing authority in England must prepare and publish a strategy (a "tenancy strategy") setting out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to—

- (a) the kinds of tenancies they grant,
- (b) the circumstances in which they will grant a tenancy of a particular kind,
- (c) where they grant tenancies for a term certain, the lengths of the terms, and
- (d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

6.6 A housing authority must have regard to its tenancy strategy in exercising its housing management functions (section 150(3) of the Localism Act 2011). A local housing authority must keep its tenancy strategy under review and may modify or replace it from time to time (section 150 (5) of the Localism Act 2011).

6.7 Section 150(6) of the Localism Act states that if a local housing authority modifies its tenancy strategy, it must publish the modifications or the strategy as modified (as it considers appropriate).

6.8 Under Section 151 of the Localism Act 2011, before adopting a tenancy strategy, or making a modification to it reflecting a major change of policy, the authority must:

- (1)(a) send a copy of the draft strategy, or proposed modification, to every private registered provider of social housing for its district, and
- (b) give the private registered provider a reasonable opportunity to comment on those proposals.

6.9 Under Section 151 of the Localism Act 2011, when preparing or modifying its tenancy strategy, a local authority must have regard to:

- (3)(a) its current allocation scheme under section 166A of the Housing Act 1996,

- (b) its current homelessness strategy under section 1 of the Homelessness Act 2002, and
- (c) in the case of an authority that is a London borough council, the London housing strategy.

6.10 Under section 2.2 (Tenure) of the Tenancy Standard provided by the Regulator of Social Housing, registered providers of social housing are required to publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud, and set out:

- (a) The type of tenancies they will grant;
- (b) Where they grant tenancies for a fixed term, the length of those terms;
- (c) The circumstances in which they will grant tenancies of a particular type.
- (d) Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period.
- (e) The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property.
- (f) The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.
- (g) Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.
- (h) The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy.
- (i) Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

Housing Allocation Scheme

6.11 Part 6 of the Housing Act 1996 regulates the allocation of social housing by local housing authorities in England. A local housing authority must “comply with the provisions of [Part 6] in allocating housing accommodation” (Section 159 (1) of the Housing Act 1996); however, subject to this compliance, authorities otherwise may “allocate housing in such manner as they consider appropriate” (Section 159 (7) of the Housing Act 1996).

6.12 Section 166A (1) of the Housing Act 1996, as amended by the Localism Act 2011, provides that every local housing authority must “have a scheme (their “allocation scheme”) for determining priorities, and as to the procedure to be followed, in allocating housing accommodation.” For this purpose, “procedure” includes all aspects of the allocation process, including the persons or descriptions of persons by whom decisions are taken.

6.13 Section 166A (3) through (14) of the Housing Act 1996 requires the scheme to be framed so as to secure that reasonable preference is given to certain categories of person. Section 166A (5) and (6) list factors which the authority may take into account under the scheme. Section 166A (9) requires certain information to be available. Under section 166A (10) the Secretary of State may make regulations as to the principles to be reflected in a scheme. Section 166A (12) requires the authority in preparing or modifying their allocation scheme, have regard to —

- (a) their current homelessness strategy under section 1 of the Homelessness Act 2002

- (b) their current tenancy strategy under section 150 of the Localism Act 2011, and
- (c) in the case of an authority that is a London borough council, the London housing strategy.

Section 166 (14) requires the authority not to allocate housing except in accordance with their allocation scheme.

6.14 Section 166 (13) of the Housing Act 1996 sets out that:

“Before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, a local housing authority in England must—

- (a) send a copy of the draft scheme or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have nomination arrangements, and

- (b) afford those persons a reasonable opportunity to comment on the proposals.

6.15 Section 160ZA of the Housing Act 1996, as amended by the Localism Act 2011, specifies that social housing may only be allocated to ‘qualifying persons’ and in subsection (7) provides that subject to subsections (2) and (4) of Section 160ZA and any regulations under subsection (8), local housing authorities are given the power to decide what classes of persons are, or are not, qualified to be allocated housing.

6.16 Local housing authorities are obliged to have regard to the Government’s statutory guidance on social housing allocations, “Allocation of accommodation: guidance for local housing authorities in England”, when devising and implementing their allocation schemes, and to the Department of Levelling Up, Housing, and Communities’ Homelessness Code of Guidance for Local Authorities (February 2018). The Allocation of accommodation guidance was first published in June 2012, and updates are routinely made to it.

Council’s constitution

6.17 The council’s Constitution (Part 2D – Terms of reference and Delegation of Duties to the Cabinet) sets out the responsibilities of Cabinet which include:

- 3. Responsibility for the following functions:

- 3.3 Recommending major new policies (and amendments to existing policies) to the Council for approval as part of the Council’s Policy Framework and implementing those approved by Council;

- 3.4 Approving policies that are not part of the policy framework

- 4. All key decisions – namely:

- 4.2 an executive decision which is likely to be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough

7. Consultation

7.1 Following the approval for public consultation by Housing and Growth Committee on 23 March 2023, formal public consultations began for eight weeks; the consultations on the Housing Strategy, Homelessness and Rough Sleeping Strategy, and Housing Allocation Scheme were extended to just over ten weeks. The consultations included online surveys and focus groups, in addition to targeted communications with key affected parties for some of the documents. Whilst focus groups were held with relatively small numbers of residents, these are a valuable

approach to genuine engagement that provides the opportunity for detailed discussion about aspirations and the aims of the documents that lends itself to more qualitative feedback.

7.2 The outcomes of the consultations indicated that there was strong support for the four documents. Summary reports on the consultation are contained in Appendices F-I.

8. Equalities and Diversity

8.1 Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. Consideration of the duties should precede the decision. It is important that Cabinet has regard to the statutory grounds in the light of all available material such as consultation responses. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

8.2 A public authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.3 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:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- 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;
- 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.

8.4 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.

8.5 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, in particular, to the need to:

- Tackle prejudice, and
- Promote understanding.

8.6 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:

- Age

- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership

- 8.7 Equality Impact Assessments have been undertaken after consultation to assess the potential impacts of the documents. The EIAs have indicated a potential positive impact on all groups due to the aims to increase access to affordable, quality housing across tenures, aims to prevent homelessness and provide support to those at risk of or affected by homelessness, proposed increased security of tenure, and increased choice to those applying for social housing. Summary EIAs are included for the Housing Strategy and the Homelessness and Rough Sleeping Strategy at Appendices J and K, and full EIAs are included for the Tenancy Strategy and Housing Allocation Scheme at Appendices L and M.
- 8.8 Further Equalities Impact Assessments may be undertaken as part of the planning or delivery of activities and projects that may arise from the implementation of the Housing Strategy and/or Homelessness and Rough Sleeping Strategy, as required, and adjustments or mitigations will be made as appropriate.

9. Background Papers

- 9.1 Housing and Growth Committee, 13 June 2022, Item 10, approved to instruct officers to explore the emerging housing allocation priorities of the new administration and, where considered appropriate, review and propose amendments to the Housing Allocation Scheme and Tenancy Strategy, and noted proposed timetable for the review of the Housing Strategy and Homelessness and Rough Sleeping Strategy: [Agenda for Housing and Growth Committee on Monday 13th June, 2022, 7.00 pm \(modern.gov.co.uk\)](#)

Housing Strategy

- 9.2 Housing and Growth Committee, 23 March 2023, Item 12, approved the draft Housing Strategy for consultation: [Agenda for Housing and Growth Committee on Thursday 23rd March, 2023, 7.00 pm \(modern.gov.co.uk\)](#)
- 9.3 Housing Committee, 1 April 2019, Item 8, approved Housing Strategy 2019-24: [Agenda for Housing Committee on Monday 1st April, 2019, 7.00 pm \(modern.gov.co.uk\)](#)

Homelessness and Rough Sleeping Strategy

- 9.4 Housing and Growth Committee, 23 March 2023, Item 13, approved the draft Homelessness and Rough Sleeping Strategy for consultation: [Agenda for Housing and Growth Committee on Thursday 23rd March, 2023, 7.00 pm \(modern.gov.co.uk\)](#)
- 9.5 Housing Committee, 1 April 2019, Item 9, approved the Homelessness and Rough Sleeping Strategy 2019-24: [Agenda for Housing Committee on Monday 1st April, 2019, 7.00 pm \(modern.gov.co.uk\)](#)

Tenancy Strategy

- 9.6 Housing and Growth Committee, 23 March 2023, Item 11, approved the draft Tenancy Strategy for consultation: [Agenda for Housing and Growth Committee on Thursday 23rd March, 2023, 7.00 pm \(moderngov.co.uk\)](#)
- 9.7 Housing Committee, 29 June 2015, Item 11, approved changes to the Local Tenancy Strategy: [Agenda for Housing Committee on Monday 29th June, 2015, 7.00 pm \(moderngov.co.uk\)](#)
- 9.8 Cabinet, 4 April 2012, Item 6, approved the new Local Tenancy Strategy: [Cabinet Briefing Note: \(moderngov.co.uk\)](#)

Housing Allocation Scheme

- 9.9 Housing and Growth Committee, 23 March 2023, Item 14, approved the draft Housing Allocation Scheme for consultation: [Agenda for Housing and Growth Committee on Thursday 23rd March, 2023, 7.00 pm \(moderngov.co.uk\)](#)