

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR OF GROWTH & SUSTAINABILITY

TITLE: LETTINGS POLICY 2023

REPORT TO:	Cabinet
Date of Meeting	8 February 2023
Cabinet Member Portfolio	Regeneration and Culture
Key Decision	Yes
Public or Private	Public

Purpose of report

This report presents the final draft of the new Barnsley Council Lettings Policy to be implemented in 2023/24. The new policy has been produced following an independent review by the Northern Housing Consortium and Campbell Tickell, development of the draft policy by the Lettings Policy Review Board and a full consultation process involving Members, Stakeholder Partners, and Service Users.

Council Plan priority

Healthy, Growing, Learning, Sustainable and Enabling Barnsley.

Recommendations

That Cabinet -

1. Endorse the final draft Lettings Policy, noting and supporting the areas of significant change, and resolves to recommend to Full Council with any minor amends to be delegated to the Service Director for Regeneration and Culture in consultation with the Portfolio Holder for Growth and Sustainability.
2. Notes and supports the Implementation Plan and Timescales for the adoption of the new Lettings Policy from 1st December 2023.

1. INTRODUCTION

- 1.1 The purpose of the Lettings Policy (in line with the Housing Act 1996 Part V1 (as amended by the homelessness Act 2012 and Localism Act 2011) is to set out clear guidelines to ensure that the Council's social housing stock and

nominations to Registered Providers is allocated fairly, according to housing needs of waiting list applicants and to meet the priorities of the Council. The implementation of the Council's Lettings Policy, and the assessment and lettings functions, are delegated to Berneslai Homes as the Arm's Length Management Organisation responsible for the management of the Council's housing stock.

- 1.2 The Council's Lettings Policy was last updated and adopted in November 2018. This was a light-touch refresh responding, in the main, to the Homeless Reduction Act 2017.
- 1.3 In March 2021, Cabinet endorsed a full review of the Council's Lettings Policy to be undertaken. This was in response to:
 - An increasing number of applicants joining the Housing Waiting List
 - A reducing number of properties available to let (turnover reduced by 25%).
 - An opportunity to generate efficiencies in service provision and improve the customer journey, responding to the Charter for Social Housing.
 - Increased waiting periods for applicants to be re-housed – across all priority bands.
 - Member requests to review the Policy considering the commencement of a new contract period (Service Agreement) with Berneslai Homes.
- 1.4 An independent review of the current policy was undertaken between April and September 2021 by the Northern Housing Consortium and Campbell Tickell. The review highlighted several recommendations to amend the existing policy to ensure that it better meets the needs of the residents of our borough. Cabinet Members were briefed on 17th November 2021; seeking support for the recommendations to be used as the basis to produce an updated Policy (and Implementation Plan) to enable further consultation with Tenants, Members and Partners in advance of adoption.
- 1.5 The key areas for review included:
 - Banding - reducing the number of bands, the priority groups within them (particularly who gets the most priority) and how non-bidding is dealt with.
 - A review of how the Council deals with under-occupation
 - A review of how the Council prioritises applicants under its Homeless Relief and Prevention duties
 - A review of access to the waiting list for those who can address their own housing need and those with no connection to the borough
- 1.6 In advance of presenting the outcome of the review to Cabinet, 3x All Member Briefing sessions were held in October 2021 to explain the areas that the review would further explore.
- 1.7 Cabinet endorsed the recommended areas for review and the establishment of the Lettings Policy Review Board to be chaired by the Portfolio Holder for Growth and Sustainability alongside his deputy and the portfolio Holder and

deputy for Communities (Cllr Jenny Platts and Cllr Brenda Eastwood - now Health and Adult Services).

- 1.8 The Review Board has met 3-weekly over the last 9 months, to review each key area and to inform the new policy. A copy of the draft policy document is attached at Appendix 1. In summary, the key amendments to the new policy include:

Key principle	Key amendment
Balance Supply and Demand	<ul style="list-style-type: none"> • Tighter qualification: <ul style="list-style-type: none"> • Limit access to owners, those with high income. • Must live in or have connection to qualify. • Annual lettings plan
Rehouse those in most need	<ul style="list-style-type: none"> • Reduced bands. • Priority award only where rehousing will have positive impact. • Highest need and no composite assessments. • Band 1 – limited to emergency only. • Reduced priority for those who can resolve needs. • Remove the 10% of lettings to waiting time only. • Applicants must proactively bid to remain on the list.
Make better use of stock	<ul style="list-style-type: none"> • Property matching – no spare bedrooms in family homes. • Single and couples can have 2 beds but only flats and bungalows. • Direct lets criteria enhanced – increased flexibility. • Bypass rules enhanced – ensure best use of stock and balance needs of applicant and existing communities
Quality advice and support	<ul style="list-style-type: none"> • Pre-application - Market place model to manage expectations. • Affordability assessments. • Tenancy ready advice and support plans - monitored.
Positive housing register management	<ul style="list-style-type: none"> • Reduced preference - in band demotions and priority discharge - manage those applicants not proactively managing their rehousing and “clogging” system. • Reduced preference – inactive bidding for those applicants not ready to move or incentivise positive behaviour change those previously suspended or excluded. • Limits on reasonable offers and unreasonable refusals. • More frequent reviews of priority cases • Tighter qualification rules and pre-registration checks
Transparency	<ul style="list-style-type: none"> • Enhanced publishing of data • BMBC assurance framework • Strengthened appeals, reviews, and complaints

1.9 Following the development of the draft Policy document, a robust consultation process has been held with Members, key stakeholders, and service users. A summary of how Berneslai Homes and the Council has met our legal and regulatory duties in relation to the consultation process, and summary of the consultations, is included at Appendix 2.

2. PROPOSAL

2.1 It is proposed that Cabinet endorse the final draft of the Lettings Policy, noting and supporting the areas of significant change, and resolves to recommend approval to Full Council. Further to the consultation noted in Appendix 2.

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

3.1.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).

3.1.2 This report seeks approval from Cabinet to endorse the final draft Lettings Policy which is, together with the associated functions, administered and delivered on the Council’s behalf, by Berneslai Homes.

3.1.3 The new policy will allow Berneslai Homes to better deploy its housing property resources by fundamentally reviewing the key drivers that allocate properties to residents and implement the necessary changes. Upon conclusion of the review, the associated policies in place for the following areas: eligibility bandings, under occupations, transfers, and allocations policy, will be updated accordingly.

3.1.4 The required resources for the implementation were identified as a priority investment and duly set aside through the 2022/23 Housing Revenue Account budget process. The resources detailed below have been paid to Berneslai Homes as part of the 2022/23 Management Fee.

<u>Investment & Other Policy Decisions</u>	2022/23 £
Lettings Policy Implementation	66,000
Income Services Modernisation	155,000
	221,000

3.1.5 Therefore, there are no direct financial implications as a result of this report.

3.2 Legal

3.2.1 Section 166A Housing Act 1996 requires that the Council must have a scheme (their “allocation scheme”) for determining housing accommodation priorities, and as to the procedure to be followed, in allocating housing accommodation.

3.2.2 In making a variation to that scheme the Council must have regard to their

current homelessness strategy and tenancy strategy; have regard to any Secretary of State guidance and comply with any regulations; and before adopting have sent copies to relevant registered social providers and registered social landlords

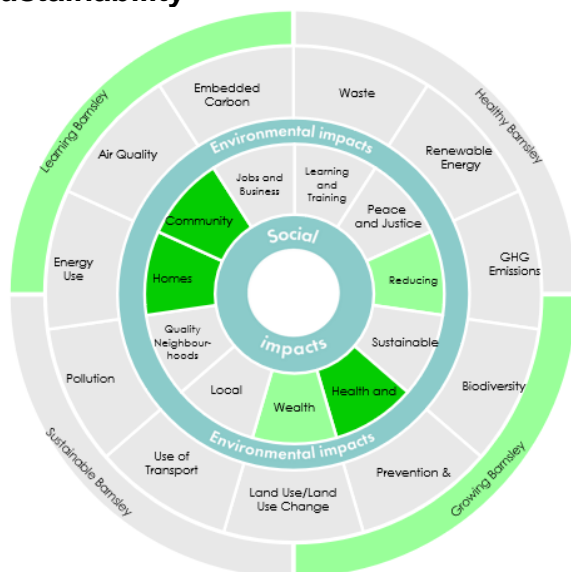
3.2.3 Appendix 3 sets out the legal and regulatory duties of the Council in consulting on changes to the Policy and the steps that both Berneslai Homes and the Council has taken to meet these.

3.3 Equality

3.3.1 The Equality Impacts have been highlighted and considered as an integral part of the policy development workshops. Given the importance of the Homeseeker Scheme, it was agreed by the Lettings Policy Review Board that an independent group of officers and involved tenants would undertake a full Equality Impact Assessment (EIA). A copy of the completed EIA is included at Appendix 4 and recommends that the policy is adopted. Key equality issues have focussed on the changes to the policy and only a light touch review of the technical equality impacts of customers accessing and using the Homeseeker Services as these equality issues have been subject to several Equality Impact Assessments with the most recent being in 2018. The main focus of the EIA has been:

- Impact of tighter restrictions for owner occupiers and those with higher incomes and those out of district without a local connection.
- Impact of changes to the bedroom and property matching rules.
- Pre assessment checks, verification and requirement for positive participation in a support and tenancy ready plan.
- Changes to a more proactive housing register management.
- Removal of the 10% waiting time only lettings.
- Changes to the review, appeals and complaints aspect.
- Impact of the enhanced direct lettings rules.

3.4 Sustainability



3.4.1 Whilst there are minimal direct environmental impacts in implementing the new policy, creating sustainable neighbourhoods which have good levels of community cohesion and resident pride reduces instances of fly-tipping, ASB and void turnover (which creates waste) and increases opportunities to make the best use of shared greenspaces, improve biodiversity and reduce waste. There are significant social impacts to adopting a new policy which makes the best use of properties to meet housing need and offers affordable accommodation to those that are unable to access housing on the open market. In turn, quality housing which best meets need requirements improves health and well-being.

3.5 Employee

3.5.1 There are no direct employee implications arising from this report. The additional resource required for the implementation of the new policy has been funded from the HRA and is referenced in the HRA Budget report 2023/24.

3.6 Communications

3.6.1 There have been no formal communications in relation to the new policy to date, outside of the consultation processes. A full comms plan will be produced jointly between the Council and Berneslai Homes relating to the implementation process. Officers are working closely with the Comms Team to ensure that we can respond positively to comms requests and media enquiries as well as to individuals, should Cabinet/Full Council agree to the adoption of the new strategy.

4. CONSULTATION

4.1 In advance of this report being submitted for Cabinet approval, 3x All Member Briefing sessions were held with Members to gauge their views on the proposed changes. A summary of comments/concerns was collated and has been re-circulated to Members alongside some frequently asked questions. Officers presented the Draft Policy and report to SMT and provided cabinet with a short presentation on the emerging policy. Appendix 3 details the full consultation process which includes sessions with our housing association partners and Tenant Voice Panel.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Do Nothing: This is not an option. Whilst the 2018 policy complies with legislative requirements, as a minimum, there are several amendments required to the layout and narrative (within document itself) that will strengthen the policy, improve transparency, and ensure that it remains fit for purpose.

5.2 'Light Touch' Review: Whilst it is possible to address the content and layout of the 2018 policy without making any significant changes to the policy itself, the review has identified a number of areas in which the Council can significantly improve how it allocates council stock within the borough to better meet housing need, meet the expectations of applicants and make the best use of administrative resources. Whilst this may impact on the eligibility/priority of

individual applicants, a policy review will ensure that the council is doing all it can to address the housing need of applicants; helping those in priority need to be adequately housed. All changes will be subject to a full Equality Impact Assessment.

6. REASONS FOR RECOMMENDATIONS

- 6.1 This report details the full review process that officers have undertaken and recommends that Cabinet endorse the final draft version of the policy and its progression to Full Council for approval.

7. LIST OF APPENDICES

Appendix 1: Final DRAFT Lettings Policy 2023

Appendix 2: Implementation Plan

Appendix 3: Consultation Summary (Appendix 3a summary of survey results)

Appendix 4: EIA

8. BACKGROUND PAPERS

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

9. REPORT SIGN OFF

Financial consultation & sign off	P DANFORTH 14/12/22
Legal consultation & sign off	Jason Field 12/12/2022

Report Author: Sarah Cartwright
Post: HOS Housing, Sustainability and Climate Change
Date:04/12/2022