

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

REPORT OF THE EXECUTIVE DIRECTOR PLACE TO CABINET ON 12 JANUARY 2022

Public or private: Public

Barnsley Council Lettings Policy – Homelessness Banding

1. PURPOSE OF REPORT

- 1.1 This report seeks approval to amend the Council's Lettings policy to change the priority banding criteria for both Full and Relief homeless applicants to Band 1.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 **Cabinet endorses the proposed change to banding for Full and Relief Homeless applicants and recommends progression to Full Council for approval at the earliest opportunity.**
- 2.2 **Barneslai Homes implement the policy change and for the Lettings Policy to be updated to reflect the banding change.**

3. BACKGROUND

- 3.1 On 3rd April 2018, the Homelessness Reduction Act 2017 came into force. The Act 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 to all those affected, not just those who have 'priority need'. To ensure compliance with new legislation, and as recommended in the accompanying statutory code of guidance, the Council's Lettings Policy was reviewed jointly between BMBC, Barneslai Homes and representatives from the Tenant's Federation (the Review Panel) to give effect to the new duties set out in the 2017 Act.
- 3.2 On 19th September 2018, Cabinet approved a report which made minor changes to homelessness banding within the policy to ensure that the Council could best meet the duties within the Act. The changes are summarized in the table below:

Band	Change to Align with Homeless Reduction Act	Rationale
1	There was no change – FULL Duty homeless applicants ((eligible, homeless, priority need, not intentional, local connection).	It was envisaged that the new focus on preventing homelessness - working with those at risk of homelessness at a much earlier stage would ultimately reduce this category of applicant.
2	Band to provide reasonable preference to applicants threatened with homelessness and owed the Prevention Duty (section 195 (2)).	It was envisaged that prioritising those at risk of homelessness in band 2 would 1) give applicants a greater chance of securing accommodation before becoming homeless and 2) encourage those at risk of homelessness to seek early support and assistance.
3	Band to provide reasonable preference to applicants owed the Relief Duty (section 189B).	Band 3 priority was given to those applicants who were already homeless but who were not given Full Relief Duty.

4. CURRENT SITUATION:

- 4.1 In March 2021, Cabinet approved a full review of the Council’s Lettings Policy and the Northern Housing Consortium/Campbell Tickell were commissioned to undertake an external assessment and review of the existing Lettings Policy (adopted in 2018), with respect to its compliance with regulatory standards, supporting strategic objectives and in relation to the impact of several specific ‘drivers for change’ within the Barnsley operating environment. Amongst other things, this included homelessness and the impact of the 2018 Homelessness Reduction Act (HRA).
- 4.2 The review concluded that Full duty and Relief duty should sit within Band 1. Currently, relief duty sits within Band 3, and is having a significant impact on the cost of B&B and Temporary Accommodation. The number of homeless applications has significantly increased over the last 3 years as has the numbers of people placed in temporary accommodation and Bed and Breakfast (including couples and families). However, the lettings made to homeless applicants remains static in relation to increased demand. The level of demand faced by Barnsley is unsustainable and can only be addressed by identifying and supporting those most in need, making the best use of all housing resources available within Barnsley to meet their needs and by maximising the impact of multi-agency support partnerships.
- 4.3 It is proposed that preference to applicants at risk of homelessness (owed Prevention Duty) remains as Band 2.
- 4.4 Further to the recommendations within the independent review, a series of proposed policy changes have been developed, which will ultimately set a new framework for the allocation of council housing within our borough. These proposals have been shared with officers within the Council and Berneslai Homes, the Berneslai Homes Board and Cabinet Members. The next stage of the review

process is to develop a revised policy document which responds to identified policy changes and an implementation plan, which will include a 12-month review of the policy to review the impact on the waiting list, waiting times and allocations.

- 4.5 Given the current levels of homeless applications and the impact that this is having on demand for temporary and bed and breakfast accommodation, it is proposed that banding priority for homeless relief applicants be amended at the earliest opportunity rather than waiting for the development of the full new allocations policy and implementation period. This approach was supported by the Council's Senior Management Team and Members during the consultation process following the independent review. The amendment to the policy document itself, alongside any procedural/operational changes within Berneslai Homes and BMBC's Housing and Welfare Service, are considered minimal. At the point of policy implementation, the priority given to any existing homeless applicants who are entitled to Relief duty will be reviewed.

5. MEMBER CONSULTATION:

- 5.1 In line with the member engagement strategy agreed by Cabinet in March 2021, a key part of the consultants' commission was to ensure that Members had an opportunity to review the recommendations from the report and to discuss the wider impacts of any proposed changes. Officers from both the Council and Berneslai Homes, alongside representatives from the Northern Housing Consortium and Campbell Tickell, held a series of All Members Briefings between the 11th and 18th October 2021. At these sessions, Members were given a presentation which:

- Explained the purpose and the legislation associated with an Allocations Policy;
- Explored the robustness of the Council's current Lettings Policy and recommendations for amendment/review; and
- Explained the next steps in terms of developing a DRAFT Lettings Policy, timescales for the required extensive consultation and the development of an implementation plan.

- 5.2 Whilst the review and recommendations were, in the main, well received by Members, there were a few queries in relation to a couple of the recommendations. These included the suggestion that changes to homelessness banding (having both full and relief duty applicants in Band 1 (relief duty are currently in Band 3) should be progressed in advance of the development of the new policy and wider consultation piece. A proposal welcomed by the Housing and Welfare Advice Service due to the potential to reduce the reliance on temporary and Bed and Breakfast accommodation.

6. CONSIDERATION OF ALTERNATIVE APPROACHES

- 6.2 **Amend the Lettings Policy in Full before making any banding changes.** This is an option. However, there is an opportunity for the Council to take a decision on priority banding for homeless applicants on an accelerated basis. It is envisaged that this amendment to priority will assist the Council to make the best use of its housing stock by being able to better prioritise the re-housing of those applicants in the very greatest need. In this instance those in temporary or bed and breakfast accommodation. In turn reducing the time that applicants are spending in temporary

accommodation which is both disruptive for the tenant and expensive for the local authority.

7. PROPOSAL AND JUSTIFICATION

- 7.1 It is proposed that the changes to banding for Full and Relief Homeless applicants is approved in line with the report recommendations.

8. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 8.1 A review of the Lettings Policy, and any implemented changes, will ensure that the Council makes the best use of its available stock to meet the housing needs of residents across the borough.

9. FINANCIAL IMPLICATIONS

- 9.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 9.2 Members have previously discussed the approval to endorse the development of a new Lettings Policy which will review the eligibility bandings and update accordingly to ensure our housing resources are allocated to priority areas.
- 9.3 This report seeks approval from Cabinet to accelerate the amendment of priority bandings for homelessness applicants. This proposed change is in advance of the full submission to Cabinet of the Council's revised Lettings Policy.
- 9.4 The financial impact of this accelerated element of the policy change is unquantifiable at this stage. It is however envisioned that the current cost of temporary accommodation incurred by the Council will be reduced over the medium to longer term as the revised policy is embedded.

10. EMPLOYEE IMPLICATIONS

- 10.1 There are no direct employee implications arising from this report.

11. LEGAL IMPLICATIONS

- 11.1 Any proposed changes to the existing Lettings Policy will require consultation with the Council's Legal Team, who will also be included as a key stakeholder of the policy development group.

12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

- 12.1 All proposed changes to the Lettings Policy will be fully assessed and comply with Equality and Diversity Issues. An updated Equalities Impact Assessment will be jointly produced by Berneslai Homes and the Council as the draft policy is produced.

13. TACKLING HEALTH INEQUALITIES

- 13.1 Any revisions to the Lettings Policy will allow the Council to ensure that it fully complies with its legislative requirements and makes best use of its stock to ensure that residents in the borough are appropriately housed. This includes for eligibility criteria for those applicants who require specific accommodation due to their age/health and the impact that living in temporary accommodation can have on the health and well-being of individuals.

14. REDUCTION OF CRIME AND DISORDER

- 14.1 Within the existing, and any proposed policy documents, safeguards will be in place to reduce ASB in new tenancies.

15. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

- 15.1 The review of the Council's Lettings Policy will ensure that it maximizes all opportunities to contribute to the Council's 4 corporate priorities – Healthy, Learning, Growing and Sustainable Barnsley.
- People will have access to healthy homes where they feel safe and independent.
 - People will have access to learning opportunities and the advice/support that they need to live their lives/manage their tenancy/pay their bills.
 - People are supported to have safe, warm, sustainable homes.
 - Our estates are places where people want to live and are proud to live.

16. SUSTAINABILITY WHEEL



16.1 Whilst the review of banding for homeless applicants will not have a huge direct environmental impact on the borough, ensuring that the Council makes the best use of the stock that it has available to address the needs of those residents who are homeless or who cannot access market housing significantly impacts on reduced inequalities, community cohesion and access to quality homes and neighborhoods.

17. APPENDICES
Appendix A – Draft amended Lettings Policy

Financial Implications/Consultation

[Handwritten Signature]

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 (To be signed by senior Financial Services officer where no financial implications)

Sarah Cartwright