

# Executive 23 April 2012

# Report from the Director of Regeneration and Major Projects

Wards Affected:

ALL

# **Supply and Demand and Temporary Accommodation**

# 1.0 Summary

1.1 This report seeks Members' approval of the lettings projections for social housing for 2012/13. It also provides an analysis of housing supply and demand issues, including performance in 2011/12 and challenges for 2012/13 onwards.

#### 2.0 Recommendations

- 2.1 That Members approve the lettings projections for 2012/13, as detailed in paragraph 3.3 and in Appendix D.
- 2.2 That Members note the analysis of housing supply and demand issues, including performance in 2011/12 and challenges for 2012/13 onwards.
- 2.3 That Members note that changes may be made to the Allocations Scheme following consultation on the Council's Tenancy Strategy. Any proposed changes would be subject to consultation and would be presented to the Executive for consideration and approval.

#### 3.0 Detail

- 3.1 The body of this report is divided into three sections, which cover
  - Supply and demand analysis, trends and performance in 2011/12,
  - Proposed lettings projections for 2012/13,
  - A brief outline of some of the issues and challenges facing the Council from 2012/13 onwards, which can be expected to have an impact on housing supply and demand.

# 3.2 Supply and Demand Analysis, Trends and Performance in 2011/12

# 3.2.1 Demand for Housing

The significant gap between the demand for housing assistance and the available supply of social rented accommodation, particularly in London, has been well documented. In Brent, demand from households at risk of homelessness, households in temporary accommodation, Council tenants seeking a transfer, and applicants on the Housing Register is mapped against expected future trends and supply levels, both in terms of social rented accommodation, but also from within the private rented sector.

3.2.2 Current projections show that the level of unmet demand in the Borough is over 11,000 households. However it should be noted that this figure excludes demand from households on the Housing Register who are in Band D (and therefore under the Council's Allocations Scheme, have no identified housing need). Including these households would give a level of unmet demand within the Borough of 18,000 households. The model used to project these figures is provided in Appendix A.

# 3.2.3 Housing Register and Transfers Demand

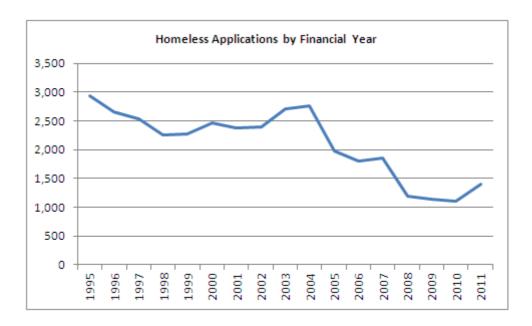
Total current demand on the Housing Register, including homeless households in temporary accommodation, and the Transfer list is just over 18,500 households. Of these, 63% are in Bands A to C. In contrast we expect to make around 871 lettings into permanent social housing tenancies (Council and housing association) by the end of 2011/12 – this meets around 7% of the current total demand from Bands A to C.

3.2.4 A breakdown of current applications on the lists, by demand group and the number of bedrooms needed is provided in Appendix B.

# 3.2.5 Homelessness Applications and Decisions

Not all households who make a formal homeless application are assisted with accommodation, although all are provided with appropriate advice. The Council makes a formal assessment against a number of criteria as prescribed in legislation, before determining whether it has a long-term duty to rehouse a homeless household.

- 3.2.6 The graph overleaf shows how the number of homeless applications has varied since 1995/96. As the graph shows, homeless applications began to decrease in 2005/06, when the Council first implemented an in-house housing advice service. The success of this team in either preventing homelessness or providing alternative accommodation (generally in the private rented sector) is demonstrated through the marked drop in statutory homeless applications received from 2005 to 2010.
- 3.2.7 However this downward trend has been reversed in 2011/12, with a 35% increase in homeless applications received as at the end of February compared to the same period in the previous year. Looking at the applications on a quarterly basis, it can be seen that the increase has been disproportionately in the latter part of the year, and it is expected that around 440 homeless applications will be received in the final quarter of this financial year. This would be the highest quarterly figure since 2007/08.



- 3.2.8 This increase in demand, following the downward trend of the past five years, is largely attributable to changes in Local Housing Allowance (LHA). Members will recall that a package of changes was announced by the government in 2011, which included setting a cap for the maximum LHA payable per property size with an overall limit set at the four-bed rate. These changes came into effect from 01/04/11 for all new tenancies agreed from that date onwards. Existing tenancies were subject to transitional protection for up to twelve months (until the anniversary of their claim).
- 3.2.9 Whilst some landlords accepted a decrease in rental income as a result of the implementation of the caps, others have not done so. If households cannot meet the rental shortfall from their own funds, landlords will then seek to evict them. As a result, some landlords have either left the market or let their property to other types of households for example those in employment or shared accommodation.
- 3.2.10 This has impacted on the work of the housing needs service in two distinct ways. Paragraph 3.2.6 above outlined the Council's approach to successful homeless prevention, and how this is very much based on having an available supply of good quality private rented sector accommodation. However the introduction of LHA caps and the four bed cap limit has had a significant impact on the Council's ability to procure properties for direct lettings, particularly for larger sized properties. In 2010/11, the Council procured a total of 548 private sector properties for direct lettings, thereby actively preventing homelessness. However in 2011/12, from April to January, the total has dropped to 207 properties. Officers expect the total to be around 230 properties by the end of the financial year, a reduction of around 58%.
- 3.2.11 Officers are actively working to improve this situation and a revised package of landlord incentives has recently been agreed to encourage interest. However it is unlikely that levels of procurement will return to the levels experienced before the LHA changes.

- 3.2.12 Secondly, the changes have resulted in an increase in homeless approaches, as landlords have taken action to evict tenants who cannot afford to meet the shortfall between the rent and the LHA cap, and other households have found themselves unable to secure private rented accommodation. Whilst the government has increased the amount of funding it pays to Councils to provide Discretionary Housing Payments, payment of DHP is a short-term, time limited solution, and does not address the real issues of both ensuring an adequate supply and then sustaining households in the private rented sector.
- 3.2.13 As the number of homeless applications dropped in recent years there had been a corresponding decrease in the number of cases where the Council accepts a duty to rehouse the household. In 2009/10, the lowest ever number of statutory acceptances was recorded a total of 337 households. However current projections indicate that the figure will be in the region of 440 acceptances by the end of 2011/12.
- 3.2.14 Analysis of homeless acceptances in 2011/12 (to date) shows that 146 cases were homeless because of the end of a letting in a private sector property. This is an increase of just under 75% compared to the full year figure of 84 in 2010/11. Whilst not all these cases can be directly attributed to the LHA changes (as there may have been other reasons for the landlord wishing to end the tenancy), it is arguable that the majority of these cases were homeless as a direct result of the caps.
- 3.2.15 Because of the arrangements for transitional protection for existing households on LHA, there has only been a partial impact in 2011/12, and this is reflected in the disproportionate growth in applications in the later part of the year as outlined at paragraph 3.2.7. Officers therefore expect there to be a further increase in 2012/13. Whilst it is difficult to accurately forecast this, officers are working to an assumption that the increase could be up to 40% above 2011/12 levels.
- 3.2.16 The Department of Communities and Local Government (DCLG) provided oneoff grant funding in 2011/12 to the housing needs service to help mitigate the impact of the Local Housing Allowance changes on the most vulnerable households. In addition, Revenues and Benefits submitted a successful bid to the DWP for additional funding to mitigate the impact of the changes.
- 3.2.17 Dedicated staff resources in the two service areas (housing and benefits) funded by these grants are now working closely together to assist households who have been affected by the changes. This work includes supporting households to renegotiate their rent levels, discussing alternative housing options and finding cheaper alternative accommodation, and considering the use of Discretionary Housing Payments on a short-term basis. To date the teams have contacted over 700 households, and are continuing to work pro-actively to prevent homelessness wherever possible. It is reasonable to assume that the number of homeless approaches would be far greater without this positive intervention work.
- 3.2.18 Rough Sleepers

There has historically been a low level of rough sleeping in the borough, and Cricklewood Homeless Concern (CHC) has played a key role in working with the Council to tackle the issues, operating an outreach service which identifies people who are rough sleeping and works with them to seek solutions, as well as hosting a weekly Single Homeless Advice Surgery.

- 3.2.19 Brent's last formal rough sleeper count was carried out in November 2011 in line with DCLG guidelines, and found seven verified rough sleepers. This is an increase of four from the previous years' count. Of the seven, five were not known to housing or homelessness outreach services, whilst the other two were known as rough sleepers. Of the seven, three were of Polish origin and the remainder were British.
- 3.2.20 In recent years, Brent and a number of other boroughs has seen an increase in rough sleeping by migrants who have no recourse to public funds. As part of a sub-regional initiative, Brent has been working with Thames Reach<sup>1</sup>, in order to reconnect these rough sleepers to their home country or resettle them in the UK. This has been a largely successful approach between September 2010 and January 2012 78 rough sleepers in Brent had been reconnected to their home country, and a further 3 resettled here.
- 3.2.21 In addition, Brent has been part of the "No Second Night Out" project, a homelessness outreach scheme launched by the Mayor of London to ensure noone sleeps on London's streets for more than one night. This project went live in April 2011, initially for a six month pilot period which has subsequently been extended. Brent has made 70 referrals to this scheme so far.
- 3.2.22 The DCLG recently allocated further funding to the West London sub-region to specifically tackle rough sleeping. The final award has not been confirmed, but is expected to be around £550k (shared between the seven boroughs in the sub-region). Brent's intention is to use the funding allocation to secure more move-on accommodation into the private rented sector for this client group and also for those leaving supported hostels (which would then free up hostel spaces).
- 3.2.23 The extension of the rules around levels of LHA payable to single under-25 claimants (which limit payment to the rate for a room in a shared house) to all single tenants under the age of 35 from January 2012 is likely to have a further impact on levels of rough sleeping in the borough. The change means that LHA applicants aged under 35 with no dependents will only receive LHA equivalent to that paid for a room in a shared house. This impact will be monitored closely.

# 3.2.24 <u>Households in Temporary Accommodation</u>

The previous government set a target for local authorities to reduce their use of temporary accommodation (TA) by 50%, measured against a baseline figure as at the end of December 2004. Whilst Brent did not reach the full target, a 33% reduction was achieved; this was a decrease of around 1,500 households.

<sup>&</sup>lt;sup>1</sup> Thames Reach is a London based charity that provides housing advice, support and assistance for homeless people.

- 3.2.25 Although the TA target is no longer being monitored nationally, it is still important that numbers in temporary accommodation are closely tracked, in order to effectively manage the Council's finances, and ensure good service delivery.
- 3.2.26 Numbers in TA have increased by 4% during 2011/12, an increase of 117 households. As at the end of February 2012, there was a total of 3,136 households in temporary accommodation. However the future challenges facing the Council as outlined in section 3.4 and the current rising trend in homelessness are expected to result in an inevitable increase in the use of temporary accommodation. It is therefore crucial that the Council can source cost effective and good quality property to use as TA. Increasingly this is likely to be located outside the borough, and more use will need to be made of accommodation outside London.
- 3.2.27 The majority of temporary accommodation that the Council uses is self-contained property (flats / houses), owned by a landlord and leased to a housing association, or managing agent. Households can expect to be in a property of this type for three to five years, although the actual length of stay can be much longer or shorter, depending on individual circumstances.
- 3.2.28 From 1st April 2011, the amount of HB subsidy that the Council receives from central government for self-contained temporary accommodation provided under the HALS scheme (Housing Association Leasing) has been capped, and the Council has to meet any shortfall between benefit paid and HB subsidy received. This is an extension of the subsidy regime that already covers other types of temporary accommodation. These changes disproportionately affected larger sized families, where rents are generally above the subsidy caps.
- 3.2.29 Officers actively worked to minimise the impact of these changes, together with the Housing Associations who operate these schemes, by actively re-negotiating rents with landlords and in many cases managed to reduce rents down to the subsidy cap level. Where landlords would not agree a reduction, another solution had to be identified for example moving the family to different accommodation, securing a qualifying offer or further negotiation with the landlord.
- 3.2.30 Generally, temporary accommodation has been provided within the borough. When households are placed outside the borough there are usually reasons for this often due to the household being at risk of violence if remaining in the borough, or the need to be closer to employment or education. Where feasible, the Council has always tried to move households back into the borough as quickly as possible.
- 3.2.31 However the need to procure properties in cheaper areas, therefore minimising subsidy loss incurred has meant that out of borough placements are increasing, particularly for larger sized households. Out of borough placements have risen from 104 households in March 2011 to 120 in February 2012, a 15% increase. However this figure will significantly rise during 2012/13 and onwards due to the increasing demand pressures, and is likely to increase the amount of legal challenges and requests for suitability of accommodation reviews that the Council deals with. The Council is actively seeking to increase the procurement

of accommodation both in more affordable areas of outer London and outside London itself, in order to ensure that temporary accommodation costs are controlled as effectively as possible.

# 3.2.32 Homeless Households in Hotels / Hostels

Whilst the Council seeks to minimise the use of hotels and to ensure households remain in this type of accommodation for as short a period as possible, the number of households in hotels has increased during 2011/12 as a direct result of the increase in homeless approaches and the difficulty in securing other cost effective temporary accommodation. At the beginning of April 2011, 183 households were in hotels; by the beginning of March 2012 this has increased to 258 households, an increase of 41%.

3.2.33 Brent is the lead borough for the sub-regional Private Managed Accommodation scheme, which aims to use the purchasing power of the West London boroughs to increase the supply of cost-effective well managed temporary accommodation. At the time of writing there are 65 Brent households in this accommodation – without this scheme, it is likely that the numbers in hotels would be even greater.

# 3.2.34 Permanent Lettings 2011/12

At the beginning of each financial year, Members are asked to approve a set of detailed lettings projections. The table below summarises actual lettings performance to date against the projections that were originally agreed. At the time of writing, lettings figures for performance until the end of February 2012 are available.

Lettings Variance from Targets - April -February To Month = 11

		Targets 2011/12	Pro Rata Target	Actuals 2011/12	% Var
Target	Homeless	370	339	439	29%
Group	Register	274	251	256	2%
	Transfer	227	208	181	-13%
	Total	871	798	876	10%

- 3.2.35 Since the Council operates a choice based lettings system (Locata); it is likely that there will be some variation from original projections. However officers continue to monitor performance against these expectations, in order to ensure that lettings support a range of strategic priorities. Paragraph 3.3 gives more detail on this.
- 3.2.36 As the table shows, at the end of February, 10% more lettings had been achieved than had originally been expected. The good performance on lettings to homeless households has helped to reduce the overall growth in the use of temporary accommodation. Lettings to high priority Housing Register applicants are also slightly above forecast, and whilst lets to transfer applicants are below

- the original forecast, it is anticipated that this position will have improved before the end of the year.
- 3.2.37 A detailed breakdown of lettings made against original projections, with a breakdown of beds needed and demand groups is provided in Appendix C.

# 3.3 Proposed Lettings Projections 2012/13

- 3.3.1 By analysing trends in Council and Housing Association lettings and taking into account the availability of new build supply for social renting, officers currently expect to achieve a total of 968 lettings during 2012/13.
- 3.3.2 The majority of these lettings will become available through re-lets within existing social housing stock. However the Council expects a total of 283 properties to be delivered through the new build programme 137 of these for estate based regeneration schemes (South Kilburn) and 146 through other general needs schemes.
- 3.3.3 The table below summarises the distribution of these lettings across the different bedroom categories.

# **BRENT AND HOUSING ASSOCIATION - Projected Lettings 2012/13**

	BSR	1 BED	2 BED	3BED	4 BED+	Total
Brent	20	140	175	65	15	415
RSL	20	165	260	80	28	553
Total	40	305	435	145	43	968

- 3.3.4 As outlined earlier in this report, projected lettings will only be able to meet a small proportion of the total housing need in the Borough. Members will recall that previously they were asked to agree a detailed set of lettings targets for each demand group, in line with the Council's Allocations Scheme and strategic priorities. However, the implementation of Locata (the choice based allocations scheme) gave officers less direct control over lettings and provided choice to applicants on the Housing Register about where to live.
- 3.3.5 Since projected lettings can only meet a small proportion of the housing need in the borough, it is therefore important that the prioritisation of lettings is carefully considered. The different demand groups reflect priorities as set out in the Allocations Scheme, and officers therefore consider it appropriate to provide a detailed set of projections based on these demand groups. In addition, specific quotas have been set for a small number of high priority groups, for example, Children in Need, Adults Social Care, and Under-occupiers.
- 3.3.6 Members are therefore asked to approve the lettings projections set out in Appendix D. This lettings scheme is similar to 2011/12 and supports a number of policy areas, strategic objectives and new initiatives, including the following groups.

# 3.3.7 Decants

193 lettings are projected to deal with transfers required due to decant needs and to take account of the South Kilburn Regeneration Scheme decant programme.

## 3.3.8 Under-occupiers and Overcrowded Tenants

65 lettings are projected for the Under-occupation Scheme. Brent has had an effective and well developed under-occupation scheme in place for a number of years. This allows tenants who are under-occupying properties to move to a property more suitable to their current needs much quicker. This in turn frees up a larger property earlier than might be otherwise expected for an overcrowded household. The scheme makes a significant contribution to the available pool of larger properties available for letting.

# 3.3.9 Children Leaving Care

28 lettings from the Housing Register are targeted for Children Leaving Care, to assist the Children and Families department in rehousing young adults.

# 3.3.10 Adults Social Care

18 lettings from the Housing Register are targeted for Adults Social care nominations, particularly for adults leaving residential care placements, and other high need vulnerable customers.

# 3.3.11 Homeless Households

Just under 40% of lettings are targeted for homeless households - this percentage is slightly lower than in previous years. The planned introduction, under the Localism Act, of the ability to discharge a statutory homeless duty by securing suitable accommodation in the private rented sector will provide another means for the Council to assist homeless households. There is also a need to prioritise other important groups, as outlined above.

## 3.4 Challenges for Housing 2012/13 and onwards

3.4.1 The previous sections have highlighted the sizable gap between housing supply and demand for assistance, and have outlined some of the strategic priorities underpinning the 2012/13 lettings projections. However Members will already be aware that housing faces specific challenges over the coming year and beyond, which are expected to have a significant impact on service delivery and the Council's ability to manage housing needs within existing budgets. This section outlines some of these challenges and explains what impact officers expect there to be on the service provided.

## 3.4.2 Local Housing Allowance Changes

Paragraph 3.2.10 above outlined the impact that the implementation of the changes to Local Housing Allowance has had to date. These changes are expected to have a further significant impact during 2012/13, as the full effects of the end of the transitional protection arrangements will be apparent. As outlined earlier in this report, the impact of these changes on the demand for homeless assistance mean that the Council will increasingly rely on the use of out of

borough placements as temporary accommodation. This will include placements located outside of London in more cost-effective areas of the country.

- 3.4.3 In addition, from January 2012, the current rules around levels of LHA payable to single under-25s (which limits payment to the rate for a room in a shared house) will be extended to all single tenants under the age of 35 in April 2012. This is expected to put further pressure on demand for single homeless services, have an impact on demand for supported hostel spaces and potentially increase rough sleeping in the borough.
- Further reforms will take place in 2013/14 with a change to the way in which benefit rates are uplifted (from PRI to CPI) and the implementation of proposals to restrict LHA for working age claimants in social rented accommodation who are occupying a larger property than their household size needs, from April 2013.

# 3.4.6 Wider Welfare Reform

From April 2013, as a precursor to the introduction of Universal Credit, an Overall Benefit Cap (OBC) will be introduced. The government has announced that under the OBC a fixed cap on total benefits for workless households will be set. It is currently expected that the cap will be set at £350 for single person households and £500 for all others, based on UK median earnings. Where a household's combined living cost benefits and housing benefit exceeds the cap their housing benefit entitlement will be reduced to bring total payments within the cap. DWP has forecast that in Brent around 3,500 households will be impacted by the overall benefit cap coming in, many losing more than £100 per week. Our early assumptions were that larger households in the private sector would be impacted by this change. However working through some examples indicate that smaller households will be impacted, for instance a couple with 3 children living in the south of Brent in a three bed property (LHA rate currently £340 p.w.) could have more than a £100 short-fall in their weekly housing benefit. The overall benefit cap limit will not apply if the benefit claimant is working more than 24 hours per week.

3.4.7 The DWP have published an initial impact assessment of what the introduction of the OBC might mean, key statistics are set out below.

# **Findings from the latest Impact Assessment**

- **67,000** households will be affected by the cap in 2013/14 (75,000 in 2014/15)
- The average benefit reduction is £83 a week per household
- 17,000 households will be subject to both the local housing allowance cap from Jan 2012 and this cap from April 2013
- 44% of households affected by the cap are in the social rented sector
- 56% of households affected by the cap are in the private rented sector
- 69% of households affected by the cap have 3 or more children
- 27% of households affected by the cap have 5 or more children
- 52% of households affected are lone parents

- 39% of households affected receive jobseekers allowance
- 22% of households are in receipt of ESA
- 38% of households are in receipt of Income Support

#### Locations of Households affected

Latest modelling suggests:

- 54% of affected households are in Greater London
- 9% of affected households are in the South East
- 6% of affected households are in the North West
- 5% of affected households are in Scotland
- 3% of affected households are in Wales

Source: Benefit Cap Factsheet, Department of Works and Pensions, 2012

- 3.4.8 The introduction of Universal Credit from October 2013 onwards presents a further challenge to the work of the Council. In some ways the introduction of Universal Credit will provide a welcome simplification for claimants of a system that is complex and confusing. The incentive to work comes in the form of a reduced taper, which means that benefits are withdrawn at a slower rate as earnings increase. The first real problem from Universal Credit comes from the fact that it uses the same Overall Benefit Cap as outlined above in paragraph 3.4.6. Secondly housing benefit payments will be paid direct to claimants, rather than the current system that in most cases allows rent to be paid directly to the landlord. This will put increasing pressures on housing providers in terms of collecting rent, but also on tenants that could see themselves falling into arrears and facing eviction.
- 3.4.9 As a region London has relatively high levels of unemployment and housing costs are considerably higher than in the rest of Britain. However the cap will be the same across the country, and as the cap for families does not vary depending on the number of children, there will be a greater adverse impact the larger the household. These changes are likely to increase demand for social housing assistance, as the private rented sector will become increasingly unaffordable for unemployed households.

# 3.4.10 <u>Housing Benefit Subsidy for Temporary Accommodation</u>

The government is currently reviewing the subsidy regime for temporary accommodation, but has indicated its intention to bring temporary accommodation rents in line with LHA payments in the private rented sector by 2013.

#### 3.4.11 Localism Act

The Localism Act 2011, which is intended to give local authorities considerable freedom over the policy changes they implement, was given Royal Assent in November 2011. This included specific changes in relation to homelessness and allocations policy, which are set out in the paragraphs below. The relevant

provisions of the Localism Act regarding allocations and homelessness are not yet in force.

# 3.4.12 Homelessness

In terms of homelessness, the Act contains provisions to allow local authorities to discharge their homeless duty to an accepted household by securing an offer in the private rented sector, without the agreement of the applicant. Authorities are already able to end their duty this way through the use of a qualifying offer but this is only with the express agreement of the customer. Any private sector tenancy secured in this way would need to be for a minimum of twelve months, and the same considerations regarding the suitability of the offer and decision review rights would apply as when an offer of permanent accommodation is made. In cases where duty is discharged into the private rented sector in this way, the homeless duty would be re-instated if the applicant became homeless unintentionally within two years of the original end of the duty.

- 3.4.13 The regulations that will allow local authorities to discharge their homeless duty in this way are not yet in force, but are expected to be brought into force during 2012/13.
- 3.4.14 This proposal could assist the Council in managing its temporary accommodation costs, since making use of the private rented sector in this way could reduce the overall number of households in TA, and the length of stay. However as outlined earlier in this report, the Council's ability to procure property in the private rented sector has been affected by the LHA caps and associated changes, and this would impact on this client group as well. The Council's ability to make best use of this change may therefore be limited to some extent.

## 3.4.15 Allocations

The Localism Act also makes provision to allow local authorities more flexibility to determine which households should be placed on the Housing Register, based on local needs and policy. However the existing statutory reasonable preference categories would remain (these include homeless households to whom a statutory duty is owed; overcrowded households; and those who need to move on medical or welfare grounds). The Act also gives the Secretary of State the power to make regulations specifying other classes of persons who must (or must not) qualify for an allocation of accommodation and setting criteria for local authorities when deciding whether or not a person qualifies for an allocation of accommodation.

- 3.4.16 The regulations bringing this part of the Act into force have not yet been introduced. However, Members will be aware that there would be a need for comprehensive consultation on proposals to amend the Allocations Scheme, and that the outcome of equality impact assessments on any proposed alterations would need to be taken into consideration before finalising any changes.
- 3.4.17 A separate report on a review of the existing Allocations Scheme and any proposals to amend it will be brought to the Executive during 2012/13.

# 3.4.18 Tenancy Strategy

The Localism Act includes a requirement for local authorities to produce a Tenancy Strategy, setting out how it will use the new flexible tenancies (fixed term tenancies, at either a social or affordable rent), and how it expects partner housing providers to implement the policy. This policy would need to be consulted on with stakeholders, including tenants and housing associations.

- 3.4.19 Existing tenants are not affected, but local authorities / housing associations can choose to offer flexible, fixed term tenancies, for a minimum period of two years. The tenancy would then be subject to some form of review, to determine whether a further tenancy period would be granted. However housing providers could also continue to offer secure (permanent) tenancies.
- 3.4.20 Brent is currently carrying out consultation on a draft Tenancy Strategy for the borough, and a separate report regarding this will be presented to the Executive later this year.

# 3.4.21 Housing Needs Transformation Project

The paragraphs above have outlined some of the issues and challenges facing the housing service in 2012/13 and beyond. To support the housing needs service in managing what undoubtedly continues to be a challenging and fast-changing environment, a major transformation project has been carried out during 2011/12 as part of the One Council project programme.

- 3.4.22 During the year a major service review of both the Housing Resource Centre and the Housing Solutions Service has been undertaken. This has looked at performance, efficiency of processes, staff resources, benchmarking, best practice in other local authorities and customer and stakeholder feedback.
- 3.4.23 A detailed action plan for further service improvement has been developed and is currently being implemented. In addition, a major organisational restructure has been completed, resulting in the merging of the existing functions provided by the two units into one consolidated Housing Needs Service, and an overall reduction of 30 posts across the service area. The new Housing Needs structure formally goes live at the beginning of April 2012.
- 3.4.24 This report has outlined some of the challenges facing the service in 2012/13 and beyond. However the revised structure and the processes underpinning this have been designed to manage a significant increase in demand. This will be achieved by continuing to streamline processes, make best use of resources and having a clear focus on achieving value for money, whilst effectively managing customer expectations.

# 4.0 Financial Implications

4.1 The total agreed revised budget for expenditure on Temporary Accommodation for 2011/12 is £2,306,000. This figure includes a Housing Benefit subsidy loss budget of £500k. Officers are currently forecasting an overspend against the Temporary Accommodation budget of £354k for this financial year, as a result of the pressures outlined earlier in this report. This forecast overspend is currently

held against a central contingency budget; however work is continuing to further reduce this forecast.

- 4.2 Members may recall that officers were previously forecasting a potential overspend of up to £1m against the 2011/12 budget. Significant work has been undertaken during this financial year to reduce this forecast and to control costs effectively. Costs have been reduced in a number of ways, such as developing more cost effective temporary accommodation schemes as an alternative to the use of hotels, which has reduced the original forecast expenditure on Housing Benefit subsidy loss. In addition there has been a reduction of around 45% on expenditure on furniture storage costs for homeless households following an exercise to ensure full collection of charges, and the delivery or disposal of goods which had been in store for some years.
- 4.3 The total agreed budget for expenditure on Temporary Accommodation for 2012/13 is £3,440,000. This includes growth of £1,134,000 in order to assist in managing the cost pressures and increased service demand. The growth figure has taken into consideration an efficiency savings target of £500k in relation to a planned One Council project in relation to the commissioning of temporary accommodation across the entire Council.
- 4.4 Based on current projections officers expect to break even against this budget. However, as outlined earlier in this report, there continue to be significant risks attached to the Council's ability to control demand led pressures relating to this particular service whilst ensuring that statutory duties are met.
- 4.5 Actions that have already been taken to ensure that costs are controlled in 2012/13 include a significant staffing restructure (as outlined in paragraph 3.4.21) to ensure that services are being delivered as efficiently as possible, a continued emphasis on preventing homelessness, increased monitoring of expenditure in all areas, and the sourcing of accommodation outside the borough and outside London itself. In addition, voids created as part of the South Kilburn regeneration scheme will be used as temporary accommodation during 2012/13 this will have a positive impact on hotel costs as this is a cost-effective scheme. However it should be noted that this remains an area of pressure, and officers will be closely monitoring the impact of both the LHA changes and the wider welfare reform agenda on the service budget.

# 5.0 Legal Implications

5.1 The primary legislation that governs the allocation of new secure tenancies is set out in Part VI of the Housing Act 1996 ("the 1996 Act"), as amended by the Homelessness Act 2002 ("the 2002 Act"). As enacted, the 1996 Act introduced a single route into council housing, namely the Housing Register, with the intention that the homeless have no greater priority than other applicants for housing. Since the enactment of the 2002 Act, councils are required to adopt an allocations policy which ensures that "reasonable preference" is given to certain categories of applicants (which are set out in section 167 of the 1996 Act as amended by the 2002 Act and includes homeless households and persons living in overcrowded conditions), and to allocate strictly in accordance with that policy.

An allocation of accommodation under Part VI of the 1996 Act which is not in accordance with the Council's own allocation policy will be "ultra vires" and deemed to be unlawful. Allocation of temporary accommodation is not governed by Part VII of the 1996 Act.

- 5.2 Brent adopted Locata, a choice-based Allocations Scheme, working in partnership with other local authorities and Housing Associations in the West London Alliance in 2003. Locata applies to all categories of applicant, including those seeking a transfer within Council housing. Although an analysis of demand and lettings is made with reference to (i) homelessness, (ii) Housing Register and (iii) transfer demand; there is no legal difference in the duties owed to people in each of these categories for the provision of accommodation under Part VI of the Housing Act 1996.
- 5.3 The primary legislation governing decisions on homeless applications is Part VII of the Housing Act 1996, which was amended by the Homeless Act 2002. The Council is required to make decisions on homeless applications within the scope of the legislation bearing in mind local demand.
- Although paragraph 3.4.15 of this report is correct to say that the Localism Act 2011 will give local authorities more flexibility in framing its allocation schemes, the Localism Act gives the Secretary of State the power to make regulations to specify factors which a local housing authority must not take into account in allocating housing accommodation. The Localism Act also states that the allocations scheme must be framed in accordance with such principles which the Secretary of State may prescribe by regulations. Such draft regulations have not been published and it is not yet clear whether the Secretary of State has any plans to make such regulations when the relevant provisions of the Localism Act 2011 come into force. As indicated in 3.4.16 of this report, any substantive changes to the Council's Allocation Scheme will require consultation (including every private registered provider of social housing and registered social landlord with which the Council has nomination agreements in the borough as set out in section 166A(13) of the 1996 Act) and approval from the Council's Executive.
- 5.5 Local authorities have a duty under Part VII of the Housing Act 1996 to house homeless persons in temporary accommodation who satisfy the qualifying criteria (i.e. eligibility, homeless, priority need, not intentionally homeless and local connection). The Council can only discharge its duty to those qualifying homeless persons in temporary accommodation under the circumstances set out in section 193 of the Housing Act 1996 and the circumstances in which this duty can be discharged are as follows: (i) if the homeless person accepts an offer of permanent accommodation from the Council in the form of a secure tenancy under Part VI of the Housing Act 1996; (ii) if the homeless person accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord; or (iii) as the law currently stands, if the homeless person accepts a qualifying offer of an assured shorthold tenancy with the Council's approval and is advised in writing in advance that he is under no obligation to accept the offer of accommodation. It should be noted that the Localism Act 2011 will make a number of amendments to section 193 of the Housing Act 1996, which include allowing local authorities to discharge their duties to

homeless applicants by using private rented accommodation for a fixed term of at least 12 months without requiring the agreement of the homeless applicant.

The duty under section 193 of the Housing Act 1996 will cease to exist if: (I) the applicant ceases to be eligible for assistance; (II) the applicant ceases to occupy the accommodation as his/her only or principal home, or (III) the applicant becomes homeless intentionally from the temporary accommodation provided.

# 6.0 Diversity Implications

6.1 The most recent census data shows that Brent has the second highest ethnic minority population in London. The lettings targets, which are set annually, could potentially have a disproportionate impact on a particular ethnic group or groups. It is important therefore that this area continues to be closely monitored. Previous impact assessments have not demonstrated any adverse impact as a result of the letting process.

# 7.0 Staffing/Accommodation Implications (if appropriate)

None specific.

## **Background Papers**

# **Executive**

Supply and Demand and Temporary Accommodation (11/04/11)

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# Appendix A – Supply & Demand Model

# **SUPPLY AND DEMAND**

	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
DEMAND						
Transfers	1907	2234	2160	2250	2300	2365
Register (Non-homeless)	12408	11637	6288	6602	6933	7279
Hamalana Applications	4407	4040	4050	4440	4000	4005
Homeless Applications	1107 30%	1048 35%	1253 46%	1410 47%	1622 46%	1865 45%
Acceptance Rate Homeless Acceptances	333	367	572	635	730	839
Fall Out Rate	-159	-136	-144	-150	-173	-183
Total New Demand	174	231	428	484	556	657
Families in T.A. Brought Forward	3651	3037	3019	3120	3600	3724
Net Homeless Demand	3825	3268	3447	3604	4156	4381
DEMAND FROM ALL GROUPS	18133	17139	11895	12457	13389	14025
PERMANENT SUPPLY						
TERMANENT SOFTET						
Brent lets	353	401	320	415	420	420
Housing Association	654	487	620	553	498	473
PERMANENT SUPPLY (RSL's & Brent)	1007	888	940	968	918	893
LETTINGS						
Transfers	185	233	200	342	324	315
Register (Non-homeless)	300	313	260	256	243	236
Homeless	450	342	480	370	351	341
ALL LETTINGS (INCLUDING PERMANENT)	1007	888	940	968	918	893
Direct Lettings in the Private Sector	160	85	106	95	100	100
Out of Borough Lettings	20	10	8	5	3	3
PFI Permanent Accommodation	0	114	118	132	١٠٥	Ö
Settled Homes Initiative (BHP)	0	6	0	0	0	o o
Conversion of specific TASchemes to settled accommodation	200	0	0	١٠٥	0	Ö
Other (LCHO; intermediate renting)	0	0	0	5	10	10
ALL LETTINGS (Incl Private Sector)	1407	1103	1172	1205	1031	1006
RESIDUAL DEMAND						
Transfers	1722	1921	1900	1908	1976	2050
Register (Non-homeless)	12108	11324	6028	6346	6690	7043
Homeless (In T.A.)	3175	3119	3220	3134	3703	3936
UNMET DEMAND (After Lettings)	17005	16364	11148	11389	12368	13029
T.A. BREAKDOWN						
IN DICHIDOTH						
AST / HALS / PSL/SHI etc	2344	2280	2105	2040	1950	1910
B&B, EHL incl. annexes	117	151	300	470	580	520
PLA	60	34	50	100	120	150
ALS	114	107	85	75	70	60
BDL	349	301	289	310	350	400
PFI	0	96	200	364	364	364
PMA	0	0	50	150	200	250
Hostel	53	50	40	35	30	30
South Kilburn Lets	0	0	1	56	60	60
ALL TEMPORARY ACCOMMODATION	3037	3019	3120	3600	3724	3744

**Note** – Housing Register (non-homeless) figures  $\underline{\text{exclude}}$  applications from households in Band D from 2011/12 onwards.

# **Appendix B - Current Live Applications**

		Studio	1	2	3	4	5	6	7	8	Sum:
HOUREG	Adult Social Care	8	1	2	2	2					15
	CHILDREN LEAVING CARE	59		3							62
	CONTRIBUTION TO MOBILITY			1							1
	EMERGING HOUSEHOLDS	3		17	4						24
	FORMER SERVICE TENANT	1			1						2
	HOUSING REGISTER (APPROVED)	29	6	46	245	120	32	6	1		485
	HOUSING REGISTER (NON APPROVED)	5602	661	4613	2833	749	211	38	2	1	14710
	MEDICAL A (HOU REG)	18	6	15	33	20	7				99
	OUT OF BOROUGH APPLICANTS	549	59	299	148	40	8	1	1		1105
	PROBATION SERVICE QUOTA	8									8
	SOCIAL SERVICES (HOU REG)	1		1	1	4					7
	SUCCESSION (UNDEROCCUPATION)	23		8	1						32
	VOLUNTARY ORGANISATION QUOTA	27		2							29
HOUREG	Sum:	6328	733	5007	3268	935	258	45	4	1	16579
		•	•	'	'	'	•	•	•	'	'
TRNLIST	#1000 UNDER OCCUPATION	60	6	7							73
	DECANT	27		19	17	2	1				66
	INTRA-ESTATE TRANSFER	3	1	7	3	2					16
	MANAGEMENT TRANSFER	21	1	21	25	14	7	2			91
	MEDICAL A (TRANSFER)	19	4	12	9	1					45
	TENANCY SEPARATION	2									2
	TRANSFER LIST (APPROVED)	466	55	438	466	137	21	1			1584
TRNLIST	Sum:	598	67	504	520	156	29	3			1877
								,			
TOTAL	Sum:	6926	800	5511	3788	1091	287	48	4	1	18456

# **Appendix C - Lettings Performance 2011/12 (April to February)**

# BRENT AND HOUSING ASSOCIATION

Note: The monthly targets are calculated on a pro rata basis. Rounding errors may result on the 'TAR' and 'VAR' columns.

	TARGET PRO RATA		TOTA	ALS			BSR		ĺ	Ĭ	1 BED	)			2 BEC	)	Ť		3BED	1			1 BED	+
					TAR	1			TAR	1			TAR	PR			TAR	1			TAR	PR	Ĭ	
	P.A.	TAR	ACT	VAR	P.A.	TAR	ACT	VAR	P.A.	TAR	ACT	VAR	P.A.	TAR	ACT	VAR	P.A.	TAR	ACT	VAR	P.A.	TAR	ACT	VAR
																								ļ
HOUSING REGISTER																							ļ	
				ļ		ļ <u>.</u>											ļ <u></u>		ļ <u></u>					
HOUSING REGISTER (HMLSS)	318	292	346	54	8	7	12	5	73 2	67	80	13	172	158	167	9	55 3	50	76	26	10	9	11	2
EMERGING HOUSEHOLDS SCHEME CHILDREN LEAVING CARE (HMLESS)	13 28	12 26	23 54	11 28	0 5	0 5	0 7	0 2	20	2 18	2 41	0 23	8	7	16 6	9	) 0	3 0	5 0	2 0	0 N	0 N	0	0
MEDICAL 25 (HMLESS)		20 10	16	- 20 - 6	] 3   1	1	<u>/</u>	<u>-1</u>	4	4	2	-2	2	2	2	, j	3	3	, U	3	1	1 1	6	5
INCEDIONE 23 (FINICEOS)		10		<u>.</u>	<u>'</u>	<b>.</b>		· · · · · ·		ļ <b>.</b>	<u> </u>		<u>-</u>	0	ļ <u>-</u>				ļ <u>v</u>			<b>.</b>		
SUB-TOTAL	370	340	439	99	14	13	19	6	99	91	125	34	185	170	191	21	61	56	87	31	11	10	17	7
HOUSING REGISTER (OTHER)	130	119	142	23	25	23	20	-3	73	67	73	6	30	28	44	16	2	2	4	2	0	0	1	1
MEDICAL 25 (REGISTER)	15	14	15	1	0	0	1	1	5	5	7	2	5	5	6	1	4	4	8	4	1	1	9	8
VOLUNTARY ORGANISATIONS	55	50	42	-8	10	9	6	-3	45	41	35	-6	0	0	1	1	0	0	0	0	0	0	0	0
CONTRIBUTION TO MOBILITY	40	37	41	4	5	5	0	-5	16	15	19	4	15	14	11	-3	3	3	11	8	1	1	0	-1
SOCIAL SERVICES/CHILDREN IN NEED	6	6	3	-3	0	0	0	0	0	0	0	0	2	2	0	-2	3	3	1	-2	1	1	2	1
ADULT SOCIAL CARE	20	18	7	-11	2	2	1	-1	17	16	5	-11	1	1	1	0	0	0	0	0	0	0	0	
PROBATION SERVICE	6	6	5	-1	2	2	1	-1	4	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0
FORMER SERVICE TENANTS	2	2	1	-1	0	0	0	0	0	0	0	0	1	1	0	-1	1	1	0	-1	0	0	1	1
SUB-TOTAL	274	252	256	4	44	41	29	-12	160	147	143	-4	54	51	63	12	13	13	24	11	3	3	13	10
TRANSFERS																								
DECANTS	70	64	55	-9	2	2	10	8	15	14	29	15	30	28	13	-15	20	18	3	-15	3	3	0	-3
TRANSFER SCHEME	58	53	55	2	l 0	0	1	1	15	14	23	9	25	23	20	-3	15	14	9	-5	3	3	2	-1
MEDICAL 25 (TRANSFERS)	6	6	7	2	l ö	0	Ö	0	2	2	1	-1	2	2	1	-1	2	2	1	-1	<u>.</u>	Ō	4	4
MANAGEMENT TRANSFER	22	20	27	7	0	Ō	1	1	3	3	11	8	10	9	7	-2	7	6	6	0	2	2	2	0
INTRA-ESTATE TRANSFER	6	6	1	-5	0	0	0	0	1	1	0	-1	3	3	1	-2	2	2	0	-2	0	0	0	0
£1000 UNDER OCCUPATION	65	60	36	-24	2	2	0	-2	51	47	26	-21	10	9	8	-1	2	2	2	0	0	0	0	0
SUB-TOTAL	227	208	181	-27	4	4	12	8	87	80	90	10	80	74	50	-24	48	44	21	-23	8	8	8	0
TOTAL	871	800	876	76	62	58	60	2	346	317	358	41	319	295	304	9	122	113	132	19	22	21	38	17

# **BRENT AND HOUSING ASSOCIATION - Projected Lettings 2012/13**

	BSR	1 BED	2 BED	3BED	4 BED+	Total
Brent	20	140	175	65	15	415
RSL	20	165	260	80	28	553
Total	40	305	435	145	43	968

	BSR	1 BED	2 BED	3BED	4 BED+	TOTAL
HOUSING REGISTER (HOMELESS)						
HOUSING REGISTER (HMLSS)	2	48	185	61	13	309
MEDICAL 25 (HMLSS)	0	0	5	3	5	13
CHILDREN LEAVING CARE	3	20	5	0	0	28
EMERGING HOUSEHOLDS SCHEME	0	0	17	3	0	20
SUB-TOTAL	5	68	212	67	18	370
HOUSING REGISTER						
HOUSING REGISTER (OTHER)	10	53	46	2	0	111
MEDICAL 25 (REGISTER)	0	4	6	4	1	15
VOLUNTARY ORGANISATIONS	8	40	0	0	0	48
CONTRIBUTION TO MOBILITY	7	18	19	5	1	50
CHILDREN IN NEED	0	0	2	3	1	6
ADULTS SOCIAL CARE	4	10	4	0	0	18
PROBATION SERVICE	2	4	0	0	0	6
FORMER SERVICE TENANTS	0	0	1	1	0	2
SUB-TOTAL	31	129	78	15	3	256
TRANSFERS						
DECANTS	2	45	92	39	15	193
TRANSFER SCHEME	1	10	25	11	3	50
MEDICAL 25 (TRANSFERS)	0	1	2	2	2	7
MANAGEMENT TRANSFER	1	5	7	7	2	22
INTRA-ESTATE TRANSFER	0	0	3	2	0	5
£1000 UNDER OCCUPATION	0	47	16	2	0	65
SUB -TOTAL	4	108	145	63	22	342
TOTAL	40	305	435	145	43	968

Meeting Date Version no. Date