

Title of Report:	Adoption of the Housing Allocations Policy
Report to be considered by:	Executive
Date of Meeting:	17 October 2013
Forward Plan Ref:	EX2685

Purpose of Report: To approve and adopt the Council's policy for assessment and allocation of applicants seeking social housing.

Recommended Action: Executive approve and adopt the Housing Allocations Policy.

Reason for decision to be taken: The Council has a statutory duty, under the Housing Act 1996, to set out a Housing Allocations scheme that determines the Council's priorities and procedures to be followed in the allocation of affordable housing.

Other options considered: N/A

Key background documentation: Allocation of accommodation: guidance for local housing authorities in England, CLG, June 2012

The proposals contained in this report will help to achieve the following Council Strategy priority:	
<input checked="" type="checkbox"/>	CSP1 – Caring for and protecting the vulnerable
The proposals contained in this report will help to achieve the above Council Strategy priority by: ensuring that allocations of social housing are made to those most in need of accommodation	

Portfolio Member Details	
--------------------------	--

Name & Telephone No.:	Councillor Roger Croft - Tel (01635) 868638
E-mail Address:	rcroft@westberks.gov.uk
Date Portfolio Member agreed report:	02 September 2013

Contact Officer Details	
-------------------------	--

Name:	Mel Brain
Job Title:	Service Manager, Housing Strategy & Operations
Tel. No.:	01635 519403
E-mail Address:	mbrain@westberks.gov.uk

Implications

- Policy:** The report proposes a new Housing Allocations Policy for the Council, implementing the flexibilities permitted in the Localism Act 2011. The Housing Allocations Policy sets out who qualifies for the Council's Common Housing Register and specifies how allocations of social housing will be made.
- Financial:** All costs related to the implementation of the Housing Allocation Policy have been contained within existing budgets.
- Personnel:** N/A
- Legal/Procurement:** The Council is required to publish an Allocation Policy under the Housing Act 1996 (as amended). Within that Allocations Policy, the Council is required to give reasonable preference to certain groups of people, and has a power to give some people additional preference within those reasonable preference groups. The Localism Act 2011 introduces new flexibilities for local authorities, who can apply additional factors when determining the priority of those within the reasonable preference groups, including the financial resources available to a person to meet his housing costs; any behaviour of a person (or of a member of his household) which affects his suitability to be a tenant; and any local connection which exists between a person and the authority's district.
- Property:** The Council is a non-stockholding authority. The Common Housing Register is a central waiting list for applicants wishing to access social housing through a Registered Provider and the Housing Allocations Policy is applied to allocations to properties advertised by Registered Providers through the Council's Choice Based Lettings system.
- Risk Management:** The Council can be subject to Judicial Review on matters relating to the Housing Allocations and it is therefore important that it is robust and comprehensive to ensure its correct application. The risk of Judicial Review is relatively low.

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Not relevant to equality		<input type="checkbox"/>	<input type="checkbox"/>

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
<p>If not subject to call-in please put a cross in the appropriate box:</p> <p>The item is due to be referred to Council for final approval <input type="checkbox"/></p> <p>Delays in implementation could have serious financial implications for the Council <input type="checkbox"/></p> <p>Delays in implementation could compromise the Council's position <input type="checkbox"/></p> <p>Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months <input checked="" type="checkbox"/></p> <p>Item is Urgent Key Decision <input type="checkbox"/></p> <p>Report is to note only <input type="checkbox"/></p>		

Executive Summary

1. Introduction

- 1.1 West Berkshire Council's current Allocation Policy was published in July 2007. The Policy has not undergone a comprehensive review since its implementation. The national policy changes and reforms, along with the increasing pressure on the demand for, and availability of, affordable housing, make it timely for review.
- 1.2 In accordance with section 167 Housing Act 1996, the scheme determines the Council's priorities and procedure to be followed in allocating housing accommodation, framed to ensure that reasonable preference is given to a number of defined categories. The scheme was developed with regard to statutory guidance, including the 'Allocation of accommodation: guidance for local housing authorities in England', published in June 2012.

2. Proposals

- 2.1 The proposed policy sets out the key principles of the Housing Allocation Scheme including:
 - (a) Who is eligible to be on the Common Housing Register (set nationally);
 - (b) Who qualifies to be on the Common Housing Register (set locally);
 - (c) How applications will be assessed for housing need;
 - (d) Details of the bidding process for available homes;
 - (e) The circumstances in which application will be deferred, suspended, cancelled or removed from the Common Housing Register;
 - (f) The circumstances in which applicants can request a review of a decision regarding their application;
 - (g) Details of how an applicant can make a complaint.

3. Consultation

- 3.1 Two rounds of consultation have been held: one on the high level principles and one on the detailed policy itself. The consultation was successful in generating a high level of interest and participation, both internally and externally. The majority of feedback from consultees was positive, welcoming provisions to implement qualification criteria and tackle under-occupancy.
- 3.2 One of the concerns raised by consultees was around the financial qualifying criteria. Overall, respondents were supportive of the intention to implement a financial criterion but there was a range of views on whether the financial thresholds set were too high or too low. The Overview and Scrutiny Management Commission Task Group has reviewed this criterion but has agreed to retain the proposed financial thresholds which are used nationally for a range of affordable housing products, for consistency.

- 3.1 There were a number comments received in relation to looked after children and disabled children. As a consequence a number of changes have been made to the proposed policy to ensure that looked after children placed outside of West Berkshire retain their local connection and to allow the needs of disabled children to be better reflected in the housing needs assessment. The policy has also been amended to allow consideration of an additional bedroom for severely disabled children in exceptional circumstances, reflecting recent case law.

4. Equalities Impact Assessment Outcomes

- 4.1 A Stage 2 Equalities Impact Assessment has been completed and consulted upon, using existing data from the Common Housing Register and feedback from the first round of consultation. From the EIA it has been concluded that there are a number of positive impacts alongside a few negative impacts.
- 4.2 A positive impact would be applied to those with disabilities, who will receive reasonable preference for an allocation of housing and who are able to access specialist supported housing schemes as appropriate. Those applicants who are aged over 50 years may also have the additional option of considering older person accommodation or sheltered housing.
- 4.3 Applicants for social housing have a choice of the type and location of homes.
- 4.4 The policy recognises and supports households with vulnerability due to health and other factors. There is specific provision to consider special needs through panel arrangements.
- 4.5 Some limited negative impacts may occur. These include age and gender. Currently people under the age of 18 are not normally offered tenancies without a guarantor and the policy may also have a negative impact on applicants subject to Multi-agency Public Protection Arrangements (MAPPA) and men who have access to children from a previous relationship.
- 4.6 It is predicted that no impact will be apparent with the equality streams of faith, race or sexual orientation.
- 4.7 Overall, the Housing Allocations Policy should ensure that households with the greatest need will be awarded the highest priority benefiting households living in poor housing conditions and in housing stress.

5. Conclusion

- 5.1 It is recommended that Executive approve and adopt the Housing Allocations Policy.

Executive Report

1. Introduction

- 1.1 West Berkshire Council's current Allocation Policy was published in July 2007. The Policy has not undergone a comprehensive review since its implementation. The national policy changes and reforms, along with the increasing pressure on the demand for, and availability of, affordable housing, make it timely for review.
- 1.2 In accordance with section 167 Housing Act 1996, the scheme determines the Council's priorities and procedure to be followed in allocating housing accommodation, framed to ensure that reasonable preference is given to a number of defined categories. The scheme was developed with regard to statutory guidance, including the 'Allocation of accommodation: guidance for local housing authorities in England', published in June 2012.
- 1.3 Section 167(7) of the Housing Act 1996 states that before adopting a new allocations scheme, or altering an existing scheme in a way which reflects a major change of policy, a local authority must send a copy of the draft scheme to every Registered Social Landlord with which it has nomination rights and must also ensure that recipients have a reasonable opportunity to comment on Equalities Impact Assessment Outcomes.
- 1.4 Following a request by the Executive, at its meeting of 10 January 2012 the Overview and Scrutiny Management Commission (OSMC) agreed to assist in the development of a new policy for the allocation of social housing. This followed a significant shift in Central Government policy. On 21 February 2012, the OSMC further agreed that a small task group would be established to take forward the work. The task group met four times and assisted in developing a detailed draft Housing Allocations Policy. This included (at its most recent meeting) assessing the action to be taken on consultation responses.
- 1.5 The final draft policy for approval is attached at Appendix A.

2. Summary of key changes

- 2.1 The key changes to the proposed policy compared to the current policy are as follows:
 - (a) To maintain an 'open' housing register but to apply qualifying criteria, meaning those who qualify will be considered for an allocation of housing before those who are classed as 'non-qualifying'.
 - (b) To implement local criteria meaning that only applicants with a defined local connection to West Berkshire, who are in housing need and who are unable to afford to secure their own accommodation in the private sector (whether owned, part-owned or rented) are classed as 'qualifying' applicants. All other applicants will be 'deferred' and will not be considered for an allocation of housing before those who are classed as 'qualifying'.
 - (c) To defer households, who would otherwise have qualified, if:
 - ~They owe money from the Threshold Loan Scheme or have failed to

- keep to rent arrears repayment plan schedules;
- ~ They are people who have been excluded for bad behaviour;
- ~ They are people who have supplied false or misleading information on their application for housing;
- ~ They have deliberately worsened their housing circumstances;
- ~ They have refused three reasonable offers of accommodation;
- ~ They are violent or abusive towards staff.

- (d) To apply the ability to exempt households from the qualifying criteria in exceptional circumstances.
- (e) To apply additional assessments to applicants that are subject to Multi-agency Public Protection Arrangements (MAPPA), such that they will only receive an offer of accommodation after an appropriate risk assessment, which will take account of all factors, not just the legal conditions they may be subject to.
- (f) To identify applicants either as 'Homeseekers' or as 'Transfer' applicants and to allow the ability for a property to be advertised for either or both groups.
- (g) To allow additional preference to be given to members of the Armed Services in accordance with recently published regulations.
- (h) To recognise under-occupation of social tenancies within the housing needs assessment and to increase the points awarded to facilitate move-on to smaller sized accommodation.
- (i) To amend the housing need assessment for Security of Tenure to make it clearer and easier to understand.
- (j) To introduce an age restriction on the children, and amend the definitions, for the housing need assessment for 'families with accommodation above or below ground-floor level' and 'families without gardens'.
- (k) To amend the housing need award for medical assessments from a scale of points to a single award of points, assessable by the Housing Service. The definition of medical needs has also been amended to make it clearer.
- (l) To amend the housing need award for disrepair from a scale of points to a single award of points, assessable by the Housing Service, retaining the ability to involve Environmental Health in the most serious cases.
- (m) To provide clearer guidance on who can, and cannot, be included on a Common Housing Register application.
- (n) To introduce the ability for the Housing Service to immediately place bids on properties, rather than allowing a three-month time period during which they can exercise choice, for applicants to whom a full homelessness duty has been accepted.

- (o) To introduce a clear Right to Review for certain decisions made under the Housing Allocations Policy.
- (p) To have a clear complaints process for issues that are not covered by the Right to Review.

3. Consultation

- 3.1 Two rounds of consultation have been undertaken: an eight week public consultation period during May/June 2012 during which views were sought on the high level principles of the proposed policy; and a twelve week consultation during April to July 2013 that sought comments on the proposed detailed policy.
- 3.2 Both consultations were sent to staff and organisations operating within the district including Registered Providers and statutory and voluntary agencies who may have an interest in the policy. Every applicant registered on the Common Housing Register was advised of the consultations and invited to comment, highlighting the main proposed changes. In addition, the draft scheme was available on the Housing web pages and on Consultation Finder.
- 3.3 The consultation was successful in generating a high level of interest and participation, both internally and externally. The majority of feedback from consultees was positive, welcoming provisions to implement qualification criteria and tackle under-occupancy, although, as would be expected individual applicants used the opportunity to raise their own cases and present views influenced by personal circumstances. The Housing Service received 238 responses to the 2013 consultation, the detailed comments of which are attached at Appendix B.
- 3.4 One of the concerns raised by consultees was around the financial qualifying criteria. Overall, respondents were supportive of the intention to implement a financial criterion but there was a range of views on whether the financial thresholds set were too high or too low. The OSMC Task Group has reviewed this criterion but has agreed to retain the proposed financial thresholds which are used nationally for a range of affordable housing products, for consistency.
- 3.5 There were a number comments received in relation to looked after children and disabled children. As a consequence a number of changes have been made to the proposed policy to ensure that looked after children placed outside of West Berkshire retain their local connection and to allow the needs of disabled children to be better reflected in the housing needs assessment. The policy has also been amended to allow consideration of an additional bedroom for severely disabled children in exceptional circumstances, reflecting recent case law.
- 3.6 Appendix C provides a summary of the amendments that have been incorporated into the final draft of the policy which is presented for approval and adoption.

4. Equalities Impact Assessment Outcomes

- 4.1 A Stage 2 Equalities Impact Assessment has been completed and consulted upon, using existing data from the Common Housing Register and feedback from the first round of consultation. From the EIA it has been concluded that there are a number of positive impacts alongside a few negative impacts.

- 4.2 A positive impact would be applied to those with disabilities, who will receive reasonable preference for an allocation of housing and who are able to access specialist supported housing schemes as appropriate. Those applicants who are aged over 50 years may also have the additional option of considering older person accommodation or sheltered housing.
- 4.3 Applicants for social housing have a choice of the type and location of homes.
- 4.4 The policy recognises and supports households with vulnerability due to health and other factors. There is specific provision to consider special needs through panel arrangements.
- 4.5 Some limited negative impacts may occur. These include age and gender. Currently people under the age of 18 are not normally offered tenancies without a guarantor and the policy may also have a negative impact on applicants subject to MAPPA and men who have access to children from a previous relationship.
- 4.6 It is predicted that no impact will be apparent with the equality streams of faith, race or sexual orientation.
- 4.7 Overall, the Housing Allocations Policy should ensure that households with the greatest need will be awarded the highest priority benefiting households living in poor housing conditions and in housing stress.

5. Recommendation

- 5.1 It is recommended that Executive approve and adopt the Housing Allocations Policy.

Appendices

Appendix A - Final draft Housing Allocations Policy

Appendix B - Verbatim Consultation Responses

Appendix C - Summary of amendments to Housing Allocations Policy following consultation and consideration by OSMC

Appendix D - Equalities Impact Assessment

Consultees

Local Stakeholders: Consultation was held with all CHR applicants, residents, registered providers and statutory and voluntary agencies with an interest in housing allocations

Officers Consulted: All Children and Young People Users; All Children and Youth Services Users; All Childrens Centres; All Childrens Services Users; All Communities Users; All Education Services Users; All Housing and Performance Users; All Older Peoples Services Users; All Social Services Team Leaders and Above; Corporate Board

Trade Union: N/A