

Individual Executive Member Decision

Title of Report:	Approval to publish the amended Homelessness Allocations Policy for consultation
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	30 June 2014
Forward Plan Ref:	ID2850

Purpose of Report: To seek approval from the Portfolio Holder for Housing to publish the amended Housing Allocations Policy for consultation.

Recommended Action: The Portfolio Holder for Housing approve the publication, for consultation, of an amended Housing Allocations Policy.

Reason for decision to be taken: The Council adopted a new Housing Allocations Policy in October 2013. On 31st December 2013, the Government published new statutory guidance on allocations. The adopted Housing Allocations Policy has therefore been amended to take account of this new guidance. In addition, some amendments have been made to provide clarification of certain sections where issues have been identified through implementation of the new policy. The Housing Act 1996 requires local authorities to consult with those affected by any proposed amendments in the Housing Allocations Policy.

Other options considered: The Council could decide not to amend the Housing Allocations Policy to take into account the new guidance. This would increase the risk of Judicial Review or other court action.

Key background documentation: Allocation of accommodation: guidance for local housing authorities in England, CLG, June 2012
Providing Social Housing for Local People: statutory guidance on social housing allocations for local authorities in England, CLG, December 2013

Portfolio Member Details	
Name & Telephone No.:	Councillor Roger Croft - Tel (01635) 868638
E-mail Address:	rcroft@westberks.gov.uk

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 amendments to the Housing Allocations Policy for the Council, adopted in October 2013. 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:** The Housing Allocations Policy of itself has no financial implications, however, it is likely that implementation of the policy will require some adjustments to be made to the Locata system. The costs of these are currently unknown but the Housing Service will be working with Locata during the consultation period to establish what changes are required and what costs this will involve.
- 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. New statutory guidance was introduced in December 2013 which sets out guidance specifically in relation to local connection qualifying criteria and social mobility for current social tenants.
- 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.
- Corporate Board's Recommendation:** An Equalities Impact Assessment will be completed once the consultation responses are received and prior to a final decision on the policy being taken.

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and: <ul style="list-style-type: none"> <li data-bbox="167 324 1141 392">• Is it likely to affect people with particular protected characteristics differently? <input checked="" type="checkbox"/> <input type="checkbox"/> <li data-bbox="167 398 1045 465">• Is it a major policy, significantly affecting how functions are delivered? <input checked="" type="checkbox"/> <input type="checkbox"/> <li data-bbox="167 472 1166 539">• Will the policy have a significant impact on how other organisations operate in terms of equality? <input type="checkbox"/> <input checked="" type="checkbox"/> <li data-bbox="167 546 1189 613">• 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"/> <li data-bbox="167 620 1029 665">• Does the policy relate to an area with known inequalities? <input type="checkbox"/> <input checked="" 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 type="checkbox"/>
Not relevant to equality			<input type="checkbox"/>

Consultation Responses

Members:

Leader of Council: No comments on the report

Overview & Scrutiny Management Commission Chairman: no comments on the report

Ward Members: N/A

Opposition Spokesperson: I am concerned that the change in residency requirements could cause problems for families living close to our borders in places like Tilehurst and Calcot. It is often not clear where boundaries run and which district a property is in. I could imagine families moving from a shorthold property in one district to one in another without realising the effect this would have on a housing application. Can the system allow any flexibility or discretion?

Local Stakeholders: N/A

Officers Consulted: June Graves, Head of Care Commissioning, Housing & Safeguarding

Trade Union: N/A

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
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Supporting Information

1. Background

- 1.1 Following extensive consultation, the Council adopted a new Housing Allocations Policy (HAP) in October 2013. The policy used flexibilities offered by the Localism Act 2011, particularly in relation to introducing local qualifying criteria for the Common Housing Register.
- 1.2 On 31st December 2013, CLG published new statutory guidance on social housing allocations for local authorities in England. In particular, the guidance recommends that local authorities:
- (1) Consider including a residency requirement as part of their qualification criteria, with a reasonable period of residency being at least two years;
 - (2) Consider whether residency requirements should be extended to include family associations and employment in the district, to ensure that applicants who are not currently resident but who still demonstrate a strong association to the local area are still able to qualify;
 - (3) Will make exceptions to residency requirements for existing social tenants seeking to move between local authorities to take up or be closer to work, with a stated intention that the Government will introduce a Right to Move in the future
 - (4) Make appropriate exceptions to residency requirements for certain members of the regular and reserved armed services;
 - (5) Consider how accurate and anonymised information on waiting list applicants and lettings outcomes could be routinely published.
- 1.3 Whilst guidance has less weight than legislation, it is evident from the wording of the guidance that the government has an expectation that it will be followed. Failure to follow statutory guidance would also lead to an increased risk of Judicial Review and other court action from housing applicants. It was therefore determined that it would be appropriate to review the adopted HAP and to amend it, as appropriate, in line with the guidance.
- 1.4 Since the HAP was implemented in November 2013 there have inevitably been some areas where it has become evident that additional clarification is required. These issues have also been picked up as part of this review and will form part of the consultation.
- 1.5 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.

2. Proposals

2.1 The main proposed amendments, to bring the HAP into line with the new statutory guidance are as follows:

- (1) Residency requirement – the HAP already has a residency requirement of 6 months out of the last twelve or three years out of the last five. It is proposed that this is amended to a residency requirement of at least two consecutive years. It is proposed that local connection criteria must be maintained for the duration of the application.
- (2) Extension of residency requirements to family and employment – the HAP already has residency requirements which extend to parents, adult siblings or adult children who have lived in the district for five consecutive years. It is proposed that this remains unchanged. The HAP also extends residency to applicants who have been employed in meaningful paid employment within the district, for 16 hours or more a week, for at least the last six months. It is proposed that the employment criterion stays the same but the time period is extended to at least the last two consecutive years. It is proposed that local connection criteria must be maintained for the duration of the application.
- (3) Exceptions for existing social tenants who need to move to take up or move closer to work – this is not a current exception within the HAP. It is therefore proposed to introduce an exception for certain social tenants who need to live in West Berkshire in order to take up employment or live closer to work. It is proposed that the criterion for this is based on current DWP guidance on reasonable travel to work areas.
- (4) Exceptions to residency requirements for certain members of the regular and reserved armed forces – this is already contained within the HAP.
- (5) Published information on waiting list applicants and lettings outcomes – results from previous adverts are already published on a weekly basis. This provides applicants with information on how the housing need points and registration date of each successful allocation. This allows applicants to assess their likelihood of being successful in any subsequent bid they make. No amendments are proposed.

2.2 As the HAP was progressing through the adoption process, a request was made to review how the policy applied to foster carers. The Council has a role as a corporate parent and is keen to recruit and retain foster carers. Due to welfare reform, the HAP does not tend to award additional bedrooms over and above the household's assessed need. This can be a barrier to some households becoming foster carers. It is therefore proposed to amend this and allow an additional bedroom to be awarded to applicants who are approved as foster carers and where there is a recommendation from Social Services.

2.3 The remainder of the proposed amendments either correct errors in the HAP or provide clarification on information which is unclear. These minor amendments are

contained within the table at Appendix B. The full HAP, with the proposed amendments is at Appendix A.

3. Consultation

3.1 It is proposed that the draft Housing Allocation Policy will be published for consultation for a period of 8 weeks.

3.2 Consultation will take place in the following ways:

- (1) Sending an e-mail or letter to all applicants on the Common Housing Register, providing an electronic link to the proposed amendments and providing them with details on how to access a hard copy if preferred
- (2) Sending a copy of the full draft Policy to all Registered Providers with stock within the district
- (3) Sending a copy of the full draft Policy to all statutory and voluntary agencies who may have an interest in the Policy
- (4) Ensuring that the consultation is available via the Housing web pages
- (5) Loading the consultation onto the Council's consultation pages

3.3 Following the close of the consultation, all comments will be considered and the draft Policy amended as appropriate. It will then go through the decision-making cycle for adoption.

3.4 During the consultation, the Housing Service will work with Locata to determine what works are required to the Locata system in order to implement the proposed Policy, the timelines for achieving those works and the costs. This work is expected to be minimal.

4. Equalities Impact Assessment Outcomes

4.1 The consultation will seek to understand any inequalities that may arise from the proposed amendments. An Equalities Impact Assessment will be completed once the consultation responses are received and prior to a final decision on the policy being taken.

5. Conclusion

5.1 It is recommended that the Portfolio Holder for Housing approve the publication of the draft Housing Allocations Policy for consultation.

Appendices

Appendix A – Housing Allocation Policy with draft amendments

Appendix B – Table of proposed amendments