

Title of Report:	Amendments to the Adopted Housing Allocations Policy
Report to be considered by:	Executive
Date of Meeting:	18 December 2014
Forward Plan Ref:	EX2899

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

Recommended Action: Executive approve and adopt the amendments to 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
Statutory guidance 'Providing Social housing for local people' (CLG, \Dec 2013)

The proposals contained in this report will help to achieve the following Council Strategy priority:

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	
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Date Portfolio Member agreed report:	03 November 2014
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Implications

- Policy:** The report proposes amendments to the adopted Housing Allocations Policy, implementing the statutory guidance 'Providing Social Housing for Local People' (CLG, \Dec 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:** All costs related to the implementation of the amendments to the Housing Allocation Policy have been contained within existing budgets.
- Personnel:** N/A
- Legal/Procurement:** The Council is required to publish an Allocations 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 Housing Allocations Policy (HAP) was adopted in October 2013. In December 2013, the Government published new statutory guidance. A review of the HAP has been undertaken and a number of amendments are proposed to ensure that it reflects the requirements of the new statutory guidance.
- 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 but would be increased if we did not implement the proposed amendments in consequence of statutory guidance.

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"/>	
• Is it a major policy, significantly affecting how functions are delivered?		<input checked="" type="checkbox"/>	
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input checked="" 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"/>	
• Does the policy relate to an area with known inequalities?		<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

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

Executive Summary

1. Introduction

- 1.1 West Berkshire Council's current Allocations Policy was adopted in October 2013. In December 2013, the Government published new statutory guidance. 'Providing Social Housing for Local People' (CLG, Dec 2013). In consequence, a review of the Housing Allocations Policy has been undertaken and a number of amendments are proposed to ensure that it reflects the requirements of the new statutory guidance.
- 1.2 In addition to the proposed amendments to reflect the Statutory Guidance, some minor amendments have been proposed to offer clarification on the Housing Allocations Policy, remove inconsistencies and to reflect current operational practices and use to terminology.

2. Proposals

- 2.1 The key changes to the proposed policy compared to the current policy are as follows:
 - (a) Qualification - amend local connection qualifying criteria to residency or meaningful paid employment of at least 16 hours a week for 2 consecutive years. (Other aspects of local connection criteria remain the same)
 - (b) Social tenants and labour mobility – to allow for exceptions to local connection qualifying criteria to be applied to certain social tenants who need to move in order to sustain or take up employment
 - (c) Foster carers – inclusion in the policy to award an additional bedroom for approved foster carers.
 - (d) Homeless Households – new wording inserted to allow deferral of a CHR application for a minimum period of 4 months when a household is placed into temporary accommodation following acceptance of a full homelessness duty.

3. Consultation

- 3.1 An eight week public consultation was undertaken during September/October 2014. During which views were sought on the principles of the proposed amendments and comments sought.
- 3.2 The consultation was successful in generating a high level of interest and participation. The majority of feedback from consultees was positive, welcoming provisions to implement amendments to the qualification criteria, social and labour mobility and the inclusion of an additional bedroom for foster carers.
- 3.3 The proposed amendments to the Allocations policy were presented to OSMC on 2nd December 2014.
- 3.4 OSMC provided a recommendation that the wording relating to the deferral of homeless households was amended to allow flexibility in the policy for households

presenting in exceptional circumstances. The original proposed wording would have resulted in all homeless households being deferred for a minimum of four months. This recommendation has been accepted and the following wording is proposed as an amendment to replace section 21.4 of the Housing Allocations Policy.

Applicants to whom a full housing duty has been accepted and who are placed in temporary accommodation will have their CHR application deferred to allow the Housing Service time to identify any ongoing support needs and to confirm that the applicant is able to effectively manage and sustain a tenancy prior to being offered settled accommodation. The usual period of time that an application will initially be deferred for is four months, however the Housing Service have the discretion to reduce this period of time in exceptional circumstances. Any decision to reduce the deferral period will be assessed by a panel of two Housing Managers

4. Equalities Impact Assessment Outcomes

- 4.1 A Stage 2 Equalities Impact Assessment was completed when the allocations policy was adopted in October 2013. The proposed amendments to the allocations policy have not affected the outcome of the assessment.

5. Conclusion

- 5.1 It is recommended that Executive approve and adopt the proposed amendments to Housing Allocations Policy

Executive Report

1. Introduction

- 1.1 West Berkshire Council's current Allocations Policy was adopted in October 2013. In December 2013, the Government published new statutory guidance. 'Providing Social Housing for Local People' (CLG, Dec 2013). In consequence, a review of the Housing Allocations Policy has been undertaken and a number of amendments are proposed to ensure that it reflects the requirements of the new statutory guidance.
- 1.2 In addition to the proposed amendments to reflect the Statutory Guidance, some minor amendments have been proposed to offer clarification on the Housing Allocations policy, to remove inconsistencies and to reflect current operational practices and use of terminology.
- 1.3 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 and Statutory Guidance 'Social Housing for Local People' (CLG, Dec 2013)
- 1.4 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.
- 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) Qualification - amend local connection qualifying criteria to residency or meaningful paid employment of at least 16 hours a week for 2 consecutive years. (Other aspects of local connection criteria remain the same)
 - (b) Social tenants and labour mobility – to allow for exceptions to local connection qualifying criteria to be applied to certain social tenants who need to move in order to sustain or take up employment
 - (c) Foster carers – inclusion in the policy to award an additional bedroom for approved foster carers.
 - (d) Homeless Households – new wording inserted to allow deferral of a CHR application for a minimum period of 4 months when a household is placed into temporary accommodation following acceptance of a full homelessness duty.

3. Consultation

- 3.1 An eight week public consultation was undertaken during September/October 2014. During which views were sought on the principles of the proposed amendments and comments sought.
- 3.2 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 consultation and invited to comment, highlighting the main proposed changes. In addition, the draft policy 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. The majority of feedback from consultees was positive, welcoming provisions to implement amendments to the qualification criteria, social and labour mobility and the inclusion of an additional bedroom for foster carers, 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 154 responses to the 2014 consultation, the detailed comments of which are attached at Appendix B.
- 3.4 In relation to the proposed amendments the following responses were received:
- (a) Qualification - amend local connection qualifying criteria to residency or meaningful paid employment of at least 16 hours a week for 2 consecutive years. (Other aspects of local connection criteria remain the same).

116 responses of which 80.17% agreed with the proposed amendments, 11.21% disagreed and 8.62% had no opinion.
 - (b) Social tenants and labour mobility – to allow for exceptions to local connection qualifying criteria to be applied to certain social tenants who need to move in order to sustain or take up employment

109 responses of which 68.81% agreed with the proposed amendments, 13.76% disagreed and 17.43% had no opinion.
 - (c) Foster carers – inclusion of a policy to award an additional bedroom for approved foster carers.

104 responses of which 74.04% agreed with the proposed amendments, 5.77% disagreed and 20.19% had no opinion.
 - (d) Homeless Households – new wording inserted to allow deferral of a CHR application for a minimum period of 4 months when a household is placed into temporary accommodation following acceptance of a full homelessness duty.

101 responses of which 70.30% agreed with the proposed amendments, 6.93% disagreed and 22.77% had no opinion.

- 3.5 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.
- 3.6 The proposed amendments to the Allocations policy were presented to OSMC on 2nd December 2014.
- 3.7 OSMC provided a recommendation that the wording relating to the deferral of homeless households was amended to allow flexibility in the policy for households presenting in exceptional circumstances. The original proposed wording would have resulted in all homeless households being deferred for a minimum of four months. This recommendation has been accepted and the following wording is proposed as an amendment to replace section 21.4 of the Housing Allocations Policy.

Applicants to whom a full housing duty has been accepted and who are placed in temporary accommodation will have their CHR application deferred to allow the Housing Service time to identify any ongoing support needs and to confirm that the applicant is able to effectively manage and sustain a tenancy prior to being offered settled accommodation. The usual period of time that an application will initially be deferred for is four months, however the Housing Service have the discretion to reduce this period of time in exceptional circumstances. Any decision to reduce the deferral period will be assessed by a panel of two Housing Managers

4. Equalities Impact Assessment Outcomes

- 4.1 A Stage 2 Equalities Impact Assessment was completed when the allocations policy was adopted in October 2013. The proposed amendments to the allocations policy have not affected the outcome of the assessment which concluded that 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.
- 4.2 Applicants for social housing have a choice of the type and location of homes.
- 4.3 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.
- 4.4 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 MAPPAs and men who have access to children from a previous relationship.
- 4.5 It is predicted that no impact will be apparent with the equality streams of faith, race or sexual orientation.
- 4.6 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 proposed amendments to 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 - Dated Oct 2013

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; and Corporate Board

Trade Union: N/A