
Approval to adopt a revised Housing Allocations Policy

Committee considering report:	Executive
Date of Committee:	17 th December 2020
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	7 th September 2020
Report Author:	Fidelis Ukwenu
Forward Plan Ref:	EX3902

1 Purpose of the Report

- 1.1 To seek approval to adopt and implement the revised Housing Allocations Policy.

2 Recommendation

- 2.1 That the revised Housing Allocations Policy, as set out at Appendix A, be adopted and fully implemented when the Housing department's ICT allocations system is deployed.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications as the Housing Allocations Policy relates to the allocation of affordable homes managed by Registered Providers.
Human Resource:	There are no HR implications
Legal:	<p>The Council must have a housing allocations scheme (Housing Allocations Policy) in accordance with Part VI of the Housing Act 1996 (section 166A). The Housing Allocations Policy must include the Council's policy on offering people choice of housing and to express a preference (a statement of choice) as mentioned in 5.6 below.</p> <p>There is a legal requirement to consult on major changes to the Housing Allocations Policy. Public consultation on the Council's proposed revised</p>

Approval to adopt a revised Housing Allocations Policy

	<p>Housing Allocations Policy has been completed and the results are attached as Appendix C.</p> <p>The revised Housing Allocations Policy will also take into account the statutory guidance “Improving access to social housing for members of the Armed Forces” (27 June 2020) and Homelessness code of guidance for local authorities (February 2018).</p>			
Risk Management:	<p>The proposed changes to the Council’s Housing Allocations Policy are intended to:</p> <ul style="list-style-type: none"> • Reduce the risk of tenancy fraud in cases of split households and accommodation. • Manage challenges regarding accessing social housing by applicants who live outside of the district. • Ensure that the Housing Allocations Policy is legally compliant, by incorporating legislative changes introduced by the Homelessness Reduction Act 2017, together with the contents of the statutory guidance “Improving access to social housing for members of the Armed Forces” and Homelessness code of guidance for local authorities. 			
Property:	<p>There are no property related implications as the Housing Allocations Policy relates to the allocation of affordable homes managed by registered providers</p>			
Policy:	<p>The proposal relates to the Council’s statutory Housing Allocations Policy (22nd July 2020).</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

Approval to adopt a revised Housing Allocations Policy

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	X			The revised policy will ensure that the limited stock of social and affordable homes in the district are allocated to the most vulnerable residents. Views obtained through the consultation process have been considered and incorporated into the revised Housing Allocations Policy where appropriate.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			The revised policy will benefit applicants or members of a household with a disability who have a housing need as they will be placed in the high priority band for social housing.
Environmental Impact:		X		The proposal will not have any environmental impact.
Health Impact:	X			The revised policy supports applicants who have housing issues which significantly impact upon their health.
ICT or Digital Services Impact:	X			<p>The revised policy will form part of digitalisation of online facilities for housing applications and some decision making on the assessment of housing needs.</p> <p>The implementation of the revised Housing Allocations Policy will be linked to the delivery of the new Housing department's ICT system - Abrisas.</p>

Approval to adopt a revised Housing Allocations Policy

Council Strategy Priorities or Business as Usual:	X			<p>The revised policy will support the following Council Priorities:</p> <p>Ensure our vulnerable children and adults achieve better outcomes;</p> <ul style="list-style-type: none"> • Improve the health and wellbeing of our residents through appropriate interventions and policies. • Help people to help themselves and others. • Support everyone to reach their full potential. • Improve the health and wellbeing of our residents through appropriate interventions and policies. <p>Develop local infrastructure, including housing, to support and grow the local economy;</p> <ul style="list-style-type: none"> • Further develop digital infrastructure and information assets in the District. • Develop an Integrated Infrastructure Plan to deliver regeneration, housing, flood prevention and alleviation schemes, and travel and transport infrastructure. <p>Ensure sustainable services through innovation and partnerships;</p> <ul style="list-style-type: none"> • Use data to better understand our services' beneficiaries to improve the way we interact with them and the services we provide.
Data Impact:		X		<p>The revised proposal will not have any impact on the rights of data subjects or how their data is used by the Council.</p>

Consultation and Engagement:	<p>Section 166A(13) and 168(3) of the Housing Act 1996 requires certain stakeholders and those likely to be affected by it to be consulted on proposed major changes to the Council's Housing Allocations Policy. In addition, the public consultation exercise was subject to the Council's Consultation Policy. A consultation for the proposed revised Housing Allocations Policy was carried out over a six week period from 17th March to 3rd May 2020.</p> <p>In addition, individuals on the housing register (as at 13th March 2020 this was 3,700 households) regarding the proposed changes. Letters were also sent to other stakeholders, including those resident in temporary accommodation provided by the Council, the voluntary sector, registered providers, internal departments and partner organisations, notifying them of the consultation and inviting their contributions. Finally, in addition to publishing the consultation on the council's website, a press release was issued and the consultation was publicised through the Council's Facebook and Twitter accounts.</p> <p>Face to face focus groups were not held due to Covid-19. Whilst virtual focus groups were considered, it was not possible to facilitate this at the onset of the pandemic.</p> <p>Full details of this consultation can be found in Appendix C.</p>
-------------------------------------	---

4 Executive Summary

- 4.1 West Berkshire Council is required to have a Housing Allocations Policy in accordance with Part VI of the Housing Act 1996.
- 4.2 The Council's Housing Allocations Policy does not yet fully support the delivery of obligations under the Homelessness Reduction Act 2017 which came into force on the 3rd April 2018 (with limited exceptions) and made significant changes to Part VII of the Housing Act 1996.
- 4.3 The revised Housing Allocations Policy has therefore been updated to better reflect current legislation.
- 4.4 The Council carried out a consultation for the revised Housing Allocations Policy between 17th March 2020 and 3rd May 2020. This provided a period in excess of 6 weeks for residents and stakeholders to respond, taking into account Easter and school holidays.
- 4.5 We published the proposals and questionnaire regarding the changes on our website at www.westberks.gov.uk/housing. The questionnaire was available for a six week period with feedback requested by midnight on 3rd May 2020.
- 4.6 Respondents were directed to the revised policy and a document summarising the changes to read before answering the questionnaire. A total of 234 stakeholders submitted feedback.

Approval to adopt a revised Housing Allocations Policy

- 4.7 Each question related to a specific change in the policy and a reference to the paragraph and page in the policy were included. In addition, we set up a dedicated email address to deal with any questions or enquiries relating to the consultation process including queries about accessing the questionnaire. As a result of this we printed hard copies of the proposal documents and surveys following queries regarding access and made them available on request.
- 4.8 Our approach also included delivering focus groups but due to Covid-19 we were unable to proceed with face to face focus groups. We also wrote to everyone on the housing register as at 13th March 2020 (around 3,700 households). In addition, letters were also sent to other stakeholders including those resident in temporary accommodation provided by the Council, the voluntary sector, Registered Providers, internal departments and partner organisations notifying them of the consultation and inviting their contributions.
- 4.9 Finally, we issued a press release and further publicised our consultations through our Facebook and Twitter accounts.
- 4.10 There was overwhelming support for each of the changes proposed to the Housing Allocations Policy. In addition to support for the proposed changes, respondents wanted keyworkers to be given consideration in the revised policy. The revised Housing Allocations Policy therefore includes reasonable preference for keyworkers in the district.
- 4.11 The full consultation report is attached as Appendix C
- 4.12 The final proposed Housing Allocations Policy following consultation is attached as Appendix A.
- 4.13 Details of the proposed changes to the Housing Allocations Policy is in section 5.9 below.

5 Supporting Information

Introduction

- 5.1 The revised Housing Allocations Policy changes the current allocation scheme from a points based system to a banding system, which is considered to be easier for applicants to understand and simpler for the Council to administer.
- 5.2 The revised Housing Allocations Policy also introduces a qualification criteria that will ensure social housing is allocated to local residents most in need of housing.
- 5.3 The existing Housing Allocations Policy opens the Council's housing register to all residents, including individuals who do not live in the district, and to those who do not have a housing need. The revised Housing Allocations Policy will close the housing register to individuals who do not live in the district and who do not have a housing need.
- 5.4 Finally, it is proposed that Keyworkers and separated spouses and partners of armed forces personnel be given some priority in the revised Housing Allocations Policy.

Overall, the revised Housing Allocations Policy will be fairer and more equitable; the number of applicants on the housing register will reduce to reflect only those in genuine housing need.

Background

- 5.5 The Housing Allocations Policy is a statutory requirement.
- 5.6 It must include a statement of choice and adhere to the “Allocation of Accommodation: Guidance for Local Housing Authorities in England” (June 2012). There has been an amendment to the Housing Act 1996 in the form of the Homelessness Reduction Act 2017, which requires a review of the Council’s current Housing Allocations Policy.
- 5.7 The revised Housing Allocations Policy was developed with engagement from our internal and external partners, key stakeholders and residents and by reviewing new legislation and updated guidance from central government.
- 5.8 The revised Housing Allocations Policy details how the Council’s affordable and social housing will be allocated to those most in need of housing in the district.

5.9 Overview and Summary of Changes Proposed to the Housing Allocations Policy

Overview

The Homelessness Reduction Act 2017 (HRA 2017) came into force on 3 April 2018 and made significant changes to Part 7 of the Housing Act 1996. The main aim of the legislation was to place increased duties on local authorities to assess applicant’s needs and intervene at an earlier stage to prevent and relieve homelessness. It should be noted that the changes introduced under the HRA 2017 will not apply to an applicant who applied as homeless before 3 April 2018.

Both the Localism Act 2011 (LA 2011), and more recently the HRA 2017, seek to separate homelessness which is dealt with under Part 7 of the Housing Act 1996 (HA 1996) from, social tenancies that is dealt with under Part 6 of the Housing Act 1996. These pieces of legislation recognise that homelessness is a crisis and that households who apply to local authorities because of a housing need, are in a crisis. Such applications cannot reasonably be expected to be resolved with an offer of social housing because of the severe shortage of this type of accommodation nationally and, where it is available, the long waiting times to secure it.

West Berkshire Council has identified that more can be done to reflect the separation of homelessness applications from housing register applications (which operates on a waiting list basis) as intended by the legislation. The Council’s current processes are being revised to reflect the expectations of statute. In order to do this and make the housing service fully compliant with current legislation, updates to the Council’s Allocations Policy is required.

Summary of changes

- Change the current allocation scheme from a points based system to a banding system.
- Introduce a qualification criteria that will ensure social housing is allocated to local residents most in need of housing.
- Close the housing register to individuals who do not live in the district.

Approval to adopt a revised Housing Allocations Policy

- Ensure Keyworkers and separated spouses and partners of armed forces personnel will have been given some priority.

Meeting Housing Need

Closing the housing register will better address housing need in the district. Under the current Housing Allocations Policy, people with no housing need such as homeowners and people who live outside the West Berkshire area, can join the housing register as low priority.

The changes to the housing register will ensure that social housing, including affordable housing, will only be allocated to people who are resident in West Berkshire and have a genuine housing need.

Qualification

The LA 2011 enabled local authorities to extend the definition of its own qualification criteria for joining the housing register. The table below shows the proposed revised qualification criteria to join West Berkshire Council's Housing Register compared to the current policy:

	The Current Allocations Policy	The Proposed Allocations Policy
1	Open to everyone including; homeowners, those with a tenancy, existing social tenancies.	Open to those who have a housing need only.
2	Open to those living outside of WBC.	Open to those living in WBC only. Exceptions include those fleeing domestic violence, needing to give or receive essential care, keyworkers moving to work in the district and armed forces personnel.
3	Open to those who have the financial means to find private accommodation themselves. There is currently a single earning threshold for all households.	A separate earnings threshold for couples (£60,000) and singles (£44,000) introduced. This is based on the Office of National Statistics annual survey of hours and earnings – resident analysis. This will remain in line with any changes from Central Government.

Banding Scheme

The housing legislation defines a group of applicants who must be given reasonable preference in an allocations scheme. It does not dictate how much preference is to be given, just that it is given. The proposed changes to reasonable preference and priority groups are shown in the table below. All the changes to the Allocations Policy are proposed to ensure our limited social housing is targeted at those most in need who are residents in West Berkshire district and to reduce waiting times.

	The Current Allocations Policy	The Proposed Allocations Policy
1	Points based system. Points allocated for a variety of reasons which can be unfair and lead to applicant 'chasing' more points.	Applicants placed in a band that reflect an accurate assessment of their housing needs.

Approval to adopt a revised Housing Allocations Policy

	The Current Allocations Policy	The Proposed Allocations Policy
2	Emergency need to move is catered for by way of social needs points which are subjective, time wasting and can be unfair.	An emergency need to move band created for the most vulnerable in life threatening situations, who need to move immediately and is not subject to individual interpretation.
3	Ambiguous about when and how direct offers can be made.	Specifies the circumstances where the council may make direct offers or set up automatic bidding for applicants e.g. those occupying expensive temporary accommodation.
4	Households lacking just one bedroom (mild overcrowding) are currently given reasonable preference.	Households who need two bedrooms or more to reach the Department of Works and Pension (DWP) bedroom standard, are given higher preference. Households who need one bedroom to reach the DWP bedroom standard are given lower preference.
5	Applicants to whom the Council has ended its housing duty remain on the housing register so there's no real punitive measures in place e.g. for giving up reasonable accommodation.	Applicants to whom the Council has ended its housing duty no longer qualify to be on the housing register.
6	New statutory duties under HRA 2017 are not recognised or catered for.	Reasonable preference given to those owed the new statutory duties under the HRA 2017.
7	Armed forces covenant not directly referenced.	Armed forces covenant recognised and given priority in the banding scheme. Separated spouses and partner of armed forces personnel also included following new statutory guidance from central government.
8	Does not adequately deal with circumstances where the Council's partners need to decant a property for redevelopment.	Gives the highest priority to these cases to ensure there are no delays related to schemes being redeveloped/going through construction.
9	Families can split up and end up with two social tenancies under the current scheme.	Recognises that there is no legal duty or requirement to provide the option of a second home to a child who already has a home with one of their parents in circumstances where the parents have split up (<i>Holmes-Moorhouse v LB Richmond upon Thames 2009</i>)
10	No specific recognition of rough sleepers in the district.	Verified rough sleepers are recognised and given the same reasonable preference as those owed a homelessness duty, even where the rough sleepers have not made a homeless application.

Approval to adopt a revised Housing Allocations Policy

	The Current Allocations Policy	The Proposed Allocations Policy
11	No mention and no priority given to Keyworkers	Keyworkers defined by the Thames Valley Local Enterprise Partnership are given band C priority.

Proposals

5.10 To adopt and implement the revised Housing Allocations Policy effective on the date the new housing department's ICT system is delivered.

6 Other options considered

6.1 The option not to review and develop a revised Housing Allocations Policy was dismissed due to changes in legislation and associated statutory guidance and the requirement to ensure that our policies reflect these.

7 Conclusion

7.1 The revised Housing Allocations Policy links to a number of corporate priorities such as;

- Ensure our vulnerable children and adults achieve better outcomes,
- Ensure sustainable services through innovation and partnerships and
- Support everyone to reach their full potential.

7.2 This report seeks agreement to implement the revised Housing Allocations Policy, effective on the date the new ICT housing allocations system will go live.

8 Appendices

8.1 Appendix A – Revised Housing Allocations Policy

8.2 Appendix B – Summary of changes to the Housing Allocations Policy

8.3 Appendix C, C1, C2 – Consultation report, Tables and Graphs, Individual Responses

8.4 Appendix D – Equality impact Assessment Stage 2

8.5 Appendix E – Data Protection Impact Assessment Stage 2

Background Papers:

None

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval

☐

Approval to adopt a revised Housing Allocations Policy

Delays in implementation could have serious financial implications for the Council	<input checked="" type="checkbox"/>
Delays in implementation could compromise the Council's position	<input checked="" type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Officer details:

Name: Fidelis Ukwenu
Job Title: Interim Housing Operations Manager
Tel No: 01635 519302
E-mail: fidelis.ukwenu1@westberks.gov.uk

Document Control

Document Ref:	1	Date Created:	24 th August 2020
Version:	2	Date Modified:	
Author:	Fidelis Ukwenu		
Owning Service	Housing		

Change History

Version	Date	Description	Change ID
1	29/09/2020	Original report considered at Corporate board	FU
2	20/10/2020	Following corporate board on 29/09/2020: updates to section 4, detail about the consultation process included. Updates to section 5, an overview/summary of changes made to the housing allocations policy included.	FU
3	03/11/2020	Following operations board on 29/10/2020: updates to section 5.9 under sub heading 'qualification', keyworkers added to the exceptions.	FU