

Appendix B

Overview and Summary of Changes to the 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.
- 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.
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.
11	No mention and no priority given to Keyworkers	Keyworkers defined by the Thames Valley Local Enterprise Partnership are given band C priority.