

PAPER NO.8

REPORT TO THE EXECUTIVE MEETING OF 25th March 2013

Meeting: Executive
Date: 25 March
Subject: Allocation of Social Housing - Policy Review
Report of: Ann Ball
Portfolio Holder: Cllr. Janette Ackerley
Status: Decision

1 Purpose of the Report

1.1 For members to consider and approve changes to the Social Housing Allocations Policy

R 2 Recommendations

2.1 Approve the proposed policy changes set out in the consultation questionnaire attached at Appendix A

2.2 Delegate authority to the Assistant Director – Community Services in consultation with the Portfolio Holder for Planning Environment and Conservation to make such changes as he considers necessary arising from the outcome of consultation and cabinet approval in other district authorities.

3 Summary of Reasons for the Recommendations

3.1 *A detailed table of the proposed changes together with reason and impact is attached at Appendix A . In summary, the changes proposed to date include:*

- Only accepting home seekers on the housing register who have a local connection with one of the Council's in the scheme (unless there are exceptional circumstances e.g. Armed forces personnel)
- Time in High Band –reducing from 24 weeks to 16 weeks
- Time in Priority Band – reducing from 12 weeks to 8 weeks
- Number of bids per cycle - reduced from 3 to 2
- Suspending applications from home seekers who have refused three suitable offers of accommodation or failed to attend viewings (without good reason)
- Including transfer home seekers who are under-occupying a home and

affected by Welfare Reform in the High Housing Need Band

- Including home seekers in financial hardship who have difficulty in meeting their housing costs in Medium Band
- Including private tenants, tied tenants, and social tenants who are adequately housed and have no medical or welfare need, in Low Band (*note: social tenants with introductory tenancies will not normally be eligible to register for a transfer until their tenancy becomes an assured tenancy*)

3.2 The Leicestershire choice based lettings (cbl) Partnership feels that the changes proposed will help home seekers be more focused about their choice to bid for properties to meet their housing need and in turn will lead to re-letting properties more quickly and cost effectively.

4 Impact on Communities

4.1 It is proposed to restrict entry onto the housing register to only those people who have a defined local connection with one or more of the authorities in the Leicestershire cbl scheme (except in exceptional circumstances). It is estimated that approximately 80 home seekers on the Council's housing register will be affected by this proposed change.

4.2 The proposed changes to policy will enable people affected by the Welfare Reform who are under-occupying properties (in accordance with the Government's minimum bedroom standards) to move into High band which it is hoped, will help them to move to smaller accommodation quickly. It is proposed to give reasonable preference to those applicants who are suffering financial hardship in meeting their housing costs to enable them to move nearer to work or to alternative accommodation that will help alleviate their financial hardship.

5 Key Facts

5.1 The Leicestershire choice based lettings (cbl) scheme comprises the seven district authorities in Leicestershire. The scheme was implemented in 2010/11. The operation of the scheme is based upon the Leicestershire shared statement of policy. This policy ensures that the assessment of housing need and allocation of social housing is operated consistently throughout the scheme. Each district currently embeds this shared policy in its own Allocations Policy. All districts are taking forward the proposed changes to policy (Appendix A) to their respective cabinets and North West Leicestershire District Council's cabinet have already approved these changes.

5.2 In April 2012 the district authorities completed a six months operational review of the Leicestershire cbl scheme with partner Registered Providers and statutory and voluntary agencies, to identify positive aspects of the scheme as well as areas for improvement

5.3 The Localism Act 2011 came into force in stages and included amendments made to Part 6 of the Housing Act 1996. This new legislation empowers local authorities and provides the freedom to make changes to their allocations

policies to manage their waiting lists better, and promote mobility for existing social tenants.

- 5.4 The Department for Communities and Local Government published a consolidated code of statutory guidance for local authorities on the allocation of social housing issue by the Secretary of State under s.169 of the Housing Act 1996 in June 2012 . The guidance makes clear that social homes are expected to be allocated to people who genuinely need them.

6 Legal Issues

- 6.1 The final policy must meet the requirements of legislation and statutory guidance.
- 6.2 In November a legal representative from North West Leicestershire District Council considered the content of the initial draft revisions and indicated that there were no issues arising save for giving further consideration to exclusions from the register.
- 6.3 Harborough District Council's legal advisers have been asked to comment on the draft proposals and have confirmed the proposed changes are acceptable and these proposed changes comply with legislation and the relevant statutory guidance..

7 Resource Issues

- 7.1 Following wider consultation, recommendations will be made to the respective Cabinets/Executives of the seven district authorities to approve the proposed policy changes. The Leicestershire cbl partnership will need to discuss system implications and costs with the software supplier (Abitas). Currently there is no accurate assessment of the cost of the development time required to deliver the necessary changes to the system however, there is an indication of costs incurred by other sub-regional schemes which amounted to £35,000
- 7.2 As the choice based lettings system is used by all seven district authorities, when changes are agreed with Abritas and are implemented, each district will pay an equal portion of the total cost which is estimated at around £5000.
- 7.3 The proposed changes, if approved, will require every housing register application to be re-assessed in accordance with the new policy. This is a labour intensive task and this will be challenging to achieve in a timely manner within existing resources.

8 Equality Impact Assessment Implications/Outcomes

- 8.1 At the beginning of December (2012) the Leicestershire cbl Steering Group held a consultation event for Registered Providers (Housing Associations), who operate within the cbl scheme, and district Landlord representatives, regarding the proposed changes. Those who attended appreciated the opportunity to feed into the policy review process. Others who were unable to

attend offered their views by completing and returning a questionnaire by email.

- 8.2 In the middle of December the Steering Group invited statutory and voluntary agencies to attend a consultation event to shape the Equality Impact Assessment and a feedback newsletter was circulated to those who attended which is attached (Appendix C). A draft Equality Impact and Needs Assessment form has been prepared following the consultation event and the working draft is attached (Appendix D) for information.

9 Impact on the Organisation

- 9.1 The proposed changes, if approved, will require all applicants to resubmit an application confirming their current housing circumstances, to be assessed in line with the new policy.

10 Community Safety Implications

- 10.1 An applicant has a duty to disclose whether they or a member of their household has any unspent criminal convictions, or court orders against them and need to disclose if they, or anyone who will live with them, has been the subject of an Anti-Social Behaviour Order, Behaviour Contract, or other restrictions or had any other type of action taken against them to do with anti-social behaviour, criminal conviction or court orders. Anyone making a false declaration can as a consequence have their tenancy repossessed on the grounds of having obtained the tenancy fraudulently.
- 10.2 The proposed changes to the policy include being explicit about who will be accepted onto the housing register and who will not. Whilst each application will be considered on an individual basis, applicants will not normally be considered eligible to join the housing register if their behaviour makes them unsuitable to be a tenant examples of such behaviour include:
- Having been convicted of violence toward a partner or members of family
 - Committing certain criminal offences in or near the home, for example drug dealing and/or posing a threat to neighbours, the community staff from the Council, the Council's contractors or Registered Providers and their Contractors
- 10.3 In deciding whether to exclude an applicant or a member of their household it is proposed that all Leicestershire cbl Housing Advisors will follow an agreed assessment procedure to ensure there is consistency and fairness across all districts in assessing applications and housing need. These procedures are important, as once an applicant's housing need has been assessed by the district that is hosting their application, the banding that has been applied is effective in all districts when they bid on properties. Similarly if an applicant is excluded by one district, all districts in the scheme would be aware of this, and this would prevent the applicant applying to join another district's housing register. The draft procedures include consulting the Community Safety Officer regarding potential exclusion cases where appropriate.

11. Carbon Management Implications

11.1 There are none arising from this report.

12. Risk Management Implications

12.1 The risk for legal challenge is minimised by seeking Legal Services' view on the proposed changes (see paragraph 6 above).

12.2 The risk of challenge from vulnerable groups is minimised, by consulting with statutory and voluntary agencies that represent or support such groups, and taking their views into account when completing our Equality Impact Needs Assessment.

13. Consultation

13.1 Consultation began in February last year with briefing Portfolio Holders (with responsibility for Housing) on the Communities and Local Government Consultation on Allocation of accommodation: guidance for local housing authorities in England.

13.2 The Leicestershire cbl Steering Group have sought the views of the following groups of people and agencies in Leicestershire during the development of the proposed policy changes:

- Strategic and Operational Housing Staff from the seven district Authorities
- Portfolio Holders
- Leicestershire cbl Sub-Allocations group
- District Strategic Officers Group
- Registered Providers
- Statutory and Voluntary agencies
- County Housing Partnership Board

13.3 There is a statutory duty to consult on changes to policy, and in addition to specific consultation events held, views have been invited on the proposed changes from applicants who are currently registered on our housing register. Each applicant is aware of the review and, proposed area of key change to policy. They also have an opportunity to share their views by encouraging them to complete an Applicant survey. The results of the Applicant survey is attached at Appendix D.

13.4 Views from other key stakeholders have been sought via the corporate website and an online survey form.

13.5 The proposed changes to the Allocations Policy were presented to the Scrutiny Panel Community Leadership on March 7th. The Panel discussed the changes in detail and made the following resolution:

- (i) That the Policy be subject to annual review by Scrutiny (Portfolio Holder to be invited to attend this review meeting).
- (ii) If additional resources are required to administer the policy these should be allocated as appropriate.

14 Options Considered

14.1 Making no changes to the existing Allocations policy was not an option as the current policy did not take account of new legal requirements published in 2012 particularly in relation to Armed Forces personnel.

15 Background Papers

15.1 Scrutiny Report of 5th March 2013 and Minutes available from that meeting on the Council's Intranet.

Previous report(s): Scrutiny Report 7th March 2013

Information Issued Under Sensitive Issue Procedure: N

Ward Members Notified: N

Appendices: *list any appendices here including title and filename in brackets (e.g. Performance Data 2010 (perfdata.doc)).*

- A. Consultation Questionnaire**
- B. Consultation Workshop Newsletter**
- C. Equality Impact Needs Assessment**
- D. Applicant Consultation Survey Results**