

Review of the Housing Allocation Policy and Tenancy Strategy

Summary

To consider recommendations for changes to the Housing Allocation Policy and Tenancy Strategy to ensure that they are fit for purpose in meeting housing need in the Borough.

Portfolio - Regulatory

Date Portfolio Holder signed off report 9th June 2016

Wards Affected

All

Recommendation

The Executive is advised to resolve

- (i) The changes proposed to the Housing Allocation Policy be adopted with effect from 1st September 2016; and
- (ii) No changes are made to the Tenancy Strategy and it is continued to be reviewed on an annual basis in line with best practice.

1. Resource Implications

- 1.1 There are no resources implications to make the proposed changes.

2. Key Issues

- 2.1 The Council is required to have a mechanism in place to prioritise households for the social housing that becomes available. This is necessary as demand is always greater than supply.
- 2.2 The Allocation Policy is a mixture of legislative requirement and regulation, with regard to relevant case law and statutory guidance. Within this framework local authorities have discretion for setting priorities and systems that meet local circumstances.
- 2.3 It has been recognised that not only should Allocation Policies address need they should be transparent and demonstrate fairness so that they promote community cohesion.
- 2.4 The Council is required to have a Tenancy Strategy in place setting out how social housing tenancies in the Borough are managed to make best use of the housing stock.
- 2.5 While Registered Providers (housing associations) are required to have regard to the Tenancy Strategy they do not have to follow it. Realistically this means that as all the Registered Providers operate across a number of local authority areas they have their own Tenancy

Polices rather than have to manage a number of tenancy regimes across a number of areas.

- 2.6 The Council's Tenancy Strategy advocates flexible tenancies (i.e. tenancies for a fixed term based on need and regularly reviewed rather than 'tenancies for life'). This has not been adopted by Accent, the biggest social housing provider. However, the Government has indicated regulation may be brought forward to impose flexible tenancies in the sector.

3. Options

- 3.1 The Executive can accept, amend or add to the proposed changes to the Allocation Policy detailed in Annex A.
- 3.2 The Executive can note the review of the Tenancy Strategy or make recommendations for changes.

4. Proposals

- 4.1 The Executive adopts the changes to the Allocation Policy proposed in Annex A with effect from 1st September 2016.
- 4.2 The Executive notes the review of the Tenancy Strategy, with no changes at the current time.

5. Supporting Information

- 5.1 There are always more people looking for social housing than tenancies available and with limited new rented housing being delivered the supply of relets must be allocated, and seen to be allocated fairly (Table 1 shows the number of properties that have become available and the number of people that have applied to the Housing register over the last four years).

Table 1

	2011/12	2012/13	2013/14	2014/15	2015/16
Properties available	186	121	175	120	112
New applications	855	702	429	225	533

- 5.2 It is also important that where definitions are open to interpretation that the Council is clear on meaning and how an assessment is made to both ensure consistency and prevent challenge.
- 5.3 In reviewing the Allocation Policy the following issues were identified:
- 5.3.1 While people can establish a connection to the Borough through employment to be eligible to join the housing Register it has come to

officers attention that a small number of applicants are obtaining employment to meet this criteria but leaving that employment when housed.

- 5.3.2 The Homelessness Legislation has the concept of 'intentionality', i.e. a deliberate act that causes homelessness, and with this comes a reduced housing duty. Some applicants give up secure accommodation and move into a temporary arrangement without making a homeless application but apply to the Housing Register. Due to the temporary nature of their accommodation and the fact that it is usually overcrowded they often get high priority and are housed ahead of statutory homeless households. These households are often visible and vocal within the community and their re-housing seen to be unjust and 'queue jumping' to others with a housing need.
- 5.3.3 A number of homeless households believe that as they have been accepted as homeless they have an entitlement to a housing association tenancy. This means that they are uncooperative with housing options that would either prevent their homelessness before it happens or securing other settled housing once in temporary accommodation. This is unfair on those applicants who are actively engaged in trying to resolve their housing need.
- 5.4 In respect of the Tenancy Strategy, as noted above, Registered Providers do not have to follow its steer and in addition to that there may be legislation pending that will change the tenancy regime in social housing.

6. Corporate Objectives And Key Priorities

- 6.1 Ensuring the best use of the housing stock and meeting individual housing need is an important part of *protecting the general health and wellbeing of the community through our services*, part of Objective 3 of the Corporate Plan: *We will build and encourage communities where people can live happily and healthily.*

7. Policy Framework

- 7.1 The Allocation Policy and Tenancy Strategy are statutory requirements governed by legislation, statutory guidance and regulation with elements of local discretion to allow local authorities to shape schemes to meet local need.

8. Equalities Impact

- 8.1 The Allocation policy and Tenancy Strategy have been subject to Equality Impact Assessments and the proposals do not affect those original assessments.

9. Consultation

- 9.1 The Allocation Policy is a joint Policy with Accent Group and a consultation meeting has been held to agree the proposed changes.
- 9.2 Changes agreed will be published on the Home Choice pages of the Council's website.

Annexes	Annex A – Proposed changes
Background Papers	Allocation Policy Tenancy Strategy
Author/Contact Details	Clive Jinman – Housing and Homelessness Manager
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Consultations, Implications and Issues Addressed

Resources	Required	Consulted
Revenue	✓	
Capital		
Human Resources		
Asset Management		
IT		
Other Issues	Required	Consulted
Corporate Objectives & Key Priorities	✓	
Policy Framework		
Legal		
Governance		
Sustainability		
Risk Management		
Equalities Impact Assessment		
Community Safety		
Human Rights		
Consultation		
P R & Marketing		

Review Date:

Version:

Annex A

Allocations Policy – Amendments in red

Ref	Issue	Proposed change	Policy aim	Impact on applicants
1	Redefining ‘settled employment’ as a qualifying criteria	<p>Current:</p> <p><i>5.2The Council has deemed the following people ineligible:</i></p> <p><i>a. those who do not have a connection to the Borough through residence of 3 out of five years in accommodation of choice or settled employment of at least 16 hours per week based in the Borough or a close family member (father, mother, brother, sister or adult child) who is in settled accommodation in the Borough and there is an evidenced need to move to provide or receive care or support;</i></p> <p>Proposed:</p> <p><i>5.2The Council has deemed the following people ineligible:</i></p> <p><i>a. those who do not have a connection to the Borough through residence of 3 out of five years in accommodation of choice or settled</i></p>	<p>To stop applicants taking employment to secure access to social housing. This change follows feedback from applicants who are doing this and advising they will give up work after securing a tenancy.</p> <p>It is hoped that a longer period in employment will remove the link between getting a local connection through a job to get housing and the job itself, so encourage applicants to remain in employment.</p>	<p>This will impact on a small number of applicants currently on the Housing Register. This will be managed by allowing them to remain qualifying but checking at nomination that they meet the new definition.</p> <p>Future applicants will have to meet the new definition.</p>

		<p><i>employment of at least 16 hours per week based in the Borough that has been continuous for 12 months or a close family member (father, mother, brother, sister or adult child) who is in settled accommodation in the Borough and there is an evidenced need to move to provide or receive care or support;</i></p>		
2	<p>Adding clarity to the family association criteria</p>	<p>Current:</p> <p><i>5.2 ...The Council has deemed the following people ineligible:</i></p> <p><i>a. those who do not have a connection to the Borough through residence of 3 out of five years in accommodation of choice or settled employment of at least 16 hours per week based in the Borough or a close family member (father, mother, brother, sister or adult child) who is in settled accommodation in the Borough and there is an evidenced need to move to provide or receive care or support;</i></p> <p>Proposed:</p> <p><i>5.2 ...The Council has deemed the following people ineligible:</i></p>	<p>To clarify how needs are evidenced to ensure transparency in the assessment of qualification against this criteria)</p>	<p>This will not impact on any current applicants as it reflects in policy how assessments have been carried out in practice.</p>

		<p>a. <i>those who do not have a connection to the Borough through residence of 3 out of five years in accommodation of choice or settled employment of at least 16 hours per week based in the Borough that has been continuous for 12 months or a close family member (father, mother, brother, sister or adult child) who is in settled accommodation in the Borough and there is an evidenced need to move to provide or receive care or support (examples of evidence will include receipt of the higher rate care element of DLA, PIP or equivalent or receipt of Carers Allowance).</i></p>		
3	Worsening circumstances	<p>Proposed addition:</p> <p>5.2<i>The Council has deemed the following people ineligible:</i></p> <p><i>f. those who have deliberately worsened their circumstances to secure social housing or with an expectation that social housing will provide them with a home when they have not sought to provide for themselves. A period of suitable, settled accommodation is needed before re-application will be considered.</i></p>	<p>To stop people surrendering accommodation and moving to the area with the expectation that the Council will provide accommodation.</p> <p>A common scenario is for applicants to move with relatives in the area where the accommodation is</p>	<p>This will only effect a small but persistent number of households who try to misuse the system.</p>

			<p>insecure and they are often overcrowded giving them a high priority on the Housing Register.</p> <p>Allocations to such applicants are quite often visible within the community and cause resentment and a lack of trust in the Allocation Policy.</p>	
4	Non-cooperation with housing options	<p>Proposed addition:</p> <p><i>5.2The Council has deemed the following people ineligible:</i></p> <p><i>g. those who are homeless or at risk of homelessness who do not consider other options (this will include refusing to view or deliberately undermining rented or other housing options) and those who are homeless who do not engage with support to secure settled accommodation (this will include seeking accommodation and participation in training or other programmes of support)</i></p>	<p>A social housing tenancy is not the solution to all housing issues although a small minority will seek this option at the expense of others, including saving their current home.</p> <p>It is important in meeting the wider housing needs of the community that individual residents are active participants in exploring all the options available and have a responsibility to engage</p>	<p>If all the options are not explored it distorts the demand for social housing and adversely impacts on those with the least options and the highest housing need.</p> <p>This change will benefit those with the greatest need and tackle the misconception that there is a 'right' to</p>

			with the Housing Options Team in finding a solution.	a 'council' home.
5	Updates	<p>Proposed addition:</p> <p>12 General Information</p> <p>New</p> <p>12.10 The Housing Services Manager, after consultation with the Portfolio Holder, has authority to update the Policy to reflect current practice and make administrative changes where this does not alter the substance of the Policy.</p>	<p>Allow the policy to be up to date without unnecessary Member time in administrative changes.</p> <p>Examples include the terminology such as 'housing associations' became 'Registered Social Landlords', and now 'Registered Providers', or where organisations, practice or services mentioned in the Policy change (e.g. welfare benefits), or where clarification is needed (e.g. Ref 2 above).</p>	No impact on applicants

