



AGENDA ITEM: 12

SUMMARY

Report for:	Cabinet
Date of meeting:	26th March 2013
PART:	1
If Part II, reason:	

Title of report:	HOUSING ALLOCATIONS POLICY
Contact:	Cllr Margaret Griffiths, Portfolio Holder for Housing Julia Hedger – Strategic Housing Group Manager Isabel Connolly – Housing Strategy and Partnerships Officer
Purpose of report:	To bring to Cabinet: <ul style="list-style-type: none"> • The draft Housing Allocations Policy (Appendix 1) with minor amendments for feedback. • The consultation feedback and the Council’s response giving due consideration (Appendix 2).
Recommendations for Cabinet	<ul style="list-style-type: none"> • To approve the amended draft policy document for approval by Full Council. • To delegate the decision to implement the policy to the Director for Housing and Regeneration in consultation with the Portfolio-Holder for Housing on completion and successful testing of the computer system changes that are required. • To delegate authority to agree minor policy amendments to the Director for Housing and Regeneration in consultation with the Portfolio-Holder for Housing.
Corporate objectives:	<ul style="list-style-type: none"> • Affordable Housing

<p>Implications:</p>	<p>The minor amendments do not introduce any new implications in terms of finance or value for money. The implications identified in the report for Overview and Scrutiny Committee in January 2013 still hold.</p> <p><u>Legal</u></p> <p>The full draft policy, including minor amendments, will now be sent for review by the Council's legal service, and for external legal advice.</p>
<p>Risk Implications</p>	<p>The minor amendments do not introduce any new risk implications in terms of legal challenge, communications, or system failure. The risk implications identified in the report for Overview and Scrutiny Committee in January 2013 still hold.</p>
<p>Equalities Implications</p>	<p>An Equality Impact Assessment has been completed and presented to the Overview and Scrutiny Committee in January 2013.</p> <p>No reasons to expect discrimination have been identified that the Council does not have processes in place to mitigate.</p>
<p>Health And Safety Implications</p>	<p>The minor amendments do not introduce any new Health and Safety implications.</p>
<p>Monitoring Officer/ S.151 Officer comments</p>	<p><u>Deputy Monitoring Officer</u></p> <p>The Housing Act 1996 (as amended by the Localism Act 2011) requires local authorities to have an allocations policy and procedure in place in order to allocate social housing.</p> <p>Part VI Section 167 of the Housing Act 1996 provides that every housing authority must have a scheme for determining priorities, and the procedures to be followed in allocating housing accommodation and under Part VII of the Housing Act 1996 (as amended by Homelessness Act 2002) to make provision for homeless households.</p> <p>This policy aims to fulfil the Council's requirements under the Housing Act 1996.</p> <p><u>Deputy S151 Officer</u></p> <p>There are no new budgetary implications arising from these proposed amendments. Comments on the original draft are included within the report to Cabinet on 22 January 2013.</p>
<p>Consultees:</p>	<p>Cllr Margaret Griffiths – Portfolio Holder for Housing</p> <p>Cllr Janice Marshall – Chair of H&C OSC</p> <p>Cllr Mahmood – Vice chair of H&C OSC</p>

	<p>Dacorum Borough Council Housing and Communities Overview and Scrutiny Committee</p> <p>Tenants and Leaseholders' Committee</p> <p>Mark Gaynor – Corporate Director Housing and Regeneration</p> <p>Elliott Brooks – Assistant Director Housing</p> <p>Andy Vincent – Group Manager for Tenants and Leaseholders</p> <p>Natasha Brathwaite – Housing Advice and Homelessness Team Leader</p> <p>Teresa Wood – Housing Options Team Leader</p> <p>Jack Burnham – Development Manager</p>
Background papers:	<p>The current Housing Allocations Policy (Oct 2011)</p> <p>Draft Housing Strategy 2013 – 2018 (March 2013)</p> <p>Strategic Tenancy Policy (January 2013)</p> <p>Housing Principles (March 2012)</p> <p>Localism Act 2011</p>
Glossary of acronyms and any other abbreviations used in this report:	<p>H&C OSC – Housing and Communities Overview and Scrutiny Committee</p> <p>TLC – Tenants and Leaseholder Committee</p>

1. **Background**

- 1.1 The current Housing Allocations Policy was approved by Cabinet in October 2011 and adopted on 1 December 2011.
- 1.2 The Localism Act 2011 gave Councils new freedoms to manage their housing registers and to promote mobility for existing social tenants. In the Code of Guidance 2012 (Allocation of Accommodation: Guidance for Local Authorities 2012) the Government encourages Councils to review their existing allocations policies and to introduce changes based on the new flexibilities brought in by the Localism Act 2011 and endorsed in the guidance.
- 1.3 A small working party of Councillors and Officers met on four occasions in 2012 to rigorously consider all implications, benefits and potential risks. Once the main policy proposals had been formed these were then outlined in a report to the Council's Housing and Communities Overview and Scrutiny (H&C OSC) Panel on 5 December 2012.
- 1.4 A full draft Housing Allocations Policy was presented to H&C OSC on 22 January 2013 and to Cabinet on 23 January 2013. This document was approved for public consultation, which then ran until 12 mid-day on 8 March 2013.
- 1.5 The consultation included:

- Consultation through the Council's online consultation portal;
- Hardcopies of the consultation sent out on request;
- A press release to the Gazette signposting people to the consultation;
- An brief article in Dacorum Digest signposting people to the consultation;
- A forum with housing association partners; and
- Discussion at the Council's quarterly Homelessness Forum.

1.6 During the consultation period the Gazette ran an article on the proposed changes to the policy and the Group Manager for Strategic Housing was interviewed on the BBC Three Counties Radio.

2. Consultation feedback

2.1 The consultation feedback and the Council's response giving due consideration is provided in Appendix 2.

2.2 The overall tone of the feedback is positive. Where suggestions or comments have been made regarding specific sections of the policy these have been considered.

3. Table of minor amendments to policy

Shaded italics indicate additions to policy, strikethrough indicates removal from policy.

4.1 Qualification

New legislation amending the Housing Act 1996 in the Localism Act 2011, and Code of Guidance 2012 (Allocation of Accommodation: Guidance for Local Authorities 2012), has allowed local housing authorities to define criteria for qualification to their housing registers.

Dacorum Borough Council has chosen to operate an 'Active Register' as the main housing register for all qualifying applicants and a 'Deferred Register' for all non-qualifying applicants. All applicants on both registers will be written to at the point of registration to confirm their housing register status, and will be required to renew their application every 12 months at least.

The criteria relating to qualification are in addition to the eligibility criteria, *do not apply to applicants being made an offer through the Housing Act 1996, Part 7*, and only apply to applicants, not to their dependents or others in the household, who may appear on the application to be housed with them.

In contrast to the eligibility restrictions, while an allocation may not be made to a non-qualifying person as a sole applicant, a joint tenancy may be granted as long as both of the joint tenants are eligible, and one of the applicants is an eligible **and** qualifying person.

The qualification criteria are explained in more detail below.

2.3 The use of direct offers

A direct offer is defined by the Council as those offers made outside of the CBL scheme, but which are still covered by this policy. In each case where the right to make a direct offer is used it is specified in the table in appendix 1.

Where applicants are not bidding or refuse offers beyond a specified number of cycles the Council considers that it is reasonable to make direct offers where an offer is considered suitable to meet an applicant's needs.

For applicants in high-risk priority groups it may not be appropriate for applicants to bid, and a sensitive letting ~~will~~ **may** be sought through the making of a direct offer.

Direct offers will also be used as part of the Council's preventative approach to homelessness. **For Applicants given a Homelessness Status at the point of receiving the full statutory homelessness duty may then receive there will be a presumption to give** one direct offer of suitable accommodation (please see 'People who are homeless' section 6.2).

2.9 Councillors, council employees and their close relatives

Councillors, **and** council employees, and their close relatives, can apply to join the housing register. Any such association with the Council must, however, be clearly stated and disclosed on the application form.

If any such applicant applies for housing or makes a successful bid, the Corporate Director (Housing and Regeneration) will be informed and must approve the allocation, prior to the formal offer being made.

4.5 Financial means

As with home-owners, it is felt by the Council that applicants with the financial means to meet their own housing need should not qualify to the Active Register.

The Council has reflected the above by introducing qualification criteria for applicants with financial means. Applicants will need to demonstrate that their income and savings fall below a threshold that is considered sufficient to meet housing need. **The Council will include in its calculations the income and savings of the head or heads of the household, whether there is a joint tenancy or a single tenant is living with a partner or spouse.**

The Council has set its threshold cut-off points for income and savings to be in line with ~~current benefits cut off points as~~ **cut off points** set by central Government. Therefore applicants will only be placed on the Active Register where they can demonstrate that neither they nor their partner or spouse have:

- In excess of £16,000 savings **(in line with the housing benefit cut off point)**; or
- In excess of £60,000 income **(in line with the Homes and Communities Agency cut off point for shared ownership).**

In the case that the Government changes its thresholds the Council will adopt new

cut-off points accordingly.

Applicants whose financial means fall above the threshold cut-off points will be placed on the Deferred Register. These applications will have an opportunity for review at a 12 month renewal date.

Any lump sum payment made to a current or former member of the armed forces as compensation received for injury or disability sustained in active service will not be included in an assessment of financial means.

4.7 Rent arrears

Applicants will not qualify where there is evidence that a member of the household has a property-related arrear owed to the Council, a housing association, or a private rented sector landlord, *unless* six months of regular repayments have been made.

Applicants will also be placed on the Deferred Register if they, or any members of their household:

- Have been evicted on the grounds of rent arrears from council or housing association property in the last 5 years; or*
- There is an existing notice or a possession order on the property.*

Applicants with a property-related arrear will be placed on the Deferred Register. Due to the nature of the criteria there will be six monthly review opportunities for applicants, to allow for repayments to be reviewed.

Property-related arrears will be considered whether from current or former tenancies.

5.2 The bidding process

Each property advert states the number of available bedrooms. Applicants will **only** be able to bid for those properties where they meet the following criteria:

- The household has a need for all the bedrooms available; and
- The household would not become overcrowded *(except for households needing four or more bedrooms who may bid for three bedroom properties due to the shortage of large family homes available and in recognition that a three bedroom property may go some way to help a large family address their housing need).*

The Council has made a commitment to using the bedroom standard to recognise the pressure on stock in the local area and to maximise use of bed-spaces. The Council encourages all applicants to consider the property details, including bedroom sizes, when considering the long-term suitability of accommodation for their household.

To encourage single tenants and couples who are only eligible for one bedroom to downsize from three, four and five bedroom properties, in the case that a household is under-occupying by two bedrooms, they will be able to bid for properties with one bedroom above their need (please also see 'Under-occupation' section 6.3.3).

Some housing associations have tenancy agreements stating the number of persons who can be housed in a property of a specific number of bedrooms. This may be different to the number that would be reached by applying the bedroom standard. In these cases the Council will restrict the size of household able to bid for the property based on the property details received from the relevant housing association.

6.2 People who are homeless

'Homelessness' is a term defined in the Housing Act 1996, Part 7.

Part 7 distinguishes between people who are homeless with a statutory duty to be re-housed by a local housing authority, and those who are homeless without any statutory duty. The statutory duty will occur in cases when the applicant is assessed to be eligible and unintentionally homeless, and the household contains:

- dependent children; or
- a pregnant woman; or
- an adult who is assessed as vulnerable.

The Housing Act 1996, Part 6 requires councils to give additional priority to those who are homeless for any reason and in any circumstances, including rough sleepers. To meet the Part 6 definition of 'homeless' an applicant need not have made an application for homelessness assistance to any local housing authority.

The Council will give:

- A low points award to applicants who are homeless without the statutory homelessness duty (please see table in appendix 1); and
- A 'Homelessness Status' to applicants **at the point** that they receive the full statutory homelessness duty.

At the point of receiving the full statutory homelessness duty there will be a presumption to give one direct offer of suitable accommodation. The Homelessness Status may mean that an applicant is either:

Made one direct offer of accommodation that is considered by the Council to be suitable to meet that applicant's housing needs (please also see 'The use of direct offers' section 2.3).

- *Permitted to bid for four bidding cycles through the CBL scheme with a high priority Homelessness Status equivalent to the highest points level (in these cases a direct offer may still be made at the end of the stated number of bidding cycles if an applicant has not received an offer).*

The Council considers this approach to be consistent with its preventative approach to homelessness. Applicants will receive assistance to prevent homelessness and continue to bid through the CBL scheme with points allocated for other priority need criteria (please see 'Points' sections 6.3 – 6.7).

The Council also considers that this approach to homeless applicants will support the Council to ensure that homeless applicants do not unfairly dominate allocations made by the Council to the detriment of other groups whom the Council is required to also give priority to in accordance with the legislation in the Housing Act 1996, Part 6.

11. Exemptions to policy

Lettings that are not treated as allocations under this scheme include:

- Mutual exchanges between tenants of the Council or housing associations, *whether by Deed of Assignment or by commencement of new tenancies where a tenant with a Flexible Tenancy exchanges with a tenant with a Secure or Assured Tenancy* (including those arranged via national schemes such as Homeswapper);
- Where a tenant dies (whether secure, assured or fixed term) and a succession takes place;
- Where a secure or assured tenancy is granted by order of a court under Matrimonial Causes Act 1973, or Matrimonial and Family Proceedings Act 1984, or Children Act 1989;
- Where an introductory tenancy, assured shorthold starter, or probationary tenancy becomes an assured or secure tenancy; and
- Where a tenancy is demoted by court order, or, following the expiry of the demotion period, where a demoted tenancy reverts to secure tenancy status.

Appendix 1

Table for allocating points to applicants on the Active Register

For all priority categories an applicant may only be given points for meeting one level of criteria.

High risk groups	<p>People from high-risk groups who meet hard-to-house or sensitive lettings criteria. Criteria include:</p> <ul style="list-style-type: none"> • Care Leavers; Move-on from Supported Housing; Witness protection cases; and Individuals identified through multi-agency groups. <p>This list is not exhaustive.</p>	No points - Direct offer or points at the discretion of the Housing Panel only
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4. Recommendation

4.1 The recommendations are for Cabinet to:

- Approve the amended draft policy document for approval by Full Council.
- Delegate the decision to implement the policy to the Director for Housing and Regeneration in consultation with the Portfolio-Holder for Housing on completion and successful testing of the computer system changes that are required.

- Delegate authority to agree minor policy amendments to the Director for Housing and Regeneration in consultation with the Portfolio-Holder for Housing.