



**AGENDA ITEM: 9**  
**SUMMARY**

<b>Report for:</b>	<b>Housing and Community Overview and Scrutiny Committee</b>
<b>Date of meeting:</b>	<b>23<sup>rd</sup> January 2013</b>
<b>PART:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>HOUSING ALLOCATIONS POLICY REPORT</b>
Contact:	<p>Cllr Margaret Griffiths, Portfolio Holder for Housing</p> <p>Julia Hedger – Strategic Housing Group Manager</p> <p>Isabel Connolly – Housing Strategy and Partnerships Officer</p>
Purpose of report:	To bring the new draft Housing Allocations Policy (Appendix 1) with Points Testing to the Overview and Scrutiny Committee for their feedback. All feedback and views will be considered over the course of a six week consultation period starting in January 2013.
Recommendations	For members of the Overview and Scrutiny Committee to consider the content of the new draft policy document and give their feedback.
Corporate objectives:	Affordable Housing
Implications:	<p><u>Financial</u></p> <p>For the policy to go live a new technical specification will need to be developed with Abris who provide the computer software for managing the Council's housing register, as the new policy will require system changes. This cost has already been accounted for in the budgets for Housing Strategy (revenue budget) and Housing Landlord (HRA capital budget), and costs are to be split 50:50. There are no additional implications. From early discussions Abris have advised an estimate cost of £20,000. The 2013/14 Housing Strategy budget has received a £10,000 injection specifically for this</p>

	<p>purpose. Housing Landlord HRA budget has been allocated as Abritas is used to manage the internal transfer register for Council tenants.</p> <p><u>Value for money</u></p> <p>Recent legislative changes, principally in the Localism Act 2011, which impact on social housing allocations, have permitted local housing authorities to make changes to the way in which they manage their housing registers and which will support long-term value-for-money savings by encouraging the most effective use of stock.</p> <p><u>Legal</u></p> <p>The Council is required in law to publish a scheme with its policy and procedure for allocating social housing. This document serves that requirement.</p> <p>Due to the extent of recent legislative changes that have taken place the Council will seek expert legal opinion, as well as legal opinion from its internal legal department.</p>
Risk Implications	<p><u>Legal challenge</u></p> <p>Due to the extent of recent legislative changes, there is currently limited new case law from the courts to guide the Council.</p> <p>The Council has been very careful in its development of its policy and carried out a rigorous self-scrutinising process, including a report to the Council's Overview and Scrutiny Panel on the main principles prior to drafting.</p> <p>The Council will seek expert legal opinion during the consultation period.</p> <p><u>Communications</u></p> <p>The new draft policy will result in a number of existing applicants no longer qualifying to the Council's 'Active Register'. These applicants will be placed onto a 'Deferred Register' and cease to be able to bid for properties. The Council will need to be careful about how it announces these changes, including close partnership work with local Housing Associations, as well as its internal Housing Landlord Department.</p> <p>A forum for local housing associations is being organised to take place during the consultation period in February.</p> <p>A double page spread is planned for the Council's Housing Landlord 'News and Views' magazine, which gets delivered to all Council tenants.</p>

	<p>There will also be a programme of in-house briefings and training sessions, led by the Housing Strategy Team, and which will be targeted at staff in the Housing Landlord Department and Customer Services.</p> <p>The Council is re-launching a number of its Housing Options and Homelessness leaflets and plans to tie this re-launch in with the new Housing Allocations Policy going live. In this way the Council can ensure that the overall message is a positive one about the range of housing options available and managing expectations.</p> <p><u>System failure</u></p> <p>The Council will develop a new technical specification with Abris, the provider of its software programme for managing the Council's housing register, in order to incorporate the policy changes.</p> <p>The Council will ensure that its computer systems are ready and have been sufficiently tested before the policy goes live.</p>
<p>Equalities Implications</p>	<p>An Equality Impact Assessment has been completed and provided with this report in Appendix 2.</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 draft Housing Allocations Policy recognises Health and Safety standards for housing in the Housing Health and Safety Rating System: Guidance for Landlords and Property-Related Professionals.</p>
<p>Monitoring Officer</p> <p>S.151 Officer</p>	<p>Deputy Monitoring Officer:</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 fulfill the Council's requirements under the Housing Act 1996.</p> <p>It is noted that legal opinion has not been sought prior to the conclusion of the policy and this should be sought during the consultation period to ensure that the policy is robust.</p> <p>Budget has been included within the 2013/14 estimates to cover the costs of software development, (as far as they are</p>

	currently known). Legal review and the consultation process will be carried out by Council staff and will not result in additional budgetary impact.
Consultees:	<p>Cllr Margaret Griffiths – Portfolio Holder for Housing</p> <p>Cllr Janice Marshall – Chair of H&amp;C OSC</p> <p>Cllr Mahmood – Vice chair of H&amp;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 – Housing Strategy and Development Team Leader</p>
Background papers:	<p>The current Housing Allocations Policy -Oct 2011</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&amp;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<sup>st</sup> December 2011. The Localism Act 2011 gave Councils new freedoms to allow Councils to manage their housing registers in a different way and to promote mobility for existing social tenants.
- 1.2 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 which they have endorsed in the guidance. The Localism Act changes came into force on 18<sup>th</sup> June 2012. Councils were not required to amend their policies immediately,

although the guidance recommends that allocations policies are reviewed in a timely manner.

- 1.3 Dacorum Borough Council has been very careful by considering the legislation and new possibilities for managing social housing allocations prior to commencing on the draft of its new Housing Allocations Policy. A small working party of Councillors and Officers met on four occasions 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 Panel on 5<sup>th</sup> December 2012.
- 1.4 The Council is now confident that the policy changes in the new draft policy have appropriately adopted the new flexibilities within the legislation and Government guidance, while maintaining a policy which is in-line with local needs.
- 1.5 The proposed time line for the Council's new Housing Allocations Policy is as follows:
  - Sept and Oct 2012
    - Member/staff working group discussed principles of new Allocations policy (Cllr Margaret Griffiths, Cllr Janice Marshall and Cllr Mahmood)
  - Dec 2012
    - Principles developed by staff and Member working group presented to H&C OSC for feedback and discussion
  - January 2013
    - New draft policy based on the principles presented to TLC on 14<sup>th</sup> January, followed by Cabinet on 22<sup>nd</sup> January and H&C OSC on 23<sup>rd</sup> January.
    - Public consultation will begin on the new draft policy
  - March 2013
    - The new Housing Allocations Policy will be recommended for Cabinet approval, including the comments from Consultation.
    - Update to H&C OSC
  - April 2013
    - Recommendation to full Council to adopt new policy with immediate effect.
- 1.6 Attached as Appendix 3 is the current Housing Allocations Policy, including the existing points table, Appendix 1 is the draft consultation version of the proposed new Housing Allocations Policy.

## **2. Main policy changes**

In summary the main changes to the new proposed scheme are as follows –

- 2.1 **New qualifying criteria to join the Housing Register**

A number of new qualifying groups have been introduced in the draft policy. Applicants who do not meet the criteria for these groups will be placed on a 'Deferred Register' and will not be eligible to bid for properties. This approach will help the Council better manage applicants' expectations.

The new qualifying criteria include local connection, home-ownership and priority need. Applicants who meet the qualifying criteria will be placed on an 'Active Register' and will be able to bid for properties.

Applicants who own a property will be placed on the Deferred Register unless aged 60 and over. These applicants over 60 will be eligible to bid for sheltered housing only.

The cut-off age for eligibility to sheltered housing has been amended from 50 to 60 years of age, except where a younger applicant has a substantial need for the type of support provided in this accommodation, as recommended by the Council's medical advisor.

Applicants with no identified priority housing need (someone not within a reasonable preference category as defined by the Housing Act 1996, Part 6) will be placed on the Deferred Register.

## **2.2 Local Connection requirements**

This has been strengthened to ensure applicants with a local connection are given priority for local housing.

Applicants exempt from the local connection qualifying criteria include members of the armed forces and former service personnel when an application is made within 5 years of discharge. This is in line with the CLG guidance on allocations.

## **2.3 Homelessness**

Applicants who are "statutory homeless" and accepted onto the Active Register for housing will be awarded a status rather than a set number of points. This is to prevent "points chasing".

## **2.4 Private sector condition of property**

The policy states clearly that properties owned by the Council and Housing Associations are excluded from this points award as specific regulatory standards apply to social landlords. Residents in these properties receive greater protection and will not find themselves trapped in housing with identified Health and Safety hazards. This category has been split so that there are two levels of criteria – low and high.

## **2.5 Overcrowding**

For the purpose of the new policy members of the same household are considered "children" until eldest reaches age 21. This is in line with the new guidance.

## **2.6 Children in flats**

The policy introduces new criteria to this points award. If a lift is available then points will not be awarded, and the award is only applicable to families with children under 10 years of age.

## **2.7 Under occupation**

These points have been increased to ensure applicants living in Council-owned larger properties who wish to move to a smaller property can. The higher points award means that these applicants

will now have a good chance of getting an offer for any property that they choose to bid for.

**2.8 'Medical' and 'Welfare' points**

Both these points awards have now been split so that there are four criteria levels, introducing a new criteria level for 'extreme' cases. This has been introduced so that the policy can support applicants in immediate need to successfully bid for properties, rather than having to rely on receiving a direct offer.

**2.9 Length of time on register points**

This award has been reduced to reflect the Council's strategic Housing Principle; to house those in greatest need.

**3. Consultation**

3.1 The proposed consultation period will commence in January 2013 and run for the statutory six weeks. All comments and feedback will then be considered before the policy comes back to Cabinet in March for approval. It is proposed that the policy will then be taken to full Council for adoption in April 2013.

3.2 **The recommendation of this report is for members of the Overview and Scrutiny Committee to consider the content of the new draft policy document and give their feedback, which can then be considered during the consultation period.**

**4. Points Testing**

*The below examples have been included to demonstrate that the proposed points in the draft Housing Allocations Policy will fairly distinguish between applicants' relative levels of need and levels of priority.*

*Please note: There is no mention of local connection in any of these examples as residents not meeting the necessary local connection criteria will be on the Deferred Register and therefore not able to bid for properties.*

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### Example A

Mr & Mrs A live in a 2 bedroom Council-owned house. They have two children John 8 and Natalie 10. They have been on the register for six years.

Overcrowding	15 (Natalie needs her own room)
Time on register	5
<b>Total</b>	<b>20</b>
Bedrooms	Mr & Mrs A can bid for 3 bedroom properties only

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### Example B

Mr B is a single person living in a private rented one bedroom flat in Berkhamsted without a car. His social network is located in Hemel Hempstead and the Housing Panel has awarded low 'Welfare' points for social isolation. Mr B recently ceased service in the regular armed forces. He has been on the register for one year.

Welfare (low)	10
Members of the armed forces	10
Time on register	1
<b>Total</b>	<b>21</b>
Bedrooms	Mr B can bid for 1 bedroom properties only

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### Example C

Mr & Mrs C live in a private rented 2 bedroom flat. They are on the third floor and there is no lift available. They have 3 children, Peter 12, William 8 and Sarah 6. They have been on the register for two years.

Overcrowding	15 (Peter and William can share until Peter is 21, and Sarah will need her own bedroom)
Children in flats	10 (these points would be removed once Sarah is 10)
Time on register	2
<b>Total</b>	<b>27</b>
Bedrooms	Mr & Mrs C can bid for 3 bedroom properties only

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### Example D

Mr & Mrs D live in a private rented 2 bedroom flat outside the town centre at the edge of a residential area, without a car and not close to public transport. The Housing Panel has awarded low 'Welfare' points for access to child care. They have been given a notice making them threatened with homelessness. They have two children Ben 16 and Abby 2. They have been on the register for three years.

Homeless	5 (the 'homelessness status' is only given at the point that a full homelessness duty is accepted by the Council, even where a family is judged likely to receive the full duty)
Welfare (low)	10
Overcrowding	15 (Ben needs his own room)
Time on register	3
<b>Total</b>	<b>33</b>
Bedrooms	Mr & Mrs D can bid for 3 bedroom properties only

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### Example E

Mr E is a single person, living in a private rented one bedroom flat, sharing a kitchen and bathroom. Mr E recently ceased service in the regular armed forces due to injury and has 'medium' medical needs (as advised by the independent medical advisor). He has been on the register for one year and just completed a pre-tenancy training course.

Condition of private sector property	10
Medical (low)	30
Members of the armed forces	10
Pre-tenancy training	5
Time on register	1
<b>Total</b>	<b>56</b>
Bedrooms	Mr E can bid for 1 bedroom properties only

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### Example F

Mr & Mrs F live in a private rented 2 bedroom flat. Mrs F has 'high' medical needs (as advised by the independent medical advisor). They have four children Josh 22, Ryan 18, Chris 15 and Amy 5. They have been on the register for four years.

Medical (high)	50
Overcrowding	30 (Josh needs his own room, Ryan and Chris can share until Ryan is 21, Amy will need her own room)
Time on register	4
<b>Total</b>	<b>84</b>
Bedrooms	Mr & Mrs F can bid for 4 bedroom properties only

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### Example G

Mrs G is a Council tenant occupying a 3 bedroom house looking to downsize. Mrs G also has 'low' medical needs (as advised by the independent medical advisor). She has been on the register for four years.

Under occupation	90 (45 points for each bedroom the applicant is under-occupying)
Medical (low)	10
Time on register	4
<b>Total</b>	<b>104</b>
Bedrooms	Mrs G can bid for 1 or 2 bedroom properties only

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### Example H

Ms H has one bedroom in private rented shared accommodation, sharing a bathroom and lacking kitchen facilities (there is only a shared microwave and sink). She has a son, Matthew 18 months, and is suffering harassment from her former partner – the police have advised that she should move as a priority. She has been on the register for one year.

Welfare (extreme)	100
Condition of private sector property	50
Overcrowding	15 (Matthew needs his own room)
Time on register	1
<b>Total</b>	<b>166</b>
Bedrooms	Ms H can bid for 2 bedroom properties only

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