

CABINET

Review of Housing Allocation Policy

20 March 2018

Report of the Chief Officer (Health & Housing)

PURPOSE OF REPORT				
To request members approve the revised Housing Allocation Policy.				
Key Decision	X	Non-Key Decision		Referral from Cabinet Member
Date of notice of forthcoming key decision	19 February 2018			
This report is public.				

RECOMMENDATIONS OF COUNCILLOR ANDREW WARRINER:

- (1) That Cabinet approve the revised Housing Allocation Policy.

1.0 Introduction

1.1 The Housing Act 1996 introduced a new regime for the allocation of social housing by local authorities. Cabinet approved the introduction of the Choice Based Letting System (CBL) and the new banding and Allocation Policy in March 2010. Since the introduction of the Housing Act 1996 the Act has been amended a number of times most recently by the Localism Act 2011. The Localism Act in 2011 gave councils the power to change their housing allocation schemes which are aimed to help local authorities to better manage their waiting lists to suit local housing needs. Over recent years the Local Government Ombudsman has seen a 13% increase in complaints relating to housing allocations policies of which the Ombudsman upheld 42% of cases where it carried out a detailed investigation.

1.2 Section 166A of the Act provides that every local housing authority in England must have an allocation policy which sets out the criteria and procedure for the allocation of social housing and nominations for housing to housing associations in the District. The council will only admit those applicants for housing who meet the necessary eligibility criteria and who qualify on to its housing register.

1.3 There are a limited number of social housing units available each year and

the demand outweighs supply. The Policy facilitates the council's overriding objectives of putting residents first. The key features of the Policy are summarised as follows:

- Provides a fair and transparent system by which people are prioritised for social housing.
- Helps those most in need of housing including homeless households.
- Makes better use of the council's housing stock.
- Promotes the development of sustainable mixed communities.

1.4 Section 166A (3) of the Act imposes a mandatory requirement on local authorities to ensure that their allocation schemes are framed so as to secure that reasonable preference is given to the following categories of persons:

- Applicants who are homeless or who are owed re-housing duties under the homeless legislation. This includes applicants who are intentionally homeless.
- Applicants occupying insanitary overcrowded housing or who otherwise live in unsatisfactory conditions.
- Applicants who need to move on medical or welfare grounds.

1.5 Our existing policy has not been reviewed for over 3 years and it has been more than 7 years since the implementation of Choice Based Lettings. We are required to update the Housing Allocation Policy to ensure we meet statutory guidance that the Policy still reflects local priorities and is "fit for purpose". For this reason we have taken the decision to review the Policy in light of recent case law, changes in welfare benefits and impending changes to the homeless legislation coming in to force in April 2018 to ensure the policy is lawful and is meeting the housing needs of those most vulnerable.

1.6 In April 2018 the new Homeless Reduction Act will come in to force placing additional statutory duties to prevent homelessness. New duties under the Act have also made it necessary to review the Policy to reflect these changes.

2.0 Proposal Details

2.1 Changes to the Local Connection Criteria (exceptions)

Under the terms of the current Policy only persons with a local connection and with at least 3 years continuous residence in the District or has an adult parent or sibling with 5 years continuous residency as a rule will qualify to join the housing register. The proposed revised policy will have a number of exceptions to this which are set out in the new Policy (Appendix 1 section 3.3.1).

These are:

- Social housing tenants who have a need to move to the Lancaster district to avoid hardship.
- Applicants from the travelling community who do not have a local connection to another local authority area.

- Victims of domestic abuse who have fled to the Lancaster district and applicants who have moved to the Lancaster district to escape violence or harm.
- Asylum seekers who are granted refugee status or other form of leave (exceptional leave to remain, humanitarian protection & discretionary leave) and were living in Home Office accommodation in the Lancaster District at the time their Asylum was determined.
- Young people leaving care who have been looked after by Lancashire County Council and after care duties still apply under s23C of the Children Act 1989.
- Care leavers looked after by another local authority area who is placed into residential accommodation in the Lancaster District for at least 2 years, including some time before they turned 16.

2.2 Changes to Qualification Criteria for Owner Occupiers

Minor changes to include disposal of property for applicants who have owned or had an interest or signed over property in the previous 5 years will no longer qualify to apply to the housing register. There are exceptions to this which are detailed in the draft Policy (Appendix 1 section 3.3.3).

2.3 Private & Social Housing with existing or previous rent arrears

There are also minor changes for social and private sector tenants with rent arrears to reflect the issues tenants are now facing with the full rollout of the Universal Credit payments system and the delays in payments being received by claimants. Detailed information on these changes can also be found in the draft revised Policy (Appendix 1 section 3.3.5).

2.4 Changes to bedroom allocation

If an applicant is 28 weeks pregnant they can now bid on 2 bedroom properties which is a change from our existing policy of only allowing bids being placed on 1 bedroom properties. We have high demand for 1 bedroom properties and low demand for 2 bedroom properties. This is the only change to the bedroom allocation criteria. (Appendix1 section 3.14)

3.0 Details of Consultation

- 3.1** We have carried out a consultation event with key stakeholders, including Private Registered Providers of Social Housing, tenants and members of the public. This provided the opportunity to discuss what our Housing Allocation Policy should look like including qualification criteria, local connection and local priorities, whilst at the same time considering the guidance, current and impending legislation.
- 3.2** We have subsequently circulated draft copies of the draft revised Housing Allocation Policy and carried out a formal consultation period with our partner Private Registered Providers of Social Housing and local stakeholders.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Do not approve the revised Housing Allocation Policy.	Option 2: Approve the revised Housing Allocation Policy.
Advantages	No notable advantages.	Compliant with current legislation and good practice. Reduce homelessness and will give young people and people fleeing domestic abuse from outside the District the opportunity to apply to the housing register.
Disadvantages	Not able to carry out our statutory duties to prevent homelessness and assist those who fall outside the current local connection criteria, for example, Lancashire Care leavers and those fleeing violence from other areas not being able to apply to the housing register. Increased statutory homeless applications.	Increase in applications from other Districts or Counties which will increase the administration of applications and potentially reduce the number of available properties.
Risks	Increased complaints and legal challenge.	The revised allocation policy has been reviewed in line with current up to date guidance to avoid risks associated with legal challenge.

5.0 Officer Preferred Option (and comments)

- 5.1 As described in the report the officer preferred option is Option 2 to approve the revised Housing Allocation Policy see (Appendix 1).

6.0 Conclusion

- 6.1 Adoption of the revised Housing Allocation Policy will ensure the policy is “fit for purpose” for those in the greatest housing need. Ensuring we are compliant with current law and guidance relating to the impending Homeless Reduction Act new duties from April 2018. The revised Policy will also ensure that residents who apply to the council for housing will continue to be treated fairly and in accordance with the law. The proposals provide clarity that applicants falling within the statutory reasonable preference groups will have access to the housing register whilst continuing to recognise good practice.

RELATIONSHIP TO POLICY FRAMEWORK

The allocation of social housing directly contributes to the Health & Wellbeing corporate priority by improving access to good quality affordable housing.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

There is no clear and discernible impact which through the implementation of any of the proposals would see a negative and disproportionate impact on any individual group. The proposals will create a firmer basis upon which decisions on housing allocations can be made and will directly benefit residents who are often considered to be the most vulnerable.

LEGAL IMPLICATIONS

The legal implications are set out in the body of the report. Legal Services have no further comments to make.

FINANCIAL IMPLICATIONS

It is not expected that there will be any additional financial implications arising as costs associated with the preparation of the Revised Housing Policy, including review, drafting and public consultation, etc. have been contained within existing resources.

There is always the risk of additional unexpected costs arising, potentially through increased complaints from those affected and legal challenge, however, implementation of the revised policy is more likely to significantly reduce the likelihood of such occurrences.

However, should any additional costs or staff resource implications arise as a result of increased complaints and/or legal challenge, then this will be reported and dealt with as appropriate through formal corporate monitoring and the annual budget process in the usual way.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

N/A

Information Services:

N/A

Property:

N/A

Open Spaces:

N/A

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments.

MONITORING OFFICER'S COMMENTS

The Deputy Monitoring Officer has been consulted and has no comments.

BACKGROUND PAPERS

Draft revised Housing Allocation Policy

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