

## Lancaster City Council | Report Cover Sheet

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|---|--|-----------------------|-----------------|
| <b>Meeting</b>  | Cabinet  | <b>Date</b>           | 27 October 2020 |
| <b>Title</b>  | Review Of Housing Allocation Policy October 2020 |                       |                 |
| <b>Report of</b>  | Director for Communities and the Environment     |                       |                 |
| <b>Purpose of Report</b>  |  |                       |                 |
| Members approve the changes to the Housing Allocation Policy (the Policy) recommended within this report. |  |                       |                 |
| <b>Key Decision (Y/N)</b>   | Y  | <b>Date of Notice</b> |                 |
|   |  | <b>Exempt (Y/N)</b>   | N               |

### Report Summary

This report describes the Council's review of the social housing Allocations Policy and recommends changes to enable the city council to best meet housing need within a backdrop of reduced turnover of council stock and increases in homelessness.

### Recommendations of Councillors Caroline Jackson

Members approve the changes and adopt the revised Housing Allocations Policy 2020

### Relationship to Policy Framework

Lancaster City Council Allocations Policy 2018  
 Housing Act 1996  
 Homelessness Code of Guidance <https://www.gov.uk/guidance/homelessnesscode-of-guidance-for-local-authorities>  
 Allocations Code of Guidance  
<https://www.gov.uk/government/publications/allocation-of-accommodationguidance-for-local-housing-authorities-in-england>  
 Localism Act 2011  
 Homelessness Strategy 2020  
 Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Types of Temporary Accommodation 2018  
 Improving Access to Social Housing for Members of the Armed Forces 2020  
 Council Plan – the strategy directly contributes to the Council's approved priorities, which includes a sustainable District, Happy, and Healthy Communities.  
 Local plan – will contribute to increasing the supply of housing in Lancaster district  
 Will directly contribute to the Homes Strategy 2020-2025 (currently being drafted)

### Conclusion of Impact Assessment(s) where applicable

|          |                          |
|----------|--------------------------|
| Climate  | Wellbeing & Social Value |
| Digital  | Health & Safety          |
| Equality | Community Safety         |

During and following the development of the recommendations an equalities impact assessment has been carried out attempting to identify any unintended consequences of the proposed policy changes. An Equalities Impact Assessment (EIA) considers whether any particular group of people is affected adversely because of a policy change, which, if it does might result in the policy being amended. The EIA categorises each applicant (where we have the information) by ethnicity religion or belief family type, pregnant or not sexuality, disability, age and gender now compared with birth  
Note that the Equalities Impact Assessment shows no unintended or disproportionate effects are likely to arise for applicants with protected characteristics.

#### **Details of Consultation**

The draft Housing Allocation Policy has been widely circulated to key partner's stakeholders and members of the public. The formal consultation period ran over a period of 6 weeks ending on the 25<sup>th</sup> September 2020. The draft allocation policy has been made available to view on the Council's Website for comments to be made via Survey Monkey. The draft policy has also been circulated for comments to the Homeless Forum member group, Registered Housing Provider member group and Homeless Advisory group.

#### **Legal Implications**

#### **Financial Implications**

#### **Other Resource or Risk Implications**

#### **Section 151 Officer's Comments**

#### **Monitoring Officer's Comments**

|                        |                              |
|------------------------|------------------------------|
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#### **Links to Background Papers**

Appendix 1 – Draft review of Allocations Policy 2020

## 1.0 Introduction

- 1.1 Lancaster's current Housing Allocation Policy was last reviewed in March 2018. Prior to this cabinet approved the introduction of the Choice Based Letting System (CBL) and the new banding and allocation policy in March 2010. The Housing Act 1996 introduced a new regime for the allocation of social housing by local authorities. The 1996 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 Allocations schemes, which are aimed to help local authorities to better manage their waiting lists to suit local housing needs.
- 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 councils 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 within the meaning of part 7 of the Housing Act 1996. 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 Priority can be given, and allocations can be made to, categories of applicants who do not fall within the reasonable preference groups (for example current tenants who are under-occupying their current homes). However, we must ensure that the reasonable preference requirement is met, and we must ensure that any locally-determined priority categories do not dominate the Policy such that the statutory reasonable preference categories have relatively little chance of being rehoused.

## **2.0 CONTEXT & BACKGROUND**

- 2.1 Our existing allocations policy has not been reviewed since March 2018. We are required to update the allocations policy to ensure we meet statutory guidance, to ensure 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 to priority for armed forces and their families, people affected by domestic abuse in refuge accommodation and the implications for homeless households placed in temporary accommodation since the implementation of the Homeless Reduction Act 2017.
- 2.2 The 2017 HRA legislation has brought further challenges in respect of households spending considerably longer periods of time in temporary accommodation, which is inappropriate seen as bad practice and very costly. If the changes are approved, we will be able to reduce the numbers placed in temporary accommodation, the length of in temporary accommodation and associated costs.
- 2.3 The revised allocations policy reflects these changes to ensure the policy is lawful, meets the housing needs of those most vulnerable and makes the best use of the council’s limited housing stock.
- 2.4 Lancaster & Morecambe’s housing situation has changed over the past 2 years. There has been a steady increase of homeless presentations and the associated cost of the rising numbers of households in temporary and supported housing is not sustainable. Welfare reforms, private sector access and costs are a huge challenge for people seeking new homes. More recently with the health pandemic and impacts of COVID-19 the turnover and availability of social housing has reduced also at the same time as an increase of households applying to the housing register. In particular, family houses and one bed properties are in short supply both within the social and private rental sector market.

## **3.0 Proposed Changes**

- 3.1 We propose to make a small number of changes to our existing Allocation Policy to improve access to social housing for homeless applicants, victims of domestic abuse, applicants who need to leave services accommodation, applicants who have a medical need to move, applicants looking to move to a bungalow and applicants affected by regeneration plans. These include;
- Change the local connection criteria to include applicants who were previously living in Services Family accommodation but is having to leave due to relationship breakdown with a member of the Armed Forces and adult children of service personnel who are no longer able to remain in the family home due to the impact of their family moving from base-to-base, in line with government guidance.
  - Change to the way we prioritise victims of domestic abuse to access social housing, including those who have a legal interest in a property in line with government guidance.
  - Change the way we deal with applicants with an emergency need to move to ensure that they receive an offer of accommodation within a suitable period to enable households who need to move quickly in an emergency situation, can do so to minimise the risk.

- Changing the way we prioritise and make offers to applicants who are homeless and in emergency accommodation, especially families in bed and breakfast or hotel accommodation and to prevent bottlenecks in supported accommodation. This will include the option of a direct offer to be made outside of the banding and date order criteria in this policy to move people on from temporary accommodation as quickly as possible.

3.2 Under the current Allocation Policy an applicant will only receive a band that is high enough to enable them to receive an offer of social housing when they are owed a main duty and not when owed a relief duty. The consequences are that applicants who would be owed the main duty at the end of the relief duty are 'stuck' in TA for the 56 days of the relief duty as there is a shortage of PRS properties for them to move onto. Even after 56 days when they are then owed a main duty there is a further delay in being successful in bidding for social housing resulting in more time in temporary accommodation and more costs.

*The housing pressures faced limit the degree of choice that the Council is able to offer along with the responsibility the Council has to some groups in urgent housing need and to reduce the financial impact of temporary accommodation on the Council.*

*For all applicants eligible and registered under the scheme the Council believes that any applicant should be able to express a preference over the area in which they would like to live and the type of property they would ideally like but should be fully aware that the Council's ability to satisfy their preference might be severely limited. Expressing a preference over where an applicant would prefer to live does not mean that the Council will be able to meet that preference, or that the Council will not offer suitable accommodation outside of a preferred area in order to meet the duty owed to any applicant under the section 189B(2) Relief of homelessness duty or the main section 193(2) duty under Part 7 of the Housing Act 1996*

*Not all properties that become available will be advertised and offered through the Band and date order procedure*

*"There may be circumstances where for urgent operational or financial reasons there is a need to make a direct offers of housing outside the CBL, banding and date order criteria set out in the policy. Specifically, this would be where there may be urgent operational or financial reasons to allocate outside of the band and date order criteria namely:*

- a) Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty and the Council decides it needs to move applicants out of temporary accommodation to manage the budgetary impact on the Council the Council may make a direct offer of suitable accommodation at any time to reduce the financial burden on the Council of the cost of temporary accommodation.*
- b) Furthermore the Council may restrict the time an applicant is therefore able to bid for accommodation in an area where they would prefer to live. The offer of accommodation would be in any area of the district that the Council has assessed is suitable and safe for the applicant to live in.*

*A decision to make a direct offer of accommodation outside of the choice based letting band and date order system under the new proposed policy will therefore be:*

*a) Where an applicant is not being realistic in the areas they are bidding for accommodation and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant.*

*b) To reduce the financial burden on the Council of the cost of temporary accommodation.*

We have also made a recommendation in the draft policy to reduce the age requirement on general needs (non-sheltered) bungalows to 55. We have a number of applicants aged 55 who need to downsize to 1 bed accommodation and applicants looking for longer term secure affordable accommodation who do not have care or support needs, or a desire to move into sheltered accommodation. Lowering the age range from 60 to 55 will enable applicants to bid on non-sheltered bungalows within our housing stock and enable the Council to better manage and allocate the supply of 1 bed bungalows in the District. This will also slightly reduce the demand for general needs 1 bed accommodation for people under 55.

Medical needs to move. We are also recommending changing the banding priority of medical points – Under the current policy the medical officer awards points from 0-30 in multiples of 5. Therefore, an applicant will be awarded 0,5,10,15,20,25 or 30 based on their medical need for rehousing. The current Allocation policy states

Band A: Emergency Housing Need 26-30 medical points

Band B: High Housing Need 21-25 medical points

Band C: Medium Housing Need 11-20 medical points

Band D: Low Housing Need 5-10 medical points

Band E: 0 medical points

Under the proposed new policy we have amended the way points translate into band to ensure that it more accurately distinguishes between medical priority for applicants. The system worked well when we use a points based system for housing priority before we implemented CBL but as time has gone on we feel this needs to be amended so applicants with higher medical points are placed in a higher band.

It was also confusing for applicants as some thought that points were awarded from 0-30 as the current policy appears that an applicant can be awarded 13, 21 and were trying to increase their medical priority to take them to the next band.

We have also found in practice that an applicant with 20 medical points has a high housing need so we have amended the policy to reflect this.

Medical priority will be awarded by the Council's Medical Officer who will award priority as follows:

Band A: Emergency Housing Need 30 medical points

The current accommodation is so completely unsuitable that should the applicant remain or return to it the effect on their health would be critical. This can only be averted by a move to alternative accommodation in the shortest time possible.

#### Band B: High Housing Need 20-25 medical points

The housing situation is so severely affecting the applicant's health and wellbeing that it is resulting in them being completely housebound, at risk of injury, relapse or unable to live independently.

Alternative housing is required within a reasonable period to prevent serious risks to their health and wellbeing.

#### Band C: Medium Housing Need 10-15 medical points

The housing situation is seriously affecting the applicant's health and wellbeing and is having an unacceptable impact on their ability to live independently.

Alternative housing is required to prevent a significant and serious deterioration to their health and wellbeing in the short/ medium term (within 2 years).

#### Band D: Low Housing Need 5 medical points

The housing situation is having a negative impact on the applicant's wellbeing but it is not causing any significant deterioration to their health or ability to live independently

#### Band E: 0 medical points

Whilst it is recognised that there may be a health and wellbeing issue, this is not affected by the current accommodation. The applicant's health and wellbeing would not be improved by a move to alternative accommodation. Therefore no housing need actually exists.

## **4.0 Proposed changes to make best use of Housing Stock**

4.1 We are also proposing to make a small number of changes to how we make the best use of the social housing stock in the Lancaster district. These include:

- Rebrand Sheltered Housing as Independent Retirement Living
- Increase the age requirement on Independent Retirement Living to 60 to enable applicants who need to move to sheltered accommodation who require care and support.
- Clarifying the length of time an applicant needs to have worked in a rural village/market town or how long close family have resided in the village/market time to give them a rural connection
- Change the way we prioritise social housing tenants who are looking to move out of family accommodation to be nearer family to give or receive support
- Change the way we prioritise Council Housing tenants who need to move out of their property for emergency repairs, regeneration programmes or planned maintenance.

Full details of all these changes are contained in the draft Allocations Policy document (appendix 1) all changes to the existing policy are highlighted in yellow for ease of reference.

## 5.0 Options and Options Analysis (including risk assessment)

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| <b>Option 1: Approve the revised Housing Allocations Policy</b>  |
| <b>Advantages:</b> Prevents complaints, legal challenges and Ombudsman Complaints. To have in place a fair and transparent policy, which enables city council to allocate properties those in greatest housing need and enable officers to make the best use of the council, is housing stock.                                     |
| <b>Disadvantages:</b> No notable disadvantages.  |
| <b>Risks:</b> The revised allocations policy has been reviewed in line with current up to date guidance to avoid risks associated with legal challenge.  |
| <b>Option 2: Retain existing Housing Allocations Policy</b>  |
| <b>Advantages:</b> No notable advantages.  |
| <b>Disadvantages:</b> Not up to date with current government guidance, homeless households will remain in costly temporary accommodation for longer than necessary and increase the numbers of households in temporary accommodation at any given time due to lack of suitable move on accommodation through the housing register. |
| <b>Risks:</b> Legal challenge and or Ombudsman complaints. Increased expenditure to the B&B and temporary accommodation budgets. MHCLG - legal requirement to report any families accommodated in B&B in placement goes over 6 weeks.  |



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|-----------------------|
| <b>Option 3:</b>      |
| <b>Advantages:</b>    |
| <b>Disadvantages:</b> |
| <b>Risks:</b>         |

### **5.1 Officer Preferred Option (and comments)**

5.2 The officer preferred option is Option.

The officer preferred option is Option 1. Option 1 to approve the revised allocation policy will ensure the policy meets our statutory duties having regard for current government guidance and legislation. By approving the revised allocation policy, officers will be able to ensure accommodation is made available to our most vulnerable and those in greatest housing need, whilst also making sure we get the best use of the council's limited housing stock.