

# **CABINET**

**6<sup>th</sup> March 2019**

## **Home Choice Plus Allocations Policy Permission to Consult**

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis – Head of Community Services
Wards Affected	All
Ward Councillor Consulted	No
Key Decision	

### **1. SUMMARY OF PROPOSALS**

- 1.1 This report outlines the proposed changes to the Home Choice Plus Allocations Policy following amendments made to the legislation concerning Homelessness i.e.; (the Homelessness Reduction Act 2017) and other statutory instruments / guidance around allocations.

### **2. RECOMMENDATIONS**

That Cabinet **RESOLVE:-**

- 2.1 That the Allocation Policy changes outlined in this report are consulted upon with Members, Stakeholders and Households on the Housing Register for a period of six weeks.
- 2.2 Authority be delegated to the Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services in conjunction with the Legal Service Manager to make any future amendments to the Council's Housing Allocations Policy that are deemed to be necessary to comply with Government guidance and which do not trigger the statutory obligation to consult the persons affected by the changes pursuant to section 168(3) of the Housing Act 1996.

### **3. KEY ISSUES**

- 3.1 Local Housing Authorities (LHA) are required by s.166A of the Housing Act 1996 to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating social housing accommodation and they must allocate in accordance with that scheme.
- 3.2 The Homelessness Reduction Act 2017 (HRA 2017) enhanced the Council's duties for applicants who were facing homelessness by preventing or relieving homelessness at an earlier stage. There are now up to three stages in this process which depending on the customer's circumstances may include:

- 56 day prevention duty
- 56 relief duty where the customer is actually homeless
- Full Homelessness Duty where a decision about what further duty the applicant is owed

At the time the legislation came into force the Officers were unsure of how this might impact on the Allocations Policy and how access to social housing would be affected but officers committed to reviewing the policy after the first six months of operations.

3.3 In October 2018 the Government wrote to Local Housing Authorities to advise them it was making changes to the Homelessness Code of Guidance around people with terminal illness. This came into effect on 1 November 18, making it clear that those applicants:

- with a terminal illness should be treated as having a priority need
- that accommodation should be suitable and;
- that terminally ill intentionally homeless applicants should be given extra consideration around the length of time they are accommodated for whilst they try to secure their own accommodation.

Whilst these changes relate to the Homelessness Code of Guidance officers believe it would be appropriate to make our treatment of terminally ill homeless applicants explicit in the allocations policy.

3.4 In November 2018 the Government wrote to Local Authorities outlining new statutory guidance around improving access to social housing for victims of domestic abuse in refuges and other forms of temporary accommodation. Whilst our allocations policy is already compliant with the statutory guidance it would be appropriate to make the statutory guidance more explicit in the policy, particularly around the award of medical banding for victims who are suffering from physical and mental health issues as a result of the domestic abuse (either directly or indirectly).

3.5 In January 2019 the Government published a consultation paper on improving access to social housing for members of the Armed Forces, Veterans and their families. The suggested changes go beyond what our current allocations policy encompasses and so it would be appropriate at this time to consult on these proposed changes. The consultation runs until 8 March 2019.

4. **Proposed Changes**

- 4.1 **Relief Duty banding** - The HRA 2017 has increased the length of time that BDHT Housing Options Team are working with applicants due to the introduction of prevention and relief duties. As a consequence applicants in temporary accommodation may be in this type of accommodation for longer periods.
- 4.2 Prior to the HRA 2017 applicants could have a decision accepting a duty to rehouse issued relatively quickly from when they approached as homeless. This would then entitle them to access the housing register in priority band and were usually housed within 4 – 6 weeks unless they had very specific housing needs.
- 4.3 Under the HRA 2017 we have to accommodate those who we believe may be eligible, homeless and in priority need in temporary accommodation under the relief duty for at least 56 days unless the duty is brought to end, for instance by rehousing. Only after the 56 days has expired can Local Authorities make a decision regarding whether to accept the full housing duty. During the relief stage applicants are currently placed in the Gold Plus band.
- 4.4 This may delay applicants under relief duty being rehoused and this may create additional pressures on temporary accommodation and may lead to applicants having to be placed in alternative temporary accommodation, such as Bed & Breakfast
- 4.5 **Proposal** - It is proposed that those applicants who the Council is satisfied it has a duty to relieve homelessness (s.189B) and the Council has validated as being unintentionally homeless and has a priority need will be placed into the Priority Band.
- 4.6 **Prevention Duty Banding:** Applicants whom the Council have accepted a duty under prevention will be in Gold Plus band. This band also includes all other applicants in a reasonable preference category. Due to the number of applicants already awarded this band it has a detrimental effect on the officer's ability to offer social housing to prevent someone's homelessness in a timely fashion due to the competition for properties from within this group. If a customer cannot be helped within the 56 days and they then become homeless, the relief duty arises and in some circumstances the Council may have a duty to provide temporary accommodation.
- 4.7 **Proposal - Prevention Duty Additional Waiting Time:** The proposed allocations policy will seek to give prevention cases an additional six months waiting time so they are prioritised within the band. This recognises the requirement to continue to assist other groups in housing need whilst also giving some priority to those that we owe the prevention duty to.

- 4.8 **Local Connection Qualifying Criteria:** Applicants must have;
- a two year local connection to the Home Choice Plus Partnership area or ;
  - have been in permanent paid employment in the Partnership area for six months or
  - have a close family member who has lived in the area for a minimum of the last five years.

There are some exceptions to the local connection qualification criteria, for example ex service personnel and there is a need to add to this list for certain properties secured through a section 106 where a different residency criteria is included. This is most likely to be rural exception sites.

- 4.9 **Proposal:** It is proposed that where a property has been secured through a section 106 agreement that requires specific residency criteria, allocations to these properties will be exempt from the qualification criteria.
- 4.10 **Reduced Banding:** Currently households with an income, of more than £35,000 or equity / savings / capital of more than £50k will be placed into the reduced banding unless they are in receipt of means tested benefits. This ensures that those applicants who do not have the means to access housing in the private sector will have preference. Income levels and house prices have risen since the levels were set.
- 4.11 **Proposal:** It is proposed to increase the income level to £38,000 which is based on an increase at CPI for the last 5 years. The entry price for a one bedroom flat has increased so for those applicants unable to get a mortgage and on a fixed income (e.g. pensioners) it is proposed to have a maximum of £95k for equity / savings / capital which will give a more realistic price for someone needing to purchase a property where they are unable to obtain a mortgage e.g. an older person or pensioner.
- 4.12 **Children in flats:** The current policy allows families in flats above ground floor, where they have a child under 10, to be awarded Gold Band. This was to recognise that flats aren't ideal for children as they have more limited safe outdoor space to play in. However the policy is seen as unfair to those families occupying flats on the ground floor without gardens.
- 4.13 **Proposal:** It is proposed to change the policy so all families, with children under 10, without a garden will be placed in the gold band.

- 4.14 It is proposed to clarify the treatment of homeless households with a terminal illness or victims of domestic abuse in relation to banding definitions as outlined in 3.4 and 3.5 above.
- 4.11 It is proposed amending the allocations policy in line with the consultation paper regarding armed forces so that we exempt divorced and separated spouses or civil partners of Services personnel who are required to leave Ministry of Defence accommodation, from the Local Connection criteria.

5. **FINANCIAL IMPLICATIONS**

- 5.1 Any changes made to the policy following consultation may require funding to alter the Home Choice Plus system depending on the type and scale of changes proposed. If changes are required there may be a delay to the implementation. These costs will be split across the six Home Choice partners. Officers can confirm that this cost can be met by existing budgets.

6 **LEGAL AND POLICY IMPLICATIONS**

- 6.1 Local Authorities must consult with relevant stakeholders and households on the Housing Register under the Housing Act 1985 and 1996 on changes to the Allocations Policy that will potentially affect applicants. In addition to consulting with members and those on Home Choice Plus we will consult with Registered Providers who utilise the system to let their housing stock.
- 6.2 The Council is expected to give due consideration to changes to the Homelessness Code of Guidance and to implement statutory guidance. Recent changes to guidance need to be incorporated into the Allocations Policy.

7 **EQUALITY IMPACT NEEDS ASSESSMENT**

The Home Choice Plus Steering Group will review the Equalities Impact Assessment as part of the consultation process.

8. **RISK MANAGEMENT**

- 8.1 There is a requirement to have an Allocation Policy in place and to revise the policy from time to time in line with statutory guidance to avoid the risk posed by a legal challenge. The proposed changes to this policy and its operation mitigate against that risk.

9. **CONSULTEES**

Applicants on Home Choice Plus  
Members

Registered Providers  
The general public

10 **APPENDICES**

Home Choice Plus Allocation Policy 2019

11. Background Papers

Letter regarding Homelessness Code of Guidance for Local Authorities  
– Terminally Ill Homeless People

Statutory guidance on improving access to social housing for victims of  
domestic abuse in refuges or other types of temporary accommodation.

Consultation paper on “Improving access to social housing for  
members of the Armed Forces, Veterans and their families”.

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