

Report to Cabinet

Subject: Gedling Borough Council Housing Allocation Policy

Date: 28 January 2020

Author: Head of Regeneration and Welfare

Wards Affected

Borough wide

Purpose

To update Cabinet on the feedback of the two rounds of public consultation on the proposed amendments to the Council's Housing Allocation Policy and to seek approval to adopt the new Housing Allocation Policy in response to the public consultation.

Key Decision

This is a key decision, as it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.

Recommendations

THAT Cabinet:

- 1) Approves the revised Housing Allocation Policy (shown in Appendix A), in light of the public consultation undertaken, as detailed in this report.

1 Background

Context

- 1.1 Gedling Borough Council transferred its housing stock to Gedling Homes in 2008, and so is no longer stock holding. However, the statutory duty to manage the allocation of social housing was retained by the Council and this includes the need to have an allocations policy (the "Council's Housing Allocation Policy") in accordance with the Housing Act 1996.

- 1.2 The current allocation policy was approved in 2013 and describes the mechanisms by which the Council assesses applications to join the housing register. A housing register is a record all the applicants who have applied to the council to be considered for housing in either a council owned home, or a home owned by another registered landlord. The register enables the relevant housing provider to allocate the properties from a shortlist of potential applicants. This is done through an electronic Choices Based lettings system. Applicants are asked to “bid” for a property when it becomes available to show their interest. Each property has a unique reference number, and applicants have up to 3 bids to place on each weekly bidding round.
- 1.3 The Council’s Housing Register is divided into three priority bands, as follows
- **Band 1** - Accepted homeless case, serious medical need, is delaying hospital discharge, management move etc., or someone who is downsizing by two bedrooms.
 - **Band 2** – High level of medical need, fleeing harassment, in the process of being assessed as homeless (6 weeks), a care leaver, someone who is ready to move on from supported accommodation, overcrowding or downsizing by one bedroom, and freeing up adapted properties.
 - **Band 3** - Moderate level of need, i.e. medical or, harassment grounds, accepted as homeless but without a local connection or priority need, general overcrowding or someone who wants to move to sheltered housing.
- 1.5 As at 10 December 2020, there were 629 households on the housing register, split into the bands as follows:
- Band 1 – 63
 - Band 2 – 220
 - Band 3 – 346
- 1.6 As at 10 December 2020, there were 629 households on the housing register. Of those applicants, their waiting time is listed below:
- 383 up to 1 year
 - 153 up to 2 years
 - 38 up to 3 years
 - 55 over 3 years
- 1.7 At 10 December 2020, 99 households had not bid for a property before, and there are proposals further on in the report on how this can be addressed.

- 1.8 The actual number on the waiting list changes on a daily basis due to:
- New applications being accepted;
 - Decisions which change applicants banding- both increasing and decreasing;
 - People being rehoused; and
 - Applicants being removed from the register e.g. not responding to the annual review.
- 1.9 The current allocations policy has been in operation since 2013. However, in light of new legislation, recent guidance and operational issues, a review of the policy is required. Legislation and guidelines to be taken into account include:
- **The Homelessness Reduction Act 2017** - This is one of the biggest changes to the rights of homeless people in England for 15 years. It effectively bolts two new duties to the original statutory rehousing duty: the duty to prevent homelessness and the duty to relieve homelessness. The Act extends the entitlements to help, places a renewed focus on the prevention of homelessness and local joint working, and has the potential to provide more client-focused, personalised statutory homelessness services. This means that we are required to prepare a Personal Housing Plan for everyone who presents as homeless under this Act.
 - **The new Code of Guidance 2018** - Provides operational guidance and interpretation on the above act, in response to the HRA2017, and provides detailed information on 25 separate areas, plus additional guidance on the habitual residence test.
 - **The 'Allocation of Accommodation: Guidance for Local Authorities in England' 2012** - Drawing on the greater flexibilities offers to local authorities via the Localism Act 2011, this enabled LA's to award additional preference to certain identified groups, such as Armed Forces Personnel and to grant such groups additional priority. The document also included the option for LA's to set their own criteria for issues such as income, behaviour, to achieve sustainable and mixed communities, bedroom standards, overcrowding, under-occupation, the right to move and support for adopters and foster carers, all of which will be revised in the new allocations policy.
 - **The Housing Act 1996** - Under **Part 6** the Council has a legal duty to check whether an applicant is eligible to be allocated accommodation, or whether he or she is to be excluded as being ineligible due to serious unacceptable behaviour under **section 160(a)(7)** of the 1996 Housing Act, in addition, this Act, and regulations made under it, provide detail as to what must be included in an allocations policy as well as where the Council

has discretion as to what to include.

- **MCHLG correspondence** from the Minister for Housing & Homelessness relating to out of area placements July 2019 - This placed a requirement of LA's to have a policy in place for assessing the use of out of area placements
- **Armed forces covenant** (2020) – is a promise from the nation that those who serve or have served in the armed forces, and their families, are treated fairly.
- **The Immigration and Social Security Coordination (EU Withdrawal) Act 2020 and legislation related to Brexit** - Additional guidance and legislation relating to the eligibility of individuals to access social housing, with specific reference to Brexit. This Act amends current immigration legislation to introduce immigration control in relation to individuals from Europe residing in England. Individuals from Europe who were not previously restricted from the Housing Register may now be impacted depending on their immigration status and right to remain in England. Further training and guidance on the impact of this change on the administration of the Housing Register is expected in early February.

Consultation

1.10 **Initial Consultation 1: 12 week public consultation**

In October 2019, officers received Cabinet approval to undertake a 12 week public consultation on the revised housing allocation policy. The revisions were to reflect legislative requirements and also to:

- Continue to house those in the greatest need within Gedling;
- Support stable and vibrant communities;
- Reflect local priorities;
- Make the best use of limited housing stock available;
- Have a clear system in place setting out a framework of eligibility, qualification and priority to social housing;
- Fulfil the Councils' obligations under the legislation;
- Deliver the principles of demand management;
- Not raising unrealistic expectations;
- Reduce the Councils use of temporary accommodation, including B&B; and
- Comply with good practice for B&B use.

1.11 The revised housing allocation policy was consulted on for a 12 week period (see Appendix B for the full consultation summary report). During this time, the Council received 69 comments and these were generally

supportive. The following is a summary of these responses.

- How the Council prioritises homeless applicants - 91% of respondents agreed to the changes.
- Use of the housing register auto bid System - 82% of respondents agreed to the changes.
- Local Connection Criteria - 89% of respondents agreed to the changes.
- Additional grounds for exclusion from the housing register - 94% of respondents agreed to the changes.

Second Consultation: 4 week public consultation

1.12 A further matter was identified during internal consultations with officers. This was a historic matter linked to people who are over 55 and who did not have a local connection, but were only bidding for sheltered accommodation and who were allowed on the housing register. This criteria was in place in direct response to the very low demand for sheltered properties at the time and high void rates. As sheltered properties are more desirable now (largely down to improvements in their condition and growing demand for them), Officers identified the need to remove this criteria from the policy, to ensure such properties were available to those with a local connection.

1.13 In response to this issue being identified, Officers sought to undertake a further 4 week period of consultation to remove this criteria from the allocation policy. Approval was granted by the Portfolio Holder on 11 September to commence a further round of consultation. The consultation ran from 22 September to 19 October 2020.

1.14 A total of 20 responses were received to the second consultation (see Appendix B). Broadly, these were in favour of the proposed changes with many recognising the challenges of housing people with a local connection and the need to prioritise those with a local connection for the limited supply of affordable housing.

2 Proposal

Revised Allocation Policy

2.1 As outlined above (and detailed in Appendix B), responses to consultation on changes were overwhelmingly supportive of the proposed changes to the Allocation Policy. Officers are therefore proposing to amend the Allocation Policy as shown in Appendix C (key

changes) and to adopt the revised Allocation Policy (Appendix A). The main changes to the allocation policy are as detailed below.

How the Council prioritises homeless applicants

- 2.2 In order to fully comply with legislative requirements of the Homeless Reduction Act 2017 and the revised Code of Guidance 2018, changes are proposed to the banding of homeless applicants as follows:
- 2.3 Accepted homelessness applicants awarded the main duty to rehouse will be placed straight in band 1. Those applicants will be placed on the auto bid system, which allows bids to be placed on behalf of the applicants in recognition of their urgent housing requirements. The auto bid facility will place bids on those properties where the applicant is most likely to be successful. It is also important to note that the auto bid facility works on the number of bedrooms as opposed to the property type, for example, someone who is eligible for a 2 bedroom property could have bids placed on 2 bedroomed, houses, flats and bungalows.
- 2.4 Where applicants make a homelessness application and are found not to have a priority need (under the homeless duty), they would be placed as band 3. The applicant will be awarded an extra 6 months “waiting time” (i.e. their application date would be back dated by 6 months), in accordance with the need to give them “beneficial preference” (under the Homelessness Reduction Act 2017), if they demonstrate a local connection to Gedling Borough Council.

Use of the housing register auto bid system

- 2.5 Officers are proposing to place all applicants in band 1 on the auto bid system in view of their urgent need for housing. The exception to this is where applicants are downsizing by 2 or more bedrooms and are placed in band 1. In view of the need to incentivise households to free up larger properties, the Council considers it appropriate to give such households choice of the type and location of properties they bid for.

Local connection criteria

- 2.6 Due to the limited supply of Social Housing in the Borough, the Council is proposing to increase the local connection criteria from one to three consecutive years. This means that in order to be accepted onto the Housing Register, it is necessary to have a local connection for the last three consecutive years. This is in line with neighbouring local authorities. There are some exceptions to this, for example, that the applicant has served in the armed forces, or is fleeing from another area. The definition of ‘local connection’ is included as Appendix D.

Additional grounds for exclusion from the housing register

2.7 The draft policy identifies certain situations where applicants could be removed from the Housing Register, for example:

- Not actively bidding;
- Have deliberately providing misleading / inaccurate information on their application form;
- Advises that in addition to the annual review, further checks will be undertaken, which could result in either a change in banding or the applicant no longer being eligible to remain on the Councils housing register; or
- Post application, if the applicant(s) have behaved in a way which would make them ineligible to be on the Councils Housing Register, e.g. if a current applicant was evicted from their current tenancy as a result of anti-social behaviour, or found guilty of arson, then their application would be ineligible and therefore removed.

2.8 It should be noted that all applicants have the right of appeal to any decision made about their housing application, either their eligibility to join the scheme or their priority banding, as well as their removal from the waiting list.

Additional updates included within the draft policy

2.9 The proposed draft policy has also been updated with specific reference to:

- a) Transgender applicants / households
- b) Human trafficking and those exiting modern slavery
- c) Asylum seekers
- d) GDPR
- e) The new complaints procedure
- f) The Council's Corporate Offer for Care Leavers
- g) The change from a common allocations policy with Broxtowe BC and Rushcliffe BC, to a stand-alone policy and operating system in compliance with the requirements of GDPR.
- h) There are other small amendments and these are shown in Appendix C.

Removal of households over the age of 55 with no local connection from the housing register

2.10 The current allocation policy allows people who are aged over 55 and do not have a local connection and are only interested in sheltered housing to apply for housing in the Borough and to be placed in Band 3.

In reality, very few properties become available to this group, it therefore raises unrealistic expectations that households will be offered accommodation in the Borough. There is also the associated work load, in terms of registering applications and responding to enquiries etc. It is therefore proposed to remove this from the allocation policy. Approximately 140 applicants will be affected by this change.

Implementation

- 2.11 If approved, the new policy will not be implemented until we have made the necessary amendment to the software which is used for maintaining the housing register. The proposed date is 1st April 2021 (subject to the works being completed in time). After this time, those who are no longer eligible will be notified that they are being removed at the earliest opportunity, but definitely at their annual review. Those that bid for properties that are no longer eligible (and have not been picked up yet by the annual review) will not be allowed to accept a property.
- 2.12 Officers are therefore seeking Cabinet approval to amend the Council's Housing Allocation Policy (as shown in Appendix A), in line with the consultation feedback received (as shown in Appendix B) and as detailed above.

3 Alternative Options

- 3.1 Alternative options would include not revising the allocations policy in light of the Homelessness Reduction Act 2017, and other guidance, but this is not recommended as the Council would be unable to comply with the legislation and the policy would not be fit for purpose.
- 3.2 Equally, as the current document is seven years old it is timely to review it to improve working practices and to ensure that the housing register prioritises those applicants in the greatest need and with a substantial local connection to the borough. There is also the need to manage applicants' expectations and support the principles of demand management, and lastly to better match the number of people on the waiting list to the likely number of available properties each year.
- 3.3 The proposed changes to the allocations policy will also bring the Council in line with the local connection criteria requirements contained in the allocations policies of neighbouring local authorities.

4 Financial Implications

- 4.1 The cost to change the IT system is currently being evaluated and it is anticipated that the costs will have to be covered from existing revenue budgets.

5 Legal Implications

- 5.1 The Council, as a local housing authority is required to have a housing allocation scheme by virtue of Part 6 of the Housing Act 1996, and the scheme must comply with that, and other relevant legislation, as detailed in this report. The Housing Act 1996 requires any changes to the scheme or policy to be consulted on with social housing providers with which the authority has nomination rights. In addition, the Housing Act 1996 requires any changes to the allocation scheme to bring the effect of the alteration to the attention of those likely to be affected. Given the implications of this amended policy and its significance, it is correct, in accordance with the Council's public sector equality duty to consult more widely on amendments to the allocations policy. Any consultation responses should be given consideration prior to final approval of the policy changes.

- 5.2 In amending the policy regard must be had to relevant statutory guidance and the amendments should reflect the current legislative position. In order to comply with legislative changes, the Council needs to update the Housing Allocation policy to ensure that there is a robust structure in place for the allocation of social housing.

6 Equalities Implications

- 6.1 An Equalities Impact Assessment has been completed and is included as Appendix E. Due to the nature of the changes proposed, there are some identified positive impacts to certain groups (for example, namely to applicants who are pregnant or have children and Armed Forces personnel), whilst others will be negatively impacted (those over 55s without a local connection applying for sheltered accommodation and generally those without a local connection). These implications have been considered as part of the process.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 No implications

8 Appendices

- 8.1 Appendix A – Draft Allocation Policy
- 8.2 Appendix B – Summary of consultation responses

- 8.3 Appendix C – Proposed change document
- 8.4 Appendix D – Local Connection Information
- 8.5 Appendix E – Equality Impact Assessment

9 Reasons For Recommendations

- 9.1 To enable the Council to publish a Housing Allocation Policy which fully complies with legislative requirements and make best use of stock.
- 9.2 To ensure that any changes to the housing location policy can be made, which are legally required as part of the UK's withdrawal from the European Union.

Statutory Officer Approval

Approved by:
Date: 19/01/2021
Chief Financial Officer

Approved by:
Date: 19/01/2021
Monitoring Officer