

Allocations Policy

Cabinet:	18 October 2018
Report Author:	Victoria May, Housing Options Manager
Portfolio Holder:	Cllr Lesley Game, Cabinet Member for Housing and Safer Neighbourhoods
Status:	For Decision
Classification:	Unrestricted
Key Decision:	Key decision
Ward:	Thanet wide

Executive Summary:

The current Allocations Policy was last reviewed in July 2013 and since that time emerging case law and the implementation of the Homelessness Reduction Act 2017 have changed the legislative environment in which the Council's Allocations Policy operates.

This report recommends a number of changes in the allocation policy to better reflect current housing needs and legislation.

Recommendation(s):

Cabinet is asked to:

- 1) Approve the consultation draft of the Allocations Policy attached at annex 1;
- 2) Delegate authority to the Head of Housing and Planning in consultation with the cabinet member for Housing and Safer Neighbourhoods to make any minor amendments required to the policy following consultation

CORPORATE IMPLICATIONS

Financial and Value for Money	<p>The majority of changes to the allocations policy have limited financial implications; however, the Homeless Reduction Act 2017 with a focus on homeless prevention has added significant pressure to the housing needs budgets. The 2018-19 budget was increased to allow mitigating actions to be put in place. Budgets from 2019-20 onwards are under review to take into account the additional resources required.</p> <p>If proposals are agreed to include key workers there will be some system changes required and this has been quoted as £350.</p>
Legal	<p>The proposed policy has been reviewed by the legal team to ensure that it is compliant with current legislation.</p> <p>As a local housing authority, the Council has a legal duty to provide and publish a Housing Allocations Policy in order to comply with Part 6 of the Housing Act 1996 (as amended by the Homelessness Act 2002).</p>

	<p>The new draft Housing Allocations Policy takes into account Government code of guidance and legislation within the Equalities Act 2010, Localism Act 2011 and the new Homelessness Reduction Act 2017.</p> <p>It is important that the proposed changes are implemented to ensure this Council continues to be compliant with the relevant legislation. By updating the policy, it will ensure the best use of social housing stock in this district for those in the greatest of need including priority given to vulnerable and disadvantaged households.</p> <p>The consultation is proposed to run for 6 weeks from 22 October 2018 until 30 November 2018.</p>								
Corporate	<p>The Housing Allocations Policy has strong links with the ethos and priorities of the Corporate Plan. In particular Priority 2 “Supporting neighbourhoods stating ‘the service works to improve access to good quality affordable and sustainable homes and to help create sustainable communities for the future. In particular the service supports some of the most vulnerable members of the districts community to find and keep a home. By working with local communities to challenge and reduce anti-social behaviour and to improve the physical environment and housing conditions.</p>								
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" data-bbox="440 1339 1406 1576"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td>X</td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table> <p>Equalities are addressed within the policy, but an Equalities Impact Assessment has also been produced and is attached at appendix 2. The policy does not negatively impact on any residents of the district and aims to improve the chances of households in housing need being re-housed in social housing</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	X	Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
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Safeguarding Children and Vulnerable Adults	<p>The updated policy emphasises and provides clearer definition relating to those who are in the greatest need and require social housing. The Policy highlights ‘reasonable preference’ groups as identified in Section 166A(3) Part 6 of the Housing Act 1996 (as amended). This includes people who may be in priority need of housing due to safeguarding related issues such as: people occupying unsanitary, overcrowded, or unsatisfactory living conditions; those with welfare and medical issues relating to a disability; people suffering hardship; and urgent re-housing due to violence.</p>								

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	

1.0 Introduction and Background

- 1.1 All local authorities with responsibility for housing are required by law to publish a Housing Allocations Policy which sets out how social housing properties will be allocated to those in housing need. The council must ensure that its Housing Allocations Policy complies with all legislative requirements, as set out within Part 6 of the Housing Act 1996 (as amended by the Homelessness Act 2002), case law and national and local housing policies.
- 1.2 The Localism Act 2011 introduced significant amendments to Part 6 of the Housing Act to enable housing authorities to better manage their housing registers by giving them the power to determine their policy for allocating social housing locally.
- 1.3 The current Allocations Policy was adopted by the council in July 2013 and a review has been undertaken. This report recommends the approval of a small number of revisions which are summarised at Annex 3 and included in the revised Policy also attached as Annex 1.
- 1.4 New legislation has been introduced called The Homelessness Reduction Act 2017 (HRA) which has a focus on homeless prevention. The HRA has extended the time available to work with customers to prevent homelessness and introduced personal housing plans for households seeking assistance from the council due to homelessness.

2.0 The Current Situation

- 2.1 The review undertaken has identified a number of minor changes that need to be made to address the issues that have since arisen since the policy was adopted and to reflect current legislation and guidance.
- 2.2 The HRA was introduced on 3 April 2018. Under this new legislation, the council will owe a new prevention duty to all households that are eligible and homeless within 56 days. This includes the agreement of a personal housing plan setting out the steps that the customer needs to take to resolve their homelessness and the support that the council can offer. If homelessness cannot be prevented, then the council will owe these households a further 56 relief duty, again supported by a Personal Housing Plan. Together the new duties provide up to 4 times longer for homelessness prevention services to support customers, only when this 128 day period of time has lapsed with no positive outcome would the council have to consider a homelessness application. If correctly defined, the Allocations Policy can provide a helpful tool to assist with homelessness prevention throughout this period.
- 2.3 The main focus of the Allocations Policy is to continue to use the powers outlined in the Localism Act to prioritise local people applying for social and affordable housing in Thanet. The policy aims to ensure that we:

- House those groups that should be offered reasonable preference as defined in Part 6 of the Housing Act 1996.
- Fairly assess households that apply to join the housing register.
- Maximise the use of the available housing stock by ensuring that households are housed in appropriate sized, affordable accommodation.

2.4 The council's housing register is arranged in 4 separate bands, as follows:

- Band A - urgent housing need
- Band B - high housing need
- Band C - medium housing need
- Band D - low housing need

2.5 As of the 1 September 2018 there were 2,552 households on the council's housing register of which 2498 fell into priority bands A-C and are considered to have an urgent, high or medium priority for housing. The majority of applications are assessed in band C, with only the most urgent and high need cases assessed in band A and B. This approach ensures that the most urgent applications have a reasonable prospect of being offered accommodation quickly. This leaves 54 households in band D who have a low priority. Households with no housing need are not eligible to apply to the housing register.

2.6 The council allocates homes, both council and housing association, to approximately 350 households each year. Since 1 January 2018, there have been 358 let properties of which 132 are TDC owned. As available properties are not always suited to the sometimes specific needs of applicants in bands A and B, over 50% of these offers are made to applicants in band C.

2.7 Within each band, applications are held in date order. Available council and housing association properties are advertised to applicants, through the Kent HomeChoice website. Applicants can express an interest in available property through the Kent HomeChoice website and expressions of interest are prioritised in band, and then date order.

2.8 Specific changes are outlined in annex 2.

3.0 Consultation

3.1 A local housing authority in England must, in preparing or modifying their allocation scheme, have regard to

- (a) the homelessness strategy under section 1 of the Homelessness Act 2002,
- (b) the current tenancy strategy under section 150 of the Localism Act 2011,

Before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, a local housing authority in England must consult as outlined in Section 166A(13) of the Housing Act 1996 (amended 2002)

3.2 In order to ensure that everyone has a reasonable opportunity to comment on the proposals the Council will formally consult by doing the following;

- Stakeholder workshops with key statutory and voluntary sector organisations and housing associations to gather views on the proposed changes and on housing allocations going forward;
- Use social media facebook, twitter;
- Internet with a short summary on the Thanet District Council website;

- Kent HomeChoice offering an advert on each individual home page enabling them to consult on the changes;
- Send a copy of the draft scheme, or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have nomination arrangements.

3.3 This report will be presented to executive policy and community scrutiny panel on 13 November and their comments will feed into the consultation process.

4.0 Conclusion

4.1 Thanet District Council Housing Allocations Policy has been updated to incorporate legislation and members are asked to comment on this draft policy in preparation for the wider consultation.

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Reporting to:	Bob Porter, Head of Housing & Planning, 577006

Annex List

Annex 1	Allocation Policy amendment
Annex 2	Summary of changes made
Annex 3	Equalities Impact Assessment

Background Papers

Title	Details of where to access copy
Allocation of accommodation: guidance for local housing authorities in England	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5918/2171391.pdf

Corporate Consultation

Finance	Sarah Hills, Strategic Housing Accountant
Legal	Colin Evans, Litigation Solicitor