

Housing Allocations Policy

Overview and Scrutiny Panel 10 December 2024

Report by Ashley Jackson, Head of Housing and Planning

Cabinet Portfolio Member Cllr Helen Whitehead, Deputy Leader and Cabinet Member for Housing

Key Decision Yes

Decision classification Unrestricted

Ward: All wards

Purpose of the Report

The Council has an Allocations Policy that clearly sets out its priorities as to how social rented and affordable rented homes in the Thanet district are allocated. The policy importantly lays out the guidelines that determine entitlement and eligibility to the housing that becomes available. The policy is in line with all other relevant legislation and explains the help that those on the housing register or in temporary accommodation can expect from the Council in meeting their housing needs.

Recommendation(s):

The Overview and Scrutiny Panel is being asked to note the following decisions being sought from Cabinet and to make any recommendations in relation to these matters that it considers appropriate.

The recommendations to Cabinet are that:

1. The consultation draft of the Allocations Policy be agreed
2. The draft policy be subject to public consultation to be conducted early in 2025.
3. The results of the consultation will be published on the Council's website.
4. Authority be delegated to the Head of Housing and Planning in consultation with the Cabinet Member for Housing to make minor amendments to the policy.
5. That the policy be reviewed on an annual basis, or when required.

1. Summary of Reasons

1.1 The council is required to publish an allocations policy. The allocations determines who is eligible to apply for housing, how applications are assessed and prioritised and how affordable and social rented homes in the district will be allocated. The allocations policy provides guidance for housing applicants and other agencies and professionals supporting households in housing need in the district. The policy sets out how the council will respond to complaints about the administration of housing

applications and to any requests from housing applicants for a review of their assessment.

2. Background

2.1 The Council is required to have an Allocations Policy that details its priorities and clearly states how social rented and affordable rented homes within the Thanet district are allocated. The policy sets out what determines entitlement and eligibility and is aligned with all other relevant legislation and explains the help that those on the housing register or in temporary accommodation can expect from the Council in meeting their housing needs.

2.2 The policy sets out:

- Who is eligible to be accepted onto the housing register
- How homes are allocated
- How to apply to Thanet's housing register
- How priority for housing applicants will be given
- How transfer applications will be assessed
- Eligibility for different property types

2.3 As context, as at 1st July 2024, there were 4,777 properties owned by Registered Social Landlords (this means the Council, plus registered providers [RPs], formerly known as housing associations) within Thanet.

2.4 The Council is the landlord of 3,078 properties which are broken down as follows:

Accommodation Type	No of Properties
Studio Flats	80
One bedroom flats/maisonette	579
One bedroom house	2
One bedroom bungalow	1
Two bedroom flats/maisonette	811
Two bedroom house	577
Two bedroom bungalow	5
Three bedroom flats/maisonette	40
Three bedroom houses	881
Four bedroom flats/maisonette	7
Four Bedroom houses	94
Five bedroom house	1

2.5 As at 13th November 2024 there were 1,356 households on the Council's housing register who were waiting for affordable housing. Predominantly the need is for 1-bed (669) homes, with 2-bed (188), 3-bed (359), 4-bed (118) and 5-bed+ (22) needs also required.

- 2.6 Just 351 homes were allocated in the past 12 months, so there is an immediately visible gap between supply and demand. Factor into that the number of households whose applications for the housing register are still to be determined (over 1,000) then the gap widens still further. It is also important to point out that during the past year only three 4-bedroom homes became available, so larger families are waiting far longer for accommodation to bid on, let alone be successful in bidding on.
- 2.7 This shortfall in homes is why the Council has ambitious plans to acquire and build new homes to try and narrow that gap between supply and demand. This is why it is essential that there is an Allocations Policy that enables officers to make the best use of the homes that do become available so that people are living in suitable homes that are right for their needs and welfare. This policy has been amended in line with the latest Ombudsman guidance and by listening to service users as well as by discussing this area of work with a range of stakeholders.
- 2.8 The goals behind the Policy are to ensure that all applicants have a range of housing options that enable them to make realistic decisions about where they live and what their likely chances are of obtaining housing this way. It helps officers make sure that homes are allocated to those most in need and that the stock it owns is as resilient as it can be. Overall, the prime goal is to allocate the right people to the right homes in the right location.

3. Relevant Issues

Changes from the last iteration of the Allocations Policy

- 3.1 There are a number of changes from the last version of the policy. The changes are bullet-pointed below.

Eligibility (including financial)

- Updated eligibility criteria - removing section on key workers (note, this specifically related to raising expectations around being placed more quickly just through qualifying under this category - though key workers are of course still eligible to apply if they meet other criteria)
- Added an income threshold per household in line with child benefit to ensure only those most in need have access to the housing register
- Added criteria on savings and/or assets per household in line with housing benefit to ensure only those most in need have access to the housing register
- Included closure orders in the breach of tenancy section

Banding

- We have named the Bands, in addition to calling them Band A, Band B etc. This is to provide greater clarity. The Bands are now proposed to be Band A, Urgent; Band B, Serious; Band C, Medium; Band D, General.

- Added an extra factor for those in Band A to include any social housing tenants under-occupying by two bedrooms or more - this will incentivise the return of larger homes for families on the waiting list and make our stock more resilient
- Band B criteria has been amended to incorporate the health and housing safety rating system (HHSRS - category 1 hazards that cannot be resolved) when assessing those in unsatisfactory living conditions.

Technical points

- We have explained Kent Agency Assessments (KAA) and Housing Needs Assessments individually to differentiate between them and highlight any discrepancies
- We have defined more clearly the different types of accommodation that people can expect to bid for, to clarify eligibility in some instances, for example 'extra care'
- We have simplified our prioritisation of neurodiverse conditions as outlined in the policy, rather than identifying each condition separately - each applicant presenting to us will have their specific circumstances assessed individually

Advertising and allocations

- Indicated that we will be as clear as possible when advertising any noteworthy aspects of a property that will be important to those with mobility issues - such as a second downstairs reception room
- Emphasised that adapted properties will not always go to the household who come top of the bidding (who may therefore subsequently be 'skipped') as all medical evidence will be taken into consideration when offering the right people in the right homes in the right location
- Stated that we will reassess applications for those whose ability to manage stairs changes while their application is live with us.
- Modified the wording around direct lettings to reflect the fact that with our new acquisition programme we have local lettings plans (LLPs) in place that enable us to move households on from temporary accommodation
- Additionally, with regards to LLPs, we have amended the wording to ensure that it reflects the number one aim - to create a sense of place
- Tightened the process for households refusing an offer of a property
- Added in a definition of independent living, to modernise perception and move it away from classic terms such as 'sheltered'
- Clarified the procedure on Management Moves and how these are reviewed procedurally by officer internally (while stating that RPs do things slightly differently)

Complaints

- We are guiding complainants to the Corporate complaints procedure and are responding to Ombudsman feedback and learning from cases

Equality and diversity

- In accordance with Gender Recognition Act 2004 Until a child is 18 and has applied to change their gender legally, all bedroom assessments will be made on their gender assigned at birth

3.2 The point regarding stairs in the advertising and allocations section is a really important consideration. Increasing numbers of applicants who contact us, often through specialists or other stakeholders, state that although their application says they are unable to manage stairs, they could manage one flight in reality. It is of course a complicated matter, often related to a specific health condition. It has meant that the Council is having to fine-tune its detailed work on this, alongside work with Occupational Therapists and, wherever possible, visiting households to understand in great detail from them in person the complexity of their circumstances. This is always more reliable than an expression of words.

What we have not changed

3.3 Officers explored the possibility of removing the somewhat crude nature of the phrases Band A, Band B and so on, considering instead possibly changing the names of the bandings to express what each band does more directly. However, this is both a challenge and likely to confuse applicants who, despite the limitations of the phrase Band A, Band B etc do understand the way that the priority works. The Ombudsman (to whom officers have spoken about this point) places great emphasis on the clarity of communication with applicants. Therefore, changing these names/labels beyond what is proposed here would additionally require a communications campaign to all those on the register. It is therefore proposed to keep the system as it is - at least for now.

Ongoing review

3.4 Officers will continue to review the policy on an annual basis to ensure that it is modified in light of legislative changes, feedback from service users and guidance and learnings from the Ombudsman. This process will be undertaken in conversation with the Head of Housing and Planning and the Cabinet Member for Housing.

4. Alternative Options

4.1 As with any matter of policy there are a number of alternative options that could be considered. In part this is why there is to be an extensive consultation about the policy with stakeholders, should Cabinet agree that this draft is a suitable basis on which to proceed and have that wider discussion. There are a number of options that will be taken forward into the public consultation and that consultation document will raise directly some of the key considerations that officers feel would benefit from wider discussion,

4.2 These include:

- Seeking confirmation that the eligibility criteria matches expectations and inviting any challenges to that which is proposed - this is particularly pertinent when considering households owed a duty by another local authority
- Should the policy have a three-tier, rather than two-tier, approach to those with medical needs? Currently households are either in Band A or Band C dependent on the severity of the medical condition. Were a broader scope to

be adopted this would require a lot of staff training - as staff are not currently medically trained but rely on the input of independent medical professionals

- Do consultees agree with the policy regarding those 'decanted' from homes and whether they are offered the opportunity to return to their original residence once it has been refurbished?
- Do consultees agree with the policy's approach to households who are in overcrowded accommodation?

5. Consultation

- 5.1 This report recommends that the draft Allocations Policy, appended to this report, be consulted upon with a range of stakeholders to ensure it is robust and covers all aspects of letting social homes and assessing the needs of those applying to be on the Council's housing register.
- 5.2 The consultation will make it clear what can and cannot be influenced by stakeholders - there will be some aspects of the policy that must remain as they are for legislative reasons but there are some aspects of the policy that are based on choices the council has made. It is these latter points that will form the basis of the consultation and wider discussion with residents, those on the housing register already, town and parish councils, Thanet District Councillors, other local authorities in Kent with an Allocations Policy in place. Kent Housing Group and the charitable and voluntary sector.

6. Corporate Implications

6.1 Finance and Resources

- 6.1.1 This policy determines how our housing resources in the HRA are allocated to those in greatest need and therefore an effective policy helps the council demonstrate it is delivering value for money. There are no direct budgetary implications arising from the recommendations contained in this report.

6.2 Legal and Constitutional

- 6.2.1 In accordance with the provisions set out in Article 6 of the Council's constitution the Overview and Scrutiny Panel may make reports or recommendations to Cabinet in respect of the discharge of any function. Cabinet must then consider and respond to any recommendations made.
- 6.2.2 Housing authorities are required by legislation to have an allocation scheme for determining priorities, and for defining the procedures to be followed in allocating housing accommodation; and they must allocate in accordance with that scheme (section 166A(14) Housing Act 1996). All aspects of the allocation process must be covered in the scheme, including the people by whom decisions are taken.

- 6.2.3 There are consultation obligations on the Council where there are any major changes proposed to an allocation policy (s168(3) Housing Act 1996). A major policy change would include, for example, any amendment affecting the relative priority of a large number of applicants or a significant alteration to procedures. Before we are able to alter a scheme to reflect a major change of policy we are also required to send a copy of the draft to every private registered provider with which we have nomination arrangements, and ensure they have a reasonable opportunity to comment on the proposals.
- 6.2.4 The Council is required to give the necessary regard to equalities considerations in respect of every decision made. An equalities impact assessment is appended to this report which illustrates the equality considerations arising. This should be reviewed following the results of consultation.

6.3 Council Policies and Priorities

- 6.3.1 This proposal to adopt an Allocations Policy that best supports those households with an identified need and makes the best use of the housing stock owned by the Council, supports the Corporate Statement 2024-2028 in the ways outlined below:
- To deliver the housing we need
 - To create a thriving place

6.4 Risk

- 6.4.1 The main risk here is that the Council does not end up with a robust but fair policy that could be open to challenge and omits key sections of its community. This is unlikely as officers alongside the Cabinet Member for Housing have scrutinised the previous version of the document and have updated it to reflect:
- Any legislative changes that have taken effect
 - Comments and recommendations from the Housing Ombudsman in relation to specific cases that have been raised with it by complainants
 - Trends of customer responses (particularly in relation to managing stairs)
 - Work being undertaken by other councils across the public housing sector

6.5 Climate Change and Biodiversity

- 6.5.1 This document does not in itself directly contribute towards the Council's environmental ambitions, however, the new-build properties that the Council will be constructing itself are going to have an EPC 'A' rating. Therefore, those households allocated these homes will need to be able to understand the rationale for the specification of them and to appreciate the Council's approach to reducing carbon emissions and, hopefully, achieving lower fuel bills for occupants.

7. Equality, Equity and Diversity Implications

- 7.1 Councillors 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.

7.2 Protected characteristics are: 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.

7.3 This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

7.4 An Equalities Impact Assessment has been completed in respect of this proposal. The new homes will be let in line with the council's allocations policy, which has had an Equalities Impact assessment completed, attached to this report at Annex 1

8. Crime and Disorder Implications and Community impact

8.1 The housing department does handle issues relating to Anti-Social behaviour. Despite often being described as 'low-level crime', existing evidence suggests it can result in a range of negative emotional, behavioural, social, health and financial impacts. People's understanding of what constitutes anti-social behaviour can be very different and can affect people in very different ways. For some people it means living next door to nuisance neighbours, for other people it's about litter and dog fouling or graffiti on the street. Often it can include people acting in an aggressive, intimidating or destructive manner.

8.2 The Community Safety department and the Tenant and Leasehold team have policies and procedures to deal with issues which arise due to ASB. As previously stated these homes will be managed carefully in order to ensure a community feel is created and that the area is a nice place to live.

Appendices

- a. The draft Allocations Policy is appended to this report alongside an Executive Summary.
- b. EQIA

Report Author(s) Contact: Ashley Jackson, Head of Housing and Planning
email: ashley.jackson@thanet.gov.uk

Report Sign Off / Signed off by / Date sent / Date signed off / Initials
Legal Ingrid Brown-Head of Legal and Democracy and Monitoring Officer

Finance Chris Blundell (Director of Corporate Services - Section 151)