

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

**Community, Health & Housing Committee**

**Amendment to Allocations Policy 2014: Bypassing**

**Report of:** *Angela Abbott, Housing Services Manager*

**Wards Affected:** *All*

**This report is:** *Public*

**1. Executive Summary**

- 1.1 This report sets out the background and recommendation to amend the existing Allocations Policy 2014 ('the Policy'). The amendment concerns a revised approach to the 'bypassing' of applicants for offers on the Choice-Based Lettings ('CBL') allocations system.
- 1.2 The amendment is intended to clarify existing policy and to achieve the core objectives as listed below.
- 1.3 Appendix A is the suggested Annex to the existing Allocations Policy 2014, with the amended policy wording as per Appendix B.

**2. Recommendation(s)**

**2.1 That the Committee formally approve the changes to the Council's Allocations Policy 2014, set out in Appendices A and B of the report, to clarify the requirements which applicants need to meet to be eligible for the allocation of a social housing property for which a bid has been placed.**

**3. Introduction and Background**

The Allocations Policy 2014 is the principal operational policy document which details how both HRA-owned housing stock and Registered Provider housing nominations are completed.

The suggested amendment to the existing policy is to provide for a clearer and fairer approach to 'bypassing' which, particularly with the introduction of Universal Credit and delays in benefit assessments, needs reviewing.

## **Issues, Options and Analysis of Options:**

The policy amendment has been deliberately drafted to work in synthesis with Housing Services' core Strategies and Policies and relates to a need for a refreshed approach.

The proposed amendment outlines how Transfer List applicants; Housing Register (Home Seeker) applicants; Homeless Applicants (in Temporary Accommodation) and Homeless Applicants (not in Temporary accommodation) will have their bids considered in relation to potential bypassing.

Changes in the new policy amendment are based on the following reasons:

- The existing policy may be unfair to those tenants who may have fallen into minor arrears for any one period in the previous six months.
- Tenants who require a transfer who have fallen into arrears but require an urgent transfer are currently considered on discretionary grounds, which is not clear and transparent and could potentially allow for disproportionate decisions to be made.
- Obtaining information about Council Tax and Sundry debts can cause delays in the allocations, with the potential for rent loss. The existing procedure does not allow for Housing Services to monitor arrangements have been adhered to.
- Agreements made are not clear and transparent. The new process will be simpler and more efficient.
- The existing policy restricts homeless households being moved into more appropriate accommodation.
- The existing policy creates an artificial and unnecessary use of temporary accommodation as applicants are unable to be moved, sometimes for over 12 months.
- Homeless households are unable to be moved which creates a burden on the numbers in temporary accommodation and increases the requirement to use bed & breakfast/hostel accommodation, particularly out of Borough.

## **Reasons for Recommendation:**

The changes will allow for a greater transparency of approach, whilst creating a fairer 'move on' process for all.

The changes should reduce the waiting time of homeless households in temporary accommodation and allow for a reduction in expenditure accordingly.

It will allow tenants who have only fallen into arrears for 'technical' reasons not to be disregarded for future property allocations.

It will retain the principle that those households who fail to meet their obligations, either through wilful refusal or culpable neglect, are not given the same access to housing

as those households who do. It will however ensure that a suitable system is put into place however to allow them to mitigate their difficulties and to ensure rent and revenue protection for the Council.

Taking no further action will fail to advance corporate priorities and would be counter to our modernisation approach.

## **Consultation**

Consultation with 'Tenant Talkback' was conducted on the 22nd January 2019. 'Tenant Talkback' agreed as a first principle that individuals owing the Council monies should potentially be bypassed, disregarding any 'technical' reasons for rent arrears. Greater transparency and fairness were welcomed.

## **References to Corporate Plan**

The Council's Corporate Plan aims to:

- To deliver safe and comfortable homes which are efficient and sustainable.
- Manage our stock to recognise the limited resources available and supporting those in greatest need.
- Review the future delivery of housing services to provide the best outcomes for Brentwood residents.

## **Implications**

### **Financial Implications**

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There are no direct financial implications arising from this report. Any costs arising from these changes will be captured within existing budgets.

### **Legal Implications**

**Name & Title: Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer**

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The Council must have an allocation scheme for determining priorities, and as to the procedure to be followed in allocating housing accommodation (S166A Housing Act 1996).

Section 166A(13) requires the Council, before altering a scheme to reflect a major change of policy, to send a copy of the draft scheme, or proposed alteration, to

every Private Registered Provider with which they have nomination arrangements, and ensure they have a reasonable opportunity to comment on the proposal.

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. The proposed changes to the Allocation Policy which the Committee is being asked to approve are considered to be a minor change to clarify the requirements which applicants need to meet to be eligible for the allocation of a social housing property for which a bid has been placed, therefore the requirements set out in S16A would not apply.

The Council must publish a summary of their allocation scheme (s.168(1)). They must also make the full scheme available to the public for inspection at their principal office and, if requested, provide a copy of it on payment of a reasonable fee (s.168(2

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None.

**Background Papers** (include their location and identify whether any are exempt or protected by copyright)

None.

### **Appendices to this report**

Appendix A – Annex A to the Allocations Policy 2014

Appendix B – Draft replacement wording for the Allocations Policy 2014

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