

Committee(s): Enforcement, Environment and Housing	Date: 16 th March 2021
Subject: Allocations Policy Review	Wards Affected: All
Report of: Tracey Lilley – Corporate Director (Housing and Community Safety)	Public
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Summary

This report seeks approval to adopt changes to the Council's Housing Allocations Policy, which sets out the eligibility criteria for joining the Housing Register and how social housing in the Borough will be allocated through this method.

The Council's Allocations Policy is a document that is reviewed on a regular basis to ensure that good practice and learning can be incorporated into the document and provide clarity on how the policy is implemented. The current policy has been updated to reflect this and has been consulted on with key stakeholders.

In addition, a new policy has been created to support the Council's discharge of homelessness duty into the private sector. This clarifies the approach and sets out how the Council will respond to these cases.

The intention is for the updated Allocation Policy and the Discharge of Homelessness Duty into the Private Sector Policy to be reviewed following agreement of the Allocation Policy.

This paper presents the outcomes of the Allocations Policy review and proposes a number of changes and clarifications. The main include the following:

- Disqualifying applicants who do not meet the new residency criteria set out in the Policy.
 - Using different financial amount to disqualify applicants from the Housing Register who have sufficient financial resources.
 - Disqualifying applicants with a history of unacceptable behaviour or serious rent arrears, and clarifying the detail of this.
 - Changes to the points system to reflect the priorities within the Borough.
1. In order to implement the new Allocations system there will be a re-assessment of the residency criteria and the financial resources of applicants. It is currently estimated that of the c1,000 households registered on the housing register and transfer list that around 250 applicants will be removed.

Recommendation(s)

Members are asked to:

R1. To approve the Allocations Policy.

R2. To give delegated authority to the Director of Housing and Community Safety in consultation with the Chair of Enforcement, Environment and Housing Committee to approve the final version following consultation.

Main Report

Background

2. An essential housing function for all housing authorities is to assist people to get access to homes that will meet their needs. The focus is on those people who have been unable to find their own solutions in the housing market, including vulnerable and excluded groups.
3. The Council's Allocations Policy sets out the criteria used to determine who is eligible to join the Housing Register and who gets priority for social housing in the Borough. By law, every local authority has to have an Allocation Policy which is published and kept under review.
4. The Housing Allocations Policy outlines how the Council allocates social housing available to residents on the housing register. It sets out:
 - Who can apply for housing.
 - How we assess and prioritise applicants for housing.
 - How we allocate homes.
 - Our policy on applicant choice and preference.
5. Every local housing authority must publish an allocations scheme to explain how it prioritises applicants and its procedures for allocating housing. All allocations must be made in strict accordance with the published scheme. (Housing Act 1996, section 166A(1) and (14)).

6. The law says housing authorities may only allocate accommodation to people defined as “qualifying persons” (Housing Act 1996, section 160ZA). Each council is free to decide which classes, or groups, of people qualify, or do not qualify, to join its Housing Register.
7. The Localism Act 2011 allowed Local Authorities significant discretion over who qualifies for housing in their area and the priority to be given to nationally and locally determined groups that are assessed as being in housing need.
8. The Localism Act allowed Local Authorities to:
 - Have the flexibility to determine for themselves the applicants that are or are not allowed to qualify to be considered for social housing in their borough alongside those prescribed under the Act; and
 - Take social housing tenants who are seeking a non-priority transfer out of the statutory restrictive allocation rules and set their own criteria for transfer policies.
 - Ensure that priority for social housing goes to those in the greatest need.
9. This provides the Council with an opportunity to produce an Allocation Policy that is fair and enables the Council to provide priority for certain groups to reflect local demands for housing.
10. Statutory guidance says there may be exceptional circumstances when it is necessary not to apply the qualifying person rules for an individual applicant. It encourages councils to make explicit provision to deal with exceptional cases in its qualification rules (Allocation of Accommodation Guidance for Local Authorities in England - June 2012 – DCLG).
11. The Council has been operating the current policy since 2014 and it was amended in 2019. In completing the new Allocations policy a review of the recent case law and judicial reviews has been completed to ensure it is up to date and takes into account the learning from the application of the existing Allocations policy.
12. The updated Allocation Policy will contribute to building sustainable communities and will allow the Council to manage the Housing Register more efficiently and effectively. The Register will be linked to the overall housing offer that is made to applicants, by way of the Council’s Tenancy Strategy.

The Main changes within the Updated Allocations Policy

13. In order to continue our improvement and effectively manage allocations made by the Council a number of changes are proposed. Listed below are the main changes, the reason for the change and the impact of the change.

Proposed Changes	Reason for the change	Impact of the change
Residency criteria - 5 years for living in the borough and 2 years for working in the borough	To be consistent with the adjacent Local Authorities to Brentwood and provide a focus on the households who have been resident in the Borough for longer.	Reduction in the number of applicants on the housing register, changing from c 1,000 to c 750 applicants.
Financial circumstances - reduced income levels	The applicants whose financial circumstances can support themselves in securing housing have been reduced and clarified through an additional appendix in the new Policy.	The financial levels have been reduced for income and this will limit the number of people who can join the register, based on the belief that they can obtain housing through the private rented sector or through home ownership.
Sheltered housing - reduced age criteria	Reduce the age of people who can access sheltered housing to help demand for low demand properties.	This will help to support demand for the properties until the outcomes of the sheltered housing review are completed.
Local Lettings Plans	To enable the Council to use Local Lettings Plans to support the best use of the stock.	The impact of this change will be to support the regeneration of the stock as well as improving the management of the stock through the creation of balanced communities.
Homeless Households - discharge of duty	The discharge of duty into the private rented sector is highlighted in the updated Allocations Policy and will be supported by a separate new policy.	The change to the Allocation Policy's residency criteria means that it will take longer for homeless households to register for permanent social housing and one of the consequences may be that they reside in the private rented sector or temporary accommodation for longer.
Suspending households due to ASB/Debt/Fraud	To provide clarity on the approach that will be taken to support the decision to suspend applications.	This clarifies the Council's approach to these issues and will help with any challenges that are made on these issues from applicants.
Exception to policy	There was no clause in the previous policy and this has been inserted to provide clarity.	Clarifies the Council's position on this issue.

Proposed Changes	Reason for the change	Impact of the change
Medical Duty	Change to the medical categories used to provide clarity.	The existing medical criteria will be used to reassess the current applications on the registers. This may need to changes to the points awarded to existing applicants.
Awarding Discretionary priority	There was no clause in the previous policy and this has been inserted to provide clarity.	Clarifies the Council's position on this issue.
Confidentiality and data	This section has been improved to provide clarity for applicants.	To provide applicants with further information and clarity.
Victims of Domestic Abuse	There was no clause in the previous policy and this has been inserted to provide clarity.	Clarifies the Council's position on this issue.
Adapted properties	There was no clause in the previous policy and this has been inserted to provide clarity.	Clarifies the Council's position on this issue.
Households giving up properties they no longer need	There was no clause in the previous policy and this has been inserted to provide clarity.	Clarifies the Council's position on this issue.
Offers to Council Employees, Councillors or their relatives	There was no clause in the previous policy and this has been inserted to provide clarity.	Clarifies the Council's position on this issue.
Reciprocal arrangements with other landlords	There was no clause in the previous policy and this has been inserted to provide clarity.	Clarifies the Council's position on this issue.

14. The existing Allocations Policy will be retained in case of any complaint cases that are received and they need to be reviewed against the content of the previous policy.

Implementation of the Updated Allocations Policy

15. To implement the new Allocations Policy, the existing households on the housing register and transfer list will need to be reviewed and it is expected that the following will be completed to achieve this.

- Review of how long households have resided or worked in the Borough. This is likely to lead to a reduction in the numbers recorded on the register by around 250 applicants.

- Medical review - those applicants with existing medical points will be reviewed against the new criteria. This may lead to a change in the points awarded to their application.
- Review of circumstances - by advising applicants of the changes, there is likely to be contact from residents seeking clarity on the impact of the updated Allocations Policy for them. These queries will be responded to as they arise.

16. The impact on homeless households will be the length of time for residency criteria and this will delay the speed with which they will be rehoused permanently into the social housing stock. In line with the Homelessness and Rough Sleeping Strategy, the Council will be working proactively with households to prevent homelessness and to secure accommodation in the private rented sector. Those households specifically impacted by this change will be contacted to review their circumstances and to review their options if there is a significant change.

Equalities Impact Assessment

17. It can be underpinned with procedures which can be changed and is a published approved document which can be made available to the public.

18. The Council has to give due regard to its Equalities Duties, in particular with respect to its duties arising pursuant to the Equality Act 2010, section 149, part 11 of the public sector duty below:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who are protected characteristics and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

19. An Equality Impact Assessment has been undertaken for this policy which concluded that there are issues relating to age, disability, race and sex. The assessment also included an action plan to minimise these equalities related disadvantages.

Reasons for Recommendation

20. To ensure that the Housing Department has an updated Allocations Policy to support the delivery of homes for residents in the most efficient and effective way, reflecting good practice and the learning from the application of the existing policy.

21. Following the consultation for the final version to be signed off by the Chair of the Environment, Enforcement and Housing (EEH) Committee and the Director of Housing and Community Safety under delegated powers from the EEH Committee.

Consultation

22. Consultation has taken internally with members of the Council's Housing team and there is a need to consult with the public and the applicants on the waiting list and transfer list due to the direct impact on their applications or potential applications. Registered Providers who receive nominations from the Council will also be asked for their feedback and neighbouring Local Authorities due to the potential impact on their approaches to re-housing households.

References to Corporate Plan

23. Drive continuous improvement of our housing services
24. Continue a service improvement programme to ensure our services are delivered efficiently.

Implications

Financial Implications

Name/Title: Phoebe Barnes, Corporate Finance Manager

Tel/Email: 01277 312500/phoebe.barnes@brentwood.gov.uk

Existing budgets can support the delivery of this policy. No additional resource is required or expected when implementing this policy

The policy looks to mitigate the risk associated with tenant arrears, by ensuring applicants are placed in the right accommodation that is affordable for their own financial circumstances.

When assessing the financial circumstances of an applicant the Council ensures the financial assessment is relative to the local market. By reviewing this assessment and values on an annual basis the Council ensures that its assessment remains relative.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer

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The 1996 Housing Act (as amended) requires local authorities to make all allocations and nominations in accordance with an Allocations' Policy. A summary of the

Allocations' Policy must be published and made available free of charge to any person who asks for a copy.

The Housing Act 1996 also requires local authorities to state within their Allocations' Policy what its position is on offering applicants a choice of housing accommodation or offering them the opportunity to express preference about the housing accommodation to be allocated to them.

The Council by adopting this policy will discharge its statutory duty.

Economic Implications

Name/Title: Phil Drane, Corporate Director of Planning and Economy

Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk

There are no direct economic implications.

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

The Policy is subject to the provisions of the Equality Act 2010 and the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353); and specifically, s.149 which states that the Council has a duty to eliminate unlawful discrimination, advance equality of opportunity, and to foster good relations between persons who share a relevant protected characteristic and those who do not. The Council has undertaken an Equality Impact Assessment and has due regard to the protected characteristics as defined in Section 4 of the Equality Act 2010, which are age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief and gender reassignment.

Background Papers

There are no background papers to this report.

Appendices to this report

Appendix A: Allocations Policy 2021.