

REPORT FOR DECISION



DECISION OF:	CABINET
DATE:	4 NOVEMBER 2015
SUBJECT:	ALLOCATIONS POLICY – UPDATE
REPORT FROM:	COUNCILLOR RISHI SHORI DEPUTY LEADER AND CABINET MEMBER FOR FINANCE AND HOUSING
CONTACT OFFICER:	Harry Downie, Assistant Director
TYPE OF DECISION:	CABINET (KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain.
SUMMARY:	<p>The Council is required, under Section 167 of the Housing Act 1996, to have an Allocations Policy for determining the priorities and procedure to be followed in allocating its housing accommodation. The attached document satisfies that duty.</p> <p>The policy was last approved by Cabinet in March 2013 but since then there have been changes in legislation, case law and operational practice which require the policy to be updated.</p> <p>The 2015 version of the policy incorporates those changes and clarifies the Council’s position regarding:</p> <ul style="list-style-type: none"> • The right to move for work legislation; • Procurement of properties for homeless households; • Applications for retirement living from existing tenants; • Bidding processes including removing the limits on the number of bids eligible and qualifying persons can make each week; • Suspension and removal from the housing register; • Occupation of adapted properties; • Bedroom occupancy and the impact of other welfare reforms
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. To approve the policy. This is the recommended option. It updates the Council’s allocation policy to reflect current law and clarifies procedural matters in a number of areas to assist operational decision making. 2. To not approve the policy.

IMPLICATIONS:		
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes	
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Whilst there are no direct financial implications arising from this report, an effective allocations policy will ensure best use of the Council's housing stock, and minimise the extent of void properties.	SK
Health and Safety	There are no health and safety issues arising directly from this policy change. Service delivery and operational decision making are subject to risk assessments which are implemented in line with existing policy.	
Statement by Executive Director of Resources:	An effective allocations policy will help the Council to effectively deliver the objectives of its Housing Strategy.	SK
Equality/Diversity implications:	The Equality Analysis indicates that the proposals are positive particularly for younger single people, disabled applicants and families (with caring responsibilities). The use of dispersed properties and sensitive lettings is also seen to support community cohesion although the extent to which these can be delivered will be influenced by legislation, case law and the availability of resources.	
Considered by Monitoring Officer:	Yes The draft policy has been updated and amended to take into account legal changes and requirements.	JH
Wards Affected:	All	
Scrutiny Interest:	Overview and Scrutiny	

TRACKING/PROCESS

DIRECTOR: Executive Director of Communities and Well Being

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	
	4 November 2015		

1. INTRODUCTION

- 1.1 The Council is required, under Section 167 of the Housing Act 1996, to have an Allocations Policy for determining the priorities and procedure to be followed in allocating its housing accommodation.
- 1.2 The policy was last approved by Cabinet in March 2013 to reflect the requirements of the Localism Act but since then there have been further changes in legislation, case law and operational practice which require the policy to be updated.

2. PROPOSALS

- 2.1 The major changes to the policy are in relation to:
 - **The right to move.** This brings the policy in line with legislation requiring Councils to give preference to households moving to the area for particular types of jobs. Historical data suggests that this will not have a significant impact on application numbers and therefore any demand will be met through natural turnover of properties.
 - **Procurement of properties for homeless households.** A recent Supreme Court judgement highlighted the importance of having a clear procurement policy to support decisions on the allocation of properties to homeless people. For this reason, paragraphs 1.8 – 1.10 (page 4) have been added.
 - **Applications for retirement living from existing tenants.** With the growth in older person's accommodation and extra care schemes, the policy and banding structure has been clarified around qualifying needs. This includes giving the Head of Inclusion powers to determine transfer applications based on changes in need. This is intended to stop instances of tenants hopping from scheme to scheme.
 - **Bidding process.** The current policy limits the number of bids that an eligible and qualifying applicant can make each week. Whilst designed to reduce the amount of suitable offers declined by applicants, it has also had the unintended consequence of reducing demand for some properties, lengthening the time these homes are empty and creating increased rent loss. The new policy removes this limit. It also gives the Council powers to bid on properties on behalf of homeless residents in temporary accommodation who are unable (or unwilling) to bid for properties in their own right.
 - **Suspension and removal from the housing register (waiting list).** There has been a perception for some time that insufficient action is taken against people whose behaviour is unacceptable and that this works against the best interests of other tenants. In listening to these concerns, the new policy clarifies the circumstances under which an applicant can be suspended from the register and strengthens the sanctions that can be used where behaviour falls below acceptable levels. This change is being accompanied by changes in operational practice to identify and resolve potential issues much sooner thereby minimising the risk of escalation and more costly interventions. The type of sanction applied will therefore be dependent on the facts of each case and the willingness of tenants to positively engage with services.
 - **Occupation of adapted properties.** In line with the Strategic Tenancy Policy, these changes:
 - Reaffirm the principle of allocating adapted properties to people with assessed medical needs;
 - Authorise the matching of applicants with specific needs to properties that have already been adapted for that purpose;

- Reserve the right to relocate households from adapted properties when the intended recipient no longer requires the adaptation or no longer lives at that address.
- **Bedroom occupancy.** The Council will continue to work with tenants affected by welfare reform to find suitable affordable accommodation that meet their housing needs. However to facilitate this work, minor amendments have been made to the bedroom standard contained in the Allocations Policy to bring it in line with the benefit rules.

2.2 Minor amendments have also been made to the process outlined in the Policy to reflect the move to self service and the removal of paper applications. Whilst this 'digital by default' approach has worked successfully for a couple of years, and applicants are now used to this method, the Council will continue to help individuals who need support to use the technology.

3. FINANCIAL IMPLICATIONS

3.1 The policy has no direct financial implications but will make better use of existing resources particularly in respect of the changes to the bidding process, utilisation of adapted properties and welfare reform.

3.2 It is known that Government funding will reduce in the coming years. Improving the efficiency of the process will help to contain costs, manage demand and achieve better value from existing assets.

3.3 Although the allocation of council housing is a statutory function, efforts will also be made to minimise the cost of administration. Legislation specifically prescribes elements of the work but the proposed changes to policy supports a shift in emphasis from simply maintaining a housing waiting list to actively working with households to access (or retain) accommodation. Prevention and early intervention will reduce duplication, minimise problems escalating and speed up decision making whilst still paying due regard to people's needs and aspirations.

4. RISKS

4.1 As with any change there is a risk of resistance from households that would be adversely affected. However the policy remains focused on housing need, strikes a balance between the interests of the individual with the wider community and endeavours to make better use of resources in these times of financial restraint. The provisions will be kept under review and the impact of the policy monitored to ensure that changes work as intended.

4.2 Not implementing the policy carries greater risks:

- The policy will not be in line with current legal requirements or benefit rules, making the policy open to challenge;
- The current bidding arrangements are resulting in some properties taking longer to let than is necessary;
- The strengthening of sanctions against tenants with unacceptable behaviour will not be implemented;
- It would be more difficult to stop non-disabled tenants occupying adapted properties.

5. EQUALITY AND DIVERSITY ISSUES

5.1 The Equality Analysis indicates that the policy remains positive for those households with protected characteristics and by strengthening the sanctions against tenants

exhibiting unacceptable behaviour, the changes are aimed at improving cohesion within the community.

- 5.2 To accompany the policy, changes in operating practice will drive a more proactive approach to housing need. This includes a focus on preventing homelessness, early intervention with problematic households to resolve issues (not just move them around the system) and actively working with waiting list applicants to get them into accommodation.

6. CONCLUSIONS AND RECOMMENDATIONS

- 6.1 The Allocation Policy needs to be amended to reflect current legal requirements and improve process efficiency.
- 6.2 The proposed changes address these issues. They support the development of a modern, proactive approach by clearly setting out the criteria and expectations for the allocation and retention of a council house tenancy.
- 6.3 It is recommended that:
- (a) The policy is approved;
 - (b) The policy comes into effect for both current and future applicants from 1 November 2015.

List of Background Papers:-

Allocation Policy
Equality Analysis

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