

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

28 March 2012

Joint Report of the Director of Health and Housing and Director of Finance

Part 1- Public

Executive Non Key Decisions

1 DRAFT CONSULTATION RESPONSES: THE ALLOCATION OF ACCOMMODATION AND ARMED FORCES REGULATIONS; AND SOCIAL HOUSING FRAUD

Summary

Members are invited to endorse the responses to two recent Government consultations: *The Allocation of Accommodation and Armed Forces Regulations*; and *Social Housing Fraud*.

1.1 The Allocation of Accommodation and Armed Forces Regulations

- 1.1.1 The consultation seeks views on new draft statutory guidance on social housing allocations for local authorities in England.
- 1.1.2 This is intended to assist authorities to take advantage of the provisions in the Localism Act 2011, which give back the freedom to manage their own waiting lists, and move existing social tenants to more suitable accommodation. It also encourages authorities to make use of the existing flexibilities within the allocation legislation to ensure that social homes go to people who need and deserve them the most.
- 1.1.3 The Government is also consulting on two sets of draft regulations relating to the Armed Forces. The regulations will ensure that former Service personnel who have urgent housing needs are given 'additional preference' (i.e. high priority) for social housing, so that they will be at or near the top of housing waiting lists; and that those who move from base-to-base do not lose their qualification rights.
- 1.1.4 A copy of the draft response to the consultation is attached at **[Annex 1]**. A full copy of the consultation document can be downloaded via the following link : <http://www.communities.gov.uk/publications/housing/allocationofaccommodation>

1.2 Social Housing Fraud

- 1.2.1 The consultation seeks views on Government proposals to reduce the prevalence of fraud within social housing and in particular, whether existing legislation needs to be strengthened.

- 1.2.2 It is estimated that currently there are in excess of 50,000 socially rented homes being unlawfully occupied. Since most forms of unlawful occupation, including subletting, are civil matters rather than criminal offences, the consequences thereof are relatively minor. They are generally limited to the loss of the tenancy plus damages and costs.
- 1.2.3 The Government does not intend to remove social landlords' ability to pursue individual cases as civil matters, but it is considering whether a new criminal offence of social housing tenancy fraud is necessary and proportionate.
- 1.2.4 Staff from both the Housing Service and the Benefit Fraud Investigation Team are already working closely together, and also with local housing associations, to tackle this very serious problem. The proposals within the consultation are welcomed.
- 1.2.5 A copy of the draft response to the consultation is attached at **[Annex 2]**. A full copy of the consultation document can be downloaded via the following link : <http://www.communities.gov.uk/publications/housing/socialhousingfraud>

1.3 Legal Implications

- 1.3.1 None arising from the decision sought in this paper.

1.4 Financial and Value for Money Considerations

- 1.4.1 None arising from the decision sought in this paper.

1.5 Risk Assessment

- 1.5.1 None arising from the decision sought in this paper.

1.6 Equality Impact Assessment

- 1.6.1 See 'Screening for equality impacts' table at end of report

1.7 Recommendations

- 1.7.1 **CABINET is RECOMMENDED to APPROVE** the draft consultation responses attached at **[Annexes 1 & 2]**.

Background papers:

Nil

contact: Janet Walton
James Flannery

John Batty
Director of Health and Housing

Sharon Shelton
Director of Finance

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	Consultation response only
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	Consultation response only
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.