

TONBRIDGE & MALLING BOROUGH COUNCIL

STRATEGIC HOUSING ADVISORY BOARD

6 October 2008

**Joint Report of the Director of Health and Housing and Cabinet Member for
Housing**

Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken
by the Cabinet Member)**

1 UPDATE ON HOUSING ALLOCATIONS SCHEME

Summary

This report informs Members on the need to undertake a further review of the Council's housing allocations scheme to incorporate the changes arising as a result of the forthcoming implementation of Choice Based Lettings (CBL). A revised draft scheme is proposed taking account of best practice and the Code of Guidance, and Cabinet authority to commence formal consultation is sought.

1.1 Background

- 1.1.1 Further to the report to members on 12 February 2008, the proposed adoption of the revised housing allocations scheme was postponed as, following the return of the housing register services from Russet Homes on 17 March 2008, it was necessary to undertake a comprehensive review of all applicants registered for rehousing.
- 1.1.2 Since then, we have joined the Kent Choice Based Lettings Partnership, and are in the process of implementing CBL which is the subject of a separate report on this agenda. The CBL approach differs from the traditional, officer-led approach to the allocation of accommodation, in that it requires applicants to play an active part in the allocation process. Accordingly, it is crucial that the processes and procedures for allocating accommodation, including the system for prioritising applicants, are transparent and easy to understand and use.
- 1.1.3 The Allocation of Accommodation CBL Code of Guidance advises that a system that groups applicants into a number of "bands" that reflect different levels of housing need are generally simpler for applicants to understand. The current housing allocations scheme has been updated to provide a primary banding scheme with four priority bands, but retaining a secondary points system to reflect reasonable preference categories and cumulative needs to ensure transparency.

1.2 Statutory duties

- 1.2.1 In accordance with Part VI Housing Act 1996, as amended by the Homelessness Act 2002, the Council has a legal duty to determine housing need in the borough, and to produce an allocations scheme which explains how affordable housing is allocated to those in housing need. Allocations of housing association properties must comply with the terms of the housing allocations scheme.
- 1.2.2 The Council currently operates a points scheme to determine each applicant's priority on the housing register according to their level of housing need. The proposed banding system provides four priority bands, ranging from Band A (urgent needs) to Band D (low needs). The points scheme has been simplified to provide a mechanism for determining priorities between two or more households with similar levels of need in each band.
- 1.2.3 The housing register is open to persons who reside outside the Borough. However in order to continue giving appropriate priority to applicants with a local connection, the revised scheme proposes additional points are awarded to those with a local connection.
- 1.2.4 All applicants will be provided with a copy of the housing allocations scheme summary booklet which explains the banding and points system, together with details of the size and type of property likely to be offered according to their household composition. This information will give applicants an indication as to how their application will be treated, the level of priority they may be awarded enabling them to make appropriate decisions on their rehousing options.
- 1.2.5 The main changes to scheme are the introduction of CBL as a means of allocating affordable housing, and the resultant move to a banding scheme as a primary determinant of priority. Some preliminary testing of the existing data has been carried out to ensure that current applicants broadly retain their relative priorities on the housing register, and that no groups or types of applicants are disproportionately displaced by the changes. This will be an ongoing process during the consultation phase.
- 1.2.6 These amendments to the current scheme will constitute major changes, and will require a formal consultation process.

1.3 Consultation process

- 1.3.1 The allocation of accommodation code of guidance recommends a minimum consultation period of 12 weeks, in line with the Cabinet Office's code of practice which lays down 12 weeks as the standard minimum time for written consultation periods to be used by UK government departments. The formal consultation period will begin on 20 October 2008 and end on 12 January 2009. A copy of the draft housing allocations scheme will be sent to all RSLs with whom the Council has nomination rights, other partners and referral bodies such as Social Services,

health authorities, Connexions, Supporting People teams and relevant voluntary sector organisations, who will be invited to comment on the proposed changes.

- 1.3.2 The draft housing allocations scheme, including the scheme summary is included at **[Annex 1]**. Following consultation, the draft housing allocations scheme will be reported to SHAB in February 2009 for approval and it is anticipated that it will be adopted from 1 April 2009.

1.4 Legal Implications

- 1.4.1 The Council has a legal duty under Part 6 of the Housing Act 1996 (as amended by the Homelessness Act 2002) to determine housing need in the borough, and to produce an allocations scheme which explains how affordable housing is allocated to those in housing need.

1.5 Financial and Value for Money Considerations

- 1.5.1 None arising from this report.

1.6 Risk Assessment

- 1.6.1 Failure to properly assess housing need and homelessness would leave vulnerable households at risk of homelessness and the Council open to legal challenge.

1.7 Recommendations

- 1.7.1 Cabinet is **RECOMMENDED** to **ENDORSE** the Draft Housing Allocations Scheme for the purposes of formal consultation ending on 7 January 2008.

The Director of Health and Housing confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

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