

TONBRIDGE & MALLING BOROUGH COUNCIL

STRATEGIC HOUSING ADVISORY BOARD

23 February 2009

Report of the Director of Health and Housing

Part 1- Public

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

1 UPDATE ON THE HOUSING ALLOCATIONS SCHEME

Summary

This report informs Members on the outcome of the formal consultation on the proposed changes to the housing allocations scheme arising as a result of the forthcoming implementation of Choice Based Lettings (CBL). Following the consultation period, the Council's housing allocations scheme has been further revised to incorporate comments received, prior to implementation.

1.1 Background

- 1.1.1 Further to the report to Members on 6 October 2008, the proposed revised housing allocations scheme was subject to a formal consultation process with stakeholders, applicants and the general public for a twelve week period between October 2008 and January 2009. A number of responses were received, which have been summarised below at 1.3.1.
- 1.1.2 We are in the process of implementing Choice Based Lettings (CBL), which is the subject of a separate report on this agenda. The CBL approach 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 revised 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 through CBL 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 revised 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 all persons in housing need, including those who reside outside the borough. However in order to continue giving appropriate priority to applicants with a local connection, the revised scheme awards additional points to applicants with a local connection.

1.3 Consultation responses

- 1.3.1 A total of 16 responses were received, including eight from existing applicants. We were also contacted by several people requesting further details of the scheme, and wanting to update us on changes in their circumstances. A summary of comments, together with any action taken as a result, is given in the table below:

Respondent	Comments	Action Taken
Kent Probation Service	Those who have been institutionalised are not given reasonable preference/in a priority group.	If they are accepted as homeless they will be given reasonable preference. Those leaving supported accommodation are given a high priority.
	How far back would investigations go into ASB, as people change and without a time-line ASB could stay with them for ever.	Each case is decided on its merits, so a time limit is not relevant.
	Why should the effective date change as circumstances change, it should remain the initial application date.	This has been amended to just those cases where a high medical, welfare or property condition priority is awarded.
	Where an offer is withdrawn, this must be a transparent process with appeal rights. If the withdrawal is not justified, the applicant should	Landlords will give feedback on withdrawn properties in the freesheets. In practice, properties are usually withdrawn before the close of bidding, and

	<p>be given automatic priority in the next bidding round.</p> <p>Homeless applicants should be allowed local connection points.</p> <p>Who are the constituent members of the housing medical and welfare panel?</p>	<p>current bidders will be notified.</p> <p>This has been agreed, and the scheme amended.</p> <p>Details have been included in the scheme.</p>
Ms K (applicant)	I am in full favour of the scheme as it stops people wasting valuable time by choosing a suitable property for themselves.	None required.
Mr V (applicant)	I understand that properties will be made public viewing to choose from, but the categories do not seem favourable to us.	None required.
Ms A (applicant)	A very good idea – it gives people the chance to bid for something they really want.	None required.
Ms O (applicant)	The new scheme is great, as people who work hard, keep their homes clean and respect their area should be able to let from the Council.	None required.
Ms N (applicant)	Quite a good scheme. I am used to bidding where I live in London and am supportive of CBL coming to TMBC.	None required.
Mr D (applicant)	<p>How transparent will the scheme be?</p> <p>How will the scheme improve anyone's situation?</p>	<p>Details of all available properties and the successful bidders will be published.</p> <p>Applicants will be able to choose which properties they wish to bid for.</p>
Mr T (father of applicant)	Son has learning difficulties, and does not have the capacity to cope with the proposed changes.	KCC Adult Services were consulted, but no response was received. Family members or support workers can bid on behalf of applicants.
Mr R (applicant)	I understand why the Council is proposing the changes – it cuts down admin at the Council significantly. I realise that I am at the bottom of the	None required

	priority band, and have never been offered accommodation in two years of waiting.	
West Malling Parish Council	<p>Members of the Parish Council expressed concern that the scheme is dependent on the use of the internet, and seek assurance that those without access to the internet will not be disadvantaged.</p> <p>Freesheets are to be distributed throughout the borough – distribution methods have not always been reliable.</p>	<p>Applicants can subscribe to a fortnightly copy of the freesheet, or can be send details by contacting the Council. Other methods of bidding are available, and use of these will be monitored.</p> <p>Distribution points have been agreed, including all local libraries, and will be reviewed regularly.</p>
Councillor Murray	This new scheme will benefit many of those on the register and it is good that more/some choice as to areas they want to live in is to be put in place.	None required.
Hadlow Parish Council	<p>The new scheme would be an improvement for some but not for others.</p> <p>“It was felt that the ‘less sharp’ amongst your customers on the housing list would be disadvantaged by not being in a position or have the knowledge of how to put forward bids for housing in the correct time scale.”</p> <p>The scheme should be reviewed after one year.</p>	<p>None required, although the modelling shows only minor movement in position on the list.</p> <p>Details are available on the websites and in the user guide. Customers will be invited to attend demonstrations, and will be included in a list of ‘vulnerable’ people where necessary. Family members or support workers can take responsibility for bidding on their behalf. Officers will monitor the bidding activity of vulnerable people to ensure they continue to participate in CBL.</p> <p>We will be reviewing the outcome of the process on a regular basis.</p>
Hildenborough Parish Council	Details about the locality of properties should be made available to avoid the possibility that people bidding do not appreciate the facilities available.	Housing associations will include detailed descriptions including photographs of each property.

Mr B (applicant)	As long as your new system is fair I don't see any problems.	The advertising and feedback processes ensure transparency.
East Peckham Parish Council	The Parish Council is in full agreement with the outlined proposals and changes.	None required.
Russet Homes	<p>Document should be produced to clear English standard to make it easier for applicants to understand.</p> <p>Other RSLs hold around 17 per cent of the social housing stock but are not included in the table of properties on page 34.</p> <p>Debts/arrears should not be included within the unacceptable behaviour definition but stated separately</p> <p>Russet Homes offers financial incentives including removal expenses to encourage tenants to move to smaller accommodation – this should be included.</p> <p>RSL tenants seeking sheltered accommodation are placed into band B, but applicants not already in RSL tenancies are placed in band C and could be disadvantaged.</p> <p>The grounds for making direct offers should be re-examined to encourage openness and transparency.</p> <p>Applicants living outside the borough are disadvantaged – this discourages mobility and does not take account of</p>	<p>The scheme has been amended and simplified where possible by officers trained in plain language usage.</p> <p>The table is just an indication of availability –this has been clarified on page 34.</p> <p>Rent arrears are included within the definition in the code of guidance.</p> <p>Details have been included.</p> <p>Transferring tenants are not subject to the reasonable preference categories, so can be placed into band B for management reasons. Given the limited number of other applicants seeking sheltered, band C will not disadvantage them – they may qualify for additional priority on other grounds.</p> <p>This section has been reviewed and the grounds clarified.</p> <p>If applicants have a local connection through employment or family members they will still qualify for local connection</p>

	the worklessness agenda.	points. Those with no connection, but needing to move for work may be eligible for welfare priority.
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1.3.2 The revised housing allocations scheme and scheme summary, incorporating the comments made, is included at **[Annex 1]**. All current and new applicants will be given a copy of the scheme summary, and can request a copy of the full document if required. The full scheme will also be available on the Council's website and at the Council's offices.

1.4 Modelling

1.4.1 Extensive testing has been carried out to check whether 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. Nine modelling tests were completed, each comprising the ten highest priority applicants (as at 29 January 2009) for one, two and three bedroomed properties in three separate areas of the borough: Aylesford, Snodland and Tonbridge. A comparative table of results is included at **[Annex 2]**.

1.4.2 From the table of results, it is clear that for those applicants with the highest priorities, there is no significant change for those registered for one bedroomed properties. For those registered for two or three bedroomed properties, the only significant change was the increase in points awarded to homeless families living in temporary accommodation. However, although these families had an increase in their points levels, their relative priority in terms of their position on the list remained reasonably stable.

1.4.3 Some applicants without any connection to the borough, and who did not therefore qualify for local connection points, slipped down a place in their relative priority.

1.4.4 Only one applicant was assessed as Band A, which suggests that those with most urgent housing needs, will not have too much competition and should not have to wait too long to receive an offer

1.5 Legal Implications

1.5.1 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.

1.6 Financial and Value for Money Considerations

1.6.1 None arising from this report.

1.7 Risk Assessment

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

1.8 Recommendations

- 1.8.1 **CABINET is RECOMMENDED to ENDORSE** the revised Housing Allocations Scheme, and agree to its implementation with effect from 27 April 2009.

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:

contact: Lynn Wilders

Nil

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Director of Health and Housing

Councillor Mrs Jill Anderson
Cabinet Member for Housing