

TONBRIDGE & MALLING BOROUGH COUNCIL

STRATEGIC HOUSING ADVISORY BOARD

7 November 2011

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 COMMON HOUSING ASSESSMENT FRAMEWORK

Summary

This report updates Members on the progress of the common housing assessment (CHA) framework for housing allocations throughout the Kent Homechoice partnership. Members are invited to approve the recommendation that we do not accept the framework.

1.1 Background

- 1.1.1 Members will recall from a previous report to this Board on 8 November 2010 that Kent Housing Group have drafted a countywide CHA framework to provide a less complex method of determining priorities for housing that is common to all partners of Kent Homechoice, to take into account statutory guidance on social housing allocations.
- 1.1.2 Each council currently uses different assessment criteria to prioritise housing applicants in their area. It is envisaged that moving to a uniform system across Kent will deliver significant advantages to partners, such as simplifying the assessment process and driving down administration costs.
- 1.1.3 Our current housing allocations scheme comprises a banding scheme of four bands, with points awarded within each band according to housing needs. We are required to give priority to those households who fall into a "reasonable preference" category as described in the relevant legislation and guidance. Reasonable preference is given to those who are homeless or occupying insanitary or overcrowded housing; those who need to move on medical, disability or welfare grounds, and those who need to move to a particular locality to avoid hardship to themselves or others. Households who meet more than one reasonable preference category are given additional priority on the grounds of "cumulative preference", which means they may be placed into a higher band, or given additional points.

1.1.4 Essentially, the main changes to be incorporated as a result of the latest guidance are:

- as cumulative preference is no longer required within allocation schemes, a simple banding scheme can be implemented;
- waiting time can be used as the main factor in determining priority between people who have a reasonable preference; and
- a small proportion of homes can be let to transferring social housing tenants who do not have a reasonable preference.

1.1.5 The guidance confirms that social housing should still be prioritised to those who are in the greatest housing need, which are people who fall within one of the reasonable preference categories. However, it goes on to tell local authorities that they should seek to achieve other outcomes, such as providing greater choice and mobility, and review policies to ensure they are fair and create more sustainable communities.

1.1.6 It should be noted that although it is proposed that all members of Kent Homechoice will introduce a common method of assessing housing need, local authorities will still retain separate housing allocations schemes which will allow for local flexibilities in the lettings process.

1.1.7 Not all authorities have formally agreed to the CHA framework. A number are seeking further clarification and/or waiting for the final draft before reaching a decision whether to participate. Early indications are that some authorities will decline to adopt the framework, at least for the timebeing.

1.1.8 As the CHA framework document has not yet been finalised, and is subject to ongoing changes and amendments, a copy has not been included with this report. The latest version is available through contact with my office. However, the most significant changes have been detailed below.

1.2 The proposed banding scheme

1.2.1 When initially drafted, the CHA contained four priority bands. However, following discussion within the group it has been agreed to include a fifth band, essentially to include households with no identified housing need and no local connection. These households would generally only be accepted for hard to let properties such as tower blocks and some sheltered bedsits.

1.2.2 Whilst some Kent authorities and landlords may have difficulties in letting some of their properties, this is not usually the case within the housing stock of Tonbridge and Malling. For this Council, the addition of a fifth band would increase the workload unnecessarily to include a number of households who have no realistic prospect of being offered social housing.

1.2.3 The criteria for each band creates some anomalies, for example giving priority to management transfers which could be dealt with outside of the choice based lettings system by a direct let, and by giving a higher priority to applicants needing to move on from supported housing to those where the Council has accepted a duty to rehouse due to homelessness and are likely to be living in bed and breakfast or other temporary accommodation.

1.2.4 The proposed criteria for each band are as follows:

Band A – urgent housing needs

- urgent medical or welfare needs; and
- Management transfer.

Band B – serious housing needs

- people occupying very overcrowded housing or otherwise living in very unsatisfactory housing conditions; and
- households living in supported housing and needing to move.

Band C – reasonable preference

where none of the above in band A or band B applies but who meet any of the reasonable preference criteria:

- people who are homeless;
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- people who need to move on medical or welfare grounds, including grounds relating to a disability; and
- people who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship to themselves or to others.

Band D – general

where none of the above in band A, band B or band C applies; or

- people who are intentionally homeless, or who have deliberately worsened their housing circumstances;
- people who are owed a homeless duty by another local authority;

- where band A, B or C applies but they have no local connection with the district; and
- where band B or C applies but they meet or exceed the financial threshold for HomeBuy. This threshold will change during time but as a guide persons will need to have £5,000 to cover the initial costs and have sufficient income to sustain a mortgage and/or rent payments.

Band E – general without priority

where none of the above in band A, band B or C applies,

- they have no local connection with the district; and/or,
- they meet or exceed the financial threshold for HomeBuy.

1.3 Overcrowding

1.3.1 It is recognised that overcrowding can have a significant impact on the health and well being of all members of the household, and is a major reason for seeking a move. Under our existing housing allocations scheme, children of opposite sex are expected to share a double bedroom until the eldest reaches seven years of age. Children of the same sex are expected to share until the eldest reaches 18, unless there is an age gap of ten years or more.

1.3.2 The proposed CHA would see these ages rise to ten years and 21 years respectively at a time when we are dealing with more requests for children to have separate bedrooms at an earlier age, often due to behavioural problems or sleep disturbance.

1.3.3 At the present time, the changes that have been introduced into the current draft are not compatible with our current housing allocations scheme nor planned amendments to the scheme when it is reviewed. These amendments will include reducing the numbers of applicants on the waiting list by removing those with no housing need and no connection to the borough, who have no realistic chance of securing social housing. I believe it would be best to deal with these applicants by offering advice on their housing options that is suited to their circumstances rather than raising their expectations of securing social housing and simply adding them to the waiting list.

1.4 Housing allocations scheme

1.4.1 The Council's current housing allocations scheme was adopted in April 2009, with some minor amendments incorporated in May 2010. It is proposed that the scheme will be reviewed by April 2012, following a formal consultation process, to provide a simpler banding scheme in accordance with the current statutory guidance, and further guidance due to be published later this year by the coalition

Government in response to the Localism Bill. Members will be updated on the progress of the review of the scheme in future reports to this Board.

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 Adoption of the proposed CHA as drafted would not achieve the original aim of simplifying the assessment process and reducing administration costs.

1.7 Risk Assessment

- 1.7.1 The current housing allocations scheme needs to be updated to incorporate statutory guidance. Failure to properly assess housing need and homelessness could leave vulnerable households at risk of homelessness and the Council open to legal challenge.

1.8 Equality Impact Assessment

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

1.9 Recommendations

- 1.9.1 Cabinet is **RECOMMENDED** to: **NOT ADOPT** the Common Housing Assessment Framework as currently drafted.

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

John Batty
Director of Health and Housing

Councillor Jean Atkinson
Cabinet Member for Housing

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	No	No change to existing policy at the present time

Screening for equality impacts:		
Question	Answer	Explanation of impacts
different groups in the community?		
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	As above
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.