

TONBRIDGE & MALLING BOROUGH COUNCIL

STRATEGIC HOUSING ADVISORY BOARD

20 February 2012

**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 REVIEW OF THE HOUSING ALLOCATIONS SCHEME

Summary

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. The Localism Act 2011 allows local housing authorities in England to consider major revisions to housing allocation schemes to reflect local needs. Corresponding changes to the statutory guidance on the allocation of accommodation are still in draft and subject to consultation. This report sets out the proposed revisions to the housing allocations scheme and anticipated timescales for implementation.

1.1 Introduction

1.1.1 The current housing allocations scheme was reviewed in 2009 to provide a banding and points scheme, to coincide with the implementation of a choice based lettings scheme. Subsequently there has been further guidance (Fair and Flexible: statutory guidance on social housing allocations issued in December 2009) and legislation (Localism Act 2011) which introduce significant changes to the operation of local authorities housing allocations policies.

1.1.2 In accordance with the flexibilities permitted by the Localism Act, this review will simplify the banding scheme to make the system fairer and more transparent, and prioritise applicants who have a housing need and who have a local connection to Tonbridge and Malling. It is also proposed to remove applicants who have no realistic prospects of being offered social housing. Applicants that are removed from the housing register as a result of the review of the housing allocations scheme will be offered advice on alternative housing options as appropriate.

1.2 Consultation

- 1.2.1 The proposed changes to the housing allocations scheme provide major changes to the way priority for applicants is currently assessed, and we will be consulting on the changes with existing applicants and other stakeholders. 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 therefore begin on 5 March 2012 and end on 28 May 2012.
- 1.2.2 A questionnaire is currently being developed, and will be sent to all Housing Associations 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.
- 1.2.3 Copies will also be sent to a sample of households already included on the housing register, including both home seekers and existing tenants, alongside the annual register review process. In addition, customers contacting the housing needs service will also be invited to participate during the consultation period.
- 1.2.4 The questionnaire will seek views on changes to various aspects of the housing allocations scheme, including the assessment process, and the removal of applicants with no housing need or no local connection to the borough.
- 1.2.5 Following consultation, the responses will be analysed and incorporated into a draft housing allocations scheme. This will be reported to the Strategic Housing Advisory Board in July, and the Board will be asked to approve the draft for the purposes of a second, shorter period of consultation of one month, when it will be shared with key partners and stakeholders.
- 1.2.6 In order to minimise the time between the closure of the second consultation and adoption of the revised housing allocations scheme, it is proposed that the final draft be submitted to Cabinet for approval on 10 October 2012.

1.3 Proposed changes

- 1.3.1 Some of the proposed changes could have a significant impact on the numbers of households able to register for social housing. In particular, it is proposed to exclude all households without a local connection to the borough of Tonbridge and Malling, and all households without a verified housing need. At the time of writing, there are 1,923 households on the housing register. Of these 187 are recorded as having no local connection, and could potentially be excluded on this ground. 130 are homeseekers (70 per cent) and 57 are transferring tenants (30 per cent) which is broadly similar to the composition of the housing register as a whole (65 per cent homeseekers and 35 per cent transfers). The largest category of households

with no local connection is single people (50 per cent), compared to 40 per cent of all applicants on the housing register.

- 1.3.2 Most applicants in band D have little prospect of being offered social housing, particularly those who only have five points or less who have no recognised housing need. Of the 1,923 households on the housing register, 628 are recorded as band D with five points or less and could potentially be excluded on this ground. 65 per cent of these households are homeseekers, and 35 per cent are transferring tenants. 15 per cent of the households in band D with five points or less are aged 65 years or more which compares with 16 per cent of the households on the housing register.
- 1.3.3 Following the feedback received from the consultation process, a full equalities impact assessment will be carried out before any changes to the housing allocations scheme are implemented.

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 and the Localism Act 2011) 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 Some temporary staffing resources may be required to assist with the input and analysis of the consultation responses, and testing the impact of the revised scheme on a sample of existing housing applicants. In addition, once approved, all current applications will need to be reassessed, and reprioritised in accordance with the revised scheme. This was anticipated when the budgets for the current year were set, and there is some limited provision within the Homelessness reserve fund.

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 Equality Impact Assessment

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

1.8 Recommendations

- 1.8.1 **CABINET is RECOMMENDED to ENDORSE** the proposed method of seeking views on potential changes to the Housing Allocations Scheme, for the purposes of formal consultation ending on 15 May 2012.

1.8.2 and **APPROVE** the timetable for the review of the Housing Allocations Scheme (set out in section 1.2).

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 different groups in the community?	No	No change to current policy at this time.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	No change to current policy at this time
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.