

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

12 November 2019

Report of the Director of Planning, Housing & Environmental Health

Part 1- Public

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

1 HOUSING ALLOCATION SCHEME REVIEW

The allocation of nominations to social housing tenancies through the Council's housing register and scheme of allocations is a vital component of the Council's overall strategic approach to meeting affordable housing needs, particularly at a time when there is increased pressure on homes available for social rent. The current allocations scheme was originally adopted in 2013 and has been through a series of previous reviews. However, since the last review the Homelessness Reduction Act 2017 has been implemented and the Housing Allocation Scheme now requires a review to ensure that it reflects the introduction of this and is supportive of it. Therefore, the purpose of this report is for Members to approve the Project Plan for this review of the Housing Allocation Scheme to reflect the introduction of the new legislation. There are no immediate financial implications arising from this report, although the review of the Housing Allocation Scheme may in time lead to changes in working practices that could have financial implications.

1.1 Context – Statutory Allocation Schemes

- 1.1.1 The Council is required to allocate Social Housing according to a published Allocations Scheme which has been drawn up according to Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002, The Homelessness Reduction Act 2017 and by the Localism Act in 2011.
- 1.1.2 Local Authorities are not under a duty to maintain a housing register (often referred to as a waiting list), but must have an allocation scheme which sets out the procedure it will follow when allocating social housing. Allocations must only be made to eligible persons as defined in the Housing Act 1996. They should only also be allocated to qualifying persons. Authorities were given the autonomy to determine what classes of person are and are not qualifying persons for the purposes of their allocations schemes.
- 1.1.3 To be allocated social housing an eligible applicant must also meet Tonbridge and Malling's own qualification criteria and have sufficient priority under the Council's

Allocation Scheme and it must also be framed to ensure that certain categories of people are given a reasonable preference for social housing.

- 1.1.4 The Tonbridge and Malling Council Housing Allocation Scheme sets out how the Council determines who will be offered social and affordable housing and on what basis. A full review of the Scheme was completed following the introduction of the Localism Act and this substantially changed the Council's Housing Allocation Scheme. This went live in 2013 and the Scheme has since undergone further reviews.
- 1.1.5 The changes in 2013 were substantial, but simplified the priority banding system and removed the old point's element of the scheme and replaced it with the banding scheme we have currently. It also introduced, as set out above in line with the legislation, a qualification criteria which meant that applicants were required to have a local connection and a housing need in order to join the housing register. The Council's current Housing Allocation Scheme can be found at **Annex 1**.
- 1.1.6 Whilst the Housing Allocation Scheme has been reviewed since the changes in 2013, and it generally operates satisfactorily, it is essential that an Allocations Scheme is reviewed periodically and particularly when there are changes in legislation, statutory guidance and case law. Therefore the Council is proposing to review its current scheme, primarily to address the introduction of the Homelessness Reduction Act 2017 and ensure that the Scheme delivers the requirements of this and is sufficiently supportive of the prevention and relief of homelessness. Also with the anticipated exit of the UK from the European Union this will be a timely review to allow us to address any issues around eligibility to join the Council's housing register and ensure that the Allocations Scheme reflects any changes.
- 1.1.7 Attached as **Annex 2** to this report is a project plan setting out a timetable for the proposed review of the allocations policy which contains high level actions.
- 1.1.8 The project plan sets out the work that will be completed prior to an amended draft being brought back to Members for agreement, and then a timetable for consultation on this with key partners and then final agreement of the revised Housing Allocation Scheme, again which will be brought back to Members.

1.2 Legal Implications

- 1.2.1 It is a legislative requirement under Part 6 of the Housing Act that the Council is required to have a Housing Allocation Scheme which sets out how it will allocate social housing in the district. The Council must comply with the provisions of Part 6.
- 1.2.2 Reviewing and updating the Housing Allocation Scheme to reflect the Homelessness Reduction Act will ensure that it is aligned with legislative requirements and therefore meeting the Council's Statutory Requirements.

1.2.3 Where changes are to be made to an allocation scheme it is a requirement to consult with those who are affected by the changes including registered providers.

1.3 Financial and Value for Money Considerations

1.3.1 The changes to the Allocations Scheme have limited financial implications, however the Homelessness Reduction Act with a focus on prevention and relief has added significant pressure to the Housing Budgets. Therefore an Allocations Scheme which supports the delivery of the Homelessness Reduction Act should assist with this.

1.4 Risk Assessment

1.4.1 The key risks of a review are as follows:

- Not enough time is allowed to implement changes, which is mitigated by a robust project plan which sets out timescales.
- Legal challenges to any changes proposed. This can be mitigated by ensuring that legal advice is sought on the new draft policy before any implementation.
- Any changes could have unforeseen circumstances which may increase complaints. Testing will be carried out on case scenarios and a post implementation review of the changes will be completed 6 months after the implementation of the revised policy.

1.5 Recommendations

1.5.1 Members are asked to **APPROVE** the Project Plan to allow the review to commence;

1.5.2 and to **NOTE** that a further report, which will bring a draft of the revised Housing Allocation Scheme, will be brought back to Members for approval prior to the Housing Allocation Scheme being formally consulted on.

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

Background papers:

Allocation of accommodation: guidance for local housing authorities in England

contact: Claire Keeling
Linda Hibbs

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5918/2171391.pdf

Eleanor Hoyle
Director of Planning, Housing & Environmental Health