

## Cabinet

12 November 2024

### Part 1 - Public

### Executive Key Decision



Cabinet Member	Cllr Kim Tanner, Cabinet Member for Finance and Housing
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Environmental Health
Report Author	Claire Keeling, Housing Solutions Manager

### Housing Allocation Scheme amendments

#### 1 Summary and Purpose of Report

- 1.1 Following the launch of the new Housing Allocations Scheme in June 2023, we have completed a review one year post implementation and made some amendments in line with ongoing feedback and experience.
- 1.2 The purpose of this report is to consider these amendments and agree to entering a period of engagement with our registered providers, and then make any amendments and implement these.

#### 2 Corporate Strategy Priority Area

- 2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.
- 2.2 The Housing Allocations Scheme sets out how the council will assess and prioritise applications made for social housing in the district. This ensures that only those who have a need for affordable housing, and a local connection to the area are prioritised.

#### 3 Recommendations

- 3.1 To agree to engagement on the amendments to the Housing Allocations Scheme following review one year after introduction of the existing Scheme. The key proposed amendments are:
  - Changes to the ages at which siblings can share, reducing from 21 down to 16.

- Amendments to access to the register for those experiencing Domestic Abuse (DA) – to prevent risk to an applicant experiencing DA by refusing them access to the register to move to where they are at risk.
  - Strengthen the policy to give higher priority to those with a prevention duty who remain at home, to give them the same priority as those who have a main housing duty accepted. Other homeless cases continue to get the same reasonable preference.
  - Amendment to the local connection wording related to the 2-year qualification period and add in the homelessness legislation local connection for those who have a main duty accepted.
  - The removal of households who have not bid for 12 months unless there have not been properties suitable for them to bid on.
- 3.2 To delegate responsibility to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Finance and Housing to agree the final revised Housing Allocations Scheme once feedback from the engagement phase has been considered.

#### **4 Introduction and Background**

- 4.1 It is a statutory requirement under Part VI of the Housing Act that Local Authorities (LAs) have a Housing Allocations Scheme. This is a mechanism for assessing housing need, advertising available social housing and the allocation of social homes. The Scheme determines who can join the housing register and what level of priority they will be awarded.
- 4.2 Any Scheme needs to reflect current legislation and Government Guidance, as well as meeting local requirements and it is key that any Scheme is reviewed regularly to ensure that it remains fit for purpose and that the limited supply of social housing is allocated fairly and in line with legislation, national and local priorities.
- 4.3 The Council's Scheme has now been in operation for over a year, and in line with the need to keep it under review, we have considered the first year of operation to determine how it has been working, the result of which has been to make some further amendments.
- 4.4 In addition to keeping the Scheme under review operationally, the new Labour Government also issued a statement in September 2024 regarding accessibility to social housing for those who are UK armed forces veterans, domestic abuse survivors and care leavers under 25 and reminded LAs that we should prioritise these groups for social housing. A review of our Scheme in line with this announcement evidence that these groups do get priority for social housing under our existing scheme, but we will review the Scheme again in line with any subsequent regulations announced by the Government.

- 4.5 This report is therefore seeking agreement to engage on the amendments proposed to gather feedback from partners. Any feedback will enable any changes to be considered for inclusion in the amended Scheme.
- 4.6 Whilst there is no statutory timeline for engagement if approved, then it is proposed, given that these are amendments to our existing Scheme, that the engagement period is 4 weeks. Engagement will take place with Registered Providers who operate in the TMBC area.

## 5 Proposal

- 5.1 Legislation dictates that Local Authority Housing Allocations Scheme be kept under regular review, to reflect changes and ensure that they remain fit for purpose. Given this and the need to ensure that the limited resource of social housing is allocated to those who have a housing need, we have reviewed the Allocations Scheme one year post implementation and made some amendments.
- 5.2 As a result of this review, we are proposing several amendments as below. Annex 1 contains the proposed amended Scheme and the relevant sections where the changes are proposed are highlighted and noted below for ease of reference:
- Changes to the ages at which siblings can share, reducing from 21 down to 16 – to align with Registered Provider policies. (Changes on p19, section 4.5)
  - Amendments to access to the register for those experiencing Domestic Abuse (DA) – to prevent risk to an applicant experiencing DA by refusing them access to the register to move to where they are at risk. (Changes on p23, section 4.8)
  - Strengthen the policy to give higher priority to those with a prevention duty who remain at home the same priority as those who have a main housing duty accepted (Band B) – to encourage households to stay at home where possible rather than approach for temporary accommodation. Other homeless cases continue to get the same reasonable preference. (Changes on p18, section 4.3)
  - Amendment to the local connection wording related to the 2-year qualification period and add in the homelessness legislation local connection for those who have a main duty accepted – to facilitate move on options for those households we have in temporary accommodation. (Changes on p11, section 2.5)
  - The removal of households who have not bid for 12 months unless there have not been properties suitable for them to bid on – to ensure the register is focussed on those in housing need. (Changes on p27, section 7.2)

5.3 There has also been some general tidying up of the formatting and wording in some areas that has not changed the meaning of any requirements but hopefully provides a clearer document.

## **6 Other Options**

6.1 That we do not amend the current Scheme and continue to operate it as it is, but this may lead us to being open to challenge and not meeting the needs of applicants, if we do not keep it under review.

## **7 Financial and Value for Money Considerations**

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

## **8 Risk Assessment**

8.1 There is a legal risk to the Council of not having an up-to-date Housing Allocations Scheme and the Council could be open to challenge.

8.2 Some changes will be required to the IT system to facilitate these amendments, and this could delay implementation.

## **9 Legal Implications**

9.1 The allocation of housing by LAs is framed by Part VI of the HA 1996. The council is required to have a Scheme for determining priorities and the procedures that will be followed when allocating social housing.

9.2 An LA must not allocate housing in any circumstances other than in accordance with its Allocation Scheme when the LA:

- Selects a person to be a secure or introductory tenant of housing accommodation.
- Nominates a person to be a secure or introductory tenant of housing accommodation
- Nominates a person to be an assured tenant or assured shorthold tenant of housing accommodation held by a Private Registered Provider.

9.3 In formulating or amending their Allocation Scheme, a LA must have regard to:

- Its current homelessness strategy under section 1 of the Homelessness Act 2002. This is currently under review but has been considered
- Its tenancy strategy under section 150 of the Localism Act 2011

- The statutory guidance which can be found here [Social housing allocations guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/social-housing-allocations-guidance)
- Homelessness Code of Guidance for Local Authorities

- 9.4 Although the HA 1996, as amended by the Localism Act 2011, gives LAs broad discretion to determine what classes of person will be considered as qualifying under the Scheme and how to determine relative priorities between qualifying applicants, there are requirements to give reasonable, and in some defined cases, additional, preference to certain categories of people. An LA cannot disqualify persons who fall within one of the classes of person for whom a reasonable preference must be secured under the Scheme.
- 9.5 LHA's may also frame the Scheme to give "additional preference" to other persons with urgent housing needs. Where the council makes provision for additional preference, this must be justified.
- 9.6 This report sets out several proposed changes to the current Housing Allocations Scheme following a review one year post implementation of the new scheme.
- 9.7 Due regard must also be given the public sector equality duty (PSED) in section 149 of the Equality Act 2010 that requires the council to consider all individuals when carrying out their functions; this includes changes to policy. The duty requires that due regard be given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people. Specifically, the following protected characteristics must be given due regard
- age,
  - disability,
  - gender reassignment,
  - pregnancy and maternity,
  - race,
  - religion or belief,
  - sex,
  - sexual orientation.
- 9.8 The PSED also applies to marriage and civil partnership, but only in relation to the need to eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the Equality Act 2010.

- 9.9 It is therefore important that a robust equality assessment is undertaken to enable the council to identify and address any adverse impact on those with protected characteristics.
- 9.10 We have also requested some external legal support to review the proposed changes and take their feedback on board.
- 9.11 Having ensured the new Scheme is framed within Part VI of the HA 1996, giving regard to other policies and strategies, and the PSED, along with an external legal review, should ensure that the proposed changes that we wish to engage on is legally compliant in line with the above legal requirements

## **10 Consultation and Communications**

- 10.1 When undertaking the previous review of the Scheme it was subjected to a robust process of scrutiny and engagement. The project was guided by a steering group initial engagement. A draft of the new Scheme was then produced and presented to Members via 3 virtual sessions, and the proposals received support from Members. We also fully engaged with our registered provider partners.
- 10.2 This review has been a light touch one to consider how the Scheme has been working operationally, with only minor amendments being made to the scheme.
- 10.3 However, it is good practice to engage with our local registered providers and update them once the amendments are in force.

## **11 Implementation**

- 11.1 To implement the new Scheme some system changes will be required, and we are already in discussion with our system provider Huume, regarding the amendments that are required to be made to implement the amendments once the engagement period has been concluded.

## **12 Cross Cutting Issues**

### **12.1 Climate Change and Biodiversity**

- 12.1.1 Limited or low impact on emissions and environment.
- 12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

### **12.2 Equalities and Diversity**

- 12.2.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different

groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people in any different way to those identified when the full review was undertaken previously, and an equalities impact assessment was produced.

12.3 Other

12.4 None

Background Papers	None
Annexes	Housing Allocation Scheme (Draft)