

Report to the Cabinet

Report reference: C-066-2008/09.

Date of meeting: 15 December 2008



**Epping Forest
District Council**

Portfolio: Housing.

Subject: Review of the Housing Allocations Scheme.

Responsible Officer: Roger Wilson (01992-564419).

Democratic Services Officer: Gary Woodhall (01992-564470).

Recommendations/Decisions Required:

(1) That, following detailed consideration by the Housing Scrutiny Panel, and consultation with the Tenants and Leaseholders Federation, Citizen Advice Bureaux, Parish and Town Councils and Registered Social Landlord Partners, the proposed changes to the Housing Allocations Scheme for 2009/2010 as set out in Appendix 1 be agreed; and

(2) That the Cabinet grant delegated authority to the Housing Portfolio Holder to consider any late responses to the consultation, and approve the final Allocations Scheme.

This report has been considered and endorsed by the Housing Scrutiny Panel

Executive Summary:

The Council is legally required to have an Allocations Scheme setting out the procedures for allocating its housing accommodation and making nominations to Registered Social Landlords (RSLs). Each year the Cabinet considers the Council's Allocations Scheme and reviews any changes to be made, following detailed consideration by the Housing Scrutiny Panel, which is the purpose of this report.

At its meeting on 9 October 2008, the Housing Scrutiny Panel considered in detail the proposed changes to the Allocations Scheme for 2009-10 and its comments have been incorporated into this report.

The Cabinet is asked to consider the changes to the Allocations Scheme, with effect from 1 April 2009, which are set out in Appendix 1. A copy of the current Scheme has been distributed separately; further copies can be obtained from either the Housing Directorate or Democratic Services.

Reasons for Proposed Decision:

The changes proposed to the Allocations Scheme will generally update the scheme and ensure fairness to all applicants.

Other Options for Action:

- (i) Not to agree the changes to the Council's Allocations Scheme from 1 April 2009.
- (ii) To agree different changes to those recommended.

Report:

1. The Council is legally required to have an Allocations Scheme setting out the procedures for allocating its housing accommodation and making nominations to Registered Social Landlords (RSLs). Each year the Cabinet considers the Council's Allocations Scheme and reviews any changes to be made, following detailed consideration by the Housing Scrutiny Panel, which is the purpose of this report. In November 2007, the Council, in partnership with five other authorities introduced the HomeOption (Choice Based Lettings Scheme). This system of allocating properties has worked well with no major problems arising.

2. At its meeting on 9 October 2008, the Housing Scrutiny Panel considered in detail the proposed changes to the Allocations Scheme for 2009-10 and its comments have been incorporated into this report.

3. The Cabinet is asked to consider the changes to the Allocations Scheme, with effect from 1 April 2009, which are set out in Appendix 1. A copy of the current Scheme has been distributed separately; further copies can be obtained from either Housing or Democratic Services.

Resource Implications:

Within existing resources

Legal and Governance Implications:

Housing Act 1985, Housing Act 1996.

Safer, Cleaner and Greener Implications:

No implications

Consultation Undertaken:

The Tenants and Leaseholders Federation, the Citizens Advice Bureaux, all of the Council's partner Registered Social Landlords (RSLs) (in accordance with the Housing Act) and local councils (in accordance with the Local Council's Charter) have been consulted on the proposed changes, and where considered appropriate, their views have been incorporated into the report. A summary of all the comments received is given at Appendix 2, together with the views of the Housing Portfolio Holder on the comments received.

As some consultees have requested more time to respond, it is suggested that the Cabinet give delegated authority to the Housing Portfolio Holder to consider any further responses to the consultation received by the Council, and to approve the final Allocations Scheme.

Background Papers:

The Housing Allocations Scheme and Race and Equality Impact Assessments.

Impact Assessments:

The Council has undertaken Race and Equality Impact Assessments for the Housing Options Section and the new HomeOption (Choice Based Lettings) Scheme and observes its findings. In addition, a report is submitted annually to the Housing Scrutiny Panel setting out the ethnicity of applicants on the Housing Register and the ethnicity of applicants allocated accommodation.

Changes to the Housing Allocations Scheme from 1 April 2009

Current Allocation Scheme Reference	Proposed Change From 1 April 2009	Reason for the Change
Band One	Add new category (f) Successor tenants (neither spouses nor civil partners) who are under-occupying a Council property and are required, in accordance with the legislation or the Council's discretionary policy, to move to smaller more suitable accommodation.	To clarify the position with successor tenants (neither spouses nor civil partners) who are required to move to smaller accommodation if they are under occupying in accordance with the Housing Act 1985 or the Council's discretionary policy.
Band One (c)	Amend second bullet point to include Hemnall House.	To ensure that homeless applicants living in Hemnall House are given the same deferment period as applicants living in Norway House and the Women's Refuge.
Band One (c)	Amend third bullet point deleting Hemnall House.	Above refers
Band One (c)	Amend last paragraph, second sentence to "If no successful expressions of interest are made, the Council will express an interest in a maximum of three suitable properties for a further 4 weeks (two cycles) on behalf of the homeseeker. If the homeseeker is still unsuccessful the Council will make the homeseeker <u>one</u> offer of suitable secure accommodation. If the offer is refused.."	This practice is being adopted by many other Authorities. It is an attempt to deter some homeless applicants from not expressing an interest in suitable properties during the 8 week (4 cycles) period and waiting for a direct offer of a house. The additional period proposed will reduce the number of direct offers, and ensure that homeless applicants are prioritised along with other homeseekers allowing them to compete for the more desirable properties, ensuring a fairer process.

Changes to the Housing Allocations Scheme from 1 April 2009 (continued)

Current Allocation Scheme Reference	Proposed Change From 1 April 2009	Reason for the Change
Paragraph 11.2	Amend to "When properties become available for letting, the tenancy start date will, in all cases, be the following Monday. However, where a property becomes available for letting on a Thursday or Friday, the first week of the tenancy will be rent free in order to allow the homeseeker reasonable time to move into the accommodation."	In accordance with the decision of the Housing Portfolio Holder, (2 July 2008) all new tenants who sign up for their tenancy on a Thursday or a Friday are granted a rent-free week to allow them time to move in. This results in the tenancy still commencing on the following Monday in these circumstances, thereby reducing void times
Paragraph 14	Delete paragraph	Under the HomeOption (Choice Based Lettings Scheme) applicants now do not renew their application as participation in the scheme demonstrates their continued interest in securing accommodation. However, any applicants who do not express an interest in any property will be contacted on an annual basis.
Appendix Two	Add sentence to end of first paragraph "However, under the HomeOption Scheme, homeseekers will be able to express an interest in properties which are one bedroom less than their need provided it is within the permitted number of occupants allowed under the Housing Act 1985."	It is general practice by all authorities within the HomeOption Consortium to allow homeseekers to express an interest in properties which are one bedroom below their need. The Choice Based Lettings Company "Locata" advise that this is common practice across the Country.
Reserved Vacancies	Change heading to "Allocations Outside of the HomeOption Scheme"	To clarify all circumstances in which allocations may be made outside of the HomeOptions Scheme
Allocations Outside of the HomeOption Scheme	Amend first paragraph to "The Council will, as it considers appropriate, allocate properties outside of the HomeOption Scheme in the following circumstances:"	As above

Changes to the Housing Allocations Scheme from 1 April 2009 (continued)

Current Allocation Scheme Reference	Proposed Change From 1 April 2009	Reason for the Change
Allocations Outside of the HomeOption Scheme	Add new first bullet point "for homeless applicants to whom the Council owes a full duty (under Section 193 of the Homelessness Act 1996) who in respect of Band One (c) have not been successful in participating in the HomeOption Scheme and therefore will be made one direct offer of suitable accommodation in date order of their Section 184 decision.	To clarify the Council's duty to eligible homeless applicants under the HomeOption Scheme.
Allocations Outside of the HomeOption Scheme	Second bullet point delete "with no more than two bedrooms"	Deleted in accordance with the decision of the Housing Portfolio Holder (10 July 2008) to amend the Witness Protection Mobility Scheme.
Allocations Outside of the HomeOption Scheme	Delete bullet point seven.	Properties are no longer leased. Those receiving the floating support service are now the Council's secure tenants.
Allocations Outside of the HomeOption Scheme	Delete bullet point nine	Homeseekers leaving prison would need to present themselves as homeless.
Allocations Outside of the HomeOption Scheme	Amend last paragraph under bullet point ten to "where there is under-occupation an appropriate sized property (under Band One (f) except where there is only one spare bedroom....."	To clarify the new additional category in Band One
Homelessness	Add to Final Note: "where it is not possible to place homeless households in supported tenancies, in rare circumstances , vacancies in the Council's general needs housing stock....."	To clarify that this does happen, although rarely.

APPENDIX 2

Organisation	Allocation Scheme Reference	Comments	Housing Portfolio Holder's Views/Comments
The Tenants & Leaseholder's Federation	N/A	The Tenants and Leaseholder's Federation support the proposed changes to the Allocations Scheme for 2009/2010	No comments
The Housing Scrutiny Panel	N/A	The Housing Scrutiny Panel support the proposed changes to the Allocations Scheme for 2009/2010	No comments
Estuary Housing Association	4.5 (d)	As an RSL we issue starter tenancies and do not allow a mutual exchange within the starter period except where there is urgent or medical or social need.	Amend paragraph 4.5 – additional sentence and end of paragraph to read “It should be noted that some social landlords do not allow Introductory Tenants to enter into a mutual exchange within any trial period.

APPENDIX 2 (continued)

Organisation	Allocation Scheme Reference	Comments	Housing Portfolio Holder's Views/Comments
Estuary Housing Association	10.1	Estuary only grants starter tenancies to applicants that are not currently an RSL or Council tenant, or if they are elderly.	The Allocations Scheme sets out the Council's own approach in allocating its properties. Under the regulations, local authorities who have an Introductory Tenancy Scheme can only grant Introductory Tenancies to <u>all</u> its new tenants and cannot exclude older people or RSL (Housing Association) tenants. Existing Council tenants who transfer are not granted Introductory Tenancies. Therefore, no amendment needed.
Estuary Housing Association	10.2 (c)	The Associations policy on joint tenancies is substantially the same. However, I would request that the wording be changed to "where the Council or RSL considers it to be justified	The Allocations Scheme sets out the Council's own approach in allocating its properties. As Estuary Housing Association would not have any involvement in decisions about the Council granting joint tenancies on its own properties, no amendment is needed.
Estuary Housing Association	11.2	Cannot agree to a rent free period, if the Council wish to do this it should be stated it is for Council properties only.	The Allocations Scheme sets out the Council's own approach in allocating its properties. As it is not a scheme for allocating any RSL accommodation, no amendment is needed.

APPENDIX 2 (continued)

Organisation	Allocation Scheme Reference	Comments	Housing Portfolio Holder's Views/Comments
Estuary Housing Association	Appendix 2	Cannot agree that applicants should be allowed to bid on smaller properties, any nominations received on this basis they will be refused	Again, this applies to the allocation of the Council's own properties. If any RSL refuses a nomination on this basis it is a matter for them. We are satisfied that it is reasonable to allow applicants to express and interest in Council properties one bedroom below their need. This is common practice with many other Councils nationally bearing in mind the shortage of social housing. No amendment needed.
Ongar Parish Council	Band One new category (F)	The fact that this does not refer to Spouses or Civil Partners could be made clearer	Amend "neither" to "but not including" Spouses nor Civil Partners
North Weald Bassett Parish Council	Not applicable	North Weald Bassett Parish Council are pleased to support the changes suggested.	No comments