

Report to the Cabinet

Report reference: 2010/2011

Date of meeting: 13 September 2010



**Epping Forest
District Council**

Portfolio: Housing – Councillor D Stallan

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 the Cabinet notes the reason for the delay in reviewing the Council's Housing Allocations Scheme, being due to the Government's new statutory guidance on Social Housing Allocations for Local Authorities in England ("Fair and Flexible") not being received until late January 2010 and the additional time that was needed to meet with its requirements;

(2) That, following detailed consideration by the Housing Scrutiny Panel, and consultation with the Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils, Registered Social Landlord Partners, housing applicants and the local community, the proposed changes to the Housing Allocations Scheme take effect from 1 October 2010 as set out in Appendix 1;

(3) That the Cabinet grants delegated authority to the Housing Portfolio Holder to consider any late responses to the consultations, and approve the final Allocations Scheme; and

(4) That, due to the delay referred to in Recommendation (1) above, the Allocations Scheme not be reviewed again until late 2011, with any resultant changes being effective from 1 April 2012.

Executive Summary:

1. The Council is legally required to have a Housing Allocations Scheme setting out the procedures for allocating its housing accommodation and making nominations to Registered Social Landlords (RSLs).

2. The review of the Scheme has been delayed for 2010/2011 due to the Council having to meet a number of conditions under the Government's new statutory guidance on Social Housing Allocations for Local Authorities in England ("Fair and Flexible") which was not received until late in January 2010.

3. The Cabinet is asked to note the reasons why the review of the Allocations Scheme was deferred, with the new scheme being implemented 6-months later than normal with effect from 1 October 2010. It is suggested that the next review is undertaken by 1 April 2012. Although there is a legal requirement under the Housing Act 1996 to have an Allocations Scheme, the Council is not required to review the Scheme on an annual basis.

4. The Cabinet is asked to agree the changes to the Allocations Scheme, with effect from 1 October 2010.

Reasons for Proposed Decision:

The review of the Housing Allocations Scheme was delayed to enable the Council to meet with the Government's new statutory guidance on Social Housing Allocations for Local Authorities in England ("Fair and Flexible"). The changes proposed to the Allocations Scheme to take effect from 1 October 2010, will generally update the scheme in accordance with the new guidance and ensure fairness to all applicants.

Other Options for Action:

1. Not to agree the changes to the Council's Allocations Scheme from 1 October 2010.
2. To agree different changes to those recommended.
3. To review the scheme again before late 2011.

Report:

1. The Council is legally required to have a Housing Allocations Scheme setting out the procedures for allocating its housing accommodation and making nominations to Registered Social Landlords (RSLs).

2. The Housing Scrutiny Panel has previously agreed that there be a delay in considering the Review of the Housing Allocations Scheme for 2010. The Scheme is normally considered by the Panel in December each year and approved by the Cabinet in January, with the updated Scheme coming into force on 1 April.

3. The reason for the delay this year was due to the Government's new statutory guidance on Social Housing Allocations for Local Authorities in England ("Fair and Flexible") not being received until late in January 2010.

4. Under the statutory guidance, local authorities are now required to meet certain conditions. As the Council comprehensively reviews its Allocations Scheme on an annual basis, it already complies with most of the requirements, although some work was needed on the following conditions:

- Extending the external agencies the Council consults to include Social Care, Health, Probation, Children's Services and the Voluntary Sector.
- "Engaging fully" with the local community in developing allocation priorities, including applicants, the general public and the community and voluntary sector. This was achieved by consulting through the Council's tenants' magazine, "Housing News" with all tenants and applicants about the proposed revised scheme. In addition, the local community was consulted through the Council's website and a press release.
- Setting up a Tenant Talk-back Panel of interested tenants and applicants in order to seek their views.
- Making appropriate information about allocations widely available in a way that is easy to access and understand, including how long applicants are likely to have to wait and the general profile of the housing stock.
- Undertaking an Equality Impact Assessment (now known as a Customer Impact Assessment) to consider the impact of the changes on people with the protected characteristics of age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief or gender reassignment.

5. The Cabinet is therefore asked to note the reasons why the review was deferred, with the revised scheme being implemented with effect from 1 October 2010. It is also suggested that the next review is not undertaken until 1 April 2012. Although there is a legal requirement under the Housing Act 1996 to have an Allocations Scheme, the Council is not required to review the Scheme on an annual basis.

6. At its meeting on 29 July 2010, the Housing Scrutiny Panel considered in detail the proposed changes to the Allocations Scheme and its comments have been incorporated into this report.

7. The Cabinet is asked to consider the changes to the Allocations Scheme, with effect from 1 October 2010, 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.

8. The Cabinet's attention is particularly drawn to the following proposed changes, which are considered to be the most significant:

- New paragraph 9 - Introduction of penalties for homeseekers who refuse 3 offers of accommodation which should reduce void times.
- Band 1 (b) - Priority to homeseekers with mobility problems for ground floor accommodation.
- Band 4 – New Category (c) – Priority to homeseekers needing to move for mobility reasons.

Resource Implications:

Within existing resources

Legal and Governance Implications:

Housing Act 1985 & Housing Act 1996.

Safer, Cleaner and Greener Implications:

No implications identified

Consultation Undertaken:

1. The Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils (in accordance with the Local Council's Charter), Registered Social Landlord Partners (in accordance with the Housing Act) have been consulted. In addition, housing applicants and the local community have been consulted on the proposed changes, and where considered appropriate, their views have been incorporated into the report. A summary of all relevant comments received is given at Appendix 2, together with the views of the Housing Portfolio Holder on the comments received.

2. It is suggested that the Cabinet grants delegated authority to the Housing Portfolio Holder to consider any further late responses to the consultation received by the Council, and to approve the final Allocations Scheme.

Background Papers:

The current Housing Allocations Scheme, the Government's statutory guidance on Social Housing Allocations for Local Authorities in England ("Fair and Flexible") and the Customer Impact Assessment.

Impact Assessments:

The Council has undertaken a Customer Impact Assessment on both the review of the Allocations Scheme, and in partnership with the Herts and Essex Housing Options Consortium, on the 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.

Risk Management

None identified

Equality and Diversity:

To be completed following the consultation exercise

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties; reveal any potentially adverse equality implications? Yes No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? Yes No

What equality implications were identified through the Equality Impact Assessment process?

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

APPENDIX 1

Changes to the Housing Allocations Scheme from 1 October 2010

Current Allocation Scheme Reference	Proposed Change From 1 October 2010	Reason for the Change
Paragraph 2.1	<p>Amend paragraph as follows:</p> <p>“The Council operates a Choice Based Lettings Scheme where all vacant properties are advertised to applicants on the Housing Register on a website and a periodic free-sheet, showing a photograph and giving details of location, type, rent, service charge, council tax band and landlord of the available accommodation. Applicants can apply for a property by “expressing an interest” (or “bidding”) either on the website, in person, by post, telephone, text or email. The most popular method of doing this is by the Internet www. HomeOption.org Restrictions are in place, which include restricting “bidding” for properties to those households which only have an assessed need for a particular property type. At the end of the two-weekly “bidding” cycle, the Council analyses the “bids” received and allocates each property following a prioritisation and selection process in accordance with this Allocations Scheme. In general terms, the property would be offered to the applicant in the highest band, who has been registered the longest, who had “bid” for the specific vacancy. The results of the “bidding” on each property advertised is then published on the Website and in a future freesheet, setting out the number of “bids” received on each property, as well as the Band and registration date of the successful applicant. This helps applicants to see how long the successful applicant has been waiting and gives greater transparency in the allocation of accommodation, as each applicant is able to clearly understand the type and location of properties for which they would be most likely to “bid” successfully. All homeseekers are provided with a Scheme User Guide which explains in detail how the scheme operates.”</p>	<p>Although detailed information on how to participate in the Choice Based Lettings scheme is available in the freesheet, the Scheme User Guide and on the Website, it is suggested that the information provided within the Allocations Scheme should be expanded.</p>
Add new Paragraph 2.2	<p>“Any homeseeker who may have difficulty in participating in the Choice Based Lettings Scheme can contact the Housing Options Team at the Civic Offices, Epping where staff will be available to provide assistance, including the submission of “bids” on behalf of applicants.”</p>	<p>To confirm that advice will be given to any vulnerable homeseekers on the Housing Register who may be having problems participating in the scheme.</p>

APPENDIX 1 (Continued)

Changes to the Housing Allocations Scheme from 1 October 2010

Current Allocation Scheme Reference	Proposed Change From 1 October 2010	Reason for the Change
Paragraph 6.7	Amend paragraph to: "When any homeseeker is being considered for a property, they will be required to provide up-to-date evidence of their current circumstances. Generally, any homeseeker who fails to provide this evidence within 24-hours will not be offered the property. Additional documentary evidence to substantiate an application may be required from time-to-time as the Council considers appropriate "	To avoid any delays in the letting process, thereby reducing the void period
New Paragraph 9	<p>Penalty for Refusal of Offers of Accommodation</p> <p>"Any homeseeker who refuses three offers of suitable accommodation for which they have expressed an interest within any three-month period will be ineligible to express an interest in any property for a period of six months. Following expiry of the six- month period, the homeseeker will be able to participate again retaining their former position on the Register in accordance with the Allocations Scheme."</p>	During the 2009 calendar year, 184 suitable offers of Council accommodation made in response to expressions of interest were subsequently refused by applicants, which has an adverse effect on void times and rental income, and also delays offers to resultant applicants.
Paragraph 9.1	<p>Becomes paragraph 10 - Add sentence 5th line after..."Band One of the Allocations Scheme." "If no successful expressions of interest are made, the Council will express an interest in a maximum of three suitable properties that the Council considers suitable for a further 4 weeks (2 cycles) on behalf of the homeseeker,"</p> <p>Delete start of next sentence "If no successful expressions of interest are made" replace with "If the homeseeker is still unsuccessful"</p>	This clarifies the change made under the last review of the Allocations Scheme and ensures that the details in the information section is consistent with the Paragraph under Band 1 (c).

APPENDIX 1 (Continued)

Changes to the Housing Allocations Scheme from 1 October 2010

Current Allocation Scheme Reference	Proposed Change From 1 October 2010	Reason for the Change
Paragraph 20.1	<p>Add to those consulted to include:</p> <ul style="list-style-type: none"> • The Tenants and Leaseholder’s Federation • Housing Applicants • Local Community • Partner Agencies 	<p>Clarifies that the Tenants and Leaseholders Federation and partner agencies have been consulted on changes to the Scheme over many years, and adds two further groups who are now consulted, which complies with the Government’s new statutory Guidance.</p>
Band 1 (b)	<p>Add sentence “Homeseekers with mobility problems will be given priority for ground floor flats and bungalows above those in this same band, regardless of their waiting time.”</p>	<p>It is considered that homeseekers with strong medical or welfare grounds <u>and mobility problems</u> should be offered ground floor flats or bungalows above those in the same band who are physically able.</p>
Band 1 (c)	<p>Amend fourth bullet point</p> <p>Delete “.....following their situation being resolved.”</p> <p>Add “.....where the Manager of Brook Haven has notified the Council that the tenant is ready to move on.”</p>	<p>The Brook Haven Scheme is accommodation for those fleeing domestic violence.</p> <p>This amendment is to clarify that only assured tenants who are deemed ready to move on from Brook Haven will be placed in Band One. This does not include those who have been served a Notice to Quit due to breaches of tenancy conditions, as in these circumstances the Council’s housing duty would end.</p>

APPENDIX 1 (Continued)

Changes to the Housing Allocations Scheme from 1 October 2010

Current Allocation Scheme Reference	Proposed Change From 1 October 2010	Reason for the Change
Band 1 (e)	Add Railway Meadow, the Young Parents Scheme	Railway Meadow, the Young Parents Scheme in Ongar, will be completed at the end of October 2010. Homeseekers who have been in the scheme for at least 9-months will be given Band 1 status if they are ready to move on.
Band 4	Add new Category (c) "All Homeseekers living in the District for more than a year immediately prior to application, wanting to move to or be nearer to their place of work, or to take up an offer of permanent employment, or a long term (full-time) training opportunity which will lead to employment."	To enable all homeseekers to transfer to accommodation for mobility reasons, which is in accordance with the Government's new statutory guidance. It will give such applicants equal priority to others in this category and could enable some applicants to enter Band 3.
Band 4	Amend Category (e) "Households including a child under the age of 11 years....."	Reduce the age from 15 years to 11 years as it is considered that, bearing in mind the shortage of accommodation, having a garden for a child over 11 years of age is not as essential as some of the other categories.
Amend supplementary information under **	End paragraph at "...access to specialist medical treatment."	Remainder of this paragraph to be deleted as employment or training is now covered in the new Band 4 Category (c) above.

APPENDIX 1 (Continued)

Changes to the Housing Allocations Scheme from 1 October 2010

Current Allocation Scheme Reference	Proposed Change From 1 October 2010	Reason for the Change
Amend supplementary information under **	Add to end of paragraph – “Any applicant who is awarded a higher banding due to any medical preference will have their medical position re-assessed if they express an interest for a property and then refuse an offer of that accommodation. In addition, should any applicant move from their existing accommodation and remain on the Housing Register, a further medical assessment will be undertaken.”	This clarifies what is currently normal practice. Cases are assessed to determine why any offer was refused and if the medical issues are still relevant. In addition, if an applicant moves accommodation and remains on the Housing Register their medical priority is reassessed, based on the change of circumstances.

APPENDIX 2

Organisation	Allocation Scheme Reference	Comments	Housing Portfolio Holder's Views/Comments