

Report to the Cabinet

Report reference:

C-034-2010/11

Date of meeting:

25 October 2010



**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 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 December 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:

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). 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.

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 December 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. The Cabinet is asked to agree the changes to the Allocations Scheme, with effect from 1 December 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 December 2010, will generally update the scheme in accordance with the new guidance and ensure fairness to all applicants.

Other Options for Action:

- Not to agree the changes to the Council's Allocations Scheme from 1 December 2010;
- To agree different changes to those recommended; and
- 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:

(a) Extending the external agencies the Council consults to include Social Care, Health, Probation, Children's Services and the Voluntary Sector;

(b) "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;

(c) 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; and

(d) 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 December 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. The Cabinet is asked to consider the changes to the Allocations Scheme, with effect from 1 December 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.

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

- (a) New paragraph 9 - introduction of penalties for homeseekers who refuse 2 offers of accommodation which should reduce void times;
- (b) Band 1 (b) - priority to homeseekers with mobility problems for ground floor accommodation; and
- (c) Band 4 – new category (c) – some 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:

The Housing Scrutiny Panel and the Tenants and Leaseholders Federation were consulted on the draft report at their July meetings. Both the Panel and the Federation agreed the following, which have been incorporated into the changes set out at Appendix One:

- Under new paragraph 9, homeseekers who refuse two offers of accommodation within any three month period should be penalised rather than three offers as was originally proposed.
- Additional paragraph at the end of Appendix 2 within the scheme stating that an additional bedroom may be granted for strong medical reasons.

Following the inclusion of the comments made by the Housing Scrutiny Panel and 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) and the local community have been consulted. Only one response was received from the Citizens Advice Bureau who supports the changes.

In addition, housing applicants, tenants and leaseholders have been consulted on the proposed changes. A summary of all relevant comments received is given at Appendix 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"), the Customer Impact Assessments on both the Review of the Allocations Scheme and the HomeOption (Choice Based Lettings) Scheme.

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 compared to the ethnicity of applicant's allocated accommodation.

Risk Management

The Council is required, by virtue of Section 167 of the Housing Act 1996 to have an Allocations Scheme for determining priorities and the procedures to be followed in allocating accommodation. The Allocations Scheme has been formulated in accordance with the Housing Act 1996, as amended by the Homelessness Act 2002, the associated Code of Guidance and other relevant legislation. The Council's Allocations Scheme removes any risk to the Council of falling foul of the legislation. In addition, although there is a requirement to have an Allocations Scheme, there are no requirements concerning the frequency of which it is reviewed.

Equality and Diversity:

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? No

Has a formal Customer Impact Assessment been undertaken? Yes

What equality implications were identified through the Equality Impact Assessment process?
None.

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?
Not applicable.

Changes to the Housing Allocations Scheme from 1 December 2010

Current Allocation Scheme Reference	Proposed Change From 1 December 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 December 2010

Current Allocation Scheme Reference	Proposed Change From 1 December 2010	Reason for the Change
Paragraph 6.7	Amend paragraph to: "When any homeseeker is being considered for a property, they will be contacted by telephone and required to provide up-to-date evidence of their current situation. Under normal circumstances, any homeseeker who fails to provide this evidence within one working day 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 two 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).

Changes to the Housing Allocations Scheme from 1 December 2010

Current Allocation Scheme Reference	Proposed Change From 1 December 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 December 2010

Current Allocation Scheme Reference	Proposed Change From 1 December 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 December 2010

Current Allocation Scheme Reference	Proposed Change From 1 December 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	Add paragraph – “In exceptional circumstances, homeseekers may be allocated a property which is one bedroom above the need of their household where the Council’s Medical Advisor agrees that there are strong medical reasons for doing so.”	Clarifies the approach taken in such cases.

APPENDIX TWO

Responses received following consultation with homeseekers, tenants and leaseholders on the proposed changes to the Allocations Scheme

1. A total of 11,872 housing applicants, tenants and leaseholders were asked for their views through an edition of the tenant's magazine "Housing News" and the Council's website. A survey form which consolidated the proposed changes into eight questions was sent out. 1,182 forms were returned representing a 10% response rate. A summary of each question asked and the percentage of respondents in agreement is set out in the following table:

Summary of Survey Question	% in Agreement
Additional information being provided on the choice based lettings scheme	87.83
Explaining that vulnerable people can contact the Council's Housing Options Team for assistance	91.58
Explaining that up-to-date evidence is required within the next 24 hours when consideration of an offer of accommodation is being made	83.47
Homeseekers being penalised if they refuse two offers of suitable accommodation for which they have made "bids" in any three-month period, becoming ineligible to express an interest in any property for a period of six-months. Following this period they will be able to participate again and maintain their current position on the register	84.69
Homeseekers in Band 1 with strong medical or welfare grounds and mobility problems will be given preference for ground floor flats or bungalows regardless of their waiting time	86.61
Homeseekers living in the new young parents scheme "Railway Meadow" for at least nine months will be placed in Band 1 if they are ready to move on.	74.24

APPENDIX TWO

Response received following consultation with homeseekers, tenants and leaseholders on the proposed changes to the Allocations Scheme (continued)

Summary of Survey Question	% in Agreement
There will be an additional category in Band 4 of the Allocations Scheme for those who want to live nearer their place of work or are undertaking long-term (full-time) training that will lead to employment	84.58
Homeseekers are currently placed in Band 4 if their household has no access to a garden and includes a child under 15 years of age. The new scheme proposes to reduce the age to 11 years due to the shortage of accommodation	84.08
Overall response to the proposed changes	85

2. In addition to the above statistics, those surveyed were asked to make general comments on the scheme. Although some were received there were no clear recurring messages to suggest any reasons to change the recommendations.