

Report to the Cabinet

Report reference: C-070-2012/13

Date of meeting: 15 April 2013



**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 accepts the recommendations of the Housing Scrutiny Panel in its report attached as Appendix 1 subject to the suggested changes at Appendix 2 and adopts the reviewed Housing Allocations Scheme;**
- (2) That, following consultation with the Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils and partner Registered Providers, the Cabinet notes the outcome and agree the suggested changes to the Housing Allocations Scheme as set out at Appendix 2;**
- (3) That the Cabinet notes the reasons for the delay in commencing the revised Housing Allocations Scheme and that the revised Scheme takes effect from 1 September 2013; and**
- (4) That, following the approval of the Constitution and Member Services Standing Scrutiny Panel, the revocation of the right of appeal to the Housing Appeals and Reviews Panel by housing applicants excluded from the Housing Register be supported.**

Executive Summary:

The Cabinet is being asked by the Housing Scrutiny Panel to accept its recommendations set out in the attached report at Appendix 1 and adopt the Council's revised Housing Allocations Scheme. It was proposed to the Panel that the revised Scheme would come into force on 1 July 2013. However, due to the reasons explained in the report, it is now recommended that the implementation be delayed until 1 September 2013.

The Council has consulted on the draft revised Scheme. The table attached as Appendix 2 to the report sets out the response from each organisation and the suggested changes and some further suggested minor changes by officers.

The Housing Scrutiny Panel is recommending in the attached report that the right of appeal to the Housing Appeals and Reviews Panel to applicants who have been excluded from the Housing Register be revoked; with all statutory reviews being dealt with by officers in future. The Constitution and Member Services Standing Scrutiny Panel approved that the Terms of Reference for the Housing Reviews and Appeals Panel be amended to allow for the change

and Council will be asked at its next meeting to approve the amendment of the Constitution accordingly.

Reasons for Proposed Decision:

To ask the Cabinet to accept the recommendations of the Housing Scrutiny Panel and adopt the revised Housing Allocations Scheme, subject to the suggested changes set out in Appendix 2 to the report in response to the consultation, and some further suggested minor changes by officers. Furthermore, that subject to the agreement of Council, the Cabinet supports that the right of appeal to the Housing Appeals and Reviews Panel to applicants who have been excluded from the Housing Register be revoked; with all statutory reviews being dealt with by officers.

Other Options for Action:

To not agree the recommendations of the Housing Scrutiny Panel.

To make alternative changes to the draft Housing Allocations Scheme.

Report:

1. The Cabinet is being asked by the Housing Scrutiny Panel to accept its recommendations set out in the attached report at Appendix 1 and adopt the Council's revised Housing Allocations Scheme. The report and recommendations will be presented to the Cabinet by the Chairman of the Housing Scrutiny Panel at the meeting.

Implementation Date

2. It was proposed to the Panel that the revised Scheme would come into force on 1 July 2013. However, it is now recommended that the implementation be delayed until 1 September 2013.

3. This is mainly due to the unexpected delay with the implementation of the commissioning of the Locata Housing Services (LHS) computerised Housing Register Hosting System and associated Review Modules which has previously been approved by the Housing Portfolio Holder. Since the meeting of the Housing Scrutiny Panel, LHS has advised the Council that it is unable to undertake any preparatory work until after the Cabinet call-in period (around 29 April 2013) when the revised Housing Allocations Scheme would be fully ratified.

4. The new Hosting System will enable the Council to provide all of its homeseekers with an on-line facility to join the Housing Register and to update their application on an annual basis, ensuring information is up to date. It will also save staff time, as the extensive amount of data from paper applications will no longer need to be entered on the system manually, statistical information will be easily accessible and it will have the facility to send bulk letters to homeseekers. This will enable the service to be enhanced, as the time saved will allow for further home visits to homeseekers to verify information provided, reducing social housing fraud and generally providing a better service to the public.

5. Implementing the Scheme on 1 September 2013 will also give homeseekers more time to re-register and officers more time to undertake a range of administrative work that will need to be undertaken including:

- Writing to around 3,000 homeseekers who, from the implementation date, will no

longer qualify to be included on the Housing Register, setting out the reason why and advising them they can continue to bid on properties until 31 August 2013 and can make a fresh application should they feel they may qualify again in the future (when their application date will be the date they re-apply);

- Writing to all those remaining homeseekers who qualify to remain on the Housing Register, explaining that they must re-register on-line by 31 August 2013 if they wish to bid on properties from 1 September 2013, giving a final deadline for re-registering of 30 September 2013, since, after this date they will be removed from the list;
- Monitoring all qualifying homeseekers, contacting those who fail to re-register to ensure that the following advice/assistance is given to either vulnerable applicants or those who do not have access to a computer:
 - (a) Assistance from staff for homeseekers to re-register on line, over the Council's Re-registering Hotline set up specifically for this purpose;
 - (b) Commissioning the new additional interview room adjacent to the Housing Options Section, where staff can give assistance to homeseekers to re-register on line; and
 - (c) Carefully monitoring all qualifying homeseekers who fail to register, with particular attention to those homeseekers on the Council's "Vulnerable List" (where staff already assist with placing bids on their behalf), to ensure they have re-registered, carrying out home visits where needed.

Consultation on the Housing Allocations Scheme

6. The Housing Scrutiny Panel was advised that, prior to its consideration, the draft Housing Allocations Scheme had been considered by an external Legal Advisor, being a QC specialising in housing law. This was considered essential as this is the most comprehensive review ever undertaken of the Scheme. When giving his advice, in answer to a specific question on the duration of the consultation period, the Council was advised to allow a 12 week consultation period, which has now been completed.

7. Only 7 responses were received from the consultation. The table attached as Appendix 2 to the report sets out the responses from each organisation and two homeseekers and the comments and suggested changes, and some further suggested minor changes by officers.

Applicants' Right to a Review

8. The Housing Scrutiny Panel is recommending in the attached report attached at Appendix 1 that the right of appeal to the Housing Appeals and Reviews Panel by applicants who have been excluded from the Housing Register be revoked; with all statutory reviews being dealt with by officers in the future. This is considered essential as neither the Panel nor officers could cope with the workload, bearing in mind around 3,000 homeseekers will no longer qualify which could result in large numbers of applicants appealing. Since the meeting of the Housing Scrutiny Panel, the Tenants and Leaseholder's Federation has been consulted on the proposal and agrees with the recommendation.

9. At its meeting on 26 March 2013, the Constitution and Member Services Standing Scrutiny Panel recommended that the Terms of Reference for the Housing Reviews and Appeals Panel be amended removing the following from the Terms of Reference of the Housing Appeals and Review Panel:

“(1)(c) – exclusion of housing applicants from the Housing Register”

(b) and recommended that the Constitution be amended accordingly.

10. If the Cabinet adopts the revised Housing Allocations Scheme, then it is suggested that, following the approval of the Constitution and Member Services Standing Scrutiny Panel, the revocation of the right of appeal to the Housing Appeals and Reviews Panel by housing applicants excluded from the Housing Register be supported by the Cabinet prior to being considered by Council.

Resource Implications:

Within existing resources.

Legal and Governance Implications:

Housing Act 1985

Housing Act 1996

Homelessness Act 2002

Localism Act 2011

Allocation of accommodation: guidance for local housing authorities in England (DCLG June 2012).

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

As set out in the report.

Background Papers:

Legal Advisor’s report.

Impact Assessments:

Risk Management

No risks have been identified. Should any be identified in the future, these will be taken into account as part of the review after 12 months of operation of the Scheme.

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

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? Yes

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

Each year the Housing Scrutiny Panel considers a report on the ethnicity of homeseekers on the Housing Register compared to those allocated accommodation. Following an Equality

Impact Assessment undertaken by an external consultant some years ago, the ethnicity of homeseekers on the Housing Register applying for sheltered accommodation compared to those allocated sheltered accommodation is now monitored separately by our Panel.

Due to the proposed changes made to the Housing Allocations Scheme, if the recommendations are agreed, our Panel consider it is important to monitor both the ethnicity of those included on the new Supplementary Waiting List (under Section 14.10 & 14.11 of the Draft Scheme) compared to those housed from this list and the ethnicity of those housed in the private rented sector under the new homelessness rules (under Paragraphs 17.13 to 17.15 of the Draft Scheme).

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?

See the section above.

Appendix 2

Consultation Responses to the Draft Housing Allocations Scheme and Suggested Changes

Organisation	Consultation Response	Comments/Suggested Changes
Tenants and Leaseholders Federation	<p>(a) Agreed that the right of appeal to the Housing Appeals and Reviews Panel to applicants who have been excluded from the Housing Register be revoked</p> <p>(b) That any references to Flexible Tenancy be amended to “Flexible (fixed-term) Tenancies” to make it clearer to tenants and applicants</p>	<p>Already recommended</p> <p>Agreed – Appropriate changes to be made to the revised Housing Allocations Scheme</p>
Chigwell Parish Council	<p>“Whilst the Council agrees with the documents, points 14.10 and 14.11 should never count towards the calculation of housing needs for any purpose”</p>	<p>Agreed - As Paragraphs 14.10 and 14.11 only refer to the Supplementary Waiting List and have no connection with the Local Eligibility Criteria, it is suggested that the Supplementary Waiting List becomes a separate Section 15</p>
Loughton Town Council	<p>Loughton Town Council agreed to express support to the District Council for the document</p>	<p>None</p>

Appendix 2

Consultation Responses to the Draft Housing Allocations Scheme and Suggested Changes (continued)

Organisation	Consultation Response	Comments/Suggested Changes
A Homeseeker	<p>In summary: Concerned that a household with two children of mixed sex can only apply to join the Housing Register when the eldest child reaches ten years of age (if there is no other housing need). As the waiting time for a house is around 5 years or more it could result in a 15 year old sharing with a 10 year old. It would be more practical to reduce the age from ten to five years, with people in these circumstances likely to be re-housed when the eldest child becomes ten, removing the risk of the "bedroom tax" applying. Although agrees with both existing tenants being given priority for downsizing and priority being given to those living in flats wanting houses, this will increase the waiting time for other homeseekers.</p>	<p>The sizes of properties at the point of allocation is set out at Appendix 2 of the Scheme. As the sizes are in accordance with the Local Housing Allowance, the under-occupation charge would not apply to any homeseeker at sign-up.</p> <p>Providing there is no other housing need, an applicant with two children of opposite sex will not be able to join the Register until one child is over ten years old. At this point they will be immediately eligible to be placed in Band 2 (c) and receive reasonable priority.</p> <p>Any household lacking a bedroom for this reason would not be overcrowded under the Housing Act, as the living room counts as an additional bedroom. Members' attention is drawn to Paragraphs 6 to 12 in the Housing Scrutiny Panel's report, which sets out the issues around bedroom sizes</p>

Appendix 2

Consultation Responses to the Draft Housing Allocations Scheme and Suggested Changes (continued)

Organisation	Consultation Response	Comments/Suggested Changes
A Homeseeker	<p>In summary: Concerned that due to the reduction in priority Bands homeseekers currently in Band 3 – particularly those with moderate medical preference - will be placed in Band 3 the lowest Band under the new Scheme. This means they will be moved from the middle Band to the lowest Band and go from having a very good chance of being housed to having very little chance.</p> <p>I feel homeseekers in this situation should be placed in Band 2 or people will be penalised.</p>	<p>It is not considered that homeseekers with only moderate medical preference should receive Band 2 priority as the medical issues involved are generally fairly minor.</p> <p>Reducing from 6 Bands to 3 Bands will mean that those in Band 3 will have a similar chance of being housed as under the current Scheme.</p> <p>The Scheme has been framed to ensure that those in the highest need of social housing have the best chance of being successful in securing accommodation</p>
Ongar Town Council	<p>The Town Council has no formal comments to make regarding the consultation but Councillors would like to express their appreciation to EFDC housing officers for the hard work in producing the document</p>	None
North Weald Bassett Parish Council	<p>The Parish Council noted the consultation and had no comments</p>	None

Additional Officer comments and suggested changes on the draft Housing Allocations Scheme

Scheme Ref	Comments	Suggested Changes
Appendix 1	Due to the reduction in the number of priority bands it is suggested that the three new Bands be denoted as Bands A, B, & C. This will make it clearer to qualifying homeseekers who, for example, may have previously been in Band 4 and could believe that, under the new scheme, they could be gaining additional priority, which would not be the case.	Amend priority Bands to A, B, & C
Paragraph 14.3 (f)	Amend date to new implementation date	Amend to 1 September 2013
Appendix 2 (For information)	Under changes to housing benefit rules for persons under-occupying accommodation in the social rented sector, the Government have recently announced that housing benefit will now not be reduced when a disabled person is occupying a separate bedroom	Amend first Paragraph (third line) to read "...there are urgent medical reasons (including reasons of disability) for doing so". This will clarify that an additional bedroom may be provided to a disabled person following approval by the Council's Medical Advisor.
Appendix 2 (For information)	The Scheme currently makes no reference to the approach to be taken with Foster Carers	Add a Paragraph "Consideration will be given to the bedroom requirements of active Registered Foster Carers in terms of banding priority and property sizes offered depending upon the circumstances.
Appendix Four Paragraph 1.12	The last Scheme Manager living in tied accommodation has recently moved off-site	Delete Paragraph