

Report to the Cabinet

Report reference: C/nnn/2006.

Date of meeting: 18 December 2006



**Epping Forest
District Council**

Portfolio: Housing – Councillor D Stallan

Subject: Review of the Housing Allocation Scheme

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Recommendations/Decisions Required:

That, following detailed consideration by the Housing Scrutiny Panel, and consultations with the Tenants and Leaseholders Federation, Parish and Town Councils and Registered Social Landlord Partners, the proposed changes to the Housing Allocations Scheme as recommended by the Housing Portfolio Holder be agreed as follows:

(a) The changes to the general information on the Allocations Scheme as set out at Appendix Two take effect from 1 April 2007;

(b) The changes to the Allocations Scheme in respect of the priority bandings as set out at Appendix Three take effect from 1 April 2007;

(c) The changes to the general information on the Allocations Scheme which are needed to meet the requirements of the Choice Based Lettings Scheme set out in Appendix Four take effect from its implementation; and

(d) The changes to the Allocations Scheme in respect of the priority bandings which are needed to meet the requirements of the Choice Based Lettings Scheme set out in Appendix Five take effect from the implementation date of the Choice Based Lettings Scheme.

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, which is the purpose of this report. A copy of the current Scheme is attached at Appendix One. In September 2004, the Council introduced a Banding Scheme which forms the basis of prioritising housing applications. Since its introduction, this system of allocating properties has worked well with no major problems arising.

2. At its meeting on 31 October 2006, the Housing Scrutiny Panel considered in detail the proposed changes to the Allocations Scheme from 2007 and their comments have been incorporated into the report.

3. The changes which are suggested would be implemented in two stages as follows:

Stage One – Changes to the Allocations Scheme from 1 April 2007

4. Attached at Appendix Two is a table setting out the proposed changes to the general information which would take effect from 1 April 2007. It shows the reference to the current scheme, the suggested changes and the reason for the changes. These are proposed, irrespective of the planned introduction of Choice Based Lettings.

5. Attached at Appendix Three is a table setting out the proposed changes to the Allocation Scheme bandings which would also take effect from 1 April 2007. As can be seen, it is proposed to merge Band Two and Band Three, thereby reducing the number of bandings from seven to six. Furthermore, it is proposed to denote each bullet point as (a), (b), (c) etc. for ease of reference.

Stage Two – Changes to the Allocations Scheme to meet with the Requirements of Choice Based Lettings

6. At its meeting on 24 May 2004, the Cabinet agreed the recommendations of the former Overview and Scrutiny Committee (1) that the Council adopts a move towards a Choice Based Lettings system in principle. This followed detailed examinations of the principles and issues at a number of meetings by the former Working Group on Housing.

7. At its meeting on 15 September 2005, the Housing Scrutiny Panel considered and made comments to the Housing Portfolio Holder on a detailed report setting out the proposed way forward on the implementation of the Scheme. Following the meeting, the Housing Portfolio Holder agreed the principle of introducing a Choice Based Lettings Scheme operated through an agreement with a Choice Based Lettings Agency for all applicants on the Council's Housing Register.

8. On 6 February 2006, the Cabinet agreed that the functions relating to the Herts and Essex Housing Options Consortium, a partnership with five other local authorities, be delegated to the Head of Housing Services in accordance with Financial Regulations F1 to F9 within the Council's Constitution. The partner authorities within the Consortium were as follows:

- Brentwood Borough Council
- Chelmsford Borough Council
- Broxbourne District Council
- Uttlesford District Council
- East Herts District Council

9. However, it should be noted that, in September 2006, Uttlesford District Council formally notified the Consortium they were withdrawing from the Consortium as they intend to review their allocation processes and develop a scheme which they believe will be tailor made to their requirements. Despite Uttlesford's views, the view of the other five members of the Herts and Essex Housing Options Consortium is that Choice Based Lettings Scheme will meet the requirements of housing applicants locally as the councils' own Allocation Schemes will continue to be applied.

10. Under a Choice Based Lettings scheme, all vacant social rented properties will be advertised to applicants on the Housing Register in a fortnightly publication, website, or other media. Applicants will apply for a property by expressing an interest, either in person, by post, telephone, text, email or Internet. At the end of the fortnightly cycle, the Council will analyse all expressions of interest received and allocate each property following a prioritisation and selection process in accordance with its Allocations Scheme. In general terms, the property will be offered to the applicant in the highest band, who has been registered the longest, who has expressed an interest for the specific vacancy.

11. The results of all expressions of interest on each property advertised will then be published in the next fortnightly publication, setting out the number 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.

12. In order to meet the requirements of the Choice Based Letting Scheme, changes will need to be made to the Allocations Scheme on implementation. The original target implementation date was April 2007. However, due to the preparation work that needs to be done, it is now expected to commence later in 2007. The table attached at Appendix Four sets out the changes required to the Housing Allocations Scheme's general information in order to meet the requirements of Choice Based Lettings. The table at Appendix Five sets out the changes to Band One of the Allocations Scheme, which would also be required.

13. Attached at Appendix Six is a draft of the proposed new Bandings (with effect from 1 April 2007, and from the implementation of the Choice Based Lettings Scheme), setting out how they would be presented if Members agreed all of the proposed changes.

Statement in support of recommended action:

14. The changes proposed to the Allocations Scheme are important to meet Government targets and to ensure fairness to all applicants on the Housing Register for the reasons set out in the report. In addition, further changes must be made to ensure that the requirements of the Choice Based Lettings Scheme are met on implementation.

Options for action:

15. Not to agree the changes to the Council's Allocation Scheme from 1 April 2007, and the required changes to meet with the Choice Based Lettings Scheme.

Consultation undertaken:

16. The Tenants and Leaseholders Federation, 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 Seven, together with the views of the Housing Portfolio Holder.

Resource implications: N/A

Budget provision: N/A

Personnel: N/A

Land: N/A

Community Plan/BVPP reference: N/A

Relevant statutory powers: Housing Act 1996

Background papers: Allocation Scheme

Environmental/Human Rights Act/Crime and Disorder Act Implications: N/A

Key Decision reference (if required): N/A

APPENDIX TWO

Changes to the Housing Allocations Scheme General Information from 1 April 2007

Current Allocation Scheme Reference	Proposed Change From 1 April 2007	Reason for the Change
Add new paragraph at 2.2	During 2007, there will be a major change in the way in which the Council allocates its properties, under a new Choice Based Lettings Scheme. The scheme will enable applicants to express an interest in available properties which will be advertised in a fortnightly publication and on a website. All applicants will receive detailed information on Choice Based Lettings before implementation. The Allocations Scheme will be amended to take into account the required changes to meet the requirements of the scheme with effect from the implementation date.	Paragraph to be added to explain what will happen when Choice Based Lettings is implemented
4.5	c) amend to "... where a tenancy is assigned by way of a mutual exchange to an existing secure tenant."	To cover assignments made to secure tenants rather than Introductory Tenants
4.5	Additional sentence within (c) "Where an Introductory Tenant undertakes a mutual exchange with a Secure Tenant, each party will surrender their tenancies, with the Council granting each party a new tenancy which reflects their previous tenancy status. Any period the affected tenant spent as an Introductory Tenant in their previous property will count towards the fulfillment of the 12-month "introductory period" in the new property."	To cover the mutual exchange arrangements (in accordance with the Regulations) where an Introductory Tenant is one of the parties to the exchange
4.5	e) amend to "where a priority transfer is agreed in urgent circumstances due to person's safety being at risk (appendix 3 refers)"	To clarify that priority transfers will only be granted in urgent circumstances
6.3	Delete paragraph	Advised by the Head of Information and Communications Technology that under the Data Protection Act the Council should not require that applicants provide photographs
8.2	Amend to Band 6 representing the lowest Band	Number of Bands changing to 6 from the current number of 7
8.5	Amend to Band 5	Due to number of Bands changing to 6 from the current number of 7

APPENDIX TWO - CONTINUED

Changes to the Housing Allocation Scheme General Information from 1 April 2007

Current Allocation Scheme Reference	Proposed Change From 1 April 2007	Reason for the Change
8.6	<p>Amend Paragraph to:</p> <ul style="list-style-type: none"> • “Generally, the Council will move to the lowest Band any applicant of the Council....” • “Such behaviour will include serious rent arrears or illegal activities” • “Generally, this will include applicants under a Court Order for possession, Notice of Seeking Possession or a Notice to Quit (except where arrears have been cleared) or who are....” 	<p>To clarify that the Council will move to the lowest Band any applicant who has committed the acts set out, but this will not apply in the case of an applicant who has cleared their arrears.</p>
Add new paragraph 9.1	<p>From 1 April 2007, all non secure Council tenants still owed a homeless duty under Section 193 of the Housing Act 1996 (with exception of those at Hemnall House, Epping) will be offered secure tenancies of their existing property. The Council’s homelessness duty will be discharged if such tenants refuse the offer of a secure tenancy. Such tenants may continue with their housing application to move to alternative accommodation, with the same registration date, but their banding will be re-assessed with their new status in accordance with the Allocation Scheme</p>	<p>It is essential that all non-secure homeless applicants are made secure tenants to ensure that the Government’s target that the number of people living in temporary accommodation be reduced by 50% by 2010 is met. The Head of Housing Services has had discussions with the DCLG who recommend the approach proposed. The Tenants and Leaseholders Federation have been consulted and agree with the proposal.</p>
Add new paragraph 9.2	<p>Between 1 April 2007 and the implementation of the Choice Based Lettings Scheme, all homeless applicants residing at a Homeless Persons Hostel or bed and breakfast accommodation, if offered Council accommodation, will be offered “permanent” Introductory Tenancies, followed by secure tenancies in accordance with the Council’s Introductory Tenancy Scheme.</p>	<p>It is essential that, in the future, homeless applicants who are living in this type of temporary accommodation are granted Introductory Tenancies if offered Council accommodation, to ensure that the Government’s target that the number of people living in temporary accommodation be reduced by 50% by 2010 is met. The Head of Housing Services has had discussions with the DCLG who recommend the approach proposed.</p>

APPENDIX TWO - CONTINUED

Changes to the Housing Allocation Scheme General Information from 1 April 2007

Current Allocation Scheme Reference	Proposed Change From 1 April 2007	Reason for the Change
9.1	Amend to "The Council will offer all new, potentially, secure tenants Introductory Tenancies in the first instance."	Necessary following the introduction of the Introductory Tenancy Scheme in April 2006
9.2	c) Delete paragraph	The Council does not grant joint tenancies to friends and has no obligation to do so in accordance with DCLG guidance.
13.1	Amend to "...renew their application when required by the Council. Normally this will be annually and a letter will be sent to their last known address".	To clarify the process for renewing applications
13.2	Delete	Not relevant if proposed changes to this section are agreed
13.3	Amend to "If applicants fail to return their renewal form within 28 days they will be deleted from the Housing Register and given written notification to that effect. If the applicant contacts the Housing Needs Section within 28 days of receiving the written notification, the Council may consider re-instatement."	To streamline the process for renewing applications
16.3	Add new paragraph c) applicants offered sheltered accommodation	Following the Housing Equality and Diversity Impact Assessments, it was identified that the ethnicity of this client group be monitored
Appendix Three	Amend headings to "Priority Transfers". Add bullet point "in urgent circumstances where there is clear evidence that an existing tenant's safety is at risk"	To clarify the circumstances in which Priority Transfers may be granted

APPENDIX THREE

Changes to the Allocation Scheme Priority Bandings from 1 April 2007

Current Allocation Scheme Reference	Proposed Change From 1 April 2007	Reason for the Change
Band One	Delete the 6-month deferment.	Deferment not required as the Council will generally be allocating introductory secure tenancies after 1 April 2007, in order to meet the DCLG target.
Band 2 (First bullet point)	Move to current Band 5 (New Band 4)	Under the current scheme, all non-priority need homeless applications are placed in Band 2, which can encourage homelessness, as it gives an incentive to proceed through the homelessness route. This approach was recommended by the DCLG's special advisor on homelessness.
Band 2 (Second Bullet point)	Move to current Band 5 (New Band 4)	It is considered that those with no fixed address should not be given greater priority above those in current Bands 1-4
Band 3 (First Bullet Point)	<p>(a) Delete move to Band 1 after one year.</p> <p>(b) Insert after "Applicants" in first line-"in Council accommodation that is non-secure by virtue of Schedule 1 of the Housing Act 1985."</p> <p>(c) Delete "not in supervised accommodation secured by the Council"</p>	<p>This gives the Council the ability to house some other applicants in non-secure accommodation in certain circumstances, for example to avoid the Homeless Persons Hostel from overcrowding.</p> <p>Clarifies that the client group are those who are currently in non-secure accommodation.</p>
Band 3 (Second bullet point)	Delete	It is now felt that applicants should not be given priority in these circumstances. Should they present themselves as homeless, their case would be assessed in accordance with the legislation

APPENDIX THREE - CONTINUED

Changes to the Allocation Scheme Priority Bandings from 1 April 2007

Current Allocation Scheme Reference	Proposed Change	Reason for the Change
Band 2 and Band 3	As a result of the above changes, the remaining categories in Band 2 and Band 3 be merged to form a new Band 2 (which results in the number of Bands reducing from 7 to 6).	There would be only one category within each of Bands 2 and 3 which it is felt should have equal priority and can easily be merged.
Band 4	Band 4 becomes Band 3. Amend to "Applicants meeting the criteria of (the new) Band 4 (a) or (b) and one other criterion in (the new) Band 4 (including (a) and (b))"	To be more specific about the criteria for applicants in the new Band 3. It is felt that meeting more than one criterion within (new) Band 4, not including (a) or (b), is insufficient to justify new Band 3.
Band 4 (New Band 5)	<p>Add "Homeless people over 60 years of age in non-secure accommodation prior to receiving a decision under S.184 of the Housing Act 1996."</p> <p>Add "All homeless people (by virtue of the Housing Act 1996) who are not eligible for Bands 1 to 4."</p> <p>Add "Single homeless people accommodated in bed and breakfast hotels who in the view of the Head of Housing Services would benefit from the S.A.F.E Project or the Swan Floating Support Scheme."</p>	<p>Older people are normally housed straight into Council housing stock on a non-secure basis until the formal homeless decision is made.</p> <p>Need to give "reasonable preference" to all homeless people even if the only duty is to provide advice and assistance.</p> <p>The Council would not want such applicants to be eligible for priority before being given support.</p>
Band 5	Band 5 becomes Band 4. Second bullet point becomes (a). Third bullet point becomes (b)	It is considered that at least one of these two criteria should be met (along with one other) or both (a) and (b) before any applicant is promoted to the new Band 3
Band 6 Band 7	Become Band 5 and Band 6	Due to the changes proposed there will be one less Band.

APPENDIX THREE - CONTINUED

Changes to the Allocation Scheme Priority Bandings from 1 April 2007

Current Allocation Scheme Reference	Proposed Change	Reason for the Change
Band 6	Band 6 becomes Band 5. Add new bullet point, "Applicants who in the opinion of the Council have sufficient income and/or assets to enable them to purchase accommodation as set out in Paragraph 8.5 of the Scheme."	For clarification purposes
Band 7	Band 7 becomes Band 6 - all other applicants	Due to reduction in the number of Bands
First note on bandings	Delete "unfit"	"Unfit" is no longer a legal definition of the condition of a property.

APPENDIX FOUR

Changes to the Housing Allocation Scheme General Information from the Implementation of the Choice Based Lettings Scheme

Current Allocation Scheme Reference	Proposed Changes From the Implementation of Choice Based Lettings	Reason for the Change
8.8	Amend to “Any vacancy will be offered, subject to new Section 9 below, to the applicant identified by the Council who has the highest priority (based on their band and date of application) and has expressed an interest in that property.”	Under the Choice Based Lettings Scheme, the Choice Based Lettings Agency will send a prioritised list to the Council at the end of each two-weekly cycle which will identify the number of expressions of interest received in order of priority.
Add new Section 9	<p>9. Homeless Households</p> <p>Applicants accepted by Epping Forest District Council as homeless , eligible for assistance, in priority need and not intentionally homeless under the Housing Act 1996 will be able to participate in the Choice Based Letting Scheme, for a period of 8 weeks (4 cycles) after receiving their S.184 decision letter in accordance with the criteria set out in Band One of the Allocation Scheme. If no successful expressions of interest are made by the Applicant, the Council will make the applicant <u>one</u> offer of accommodation when a suitable property becomes available. If the offer is refused, the Council’s homelessness duty under the Housing Act 1996 to provide accommodation will be considered to be discharged.</p>	To ensure that homeless applicants who are owed a duty by the Council are given deadlines for participating in the Choice Based Lettings Scheme and do not remain in temporary accommodation for long periods.

APPENDIX FIVE

Change to the Housing Allocation Scheme Priority Bandings from the Implementation of the Choice Based Lettings Scheme

Current Allocation Scheme Reference	Proposed Change From the Implementation of Choice Based Lettings	Reason for the Change
Band 1	<ul style="list-style-type: none"> • Amend first bullet point to “.....not intentionally homeless who are living in (a) bed and breakfast accommodation secured by the Council, but excluding those referred to another local housing authority under S.198 of the Housing Act 1996. • (b) Living at the Council’s Homeless Persons Hostel, Norway House, for 3 months after the date of their homelessness decision under S.184 of the Housing Act 1996 • (c) Properties under the Council’s “Fresh Start” “Brook Haven” “Hemnal House” or a Women’s Refuge for 6 months after the date of their occupation in that property, where the Council has accepted a duty. 	To ensure that homeless applicants who are owed a duty by the Council are given deadlines for participating in the Choice Based Lettings Scheme and do not remain in temporary accommodation for long periods.
Additional paragraph under first bullet point	Where the Council has accepted a duty, applicants in these three categories will be able to participate in the Choice Based Lettings Scheme for a period of 8 weeks (4 cycles). If no successful expressions of interest are made the Council will make the applicant <u>one</u> offer of suitable secure accommodation. If the offer is refused, the Council’s homelessness duty to provide accommodation will be discharged.	As above

APPENDIX SIX

Draft of the Proposed new Bandings with effect from 1 April 2007

Band 1

- (a) Applicants with Council or RSL tenancies in the District wanting to move to accommodation with fewer bedrooms.
- (b) Applicants living in the District for more than a year immediately prior to application, needing to move on strong medical or welfare grounds or for reasons of disability. ***
- (c) Applicants accepted by Epping Forest District Council as homeless, eligible for housing assistance, in priority need and not intentionally homeless, in supervised accommodation secured by the Council, but excluding those referred to another local housing authority under S.198 of the Housing Act 1996.
- (d) Applicants living in the Epping Forest District for more than a year immediately prior to application, residing in insanitary, overcrowded or unsatisfactory conditions. *
- (e) Applicants whom the multi-agency referral panel for S.A.F.E. (Single Accommodation for Epping Forest) has notified the Council as having been on the project for at least 9 months and are ready to move on.*

Band 2

- (a) Applicants having to live apart from other members of their household because of lack of accommodation, but not for personal reasons (i.e. family disputes) where the applicant or their partner have lived in the Epping Forest District for more than a year immediately prior to application.*
- (b) Applicants in Epping Forest District Council accommodation that is non-secure by virtue of Schedule 1 of the Housing Act 1985, excluding those referred to another local housing authority under S.198 of the Housing Act 1996, accepted by Epping Forest District Council as homeless, eligible for housing assistance, in priority need and not intentionally homeless.

Band 3

Applicants meeting the criteria of Band 4 (a) or (b), and one other criterion in Band 4 (which can also include (a) and (b)).

Band 4

- (a) Applicants living in the District for more than a year immediately prior to application, needing one or more additional bedrooms.
- (b) Applicants living in the District for more than a year immediately prior to application needing to move on moderate medical or welfare grounds or for reasons of disability, or needing to move to a particular locality in the District where failure to do so will result in them or others suffering hardship. **
- (c) Applicants accepted by Epping Forest District Council as homeless and eligible for housing assistance but not in priority need, living in the District for more than a year immediately prior to becoming homeless.

(d) Applicants of no fixed address, living in the District for more than a year immediately prior to being of no fixed address.

(e) Applicants living in the District for more than a year immediately prior to application, and sharing accommodation with another household.

(f) Households including a child under the age of 15 living in the District for more than a year immediately prior to application who have no access to a garden.

(g) Households including a child under the age of 5 living in the District for more than a year, immediately prior to application living in a flat or maisonette above ground floor.

Band 5

(a) Applicants living in the District for less than a year or outside the District in overcrowded, insanitary or unsatisfactory conditions.*

(b) Applicants living in the District for less than a year or outside the District needing to move on medical, welfare or hardship grounds or for reasons of disability.***

(c) Homeless people over 60 years of age in non-secure accommodation prior to receiving a decision under S.184 of the Housing Act 1996.

(d) All homeless people (by virtue of the Housing Act 1996) who are not eligible for Bands 1 to 4.

(e) Single homeless people accommodated in bed and breakfast hotels who in the view of the Head of Housing Services would benefit from the S.A.F.E Project or the Swan Floating Support Scheme.

(f) Applicants accepted by Epping Forest District Council as homeless, eligible for assistance, in priority need but found to have become homeless intentionally.

(g) Applicants accepted by another local housing authority as homeless and eligible for assistance, including those in temporary accommodation secured by another authority.

(h) Applicants living in the District for less than a year or outside the District sharing accommodation with another household or needing one or more additional bedrooms.

(i) Households including a child under the age of 15 living in the District for less than a year or living outside the District with no access to a garden.

(j) Households including a child under 5 living in the District for less than a year or living outside the District living in a flat or maisonette above ground floor.

(k) Applicants who, in the opinion of the Council, have sufficient income and/or assets to enable them to purchase accommodation as set out in paragraph 8.5 of the Scheme.

Band 6

All other applicants

Draft of new Proposed Band 1 from the Implementation of the Choice Based Lettings Scheme

(a) Applicants with Council or RSL tenancies in the District wanting to move to accommodation with fewer bedrooms.

*(b) Applicants living in the District for more than a year immediately prior to application needing to move on strong medical or welfare grounds or for reasons of disability. ***

(c) Applicants accepted by Epping Forest District Council as homeless, eligible for housing assistance, in priority need and not intentionally homeless who are living in:

- Bed and breakfast accommodation secured by the Council, but excluding those referred to another local housing authority under S.198 of the Housing Act 1996.
- The Council's Homeless Persons Hostel, Norway House, for 3 months after the date of their homelessness decision under S.184 of the Housing Act 1996.
- Properties under the Council's "Fresh Start" "Brook Haven" "Hemnall House" or a Women's Refuge for 6 months after the date of their occupation in that property.

Where the Council has accepted a duty, applicants in these three categories will be able to participate in the Choice Based Lettings Scheme for a period of 8 weeks (4 cycles). If no successful expressions of interest are made the Council will make the applicant one offer of suitable secure accommodation. If the offer is refused, the Council's homelessness duty to provide accommodation will be discharged.

(d) Applicants whom the multi-agency referral panel for S.A.F.E. (Single Accommodation for Epping Forest) has notified the Council as having been on the project for at least 9 months and are ready to move on.

(e) Applicants living in the Epping Forest District for more than a year immediately prior to application residing in insanitary, overcrowded or unsatisfactory conditions. *

