

## Rother District Council

Report to	-	Overview and Scrutiny Committee
Date	-	27 January 2020
Report of the	-	Executive Director
Subject	-	Housing Allocations Policy

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**Recommendation:** It be **RESOLVED:** That the new Housing Allocations Policy be recommended to Cabinet and full Council for adoption.

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**Head of Service: Joe Powell**

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### Introduction

1. On the 1 July 2019 Cabinet approved the draft Allocations Policy for consultation (Minute CB19/15 refers). Following a twelve week consultation, officers have considered the responses received and made some minor amendments to the Policy. The purpose of this report is to present the results of the consultation of the Housing Allocations Policy and recommend that the new Allocations Policy be adopted. The draft Housing Allocations policy is available in the Members' Room.
2. The overall aim of the Housing Allocations Policy is to provide a framework for the equitable, effective and accountable allocation of social housing. Social housing is in very limited supply and accounts for only 10% of the total housing stock in Rother; this percentage is below the national average of 17%. Therefore, only those in the highest housing need, with a local connection to the area are likely to obtain social housing.
3. The principle purpose of a Housing Allocations Policy is to meet the Council's statutory obligations under [Section 166A\(1\)](#) of the Housing Act 1996, these include:
  - who is eligible for the Council's Housing Register;
  - how the Council will assess applications to the Council's Housing Register and determine eligibility and priority;
  - how the Council will allocate social housing; and
  - how the Council will process requests for reviews of decisions made.
4. A constraint to the Council's ability to make changes to the Housing Allocations Policy is that it has a duty to provide 'reasonable preference' to certain categories of household when considering both their eligibility for the register and their priority for housing as these are ensured under statute. Examples include the requirement to afford local connection to households fleeing domestic violence from another area; another example is the need to provide a level of priority to households that are homeless.
5. There is a growing demand for social housing locally. The main factor contributing to this rise in demand is the inability of many households on low

incomes to be able to afford other forms of housing. There are presently 1,600 households on the Housing Register with only 192 allocations having been awarded in 2018/19.

6. The purpose of the policy review and consultation was to ensure that the draft Housing Allocations Policy continues to effectively support the Council to promote socially, economically and demographically balanced communities. A revised Allocations Policy also allows the Council to ensure it is compliant with new legislation and guidance that has been introduced since the inception of the present policy. Further, through the process of reassessment of existing households (against the proposed policy criteria) the Council will be able to ensure that its Housing Register is smaller and less resource intensive to administer over the longer-term.

## **The Consultation**

7. The consultation started on 15 July 2019 and closed on 7 October 2019. A more detailed summary of the way in which the consultation was conducted as well as the number and type of responses can be found at Appendix 1.
8. To remind Members, the proposed Allocations Policy includes a number of revisions from the present policy, all of which are detailed at Appendix 1. The consultation focussed on the main two changes to the existing policy, these are:
  - Reducing the assessment criteria from four bands (A, B, C and D) to two bands (called 'Urgent Need' and 'Waiting List' – the latter of which is formed of a points system). This is a more granular system, is more transparent and allows applicants to see how their level of priority has been arrived at.
  - The order in which households are nominated for and allocated social housing has changed. The Council will firstly prioritise households on the Housing Register with the highest level of housing need; from the remaining list of households an assessment of local connection will be made; finally, the length of time the household has been waiting on the register will be considered and then a nomination made.
9. In addition to a general promotion of the consultation via the website, the following groups were identified as being most affected by the proposed changes and were directly invited to respond to the consultation process:
  - Housing register applicants,
  - Organisations that support or work with potential housing applicants,
  - Providers of social and affordable housing.
10. We received 145 responses between 15 July and 7 October 2019, made up of 11 responses from local organisations and 134 responses from housing applicants and other residents. All the proposed changes were agreed by the majority of respondents. As a result, no substantial policy changes were made to the draft policy.
11. Independent legal advice was also sought in order to ensure the policy is compliant with the Part VI of the Housing Act 1996 (as amended) and to

mitigate the risk of legal challenges being made against future allocation decisions, if the policy is adopted.

## Implementation

12. In order to implement the new policy criteria outlined in the draft Allocations Policy, it will be necessary to reassess all existing households on the register before the new policy can be adopted for new applicants. In the meantime, the present policy will continue to operate as normal.
13. There are resource implications to this reassessment process. It is proposed that the Council write to all applicants currently on the Housing Register and give them a three month window to renew their application. A reminder will be sent at six weeks; however, if a household does not respond within the three month period it will be assumed they no longer wish to be on the register and they will be removed. Within this period, all new applications will be assessed against both the present and proposed policy criteria, prioritised accordingly and allowed to bid as normal.
14. It is estimated that the reassessment process could take up to twelve months, depending on the proportion of existing applicants that request reassessment and the number of new applications submitted during the period. It should also be noted that there may be an increase in appeals which will need to be considered by managers within the Housing Needs Team.
15. In addition, the software used to manage the register will need to be updated to accommodate the new points system. The cost of this is estimated to be £2,700 and will be met from within existing budgets.

## Conclusion

16. It is recommended that the new policy be recommended to Cabinet and full Council for adoption. The proposed changes to the existing Housing Allocations Policy have been supported by the majority of respondents. The move to a new points-based system appears popular and will allow greater precision in our assessments.
17. The proposed policy will allow the Council to continue to meet its obligations under [Section 166A\(1\)](#) of the Housing Act 1996 as well as support it to achieve its key aim: to ensure the equitable, effective and accountable allocation of social housing for the district.
18. There are additional benefits to the new Housing Allocations Policy:
  - The new criteria are more sensitive and responsive to individual needs and demonstrate a greater recognition of the full range of circumstances that different households experience;
  - A refreshed Housing Register will be smaller and less resource intensive for the Council to administer and will ensure that the details we hold on households are up to date;
  - The new policy accommodates changes to legislation which have been brought into force since the last policy was adopted; and

- The new policy incentivises clients to work with the Council to secure accommodation in the private rented sector as well as pursue social housing options.

Malcolm Johnston  
Executive Director

### **Risk Assessment Statement**

If adopted the new policy will have a number of risks for implementation including a higher than expected number of requests for reassessment which may require an extension of the implementation period.

There is a risk that after the new policy has been adopted it needs to be significantly amended sooner than expected due to changes in legislation or significant changes to the housing market.

There is also a risk that if the proposed policy is not adopted the existing policy will be subject to piecemeal changes overtime that reduce its effectiveness in supporting the Council in its objective to promote socially, economically and demographically balanced communities.

## Report of the Consultation on the draft Rother District Council Housing Allocations Policy Held July to October 2019

### Executive Summary

#### Why We Consulted

1. The current housing allocations policy was last reviewed and adopted in 2014. It is a legal requirement for a local housing authority to have a housing allocations scheme.
2. The policy needed to be brought up to date because:
  - a. Changes in housing legislation
  - b. Rising demand for housing and homelessness services
  - c. A comparatively small private rented sector in the affordable end of the market, with rising rents.
  - d. A lack of social and affordable housing supply and very few vacant properties available for nomination by the housing team. That will continue for the next 5 years even if known developments are delivered.
3. The decision was taken by the Council to consult on changes to the policy; Cabinet Minute CB19/15 refers. The purpose of the consultation was to find out any other information that Members should take into account before making a decision about the content of a new policy. This would include any unintended impact on applicants, housing providers and other organisations.

#### When We Consulted

4. The consultation started on 15 July 2019 and closed on 7 October 2019 and was open for 12 weeks. The original closing date was 9 September. However, the policy was amended in light of feedback received during the consultation fieldwork period and a new version was uploaded on the website for consultation. Therefore, we notified invited participants of the revised draft policy and extended the consultation period a further month.

#### Main Focus of the Consultation

5. We consulted on all the proposed changes to the policy. The main two changes and the focus of the consultation questions were:
  - a. Reducing from four bands A, B, C and D to two bands proposed to be called Urgent Needs and Waiting List within which there is a points system. We thought giving points in the Waiting List category makes it clearer to applicants about their priority and how it compares to other households and where they are on the list.
  - b. Allocating properties, more precisely shortlisting those bidding for the property down to three households who will be offered an opportunity to take the property, in the order of priority need (based on the band

and then awarded number of points), then by local connection and lastly by length of time on the waiting list.

### **Who We Invited to Consult and How They Were Invited**

6. We identified the following groups might be affected, positively or negatively by proposed changes to the order or who might wish to propose other changes. They are:
  - a. Housing register applicants,
  - b. Organisations that support or work with potential housing applicants
  - c. Providers of social and affordable housing.
  - d. The public, businesses and other local charities, groups and organisations were welcome to respond if they have an interest.
  
7. We gave personal invitations to consult by emailing the following local organisations, businesses and individuals on 17 July. We notified them again of the revised policy document and consultation closing date.
  - Rother Citizens Panel membership
  - All parish and town councils in Rother
  - Local organisations that support people with disabilities and long term limiting illnesses or conditions
  - Local bodies that support people on low incomes and in debt or who are otherwise vulnerable due to barriers to services and housing
  - Local organisations that work with or support the homeless or those at risk of homelessness
  - East Sussex County Council, multiple departments
  - Local housing providers, especially housing associations
  - Local statutory and public organisations
  
8. We emailed or wrote to all current applicants on the housing register with an invitation to consult. This included telling applicants that some of the proposed changes may affect them.

### **Responders to the Consultation**

9. We received 145 responses between 15 July and 7 October 2019 made up of 11 responses from local organisations and 134 responses from housing applicants and other residents. Most respondents used the online questionnaire but we received seven emailed responses. We would like to thank all respondents for their time and attention.

### **Summary results**

10. Any categories marked 'agreed' means that the greater majority, or 70% and over, of respondents agreed with the proposed content. Results are reported in order of where the proposed change was located in the draft policy.
  - a. **Aims and objectives** – Agreed.
  
  - b. **Taking more action on those who supply false information** – Agreed.

- c. **Qualification criteria for making an application** – Agreed. There were many comments on the importance of a local connection as a higher priority to other qualification criteria.
- d. **Disqualified from making an application** – Agreed all disqualifications. Except the majority was significantly lower who agreed with a disqualification if an applicant had a council or housing debt over £1,000 and not being paid. The responding organisations that work with debt cases and the homeless did not support this disqualification.
- e. **Household members to include on the application** – Agreed.
- f. **Who is excluded from the household on the application** – Agreed.

11. **FIRST MAIN CHANGE: Four bands ABCD changed to Urgent Need band and Waiting List Band with points** – the majority agreed.

Although the majority of housing applicants agreed it was a lower majority compared to all respondents. Suggestions for change include that two bands would not be clearer to applicants nor offer enough groupings. Applicants do not think changing the banding would improve their personal case or likelihood of getting a property. There is some confusion on whether the Urgent Needs band households would get points or not and, if not, why not. It was suggested that all criteria and categories should have points awarded, regardless of the band. Another suggestion was to make it clearer whether and how a case could move from Urgent Needs into Waiting List and vice versa. The parish councils had clear concerns that only Urgent Needs and no local connection households would move into their parishes and their residents who have spent a long time on the housing register would not be rehomed.

12. **Urgent Need Band categories** – Agreed.

See also above suggestion to put points on the categories.

13. **Waiting List Band categories** –

- a. **Homelessness**, and not in Urgent Need band, categories and points-
  - i. **Homeless at home** with no particular diff access private sector 10 points – category has a low majority agreement. The majority disagreed with the number of points. The term homeless at home was not well understood by some respondents. The term ‘no particular difficulty’ made many respondents question why these households were accepted on the housing register at all.
  - ii. **Homeless in temporary accommodation** with no particular difficulty accessing private sector 10 points – the majority agreed with this category but disagreed with the number of points awarded.
  - iii. **Homeless in temporary accommodation** but in suitable accommodation for their needs 5 points – Agreed.
  - iv. **Owed legal duty or under-occupying** 5 points – the majority agreed with both category and points. A very small sample responded because this was a later amendment, meaning we

have a low confidence level that this is accurate for the wider population.

- v. **Need to move to district or it causes hardship** to their household or family in Rother 10 points – majority agree with category but a 50/50 split on the number of points. A very small sample that may be inaccurate for wider population.

b. **Overcrowding**

- vi. **Lack one bedroom** 5 points – Agreed
- vii. **Lack 2+ bedrooms** 10 points – Agreed.

c. **Current Housing Conditions**

- viii. **Unsatisfactory housing condition** and enforcement action hasn't resolved it. 5 points – high majority agreement for the category but a low majority agreed with the points. Comments asked for more points and more active enforcement by the Council.

d. **Current Medical Condition**

- ix. **Medium medical priority** 15 points – Agreed.
- x. **Current property suitable for needs but difficult accessing** property 5 points – a high majority agree with the category, but a low majority agree with the number of points.
- xi. **Low medical priority** 5 points – a high majority agreed with the category and the points but very small sample of 25 responses means we have low confidence on its accuracy for the wider population.

e. **Welfare**

- xii. **Military personnel** in last five years 3 points – Agreed.
- xiii. **Rural isolation** 3 points – Agreed.
- xiv. **Need to give family support** 3 points – Agreed.
- xv. **ASB problems** 5 points – Agreed.
- xvi. **Permission to adopt/foster** 3 points – a high majority support the category but the majority disagree with the points.
- xvii. **Move on after rehabilitation** 5 points – Agreed.
- xviii. **Sheltered accommodation needed** 3 points – Agreed.
- xix. **Move on from care** 5 points – Agreed.
- xx. **Young learning disabled adult** for independent living 3 points – Agreed.
- xxi. **5 or more years on housing register** 3 points – a high majority agreed with the category but the majority disagreed with the number of points. Most think should be more points or changed to points for each year on the register or more points for groups of years on the housing register.
- xxii. **Rough sleepers** (where not covered by Urgent Needs) 10 points – majority agree with the category and the points but sample very small and probably not representative (later addition)
- xxiii. **Found intentionally homeless** by the Council 5 points – the majority disagreed with the category and disagreed with the points but very small sample so not confident it is representative.



- f. **Insecurity of tenure**
  - xxiv. Applicants in insecure accommodation with children and lacking/sharing facilities 6 points – Agreed.
  - xxv. Applicants living apart because accommodation not suitable for them 5 points – Agreed.
  
- g. **Other Categories**
  - xxvi. Transfer applicants 5 points – Agreed.
  
- h. **SECOND MAIN CHANGE: Shortlisting Order** – adopting the order of selecting three households for shortlisting to be offered the property from all those that applied for the property on Homemove. The suggested order is to select by housing need by band and points awarded. If there is not shortlist to then select by a local connection to the parish cluster (if property not in Bexhill). If there is still no shortlist to select by the length of time the household has been on the housing register. Agreed.
  - xxvii. However, parish councils who responded supported local connection as a higher priority or weighting. This is due to their concerns about moving in households not used to living in a rural area, or who should be nearer suitable services, or are without transport, or not knowing anyone local for support, as well as the resentment it creates in local families on the housing register.
  
- i. **Direct Lets**
  - xxviii. Comply with court order – Agreed
  - xxix. Statutory duty – Agreed
  - xxx. Child or public protection - Agreed
  - xxxi. Specially adapted – Agreed
  - xxxii. Local lettings plan – Agreed
  - xxxiii. Delay is costly to Council – Agreed
  - xxxiv. In TA and haven't bid – no overall agreement with a 50/50 split
  
- j. **Local lettings plans**
  - xxxv. Age restrictions – Agreed
  - xxxvi. Positive tenancy history – Agreed
  - xxxvii. Working households – Agreed.

14. In conclusion, the majority of respondents agreed with the new policy. Again, we would like to thank all participants for their contributions. A more detailed report is available. The full report and the responses to all text questions are placed in the Members' Room from the date of the agenda despatch of the first Council meeting where the final draft policy was discussed.

Programme Office and Policy Team,  
November 2019