

Rother District Council

Report to:	Cabinet
Date:	5 February 2024
Title:	Reference from the Overview and Scrutiny Committee - New Housing Allocations Policy
Report of:	Joe Powell, Head of Housing and Regeneration
Cabinet Member:	Councillor McCourt
Ward(s):	All
Purpose of Report:	To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 22 January 2024, regarding the proposed New Housing Allocations Policy. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix D should be read in conjunction with this report.
Decision Type:	Key

Overview and Scrutiny

Recommendation(s): **Recommendation to COUNCIL:** That

- 1) the new Housing Allocations Policy 2024 be approved and adopted;
- 2) delegated authority be granted to the Head of Housing and Regeneration to formally adopt the Housing Allocations Policy 2024, in consultation with the Cabinet Portfolio Holder for Housing, following the conclusion of the implementation period; and
- 3) delegated authority be granted to the Head of Housing and Regeneration to make any further minor amendments to the Housing Allocations Policy 2024, in consultation with the Cabinet Portfolio Holder for Housing.

Reason for

Recommendations: To present the findings of the public consultation on the draft Housing Allocations Policy 2024 and propose final version of the Policy.

Introduction

1. On 12 June 2023, Cabinet approved the draft Allocations Policy for consultation (Minute CB23/8 refers). Officers have considered the responses received, following an eight-week consultation, and have made some proposed amendments to the Policy accordingly. The purpose of this report is to present the results of the consultation and recommend that the new Housing Allocations Policy (HAP) is adopted.

2. The overall aim of the HAP 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 demand for social housing continues to exceed supply, with the Council receiving, on average, 60 new housing register applications every month. Despite a considerable effort over the last six months to carry out a review of the housing register, there remain 1,919 households on the register, which compares to only 218 available properties last year. This means almost 90% of households were unsuccessful in bidding for properties; of the 11% that were successful, the majority were homeless households to whom the Council owed the main housing duty.
4. The principal purpose of a HAP is to meet the Council's statutory obligations under Section 166A(1) of the Housing Act 1996, these include establishing:
 - 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.
5. The purpose of the policy review and consultation was to ensure that the HAP continues to effectively support the Council to promote socially, economically and demographically balanced communities. A revised HAP 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.
6. The revised HAP offers new approaches to the way in which social housing is allocated, to provide a greater focus on the prevention of homelessness through the award of higher priority for households threatened with homelessness. In addition, the Council proposes to afford itself greater control in the allocation of social housing to those households whose needs are particularly urgent.

The Consultation

7. The consultation ran from 7 July to 4 September 2023 and a total of 111 responses were received. A more detailed report on how the consultation was conducted, as well as the number and type of responses that were received, can be found at Appendix A.
8. To remind Members, the proposed HAP includes a number of changes from the present policy; the most significant changes are shown at Appendix B and are discussed in further detail at Appendix A.

9. In addition to a general promotion of the consultation via the Council's 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
 - Parish and Town Councils
10. We received 111 responses made up of responses from four local charities or voluntary groups: We had responses from five parish councils, which were Ewhurst, Etchingam, Battle, Brede and Camber. We had one response from a housing association, Sage Homes. There were also four other organisations that responded: Hastings Borough Council, Friends, Families and Travellers ESCC: East Sussex Housing Partnership and Public Health and Icklesham Parish Community Land Trust. The other responses were from members of the public, the majority of which advised they were currently on the housing waiting list and the next biggest respondent group were those living in social housing currently.
11. The majority of the proposed changes were agreed by most respondents; however, based on a number of comments, there were a few areas of the policy that were amended slightly.
12. The Local connection criteria change was supported by the public, but local organisations were not as keen. We have now amended this section to include a specific reference in relation to Gypsy, Travelling and Roma communities. The Council considered that it would be important to assess each application from this group based on its individual circumstances, since it may be more difficult to achieve a local connection through residency. It should also be noted that those households who apply and only have a local connection through relatives will be permitted to join the housing register but will only be able to be considered for properties where there is a local letting plan in place for which they meet the criteria.
13. The disqualification criteria around joining the housing register where an applicant had previous social housing debt was increased to two months' rent and other debt to be considered would be debt related only to housing assistance loans previously granted by the Council, rather than any debt to the Council. Again, the Council will consider where exceptional circumstances might apply and will signpost customers to debt support agencies.
14. Changes have also been made to reflect the homeless banding during the homeless prevention or relief stages, where it has been determined that the homelessness has occurred as a result of the applicant having done or not done something which would have prevented the homelessness from occurring. This would be banded C in line with the current policy to prevent incentivising the issue of an eviction notice (where a Band A would be granted).

Implementation

15. In order to implement the new HAP, 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.

16. It is proposed that the Council write to all applicants currently on the Housing Register and give them a two-month window to renew their application. A reminder will be sent at four weeks; however, if a household does not respond within the two-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.
17. It is estimated that the reassessment process could take a number of 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.
18. The draft HAP 2024 can be found at Appendix C.

Conclusion

19. 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 proposed policy will allow the Council to continue to meet its obligations under Section 166A(1) of the Housing Act 1996 and the Localism Act 2011. In addition, the HAP will support the Corporate Plan Priority to reduce the housing list, as well as the objectives of the Housing, Homelessness and Rough Sleeping Strategy. It also ensures that the Council is compliant with changes to Housing and Homelessness legislation.
20. The new bandings introduced are more responsive to individual needs and allows the Council to be more flexible, whilst continuing to be transparent about the way social housing is allocated in Rother. Refreshing the Housing Register should ensure that going forward (once applications have been reassessed), the details we hold on households are up to date and should also reduce the size of the waiting list making it easier to administer.
21. The new policy incentivises clients to work with the Council to secure accommodation in the private rented sector, as well as pursuing accommodation options through social housing.

Financial Implications

22. The proposals within this report are achievable within the current budget and we are currently working with our IT provider to produce a detailed specification and costing for the changes that will need to be made to the current system.
23. The Council's budget for the use of Temporary Accommodation (TA) continues to increase. The new HAP has a greater focus on homelessness prevention, which aims to reduce the use of TA and therefore reduce costs to the Council.

Legal Implications

24. Local authorities are required to have an allocation scheme (policy) determining priorities for the allocation of accommodation and the procedures to be followed. In the exercise of their functions under Part 6 of the Housing Act 1996, local authorities must have regard to statutory guidance issued by the Secretary of State. In determining how to prioritise between applicants, a local authority must give reasonable preference to those categories of people set out in section 166A(3) of the Housing Act 1996. Legal advice and comment have also been sought from the Council's legal team to ensure the policy is compliant and to mitigate the risk of legal challenges being made against future allocation decisions if the policy is adopted. Minor changes following the consultation will also be checked by the Legal team.

Human Resources Implications

25. The Human Resource implications are small. Over the last few months, a number of additional officers have been trained to assess housing applications and it is likely they will assist with the increased burden of applications following a request for all applicants to re-register.

Risk Management

26. 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. As such, it is requested that any minor changes going forward can be agreed by the Head of Service in conjunction with the Cabinet Portfolio Holder for Housing. There is also a risk that if the proposed policy is not adopted, the existing policy will become unlawful. A number of urgent changes have had to be made to ensure the current policy is compliant with the Homeless Legislation introduced in 2018.

Equalities

27. An equality impact assessment (EIA) has been completed and a copy of the EIA can be provided upon request.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	External Consultation	Yes
Environmental	No	Access to Information	No
Risk Management	Yes	Exempt from publication	No

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Appendices:	A - Consultation on Proposed Changes to Rother District Council's Housing Allocations Policy: Summary Report B – Summary of Main Changes C - Rother District Council Housing Allocations Policy

	D – Extract from OSC Minutes – 22 January 2024
Relevant Previous Minutes:	OSC 23/09 5 June 2023 Cabinet CB23/08 12 June 2023
Background Papers:	Draft Housing Allocations Policy Report to cabinet re agreeing the consultation and approving draft policy
Reference Documents:	None
