

<b>Report of:</b>	<b>Head of Housing and Waste Management</b>
<b>Contact Officer:</b>	<b>Ian Tennant</b>
<b>Telephone No:</b>	<b>01543 464210</b>
<b>Portfolio Leader:</b>	<b>Housing</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 23/10/14</b>

**CABINET**  
**23 OCTOBER 2014**  
**CONSULTATION ON THE RIGHT TO MOVE**

**1 Purpose of Report**

- 1.1 To seek confirmation of action regarding the response to a consultation paper issued by the Department for Communities and Local Government (DCLG) on the Right to Move.

**2 Recommendations**

- 2.1 That the action of the Head of Housing and Waste Management, following consultation with the Housing Portfolio Leader regarding the submission of the Councils response to the Department for Communities and Local Government Consultation Paper "Right to Move" as set out in Appendix 1, is agreed.

**3 Key Issues and Reasons for Recommendation**

- 3.1 The DCLG have published a consultation paper which sets out proposed changes to the Social Housing Allocations Regulations and Statutory Guidance in order to introduce a "Right to Move"
- 3.2 The "Right to Move" will apply to existing social housing tenants who need to transfer to another local authority area for employment or training.
- 3.3 At present the Councils agreed Allocations Policy requires applicants to have a 12 months residency period in the Cannock Chase area and no exceptions are currently made for existing social housing tenants who wish to move to the District for employment reasons.

- 3.4 It is however considered that the Councils allocations policy should not impede labour mobility and as a result it is felt that the Governments proposed policy should be supported. There are however, concerns regarding the implementation and operation of the proposed changes, in relation to the qualification criteria.
- 3.5 Responses to the consultation paper had to be received by 22 October 2014. As it was not possible to submit a proposed response to Cabinet for prior consideration, this has been formulated by the Head of Housing and Waste Management following consultation with the Housing Portfolio Leader.
- 3.6 Confirmation of action is requested regarding the submission of the Councils response, a copy of which is attached as Appendix 1.

#### **4 Relationship to Corporate Priorities**

- 4.1 This report supports the Council's Corporate Priorities as follows:
- (i) A review of the Councils Allocation Policy is a specific action within the Housing Portfolio section of the agreed 2014-2015 Place Priority Delivery Plan.

#### **5 Report Detail**

##### **The Consultation Paper**

- 5.1 The Department for Communities and Local Government (DCLG) have published a consultation paper entitled "Right to Move"
- 5.2 This sets out proposed changes to the Social Housing Allocation Regulations and Statutory Guidance in order to introduce a "Right to Move" for existing social housing tenants, who need to transfer to another local authority area for employment or training. The consultation paper follows a statement made in the 2013 Autumn Statement regarding "Right to Move" proposals.
- 5.3 The consultation paper and accompanying document can be viewed on the DCLG website [www.gov.uk/dclg](http://www.gov.uk/dclg) whilst "hard copies" are available from Member Services.

##### **The Government Proposal**

- 5.4 At present residency requirements (introduced through a previous change to the statutory social Allocations Guidance in December 2013 and considered by Cabinet on 20 March 2014), constrain the movement of social housing tenants between local authority areas. The Government now propose to remove the residency requirement for existing local authority or housing association tenants who are seeking a transfer from another district and "who need to move in order

to be closer to their work, or to take up a job offer, apprenticeship or a work related training opportunity”.

- 5.5 The Government also propose that local authorities set aside a proportion of new lettings for the “Right to Move” and suggest a minimum quota of 1% furthermore; local authorities would be required to publish information on the demand and lettings in relation to the “Right to Move” quota.

#### **A proposed response to the consultation paper**

- 5.6 The Councils agreed Allocations Policy (as agreed by Cabinet on 20 March 2014) requires applicants to have a 12 month residency period in the Cannock Chase area. No exceptions are currently made for existing social housing tenants who wish to move to the Cannock Chase area for employment reasons as it was considered premature to determine any policy until the Governments “Right to Move” proposals were known.
- 5.7 The Governments proposals seek to support social housing tenants who need to move between local authority areas for employment reason. It is considered that the Councils Allocations Policy should not impede labour mobility and as a result it is felt that the principles of the Governments proposed policy should be supported.
- 5.8 There are however, concerns regarding the implementation and operation of the proposed changes, in relation to the “Right to Move” qualification criteria. In particular the requirements regarding “employment, education and training” need to be defined and it is uncertain as to whether sanctions can be applied where tenants, having moved, fail to take up a job offer.
- 5.9 Responses to the consultation paper had to be received by 22 October 2014. As it was not possible to submit a proposed response to Cabinet for prior consideration, this has been formulated by the Head of Housing and Waste Management following consultation with the Housing Portfolio Leader.
- 5.10 Confirmation of action is therefore sought regarding the submission of the Councils response, a copy of which is attached as Appendix 1.

#### **Review of the Councils Allocation Policy**

- 5.11 A review of the Councils Allocation Policy (as agreed by Cabinet on 20 March 2014) was programmed, as part of the “Place” Priority Delivery Plan, for completion in September 2014. Whilst Cabinet were advised on 20 March 2014 that it was intended to consider the “Right to Move” as part of this review, there has been a delay in the Government formulating their proposals.
- 5.12 Work on other aspects of the Allocation Policy review is however, in progress and it is now intended to report these to Cabinet on 20 November 2014. The “Right to Move” will then be considered as a further review when the Governments proposals are received.

**6 Implications**

**6.1 Financial**

None

**6.2 Legal**

None

**6.3 Human Resources**

None

**6.4 Section 17 (Crime Prevention)**

None

**6.5 Human Rights Act**

None

**6.6 Data Protection**

None

**6.7 Risk Management**

The qualification criteria in relation to the “Right to Move” are not detailed in the consultation paper and are therefore unclear. The Councils response, therefore, requests that these are clarified.

**6.8 Equality & Diversity**

None

**6.9 Best Value**

None

**7 Appendices to the Report**

Appendix 1

Response to the Consultation Paper

**Previous Consideration**

Review of Letting Policy	Cabinet	20 February 2013
Review of Allocations Policy	Cabinet	20 March 2014

**Background Papers**

DCLG: "The Right to Move" Consultation



Response to the consultation paper

Affordable Housing Management and Standards Division,  
Department for Communities and Local Government,  
Floor 3 NWQ,  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

18 September 2014

Dear Sir,

Consultation – The Right to Move

Thank you for providing the opportunity to comment on the Governments proposals to introduce a Right to Move.

The Council supports the principles of the Governments proposals but have a number of concerns regarding their implementation and operation. It is hoped that these will be addressed within the proposed statutory guidance.

1. The consultation paper fails to define the criteria “employment, education or training” and this needs to be stated within the statutory guidance. In relation to employment the Council consider that the qualification criteria should require a permanent member of the household to be
  - i. Unemployed
  - ii. Have an offer of permanent employment (with or without a probationary period) or a fixed term contract of at least 11 months, which provide at least 30 hours of work per week.
  - iii. Travel for over one hour from their current home to their normal place of employment, taking into account the household members ability to drive and the availability of public transport.
2. The Council further considers that any Right to Move applicant is required to provide documentary evidence of the above. This would include a confirmatory letter of the employment offer.

3. The Council welcomes the Governments proposal (although at this stage this is unclear) to introduce or at least enable, sanctions where tenants, having moved, fail to take up a job offer or leave their employment within a short time.
4. The Council considers that implementation should be through an amendment to the statutory guidance, in order that the “hardship” reasonable preference category applies to those moving for work.
5. There clearly needs to be “a balance” between assisting social tenant who need to move for employment reasons and helping applicants who are in housing need. The Council therefore supports the proposed minimum 1% quota and the proposed requirement to publish information on Right to Move demand and letting.

Yours Sincerely

**Ian Tennant**  
**Head of Housing and Waste Management**