

Report of:	Head of Housing and Waste Management
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Key Decision:	No
Report Track:	Cabinet: 20/03/14

CABINET
20 MARCH 2014
REVIEW OF ALLOCATIONS POLICY

1 Purpose of Report

- 1.1 To review the Council's Housing Register eligibility criteria following the receipt of revised statutory guidance on social housing allocations.
- 1.2 To consider interim measures to address lettings difficulties in respect of certain three bedroom houses.

2 Recommendations

- 2.1 That the proposed amendments to the Council's Allocations Policy as set out in Appendix 2 are agreed and implemented from 14 April 2014.
- 2.2 That the action of the Head of Housing and Waste Management following consultation with the Housing Portfolio Leader in extending the property eligibility criteria in respect of a three bedroom house in Broomhill is confirmed.
- 2.3 That further consideration is given to the following issues as part of a further review of the Council's Allocations Policy:-
 - (i) Local association criteria in relation to households who wish to move to the District for employment reasons.
 - (ii) The property eligibility criteria for three bedroom properties.

3 Key Issues and Reasons for Recommendation

- 3.1 Revised statutory Social Housing Guidance has been issued by the Department for Communities and Local Government regarding qualification for the Housing

Register. The Council is required to take account of this guidance within its Allocations Policy.

3.2 The Council's agreed eligibility criteria for the Housing Register (as set out in Appendix 1) has therefore been reviewed in the light of the revised statutory guidance. It is proposed that:-

- (i) A 12 month continuous residency requirement is introduced as part of the eligibility criteria for the Housing Register.
- (ii) The residency requirement is applied to all applicants with the exception of:-
 - (a) Applicants living outside the District who require sheltered accommodation and support from a close relative, provided that the relative currently lives in the District and has done so for the last 12 months.
 - (b) Armed Forces applicants who will continue to be considered in accordance with current policy.
 - (c) Existing social housing tenants who live in the Cannock Chase District.
 - (d) Homeless households who are temporarily accommodated outside the District and households who are required to "move on" from supported accommodation.

3.3 No proposed amendments have been made at this stage for applicants (including existing social housing tenants) who wish to move to the District for employment reasons. This will be considered as part of a further review of the Council's Allocations Policy, following the receipt of further statutory guidance on a proposed "Right to Move".

3.4 The Social Sector Size Criteria has reduced the demand for three bedroom houses and is being reflected in requests for houses on certain less popular estates. Further research is, however, required before any significant change is made and it is therefore proposed that the issue is addressed as part of the aforementioned further Allocations Policy review.

3.5 However, as an interim measure it is suggested that the Head of Housing and Waste Management is authorised to extend the existing property eligibility criteria in respect of three bedroom properties to additional households where there have been no qualifying expressions of interest after one advertisement.

3.6 As this situation occurred with regard to a three bedroom house in Broomhill during the week commencing 17 February 2014, the Head of Housing and Waste Management following consultation with the Housing Portfolio Leader extended the property eligibility criteria to households who would normally be eligible for a two bedroom dwelling. Confirmation of action is therefore sought.

- 3.7 Proposed amendments to the Council's Allocations Policy are set out in Appendix 2.

4 Relationship to Corporate Priorities

- 4.1 A review of the Council's Allocations Policy is a specific action within the Housing Portfolio section of the agreed 2014-15 Place Priority Delivery Plan.

5 Report Detail

- 5.1 Cabinet on 21 November 2013 considered a consultation paper issued by the Department for Communities and Local Government entitled "Providing Social Housing for Local People".
- 5.2 The consultation paper sets out the Government's (then) proposals for amending the statutory Social Housing Allocations Guidance, in order that as part of the qualification criteria for joining the social housing register, households should have lived in the local authority area for a period of two years or have a strong association with the local area.
- 5.3 Cabinet agreed a response to the consultation paper which generally supported the Government's proposals and further agreed to consider the proposed revised statutory Social Housing Guidance (when received) as part of a future review of the Council's Allocations Policy.
- 5.4 The revised statutory guidance has now been issued and the Council are required to take account of this when exercising the provisions of Part 6 of the 1996 Housing Act, which provides the statutory framework for the allocation of accommodation. Housing authorities are (as part of the guidance) encouraged to review their existing allocation policies and revise them, where appropriate as soon as possible.
- 5.5 A review of the Council's Allocations Policy (as agreed by Cabinet on 20 March 2013) is programmed, as part of the Housing Portfolio section, within the agreed 2014-15 "Place" Priority Delivery Plan for completion in September 2014. Following legal advice, it is considered that this timescale may not meet the requirement for a review "as soon as possible" and could therefore be subject to a challenge in the Courts by a housing applicant.
- 5.6 Consideration of the revised statutory guidance regarding qualification and local association in relation to the Housing Register has therefore been "brought forward" and proposed amendments to the Council's Allocations Policy in respect of this is the primary subject of this report. A full review of the Council's Allocations Policy will, however, be undertaken in accordance with the agreed Priority Delivery Plan work programme and will include a review of any agreed amendments regarding qualification for the Housing Register.

The Revised Statutory Guidance

- 5.7 The revised statutory guidance “Providing Social Housing for Local People” can be viewed on the DCLG website www.gov.uk/dclg, whilst a “hard copy” is available from Member Services. A summary of the guidance is also presented below.
- 5.8 The Government consider that as part of the qualification criteria for social housing, households should have lived in the local authority area for a certain period of time before they can join the Housing Register. As a result the guidance encourages housing authorities to:-
- (i) Include a length of residency requirement as part of their qualification criteria, with a two year period being suggested.
 - (ii) Consider operating other qualification criteria (alongside the residency test) in order that other households who are not currently resident in the local authority area but have a strong association with it are not disadvantaged. Examples cited in the guidance are family association and employment within the district.
- 5.9 Housing authorities are, however, reminded of the need to make an exemption for certain members of the Armed Forces, in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012. In addition, the guidance suggests that exemptions are also made for households in special circumstances including people moving to escape domestic violence and homeless families and care leavers housed outside the district.
- 5.10 The guidance suggests that housing authorities may not wish to apply a residency test to existing social tenants who are seeking to move between local authorities. The Government propose to introduce a “Right to Move” for social tenants who are seeking to move to take up a job or be closer to their work and are to consult on options in spring 2014. However, in the meantime housing authorities are expected “to make appropriate exceptions to their residency test for social tenants so as not to impede labour market mobility”.
- 5.11 In order to increase transparency regarding the allocation of social housing, the guidance encourages local authorities to routinely publish anonymised information on waiting list applicants and lettings outcomes.

Proposed Changes to the Council’s Eligibility Criteria for the Housing Register

- 5.12 The eligibility for applicants to join the Housing Register is set out in section 6 of the Council’s agreed Allocations Policy, attached as Appendix 1.
- 5.13 It will be noted that this does not specify any length of residence. Applicants are required to live in the Cannock Chase District or in the case of those requiring sheltered housing to have a close relative living in the District from whom the need support. The policy also includes separate qualification criteria for members of the Armed Forces.

- 5.14 In determining the Council's response to the consultation paper, Cabinet supported the principles of the Government's (then) proposed changes to the statutory guidance and considered a two year residency requirement to be appropriate.
- 5.15 Further consideration has, however, been given to an appropriate length of residency requirement and it is now considered that this should be set at 12 months rather than two years. The rationale for a 12 month requirement is set out below:-
- (i) The proposed residency period would "match" the 12 month "reduced preference period" for applicants who have been deemed to have deliberately worsened their circumstances, thus providing consistency within the Council's Allocations Policy.
 - (ii) The reduced 12 month residency period would encompass the needs of many of the households who have a close association with the District (but are not currently resident), thus removing the need for further (and inevitably complex) qualification criteria.
- 5.16 It is, however, considered that an exception should continue to be made for applicants who require both sheltered accommodation and support from a close relative, provided that the close relative currently lives in the District and done so for a period of 12 months. Exceptions would also continue to be made for members of the Armed Forces in accordance with current policy.
- 5.17 It is also proposed that the suggested 12 month residency period should not apply to existing social housing tenants who live in the Cannock Chase area, homeless applicants who are temporarily accommodated outside the District and households who are required to "move on" from supported accommodation. Whilst the statutory guidance suggests that social housing tenants could be exempted from a residential requirement, this was not supported within the Council's consultation response and is not included as part of the suggested policy changes.
- 5.18 The current agreed eligibility criteria does not make any exceptions for existing social housing tenants (who live in other local authority areas) who wish to move to the Cannock Chase area for employment reasons. As previously outlined (paragraph 5.10) the Government are to consult on a proposed "Right to Move" for social housing tenants and following this, it is expected that further statutory guidance will be issued.
- 5.19 It is considered premature at this stage to consider any amendments to the current eligibility criteria, in relation to employment within the District, until the Government's proposals are known and the further statutory guidance has been issued. It is therefore proposed that this matter is considered as part of the "full" review of the Council's Allocations Policy which is programmed for completion in September 2014.
- 5.20 In order to implement the suggested changes to the eligibility criteria for social housing, it is proposed that amendments are made to the Council's Allocations Policy as set out in Appendix 2.

Publication of Allocations Information

- 5.21 The Council already publishes information about lettings outcomes. This is available on the Council's website and is also displayed in the "housing office" reception.

Letting Less Popular Dwellings

- 5.22 Difficulties have recently been experienced in letting some three bedroom houses, located on certain "less popular" estates.

- 5.23 In accordance with the agreed property eligibility criteria three bedroom houses can only be allocated to:-

"Households with two or more children or another family member who normally is expected to reside with them".

- 5.24 However, in accordance with the Social Sector Size Criteria, Housing Benefit recipients are only exempt from the under-occupation criteria, where a separate bedroom is required for:-

- (i) A couple, married or not.
- (ii) Every other person 16 or over.
- (iii) Two children of same sex aged 10-15.
- (iv) Two children aged under 10.

- 5.25 It is considered that as a result of the Social Sector Size Criteria, the overall demand for three bedroom houses has decreased and this is being initially reflected in requests for houses on certain less popular estates. The situation may, however, be "temporary" and it is considered that further research is required before any significant policy change is made.

- 5.26 It is therefore proposed that the issue is addressed as part of the "full" review of the Council's Allocations Policy. However, as an interim measure it is suggested that the Head of Housing and Waste Management is authorised to extend the existing property eligibility criteria in respect of three bedroom properties, to additional households where there have been no qualifying expressions of interest, after one advertisement.

- 5.27 A proposed amendment to the Council's Allocations Policy is set out in Appendix 2.

- 5.28 As this situation occurred with regard to a three bedroom house in Broomhill during the week commencing 17 February 2014, the Head of Housing and Waste Management following consultation with the Housing Portfolio Leader extended the property eligibility criteria to households who would normally be eligible for a two bedroom dwelling. Confirmation of action is therefore sought.

Consultation

- 5.29 Before adopting any major change in Allocations Policy the Council is required (in accordance with Section 166A(13) of the Housing Act 1996) to consult with housing associations and other Registered Providers on its draft proposals. It is also considered “good practice” to consult with other statutory and voluntary organisations regarding any changes.
- 5.30 Housing associations and other Registered Providers, together with Staffordshire County Council, CAB and the Chase Tenants’ and Residents’ Federation have therefore been consulted on the proposed changes. The responses which have been received are attached as Appendix 3 and where appropriate, comments have been incorporated within the proposed policy changes.

Implementation

- 5.31 Subject to the suggested Allocations Policy changes being agreed, it is proposed that the revised policy is implemented from Monday, 14 April 2014.
- 5.32 It is estimated that the proposed 12 month Cannock Chase residency requirement will result in 45 applicants no longer being eligible for the Housing Register. These applicants would be informed that as a result of the change in policy, their application has been cancelled.

6 Implications

6.1 Financial

The difficulties in letting certain three bedroom houses on less popular estates results in a loss of rent income. The proposed policy amendment would, however, ensure that this loss is minimised.

6.2 Legal

The Council is required to take account of the revised statutory guidance when allocating housing. The Council is required to review its allocation policy as soon as possible in light of the revised statutory guidance. Although the revised guidance strongly encourages the Council to adopt a two year residency test as part of its qualification criteria for the allocation of housing, the Council can depart from the guidance if it can demonstrate sound policy reasons. It is considered that the rationale set out at paragraph 5.15 above gives a sufficient explanation of sound policy reasons for the adoption of a twelve month, rather than a two year, residency test.

6.3 Human Resources

None

6.4 Section 17 (Crime Prevention)

None

6.5 Human Rights Act

Article 8 provides that:-

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

In reviewing the qualification criteria for the Housing Register the Council is complying with legislation which empowers it to do so and at the same time is considering the needs of the residents of the district.

The Council's actions are therefore considered to be compatible with the Human Rights Act.

6.6 Data Protection

None

6.7 Risk Management

A failure to consider the revised statutory Allocations Guidance could lead to a legal challenge from applicants affected. The revised policy will reduce the risk of any challenge.

6.8 Equality & Diversity

An Equality Impact Assessment (EIA) has been undertaken in relation to the proposed changes to the Council's Allocations Policy. The outcome of the EIA is that the proposed policy changes are considered to be neutral in relation to the 9 protected characteristics.

6.9 Best Value

The Allocations Policy is based on the principle of making the best use of stock.

7 Appendices to the Report

Appendix 1: Current Allocations Policy: Eligibility and Qualification

- Appendix 2: Proposed Changes to the Current Allocations Policy
- Appendix 3: Consultation Responses

Previous Consideration

Review of Lettings Policy	Cabinet	20 February 2013
Social Sector Size Criteria	Cabinet	19 September 2013
Consultation on Statutory Social Housing Allocations Guidance – Qualification and Local Association	Cabinet	21 November 2013

Background Papers

DCLG “Providing Social Housing for Local People” – Statutory Guidance on Social Housing Allocations for Local Authorities in England



CANNOCK CHASE COUNCIL**CURRENT ALLOCATIONS POLICY – ELIGIBILITY AND QUALIFICATION**

(Section 6 of the Council's agreed Allocations Policy)

6. Eligibility and Qualification Assessment

- 6.1 Applicants will be assessed in accordance with S160ZA on application to determine if:
- (a) s/he is eligible for an allocation of accommodation.
 - (b) s/he qualifies for an allocation of accommodation.
- 6.2 An applicant may be reassessed for eligibility prior to making an offer of accommodation if a substantial amount of time has lapsed.
- 6.3 Information and guidance on eligibility of applicants is contained in the Governments Allocation of accommodation: guidance for local authorities in England and the tenant's guide – Somewhere To Live Booklet.
- 6.4 Enquiries will be made to the Border Agency on issues relating to applicants immigration status.
- 6.5 Accommodation will only be allocated to people who are defined as 'qualifying persons' in accordance with S160ZA (6).
- 6.6 Accommodation will only be allocated to applicants who qualify under one of the following:
- (a) are aged 18 or over and live in the district.
 - (b) require sheltered accommodation and have a close relative living in the district from whom they need to receive support.
 - (c) are a restricted person as per Regulation 3 of the Eligibility Regulations i.e. subject to Immigration Control but eligible for housing allocation and homelessness assistance.
 - (d) in one of the special groups:
 - (i) Homeless or owed a homelessness duty - Households who are owed a housing duty may be offered a suitable private rented property by the Council's Housing Options Team. Where this is not available applicants will qualify for offers of Part 6 accommodation.
 - (ii) Owner Occupiers- Owner occupiers will only qualify for allocation of accommodation if one of the following criteria is met:-

- unintentionally homeless and in a priority need category as defined by part VII of the Housing Act 1996 as amended 2002.
 - home is affected by a Demolition or Closing Order.
 - live in the district and awarded a high or medium medical priority by the Council's Medical Panel and the equity released from the sale of their current home would be £80,000 or less.
 - requesting sheltered accommodation.
- (e) Members of the Armed Forces – Households will qualify if, the applicant or a member of the household meets one of the following criteria:
- (i) Serving Members of Armed Forces.
 - (ii) Applicant or a member of their household was a serving member of the Regular Armed Forces, who left the service less than 5 years previously from the date of application and is in urgent housing need.
 - (iii) Bereaved spouse or civil partner of a member of the Armed Forces leaving Family Accommodation following the death of their spouse or partner.
 - (iv) Serving or former member of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

6.7 With the exception of those who have been accepted as statutorily homeless by Cannock Chase District Council, the following categories will not be qualifying persons:

- (a) All applicants and transferring tenants are excluded when their unacceptable behaviour is serious enough to make them unsuitable to be a tenant and only in circumstances that are not unlawfully discriminating. In these circumstances, each decision will be authorised by the Head of Housing Services, following a recommendation from the Tenancy Services Manager.
- (b) All Applicants and transferring tenants who are in breach of their current tenancy agreement (including non-payment of rent) are excluded, with the exception of certain social housing tenants with rent arrears who are affected by the social sector size criteria who are eligible for a transfer to smaller accommodation provided that:-
 - (i) County Court action has not commenced in respect of their current tenancy and
 - (a) the household had a clear rent account prior to 1 April 2013 or

- (b) had been making the required rent arrears payments in accordance with an agreed payment plan.
 - (ii) A current arrears payment plan is in place.
 - (iii) The transfer or mutual exchange is to a size of property to which the household is eligible under the social sector size criteria.
 - (iv) A direct nomination to the resultant vacant dwelling is received in cases where a housing association tenant is re-housed by the Council.
- (c) All applicants and transferring tenants who owe former tenant arrears are excluded.

In exceptional circumstances it may be possible to review the exclusion if a substantial part of the current or former tenant arrears has been cleared and adequate arrangements made to clear the remainder.

- 6.8 Applicants aged 16 and 17 may make an application but will only qualify for an allocation of accommodation under exceptional needs.
- 6.9 Applicants can request a review of their decision on grounds of eligibility and qualification.

CANNOCK CHASE COUNCIL**PROPOSED CHANGES TO THE COUNCIL'S ALLOCATIONS POLICY**

1. Amend text within paragraph 6.6 as follows:-
 - (a) “are aged 18 and over and have lived in the District continuously for the last 12 months”. Note: This requirement will not apply to existing social housing tenants who hold a tenancy within the Cannock Chase District Council area”
 - (b) “require sheltered accommodation and have a close relative who has lived in the District continuously for the last 12 months” from whom they need to receive support”.
 - (d)
 - (i) “Homeless or owed a homelessness duty – Households who are owed a housing duty may be offered a suitable private rented property by the Council’s Housing Options Team. Where this is not available applicants will qualify for offers of Part 6 accommodation. In cases where a homeless applicant has been temporarily accommodated outside the District and the Council has a statutory duty to secure accommodation the residential qualification in paragraph 6.6 (a) will not apply”.
 - (iii) “Households who are required to “move on” from supported accommodation”. (Note – additional text).
2. Insert additional text within the table set out in paragraph 11.2 in relation to three bedroom properties as follows:-

“In cases where there have been no qualifying expressions of interest after one advertisement, the eligibility criteria will be extended at the discretion of the Head of Housing and Waste Management”.
3. Amend text within paragraph 16.2 (c) (iii) as follows:-

“Current address and evidence of residency within the District for the last 12 months”.

CONSULTATION RESPONSES

1. Bromford Housing Group

“Thank you for giving us the opportunity to comment.

My comments are as follows:-

1. I think that the 12 months residency requirement is unnecessarily restrictive, and might even cause some problems for the Council if you struggle to let homes. Most LA's have a % that are let with a local connection and as their experience is that there is not an influx of 'outsiders' in to the borough.
2. In terms of social size criteria (section 6.7 b i) I would recommend a more flexible approach so that you can assess cases on their individual merits – form time to time, it might suit the Council to move someone even though you have started arrears possession proceedings.
3. I would advocate simplifying the sections on Medical & Social need – there is a considerable administrative burden on the arrangements as proposed.
4. I've looked again at 14.2 which needs tweaking as Housing Associations/ Registered Providers will apply their own criteria & the decision to allocate ultimately rests with them”.

Cannock Chase Council Response: The suggested 12 month residency requirement compromise between the two year period proposed within the revised statutory Allocations Guidance and current policy which has no length of residency requirement. The rationale for the 12 month period is set out in paragraph 5.15.

Issues 2, 3 and 4 are not considered as part of this report but will be addressed as part of the further Allocations Policy, programmed for completion in September 2014.

2. Sanctuary Housing Services

“I have no comments to add”.

3. Chase Tenants and Residents Federation

“The CTRF have considered the draft policy and whilst a two year residential qualification would be preferred, the reasons for a 12 month period are understood”.