

**CANNOCK CHASE COUNCIL**

**CABINET**

**15 SEPTEMBER, 2011**

**REPORT OF THE HEAD OF HOUSING**

**RESPONSIBLE PORTFOLIO LEADER: HOUSING**

**CHOICE BASED LETTINGS SCHEME REVIEW**

**KEY DECISION – YES**

**1. Purpose of Report**

- 1.1 To review the Council's Choice Based Lettings Scheme.

**2. Recommendations**

- 2.1 That UChoose Homes common allocations policy is not adopted at the present time.
- 2.2 That the age eligibility for Council sheltered accommodation and bungalows is lowered to applicants who are aged 55 and over.
- 2.3 That vacant properties are no longer advertised in the local press and that the resultant budget savings are used to fund an additional part-time employee to provide further advice and assistance to vulnerable applicants.
- 2.4 That a further review of the Council's allocations scheme is undertaken following the receipt of revised Government Guidance regarding proposed changes to the statutory framework for the allocation of social housing.

**3. Summary (inc. brief overview of relevant background history)**

- 3.1 Cabinet on 21 August, 2008 and 22 August, 2009 agreed a Choice Based Lettings Scheme for the allocation of social housing in the Cannock Chase area. The Council's scheme forms part of a sub-regional Choice Based Letting Scheme for Southern Staffordshire and North Warwickshire (called UChoose Homes) and became operational on 29 June, 2009.
- 3.2 Whilst the majority of the "UChoose Partnership" allocate properties in accordance with a common lettings policy, a minority of partners (including Cannock Chase) utilise the joint computer system and advertise vacancies on the UChoose website but allocate properties in accordance with their own lettings policy.
- 3.3 The previous Government required all local authorities to operate Choice Based Lettings Schemes by 2010. This form of allocation process does not however, appear to be favoured by the current Government, who through the Localism Bill are introducing legislative changes to increase the flexibility of local authorities to allocate accommodation within a revised statutory framework.

- 3.4 These proposed changes were considered by the Housing Policy Development Committee on 14 December, 2010 and include:-
- (a) The removal of the requirement for the operation of “open waiting lists” to enable local authorities to determine which categories of applicants are eligible to join their housing registers.
  - (b) The removal of “tenant transfers” from the current statutory allocations framework to enable local authorities to make it easier for existing tenants (including those with little or no housing need) to transfer to alternative accommodation without the increased risk of legal challenge from “first time” applicants in greater need.
- 3.5 The Government will, however continue to:-
- (a) Determine the regulations regarding which households from abroad are eligible for social housing in accordance with their immigration and asylum policy and the requirements of EU Law.
  - (b) Legislate that certain households must be given priority (termed “reasonable preference”) for social housing, i.e. people who:-
    - are homeless or owed certain duties under the homelessness legislation;
    - live in overcrowded, unsatisfactory or insanitary conditions;
    - need to move on medical or welfare grounds (including grounds relating to a disability);
    - need to move to a particular locality in the local authority’s district to avoid hardship to themselves or others.
- 3.6 Subject to the Localism Bill receiving Royal assent it is expected that the Government will issue further guidance regarding the legislative changes and their policy framework for the allocation of social housing.
- 3.7 This report presents a review of the scheme after two years operation.

#### **4. Key Issues and Implications**

- 4.1 The current UChoose Choice Based Lettings Scheme has generally been well received by service customers as evidenced by a user questionnaire survey undertaken in October, 2010. An analysis of the 222 respondents showed:-
- (a) Applications – 54% were made via the internet; 22% via a paper form, 16% via telephone and 8% by other means.
  - (b) Ease of Application – 75% considered application easy, 8% considered it to be difficult, whilst 17% considered it neither easy or difficult.
  - (c) Information on the UChoose website – 75% considered the information to be good, 6% considered it to be poor, whilst 19% considered it neither good or poor.

- (d) Expressing an Interest in a Property – 76% considered it to be easy, 11% considered it to be difficult, whilst 13% considered it neither easy or difficult.
  - (e) Source of Advertising – 54% viewed properties on the website, 32% through the newspaper and 10% through a visit or telephone call to the Council. (NB: a variety of other sources were reported to the remaining 4%)
  - (f) Satisfaction with the scheme – 57% satisfied; 27% dissatisfied, whilst 16% were neither satisfied or dissatisfied. Average satisfaction (on a scale of 10) was 6.7.
- 4.2 The reasons for dissatisfaction amongst 27% of respondents relate primarily to their priority banding, not being offered a property (despite making a number of expressions of interest) and the lack of vacant properties. It is considered that these reasons would be cited in relation to any allocation scheme as vacant properties are in short supply and all schemes prioritise applicants and every applicant cannot be placed at the top of the list.
- 4.3 It is therefore, considered that the scheme does not require a radical review at the present time, particularly as such action would be premature in view of the potential legislative changes to the statutory allocations framework which are contained in the Localism Bill. Three issues have nevertheless been identified for review at the present time, pending a further policy review following the expected publication of revised national allocations guidance next year.
- 4.4 These three issues (which were also considered by the Housing Policy Development Committee on 22 March, 2011) are detailed below:-
- (a) Adoption of the “UChoose” Common Allocations Policy

Cabinet on 21 August, 2008 decided not to adopt the UChoose Homes common allocations policy for the allocation of social housing in the Cannock Chase area and to only use the common policy to determine the priority between UChoose Partnership applicants within Band Four.

There are a number of advantages in adopting the common allocations policy, particularly as the Cannock Chase scheme is almost identical in all but one respect and the Council could retain its current local connection criteria for the allocation of social housing in the Cannock Chase area.

However, the UChoose Common Allocations Policy (unlike the Council’s current policy) does not recognise lodging amongst family members to be a form of housing need. As a result only “non-family” households receive any priority banding for shared facilities under the common policy whereas any household who wishes to live independently is placed in Band Three under the Council’s current scheme. The adoption of the common policy would therefore result in a loss of priority for some 366 lodging households thus reducing their prospects of rehousing. As an example, a household with children lodging with parents with no overcrowding would, under the common policy, be placed in Band Four rather than in Band Three under the current scheme.

Views of the Housing Policy Development Committee – The Committee “expressed reservations regarding the adoption of a common allocations policy in view of the difference in treating lodger applicants between the common allocations policy and the Council’s current policy”.

Conclusion It is considered that the UChoose Homes Common Allocations Policy should not be adopted at the present time.

(b) Age Eligibility for Sheltered Accommodation and Bungalows

In order to be eligible for Council sheltered accommodation applicants need to be aged 60 or over. The Council's eligibility criteria differ from that used by Housing Associations in respect of their sheltered accommodation in the Cannock Chase area, where the eligible age is 55. This difference causes some confusion amongst applicants and reduces "the pool" of eligible applicants for the Council's sheltered schemes which are subject to periodic letting difficulties. It is therefore proposed that the age eligibility for the Council's sheltered accommodation should be reduced to 55.

However, if this policy change is adopted it would result in an anomaly with the age eligibility criteria for bungalows which also currently requires applicants to be aged 60 or over. Applicants aged under 60 are currently eligible for the allocation of a bungalow if they have a medical need for ground floor accommodation and it is suggested that the criteria is extended to enable any applicant aged 55 or over to be eligible for bungalow accommodation. The majority of bungalows are allocated to households with medical needs and the existing priority bands would ensure that households with the greatest need continue to receive priority.

Views of the Housing Policy Development Committee

The Committee "supported lowering the age eligibility for sheltered accommodation to 55 in line with other housing providers in the Cannock Chase area".

Note: The Committee did not reach any conclusion regarding the age eligibility for bungalows.

Conclusion It is considered that the age eligibility for sheltered accommodation and bungalows should be lowered to applicants who are aged 55 or over

(c) Advertising Vacant Properties

The Council currently advertise vacant properties on the UChoose Homes website, in the Council's Area offices and in the Local Press. Eligible applicants are then invited to "express an interest" in respect of the properties which are advertised.

Advertising in the local press is undertaken through the Chase Post and the Rugeley Mercury at a cost of £16,000 per annum, although these newspapers are not distributed to every household in the Cannock Chase area.

The Housing Policy Development Committee expressed concern that some vulnerable applicants may have difficulty in accessing the UChoose Homes Scheme and require additional support in determining their accommodation choices and expressing an interest in vacant properties.

This issue has also been recognised by other members of the "UChoose Partnership" who have now stopped advertising vacant properties in the local press and have used the savings to fund additional employee support in respect of vulnerable applicants.

Whilst advertising in the local press increases the transparency of the scheme (32% of applicants use the local press to ascertain the availability of vacant properties), the cost is relatively high, and the papers do not reach everyone in the Cannock Chase Community.

It is therefore considered that the £16,000 would be better utilised to fund an additional part-time employee to support vulnerable applicants to access the UChoose Homes Scheme.

View of the Housing Policy Development Committee

The Committee “suggested that consideration be given to using the budget currently spent on advertising vacant properties (£16,000 per annum) on funding an additional part-time employee to provide advice and assistance to vulnerable applicants”.

Conclusion It is considered that advertising vacant properties in the local press should cease and that the resultant budget savings are utilised in funding an additional employee to support vulnerable applicants.

**5. Conclusion(s) and Reason(s) for the Recommendation(s)**

- 5.1 The Council use a Choice Based Lettings Scheme for the allocation of social housing in the Cannock Chase area and this report presents a review of the scheme following two years operation.
- 5.2 The Government are proposing legislative changes to the present statutory allocations framework to increase the flexibility of local authorities and further guidance on these is expected to be issued, subject to the Localism Bill receiving Royal Assent.
- 5.3 In view of these impending changes and the satisfaction levels amongst service users, it is considered that the scheme does not require radical review at the present time. Three issues have however, been reviewed, pending a further policy review following the expected publication of revised national allocations guidance next year.
- 5.4 The three issues which have also been considered by the Housing Policy Development Committee are:-
  - (a) The Adoption of the “UChoose” Common Allocations Policy
  - (b) Age Eligibility for Sheltered Accommodation and Bungalows
  - (c) Advertising Vacant Properties
- 5.5 The report provides a policy review of these issues and as a result of this, changes for the Council’s existing allocations policy and procedures are recommended.

**6. Other Options Considered**

- 6.1 Options in relation to the three issues which have been identified for review are considered in the report.

7. **Report Author Details**

Ian Tennant (Head of Housing) Ex 4210

**SCHEDULE OF ADDITIONAL INFORMATION**

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**Section 1**

**Contribution to Council Priorities**

The Council's Choice Based Lettings Scheme helps "support vulnerable people to live in their own homes" which is an agreed service aim within the 2011-12 "People" Priority Delivery Plan. This service aim would be further enhanced through the proposed engagement of an additional employee to provide further advice and assistance to vulnerable housing applicants.

**Section 2**

**Contribution to Promoting Community Engagement**

The results of a user survey are outlined within the report. The Chase Tenants and Residents Federation have also been consulted and have reiterated their concerns about Choice Based Lettings Schemes.

**Section 3**

**Financial Implications**

The proposed changes to the Councils Choice Lettings Policy will have no direct financial effect on the HRA. However, as part of the proposals, should the allocation of Council housing either increase or decrease then the amount of housing rent collected may be affected.

It is estimated that the saving as a result of proposal 3 'the Advertising of Vacant Properties' will be circa £16,000. This saving could be used to fund an additional employee to provide advice and assistance to vulnerable applicants. No details have been given within the report on the grade and hours of the proposed employee, however, given the funding available the post would be part time.

**Section 4**

**Legal Implications**

Section 167 of the Housing Act 1996 requires every local housing authority to have an allocation scheme for determining priorities, and the procedure to be followed, in allocating housing accommodation.

**Section 5**

**Human Resource Implications**

The report suggests the creation of a post with specific responsibility for assisting vulnerable people with accessing the UChoose Homes Scheme using a budget of £16,000 previously spent on advertising. Any such post will require the creation of a job description and will need to be subject to the Council's current job evaluation scheme to determine the grade appropriate to the post.

**Section 6**

**Section 17 (Crime Prevention)**

There are no Section 17 (Crime Prevention) implications arising from this report.

**Section 7**

**Human Rights Act Implications**

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 well-being 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 considering a review of Choice Based Lettings Scheme, the Council is complying with legislation which empowers it do so, at the same time it is considering the needs of the residents of the district.

A Choice Based Lettings Scheme has a number of advantages to applicants as it provides a transparent system which can be easily understood and ensures equality of access and opportunity.

For the above reasons the Council's actions are considered to be compatible with the Human Rights Act.

**Section 8**

**Data Protection Act Implications**

In cases where Cannock Chase applicants "express an interest" for a property owned by a Registered Social Landlord in the Cannock Chase area or for a dwelling in one of the partner areas, details of their application (as held on the Council's Housing Management System) will need to be passed to the relevant Social Landlord for consideration.

Existing applicants are advised of this via the following paragraph within the housing application form:-

"Cannock Chase District Council will hold and use your data in accordance with the Data Protection Act. 1998. In the event that your application is for a property in one of our partners areas your personal information will be passed to that partner for the furthering of your request. Your personal information will not be used for any other purpose and will not be passed on for commercial use".

**Section 9**

**Risk Management Implications**

There is a risk that a housing applicant could "challenge" the Council's allocations policy through the Courts. The Choice Based Lettings Scheme has been subject to Counsels opinion and as a result of this has been subject to previous amendment. It is therefore considered that any "challenge" can be "defended" through the Courts.

**Section 10**

**Equality and Diversity Implications**

The Choice Based Lettings Scheme has a number of equality and diversity implications, which were addressed through previous reports. It is however, now proposed to provide additional support for vulnerable households and this has positive implications for equality and diversity.

**Section 11**

**List of Background Papers**

Department for Communities and Local Government Consultation Paper – “Local Decisions: a fairer future for social housing.

Southern Staffordshire and Northern Warwickshire Sub-Regional Choice Based Lettings Partnership – UChoose Common Lettings Scheme.

**Section 12**

**Report History**

Choice Based Lettings Scheme	Cabinet	21 August, 2008
Choice Based Lettings Scheme	Cabinet	22 January, 2009
Local Decisions: a fairer future for social housing	Housing Policy Development Committee	14 December, 2010
Choice Based Lettings Presentation	Housing Policy Development Committee	22 March, 2011

**Annexes**