

## REVIEW OF THE HOUSING ALLOCATION SCHEME

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Wards Affected: All  
Key Decision: No  
Report to: Scrutiny Committee for Community, Housing and Planning  
6<sup>th</sup> March 2019

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### Purpose of Report

1. To ask the Scrutiny Committee for Community, Housing and Planning to comment on revisions to the Council's Allocation Scheme prior to submission to key partners for their comments and to Council for approval of the scheme.
2. Subject to any further amends and Council approval on 26<sup>th</sup> June 2019, the scheme will be implemented as soon as operationally possible. The proposed amended Scheme is attached.
3. There are two types of changes to the Scheme. The first relate to minor changes which are to provide clarity, and to ensure that the Scheme is consistent with changes in legislation. These changes are highlighted in green in the Allocation Scheme at Appendix 1. The second relate to changes to the scheme which this Committee is being asked to scrutinise and these are highlighted in yellow in the Allocation Scheme at Appendix 1.
4. To agree that following consultation with key partners, the Cabinet Member for Housing and Planning will agree any further minor changes prior to submission to full Council on the 26<sup>th</sup> June 2019, for approval of the scheme.
5. Subject to the above, the scheme will be implemented as soon as operationally possible.

### Summary

6. At its meeting on the 31<sup>st</sup> January 2018, Council agreed the current Housing Allocation Scheme. Following implementation of the scheme in April 2018 it has been necessary to recommend revisions to the scheme to ensure it meets current legislative requirements and best practice.
7. This report sets out the areas of the scheme that require revision
  - Changes to Applicants who do not qualify to be on the housing register
  - Homeless Main Duty Applicants – special rules
  - Direct Allocations
  - Allocation of Extra Care vacancies

These are highlighted in yellow in the Allocation Scheme at Appendix 1.

8. In addition, a number of minor textual amendments have been made to some paragraphs to clarify, but not change, the meaning. These are made to provide clarity and ensure consistency with any legislative changes and are highlighted in green in the Allocation Scheme at Appendix 1.

9. A summary of the proposed revisions will be sent to key partner organisations for their comments. A summary of these can be found at Appendix 2.

### **Recommendation**

10. **The Scrutiny Committee is asked to:**
  - i. Comment on the proposed amendments prior to the scheme being issued to key partners for their comments;
  - ii. Agree to the Cabinet Member for Housing and Planning to agree any further minor changes following Scrutiny and consultation with partners prior to submission to full Council on the 26<sup>th</sup> June 2019 for approval.

### **Background**

11. Local authorities may allocate affordable homes only in accordance with their adopted Housing Allocation Scheme, (Section 169 Housing Act 1996)
12. A review of the Scheme provides an opportunity to make amendments, the need for which have come to light during the last 12 months of operation.
13. The draft revised Allocation Scheme can be found at Appendix 1. Proposed changes to the Scheme are highlighted in that document and are explained in detail in this report.
14. Should the Scheme be approved by Council on 26<sup>th</sup> June 2019, the new scheme will take immediate effect as soon as operationally possible. This is because the Council relies on Clarion to run the Council Housing Register and they have indicated that a lead time will be required.

### **Changes to applicants who do not qualify to be on the housing register (paragraph 11 / page 9)**

#### **Clarion Tenants**

15. As a result of a decision taken by Clarion to manage all transfers for their tenants, Clarion tenants are currently disqualified from the Council's housing register.
16. Up until 2014, following the Council's Large Scale Voluntary Transfer of its housing stock in 1990 to Mid Sussex Housing Association, now Clarion Housing the Council had enjoyed 100% nominations to vacancies in Clarion's stock. This had been acceptable to Clarion because a joint allocation scheme was in place. However, in 2014 Clarion took the decision to revert to the legal position which allows only 75% of their vacancies or relets to applicants on the housing register. The Council had no legal mechanism to prevent this, despite taking advice.
17. Clarion recognises the negative impact their previous decision is having on their tenants in the district who wish to transfer because they are restricted to just 25% of Clarion's relets. Clarion has requested that the Council amend the Allocation Policy to enable their tenants to join the Council's housing register.
18. It is this Council's view that the current position undermines the intention of the Common Housing Register which is to provide equal access to all the social housing in Mid Sussex for all residents in housing need, including those in social housing. As

the largest social housing landlord in the district, removal of their tenants from the Common Housing Register has resulted in less movement within the housing stock, less vacancies and less opportunity for all those on the Common Housing Register to access the housing they need.

19. Clarion have agreed that, if their tenants have access to the Common Housing Register, they will not utilise the 25% of their nominations except under specific exceptional circumstances and in consultation with the Council's Housing Services Business Unit Leader. Instead Clarion will use their 25% to assist the Council to meet its contribution to the West Sussex commitment to house refugees of the Syrian conflict, and to support initiatives to reduce and prevent homelessness or the wider social housing agenda. Based on current data this is only likely to be 2% of all Clarion vacancies. Therefore 23% of vacancies will be available to all applicants on the housing register.
20. Allowing Clarion tenants living in Mid Sussex to qualify to join the Council's housing register will benefit approximately 440 current transfer applicants on Clarion's HomeChoice register.
21. It is therefore proposed that Clarion tenants should no longer be disqualified from joining the Council's housing register.

#### **Provision of false information**

22. Currently, applicants who are found to have given false information or have withheld relevant information in connection with their application for housing are disqualified from joining the Council's housing register. The time period for disqualifications is currently unspecified. It is proposed to add a time limit of 5 years for disqualification in order to provide clarity. 4 applicants were disqualified in 2018 for this reason and 1 in 2017.

#### **Homeless applicants where the Council has a duty to ensure they have accommodation available to them special rules (paragraph 44 / page 43 & paragraph 34 / page 33). Amendment proposed to reflect the requirements of the Homelessness Reduction Act 2017.**

23. The Scheme currently places those to whom a housing duty under s.193 of the Housing Act 1996 is owed in band C, i.e. households with a statutory duty to whom we provide temporary accommodation.
24. It is proposed to give these applicants priority over some other applicants in this band. All applicants from Armed Forces personnel receive the highest priority within band C. This proposed change will place applicants to whom a duty under s.193 of the Housing Act 1996 is owed as the next highest priority. This is intended to improve these applicants' opportunities to make a successful bid to enable them to move out of temporary accommodation as soon as possible. This will also enable the Council to make more efficient use of temporary housing. Currently around 45 applicants a year could benefit from this amendment.
25. In addition, the Scheme currently allows applicants to whom the Council owes a housing duty under s.193, to bid for properties for 12 weeks from the date the main duty is accepted. Applicants can bid but also refuse any offers made as a result of a bid made, even if the offer is of suitable accommodation. It is proposed to remove the 12 week bidding period. This is because the homelessness legislation states that the main s.193 duty comes to an end where, 'the applicant, having been informed by

the authority of the possible consequences of refusal or acceptance and of the right to request a review of the suitability of the accommodation, refuses an offer of accommodation which the authority are satisfied is suitable for the applicant'.

26. It is accepted that due to the lack of available properties, it is uncommon for an offer to be made within 12 weeks of the main duty being accepted. However, this change will remove the ability for s.193 applicants to refuse suitable offers within that time period and remain in temporary accommodation provided by the Council unnecessarily. There are currently 45 applicants who would be affected by this amendment.

#### **Direct Allocations – (paragraph 50 / page 46)**

27. The Scheme currently allows Direct Allocations of homes to be made in prescribed circumstances. It is proposed to expand this to allow provision, in exceptional cases, for some homes to be allocated through Direct Allocation with the agreement of the housing association and the Council's Housing Needs Team Manager.
28. This change will allow those who are in exceptional housing need and require a particular type of property which rarely becomes available to be made a direct let. For example a homeless applicant in unsuitable temporary accommodation provided by the Council who needs adapted accommodation.
29. This change will benefit approximately 2 -3 applicants a year.

#### **Extra Care Housing Allocations (paragraph 49.3.5 / page 46)**

30. Extra Care Housing Schemes vacancies are currently allocated via a Multi -Agency Panel. A new approach is to be piloted which will enable direct lettings via WSCC Extra Care Co-Ordinator in partnership with the Extra Care Housing providers. This follows best practice and successful pilots elsewhere in the country.

#### **Other Matters**

##### **Statutory Guidance issued in November 2018 – Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other types of Temporary Accommodation**

31. The Secretary of State strongly encourages all Local Authorities to exempt from their residency requirements those who are living in a refuge or other form of safe temporary accommodation in their district having escaped domestic abuse in another local authority area. The updated statutory Homelessness Code of Guidance advises Local Authorities to extend the same level of support to those at risk of domestic abuse who have to leave their home in the area they have lived, from other areas as they do to their own residents.
32. Consideration has been given to whether there is a need to amend the current Scheme to reflect the above guidance. After careful consideration, it is felt that the current Scheme meets the guidance and therefore there is no requirement to amend the scheme.

## **Policy Context**

33. A sound housing allocation scheme contributes to meeting the Council's aim to deliver opportunity and quality of life for all. Having a fair and transparent scheme that helps prevent homelessness and promotes choice is also an integral part of the Council's Housing and Homelessness Strategies.

## **Other Options Considered**

34. Any options considered are set out in the report.

## **Financial Implications**

35. None save for the potential to reduce the Council's spend on temporary accommodation through the additional priority awarded to applicants to whom a housing duty under s.193 of the Housing Act 1996 is owed.

## **Risk Management Implications**

36. There is always a risk that when changes are made to allocation schemes some unintended consequences arise. Any such impacts will be identified through the regular quarterly review of the Allocation Scheme, and options to address any such issues would be brought before this Committee.

## **Equality and Customer Service Implications**

37. Changes to the Housing Allocation Scheme have been the subject to an equality impact assessment. None of the proposals contained in this report will reduce the priority for social housing that is currently given to any protected group.
38. The implementation of the allocation scheme is regularly monitored, and this will enable the Council to keep the impact of all of these changes under review.

## **Other Material Implications**

39. None

## **Background Papers**

40. MSDC Housing Allocation Scheme.

## **Appendices**

### **Appendix 1. Amended Housing Allocation Scheme with highlights**

### **Appendix 2. Summary of proposed changes to the Housing Allocation Scheme for consultation**

### **Appendix 3. Equality Impact Assessment**