

REVIEW OF THE HOUSING ALLOCATION SCHEME

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Wards Affected: All
Key Decision: No
Report to: Council
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Purpose of Report

1. Following its endorsement by the Scrutiny Committee for Community, Housing and Planning at its meeting on 6 March 2019, to seek Council's approval of a revised Housing Allocation Scheme.

Summary

2. At its meeting on the 31st 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.

3. 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
- Homeless Relief Duty Applicants
- Direct Allocations
- Allocation of Extra Care vacancies

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

4. 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 grey in the Allocation Scheme at Appendix 1.
5. A summary of the proposed revisions can be found at Appendix 2.
6. We have consulted with key partners and organisations and their feedback is reflected in the minor amendments to the proposed revised Allocation Scheme which has been approved by the Cabinet Member for Housing in accordance with the agreement of the Scrutiny Committee.

Recommendation

- 7. Council is recommended to approve the revised Housing Allocation Scheme at Appendix 1 to take effect from the 1st of August 2019.**

Background

8. Local authorities may allocate affordable homes only in accordance with their adopted Housing Allocation Scheme, (Section 169 Housing Act 1996)

9. 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.
10. 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 this report.
11. Should the Scheme be approved by Council on 26th June 2019, the new scheme will come into effect from the 1st of August 2019. 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 to enable the changes to be implemented.

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

Clarion Tenants

12. 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.
13. 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. 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. Since then Clarion have changed their position and will now only use their 25% nomination rights in exceptional circumstances. As a consequence they have requested that the Council amend the Allocation Policy to enable their tenants to join the Council's housing register.
14. It is therefore proposed that Clarion tenants should no longer be disqualified from joining the Council's housing register.

Provision of false information (Paragraph 11.7 page 13 & 12.11 page 15)

15. 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 24 months 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 34.2 / page 33). Amendment proposed to reflect the requirements of the Homelessness Reduction Act 2017.

16. 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.
17. 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.

Homeless Applicants owed the Relief Duty requiring the Council to take reasonable steps to relieve the applicants homelessness (paragraph 15(3)(b) page 18 & 24.1 (a) page 26

18. This is a new duty introduced by the Homelessness Reduction Act 2017 and this group are owed a reasonable preference in relation to the Housing Register. It is therefore proposed to place those applicants who are also in priority need or are likely to be in priority need in Band C whilst the Relief Duty is owed. 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 potentially result in savings on temporary accommodation costs and will also enable the Council to make more efficient use of temporary housing. Currently around 118 applicants a year could benefit from this amendment.

Suitable offers of accommodation to those owed a relief duty or s.193 duty

19. Applicants owed a relief duty under the Homelessness Reduction Act 2017 and those owed a housing duty under s.193 of the Housing Act 1996 will not have a 12 weeks free bidding period. If such applicants receive an offer of accommodation but refuse the offer and the authority are satisfied that the offer is suitable, this will end the duties under the legislation and no further housing duty will be owed. This change will remove the ability for such applicants to refuse suitable offers and remain in temporary accommodation provided by the Council unnecessarily. There are currently 118 applicants who would be affected by this amendment.

Direct Allocations – (paragraph 50 / page 46)

20. 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.
21. 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.
22. This change will benefit approximately 2 -3 applicants a year.

Extra Care Housing Allocations (paragraph 49.3.5 / page 46)

23. 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 county.

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

24. 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.
25. 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

26. 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

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

Financial Implications

28. 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

29. 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

30. 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.
31. 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

32. None

Background Papers

33. MSDC Housing Allocation Scheme.

Appendices

Appendix 1. Amended Housing Allocation Scheme with highlights

Appendix 2 Summary of proposed changes to the Housing Allocation Scheme

Appendix 3. Equality Impact Assessment