

SUBMISSION TO COMMUNITY HOUSING AND HEALTH (OVERVIEW AND SCRUTINY) COMMITTEE

Date: 31st January 2012

Agenda Item: 7

Contact Officers: Clive Gibbins / Lucy Robinson

Telephone: 01543 308702 / 01543 308710

SUBMISSION BY CABINET MEMBER FOR HOUSING, HEALTH AND ENVIRONMENTAL PROTECTION

REVIEW OF THE HOUSING ALLOCATION POLICY AND DEVELOPMENT OF A TENANCY STRATEGY

1. Purpose of Report

- 1.1 To advise Members of the changes in legislation in relation to the allocation of social rented housing and the types and length of tenancies that will be available in the future. These changes will require the Council's Housing Allocation Policy to be revised and the adoption of a Tenancy Strategy.
- 1.2 To invite Members to participate in a short-life Member Task Group:
 - To scrutinise and review the housing allocation policy having regard to the changes in legislation and government guidance
 - To consider the key issues and priorities of a draft Tenancy Strategy
 - To make recommendations to the Cabinet Member.
- 1.3 To advise Members that following discussions with the Chairman of this committee there is a proposed membership and draft terms of reference of the task group which are detailed at **Appendix A**.

2. Background and Introduction

- 2.1 The Localism Act 2011 includes a number of proposals which are important to housing, including local authorities and housing associations being able to grant fixed-term tenancies with limited security of tenure. The Act also contains changes to the allocation of social housing, the law relating to homelessness and the abolition of housing revenue account subsidy.
- 2.2 The Act also requires local authorities to produce a Tenancy Strategy. The Council do not own or manage housing therefore the Tenancy Strategy is intended to provide guidance for Registered Providers of social housing (RP's) working within Lichfield District when delivering and letting accommodation and framing their own tenancy policies.

Housing Allocation Policy

- 2.3 The current housing allocation policy was introduced in April 2009 and is a joint policy with Bromford Living. It is used to allocate the majority of social rented homes in the Lichfield District. Exceptions to this include where local lettings plans exist for example in Kings Bromley or at Beacon Park village.
- 2.4 The housing allocation policy was developed through the UChoose Partnership which manages a sub regional choice based housing register across Southern Staffordshire and Northern Warwickshire. It is currently the common allocations policy of the Partnership and is in use in 3

other¹ District Council areas. UChoose members have agreed that the partnership will continue until at least July 2013 while the future options for delivery including the common allocation policy are considered.

- 2.5 Bromford Living operate UChoose on a day to day basis allocating social homes according to priorities defined within policy which is attached **Appendix B**. The legislative changes allow Council's to develop their own local priorities and eligibility rules whilst maintaining the requirement to prioritise those in highest housing need. A specific requirement of the legislation will be to give additional priority to armed forces personnel.

Tenancy Strategy

- 2.6 The Council is required to adopt a tenancy strategy within 12 months of section 150 of the Localism Act becoming effective. It requires the Council to prepare, consult upon and publish a strategy setting out the matters to which the RP's in the district are to have regard to in formulating policies relating to –
- What kind of tenancies they grant
 - The circumstances in they will grant a tenancy of a particular kind
 - Where they grant tenancies for a certain term, the lengths of terms
 - The circumstances where they will grant a further tenancy on the ending of the existing tenancy
- 2.7 Other sections of the Localism Act give RP's the option of letting properties on fixed term tenancies and charging Affordable Rents (up to 80% of market rents) which underpins the need for a Tenancy Strategy.
- 2.8 The purpose of the Tenancy Strategy is to set down the local housing authority's expectations for the types of tenancy that a RP will deliver when delivering and letting accommodation in our district. It should be noted that the RP is only required to "have regard" to the authority's Tenancy Strategy when formulating its own tenancy policies for the district and the RP does not have to comply with requirements of our strategy if it does not wish to.
- 2.9 In anticipation of the requirements of the Localism Act 2011, the Council has been working with 3 other Councils in southern Staffordshire- Cannock Chase, South Staffs and Tamworth BC. We did this as it was recognised that most of our RP partners operate across this area and it would be sensible to adopt a consistent approach to the Tenancy Strategy with our RP's. However rather than develop a joint strategy we have decided to use a common framework and carry out consultation with RP's in a coordinated way.

3. Community Benefits

- 3.1 The housing allocation policy enables the most vulnerable members of the community to access social rented housing.
- 3.2 UChoose helps to build sustainable communities by enabling people to make choices over where they would like to live.

4. Recommendation

4. That Members note the contents of this report and agree that a short life Member Task group is established to review the housing allocation policy, consider a draft Tenancy Strategy and make recommendations to the Cabinet Member.

5. Financial Implications

- 5.1 The housing allocation policy is used to allocate social housing through UChoose. Any changes to the policy may require the software that operates UChoose to be updated and the likely cost of this is unknown until the policy is reviewed.

¹ The UChoose common allocation policy is used by North Warwickshire BC, Nuneaton and Bedworth BC, and Rugby BC.

5.2 As it is currently a common policy the cost of any software changes is borne by the whole partnership. However if the future number of partners reduces as a result of the review then the share of this cost to Lichfield District Council will increase.

6. Strategic Plan Implications

6.1 The management of a Housing Register and a housing allocation scheme is important to enable people to access a home that’s right for them and to live independently which is a key priority for the current strategic plan. It is also consistent with the priorities of the emerging strategic plan 2012-2016 – “We’ll work with others to provide access and choice to a range of market specialist and affordable homes that meet the needs of our existing and future residents”

7. Risk Management Issues

Risk	Likelihood/ Impact	Risk Category	Countermeasure	Responsibility
Failure to have tenancy strategy in place	Low/Medium	Reputational damage / Legal	Establish a clear timetable to approve and publish the strategy	Housing Services Manager
Failure to consider future and local priorities for allocation of social homes could impact on our partnership arrangements with Bromford Living and UChoose.	Low / High	Reputational damage / Financial	Establish a clear timetable to consider options for the future and have clear lines of communication with partners	Housing Services Manager

Background Documents:

Allocation Policy <https://www.uchoosehomes.co.uk/documents/COMMONLETTINGSPOLICY.pdf>

HOUSING ALLOCATION POLICY AND TENANCY STRATEGY

MEMBER TASK GROUP

DRAFT TERMS OF REFERENCE / WORK PROGRAMME

Proposed Membership

Cllr Mrs Woodward (Chairman)

Cllr Mrs Bacon

Cllr Pearce

Cllr Mrs Constable

Meeting 1 (by 20th February 2012)

1. Agree terms of reference

Allocation Policy

2. Scrutinise and review the existing housing allocation policy
 - UChoose housing register.
 - Nomination rights
 - Statutory homelessness duty
3. Consider and comment on the government consultation document "Allocation of Accommodation: guidance for all local housing authorities" which includes:
 - Overview of changes to legislation
 - Eligibility and qualification
 - Framing an allocation scheme
 - Allocation scheme management
4. To consider the Bromford Living perspective
5. Consider key questions for the direction of the new allocation policy
6. Make recommendations to Cabinet Member for Housing, Health and Environmental Protection on the key issues and priorities for the development of a revised allocation policy with Bromford Living and other District Council's where appropriate.
7. Receive and consider feedback from consultation with partners and housing applicants regarding the proposed changes to allocation policy

Tenancy Strategy

- 1 To consider the issues and priorities for a Tenancy Strategy including
 - What kind of tenancies should be granted by an RP
 - The circumstances in which an RP should grant a tenancy of a particular kind
 - Where tenancies are granted for a certain term what should the lengths of terms be and in what circumstances
 - The circumstances where an RP should grant a further tenancy on the ending of the existing tenancy.
 - The steps to be taken and advice made available when a fixed term tenancy is to end
2. To consider and comment on a draft Tenancy Strategy.
3. To make recommendations to Cabinet Member

UChoose common allocation policy

The Banding System

This allocations scheme is used to give priority banding based on housing need. The housing need of housing applicants is assessed and they are advised which band reflects their need most appropriately. All applications are given an application date. Within each band there will be prioritisation using the date that the applicant is placed within the band awarded to their application.

Cumulative Need

If an Applicant (or one or more members of their household, as applicable) has more than one housing need (cumulative need) within the band in which they have been placed, their case will be assessed to see whether the application should be given additional priority and placed in a higher band.

Examples would be where applications are assessed as having a need within the allocations scheme under two or more categories in Band 2 they will move to Band 1 or two or more categories in Band 3 will move to Band 2 or two or more categories in Band 3 will move to Band 2.

Band 1+

Applicants in the following circumstances will be placed in the highest priority band (Band 1+):

Applicants assessed as statutory homeless who are owed a full housing duty and who also display exceptional cumulative housing needs where the needs in question were not specifically related to their homelessness application.

Band 1

Applicants in the following circumstances are deemed to have an urgent need for re-housing:

Applicants assessed as statutorily homeless who are owed a full housing duty. (Please see page 17)

Applicants in properties that are assessed as having a lack of facilities or that are subject to statutory Prohibition or Demolition Orders in accordance with legislation and statutory regulations. This would also include situations where the condition of property occupied is seriously detrimental to the health of any of the household and the defects to the property cannot be readily remedied.

Applicants with a high need for alternative accommodation on the grounds of significant social/welfare need including issues of vulnerability.

Where applicants are unable to continue to occupy their current accommodation due to a high medical need or disability. (Please see page 18)

Applicants who cannot continue to live in their current home because of serious harassment or violence.

Applicants with a need to move to a particular locality where significant hardship would be caused if they did not move

Applicants who are overcrowded because their present home is short of at least 3 bedrooms.

Applicants who are in short term supported housing and are required to move on to alternative accommodation urgently. Confirmation about these circumstances will be required from the organisation providing the supported accommodation.

Band 2

Applicants in the following circumstances will be placed in priority Band 2:

Applicants who are assessed as homeless or threatened with homelessness but where there is no statutory duty to obtain housing.

Applicants with a medium need for alternative accommodation on the grounds of serious social/welfare need including issues of vulnerability.

Applicants with a medium medical need who have been assessed as requiring suitable alternative accommodation because their medical condition and/ or disability is having a significant detrimental affect on their ability to live independently at home.

Applicants who are overcrowded because their present home is short of at least 2 bedrooms.

Applicants of UChoose social landlords who are under occupying their current accommodation.

Applicants with a medium need to move to a particular locality where serious hardship would be caused if they did not move.

Applicants who are sharing facilities with more than one household, this could include sharing the bathroom or kitchen.

Applicants who are in Armed Forces accommodation and who lived in a particular District or Borough partnership area before they joined up will be placed in this category six months before discharge and vacation of service accommodation is required.

Band 3

Applicants in the following circumstances will be placed in priority Band 3:

Applicants living in a property that has minor disrepair and/or in poor condition but is not a risk to health or safety. Applicants with a low medical need or disability where a move to more suitable alternative accommodation would improve their health

Applicants who have a low housing need on welfare grounds will be placed in Band 3.

Applicants who are overcrowded because their present home is short of 1 bedroom.

Applicants who are currently adequately housed but who want to live independently

Band 4

Applicants in the following circumstances will be placed in priority Band 4:

Applicants who have no identified housing need or who have the financial resources and ability to find their own housing solutions – including seeking adaptations to their current home.

Local connection criteria

Lichfield District

Will use the common allocations policy and will allocate 50% of their vacancies for those with a local connection. Customers who fulfill any the following will be classed as having a local connection:

- Currently live, or have lived, within the partnership area or local district area as applicable and have done for at least 6 out of the last 12 months or 3 out of the last 5 years.
- Have immediate family (mother, father, brother, sister, son, daughter, grandparents, step-relatives, adoptive parents) who are currently living in the Lichfield District area and have done for at least five years or more.
- Have a contract of employment within the Lichfield District area.
- The need to care for, or receive care from someone who lives in the district