

DRAFT HOUSING ALLOCATIONS POLICY FOR CONSULTATION

Housing & Health Advisory Committee - 27 February 2018

Report of Chief Officer, Communities & Business

Status For Consideration

Key Decision No

Executive Summary: It is necessary to update the Sevenoaks District Housing Allocations Policy to incorporate changes in legislation and the assessment of need to ensure social housing is allocated to those in priority need. Members are asked to comment on the proposed consultation draft of the Housing Allocations Policy, set out at Appendix B before it is circulated for public consultation.

This report supports the Key Aims of providing the right support at the right time and reducing health inequalities and improving health and wellbeing for all.

Portfolio Holder Cllr. Michelle Lowe

Contact Officer Hayley Brooks, Ext. 7272

Recommendation to Housing & Health Advisory Committee:

Members are asked to comment on the draft Sevenoaks District Housing Allocations Policy before it is circulated for public consultation.

Reason for recommendation: The Council has a legal requirement to produce a Housing Allocations Policy in line with current housing and homelessness legislation. Updates are required to the existing Policy due to legislation and changes in affordability criteria.

Introduction and Background

- 1 All local authorities with responsibility for housing are required by law to publish a Housing Allocations Policy, which sets out how social housing properties will be allocated to those in priority need. The Council must ensure that the District's Housing Allocations Policy complies with all legislative requirements, case law, national and local housing policies.
- 2 This Council's legal duty to produce a Policy that outlines how social housing is allocated in this District complies with Part 6 of the Housing Act 1996 (as amended by the Homelessness Act 2002).

- 3 The Localism Act 2011 introduced significant amendments to Part 6 of the Housing Act to enable housing authorities to better manage their housing waiting list by giving them the power to determine their policy for allocating of social housing locally.
- 4 The current Housing Allocations Policy was approved by Cabinet on 3 August 2006, with minor wording amendments in 2014 and 2016 approved by Portfolio Holder Decision.
- 5 This Council's Social Housing Register and waiting list is operated by West Kent Housing under a series of Service Level Agreements. This arrangement has been in place since the social housing stock transfer in 1989. This Council still has the legal responsibility to ensure the Housing Allocations Policy is kept up to date and adhered to when social housing is allocated through the Housing Register.

Updating the Housing Allocations Policy

- 6 The purpose of the Housing Allocations Policy is to set out a clear, fair and transparent procedure for allocations of social housing properties across the District to those with priority need.
- 7 With new legislation coming into effect on 3 April 2018 (Homelessness Reduction Act) and changes to economic and affordability assessments including welfare reform, benefit cap and increased property rental price, it is necessary to update the current Housing Allocations Policy to incorporate these changes.
- 8 Recommended changes to the existing Policy are detailed at Appendix A. These changes are required to update the Policy so it continues to be fully compliant with national legislation and is based on local affordability and housing needs. An overview of these changes includes:
 - Eligibility and Qualification - updates to existing criteria including local connection, income limits, exclusions and exemptions
 - Allocating properties - adding restrictions on the number of reasonable offers refused and frequency of bids made by the applicant
 - Priority needs - Updates to the banding scheme criteria and definitions for those with a housing and priority need. It now incorporates appropriate wording for those owed a prevention or relief duty as part of the new Homelessness Reduction Act.

Next Steps

- 9 Stakeholder workshops have been held for Members, key voluntary sector organisations and housing associations to gather initial views on housing allocations going forward. These views have helped Officers to draft the consultation draft as set out at Appendix B.

- 10 A six-week formal consultation will commence following Housing and Health Advisory Committee on 27 February 2018. This will be based on the consultation draft as set out at Appendix B and will include the summary of changes as set out at Appendix A.
- 11 The consultation will be sent to registered housing providers, neighbouring local authorities and key voluntary sector and support providers, as well as all Members and Town and Parish Councils. It will also be placed on the Council's website and promoted to those on the Housing Register waiting list to enable public consultation.
- 12 During consultation, further work will continue with West Kent Housing to ensure the operational processes within the Policy accurately represents currently procedures operated by West Kent, who manage the Housing Register on behalf of this Council.
- 13 All of the comments and views will be incorporated to create a final draft of the updated Allocations Policy, which will then be brought back to this committee for Members to consider.

Key Implications

Financial

- 14 The Housing Register is operated by West Kent Housing as part of a new Service Level Agreement at the cost to this Council of £88,000 per annum. This Council is part of the Kent Homechoice Partnership and contributes £10,861 per annum to the partnership for the online Choice Based Lettings System (online bidding and application system for social housing properties) provided by Locata for all Kent local authorities and housing providers.

Legal Implications and Risk Assessment Statement.

- 15 As a local housing authority, this Council has a legal duty to provide and publish a Housing Allocations Policy in order to comply with Part 6 of the Housing Act 1996 (as amended by the Homelessness Act 2002),
- 16 The new draft Housing Allocations Policy also takes into account Government code of guidance and legislation within the Equalities Act 2010, Localism Act 2011 and the new Homelessness Reduction Act 2017.
- 17 It is important that the proposed changes are implemented to ensure this Council continues to be compliant with the relevant legislation (as set out in paragraphs 15 and 16 above). By updating the policy, it will ensure that the best use of social housing stock in this District for those in the greatest of need including priority given to vulnerable and disadvantaged households.
- 18 Risk Assessment Statement - The following risks have been assessed with the knowledge and detail available to the Council at the time of writing this report. The risk assessment will be reviewed and reassessed prior to the final Housing Allocations Policy being produced following consultation.

19 Risks are scored from 1 (a low impact / likelihood) to 5 (a high impact / likelihood)

Risk	Likelihood	Impact	Total	Comments and controls
That the new Policy may comply with Government Housing Allocations guidance and legislation resulting in a possible legal challenge by applicants	1	4	4 Low	The Consultation Draft of the revised Policy takes account of the Government code of guidance and relevant legislations.
That the new Policy is perceived to lack transparency and fairness by applicants.	1	4	4 Low	Public and partner consultation carried out thoroughly prior to the Policy being adopted. Legislative guidance included from the Equalities Act. Those on the Housing Register will also be encouraged to take part.
That the new Policy may change the way in which applications are processed.	2	4	8 High	Clearer operational processes and definitions will make the procedures more efficient. Close working with the managing agent taking place throughout the consultation period and beyond to training and establish the new processes. Clearer definitions and procedures outlined in the revised Allocations Policy to deter fraud.

Risk	Likelihood	Impact	Total	Comments and controls
That the new Policy may change the way in which priority need is assessed, which may impact on those with lower needs.	2	3	6 High	New Policy provides clearer definitions for banding and priority categories in line with legislation. New removal and qualification rules ensure that only people with priority housing needs are accepted onto the Register, resulting in the waiting list being shorter and vacant properties more available to priority applicants. It also means that only those actively seeking housing remain on the Register.

Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people. The results of this analysis are set out immediately below.

An updated Housing Allocations Policy will result in clearer definitions and transparency for those in the greatest of need including reasonable preference groups and protected characteristics. This will provide greater opportunities for people with an identified housing need to join the Social Housing Register in this District and prioritise those where the need is the greatest. The Equalities Impact Assessment is set out at Appendix C.

Resource (non financial)

Applications for the Sevenoaks District Housing Register will be managed by West Kent Housing's Allocations Team who work closely with this Council's housing Advice service within the Communities and Business Team. Any changes to the policy should be managed within existing resources and the situation will be monitored going forward.

Safeguarding Children and Vulnerable Adults

The updated Policy emphasises and provides clearer definition relating to those who are in the greatest need and require social housing. This Policy highlights 'reasonable preference' groups as identified in Section 166A(3) Part 6 of the

Housing Act 1996 (as amended). This includes people who may be in priority need of housing due to safeguarding related issues such as: people occupying unsanitary, overcrowded or unsatisfactory living conditions; those with welfare and medical issues relating to a disability; people suffering hardship; and urgent re-housing due to violence. The amended Banding criteria ensures that priority is given to these groups.

The Housing Advice Team works closely with West Kent Housing and other registered housing providers to ensure that anyone who enquires about social housing or homelessness is referred through this Council's Safeguarding Policy when a safeguarding issue is raised with them. All staff receive safeguarding training regularly to keep their knowledge up to date and work closely with the Safeguarding leads at this Council and KCC.

Conclusions

The Sevenoaks District Housing Allocations Policy has been updated to incorporate legislation and affordability changes and Members are asked to comment on this Draft Policy for consultation.

Appendices

Appendix A - Proposed changes to the Housing Allocations Policy

Appendix B - Draft Housing Allocations Policy

Appendix C - Equalities Impact Assessment

Background Papers

Communities and Local Government - Allocation of accommodation: guidance to local housing authorities in England

Part 6 of the Housing Act 1996 (as amended)

Lesley Bowles

Chief Officer Communities & Business