

SEVENOAKS DISTRICT TENANCY STRATEGY AND SEVENOAKS DISTRICT HOUSING REGISTER ALLOCATIONS POLICY

FULL COUNCIL - 19 FEBRUARY 2013

Report of the Deputy Chief Executive and Director of Community and Planning Services

Status: For Decision

Also considered by: Services Select Committee – 14 January 2013
Cabinet – 7 February 2013

Key Decision: Yes

Executive Summary: This report covers the District Council's proposed housing strategy response/approach to current welfare reform and to ensure that the District's limited affordable housing supply goes to those deemed in most need (with more emphasis on local connection and employment) and future rent revenues are maximised to generate funding for the provision of new social sector housing.

This report supports the Key Aim of:

- (a) Community Plan; and
- (b) Housing Strategy.

Portfolio Holder Cllr. Mrs Carol Clark

Head of Service Head of Housing and Communications – Mrs. Pat Smith

(a) Recommendation to Cabinet: Members support the adoption of the Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy and recommend both documents to Full Council for approval as District Council policy.

(b) Recommendation to Full Council: Members approve and adopt the Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy as District Council policy.

Reason for recommendation: To comply with related legislation, associated rules and good practice guidance (mostly associated with current welfare reform), and to ensure

the most effective use of the District's limited social housing stock.

Introduction

- 1 The Localism Act 2011 introduces a number of provisions in relation to social (also known as 'affordable') housing. This includes the introduction of the fixed-term tenancy which can be used as an alternative to secure lifetime tenancies, which have been issued in the past. The Act also introduces new provisions in relation to the way in which local housing registers are managed and how priority can be awarded. Local authorities and other social housing providers consequently have the discretion to consider a wider range of factors when letting properties and when considering social tenancy types.
- 2 The purpose of a tenancy strategy is for the local authority to set out how it sees new tenancy types being used; its priorities in relation to who should be allocated social housing; for how long; and to set the framework within which social housing providers (in its area) need to have regard to when developing their own landlord tenancy strategies and allocations policies.
- 3 The Homes and Communities Agency (HCA) also requires that registered Housing Associations (HAs) publish clear and accessible policies which set out the lengths of tenancies; when they will be renewed; the approach to management, including interventions to sustain tenancies and prevent unnecessary evictions; and tackling tenancy fraud.
- 4 The Kent Housing Group has subsequently developed the Kent and Medway Tenancy Strategy Framework and this provides the base from which district/borough tenancy strategies/policies can now be developed, whilst still taking into account local housing strategy objectives.
- 5 New style allocations policies set out the detailed rules and are designed to make the allocation of social housing fairer, more transparent and easier for applicants to assess their prospects of being offered a housing association home. They are also now much more flexible, allowing local authorities the freedom to set local rules with less top-down control.

Existing and newly-arising housing need

- 6 In recent years, housing need has continued to significantly outpace the supply of new-build and re-lets, creating a considerable mismatch in need-v-supply. As a consequence, the Sevenoaks District Housing Register (SDHR) has continued to grow. With no sign of this abating in the foreseeable future (and, in fact, a likely worsening of circumstances as we move forward), this need is likely to grow yet further and at unmanageable rates.
- 7 With such limited scope for new provision and relatively few local social sector re-lets in the Sevenoaks District, introducing more restrictive qualifying criteria (as set out in both attached documents) would be a sensible housing strategy approach to take from this point forward.

Sevenoaks District Tenancy Strategy and Allocations Policy

- 8 In response to the above, an updated Sevenoaks District Housing Register Allocations Policy (SDHRAP, Appendix A) and a new Sevenoaks District Tenancy Strategy (SDTS, Appendix B) have both been produced and set out the District Council's new housing strategy approach to the allocation of social housing in the District.
- 9 These policies will provide the framework and detailed rules for a fairer allocations system that does not over-subsidise households that aren't in need; does not create a disincentive for work; promotes economic activity; and is relatively simple to understand, administer and communicate (all key policy objectives of Government).
- 10 The tenancy strategy process will now see interlinked policies and plans in the following order: Kent and Medway Tenancy Framework (broad county-wide policy; SDTS (broad District-wide policy); SDHRAP (sets detailed District allocations rules); and individual HA landlord/tenancy policies (reflecting all of the above).
- 11 The SDHRAP will also place more emphasis on local connection to the Sevenoaks District and take into account certain economic and community contributions, such as employment and/or volunteering. Housing need and associated priority will also be determined through a new banding system (removing points scoring), corresponding with other policies and approaches across Kent. This is generally accepted as a much fairer, easier to follow, and workable system.

Summary

- 12 This new housing strategy approach will help to ensure that the District's limited affordable housing supply goes to those deemed in most need and can contribute to economic growth in the Sevenoaks District. It will also help to ensure that rent revenues are maximised to generate funding for future provision of new social sector housing. Both measures will be essential to tackle increasing housing need and significantly reduced social housing grant (and, consequently, opportunities to develop new affordable housing) in the future.

Key Implications

Financial

There are no immediate, significant financial implications for the Council which arise as a result of this report. However, reviewing and updating the allocations policy has afforded the opportunity to streamline and refine the management of the SDHR. There is a charge incurred in changing and updating operating software but all costs will be contained within existing budgets.

Community Impact and Outcomes

The impact on the local Community from the Welfare Reform and the Localism Act is that the local community will be greater involved in consultation and formulation of District Council policy. In terms of the SDHR, applicants have a right to bid for appropriate properties. The local community will be empowered to make its own decisions about housing and encouraged to go back into employment. The proposed reforms intend to shift the public's perception of social housing to it being a springboard into work and self-sufficiency.

Legal, Human Rights etc.

The Housing Act 1996 (as amended by the Localism Act 2011) requires local authorities to have an allocations policy and procedure in place in order to allocate social housing

Part VI Section 167 of the Housing Act 1996 provides that every housing authority must have a scheme for determining priorities, and the procedures to be followed in allocating housing accommodation and under Part VII of the Housing Act 1996 (as amended by Homelessness Act 2002) to make provision for homeless households.

The SDHRAP must be framed so that “reasonable preference” is given to people who are homeless, people eligible for assistance under the Housing Act 1985, people who are occupying insanitary or overcrowded or otherwise unsatisfactory housing, people who need to move on medical or welfare grounds (including grounds relating to a disability), and people who need to move to a particular part of the authority's area where failure to meet that need would cause hardship.

The 2009 Code of Guidance “Fair and Flexible: statutory guidance on social housing allocations for local authorities in England” gives local authorities flexibilities in determining who they prioritise within the reasonable preference groups. This guidance is superseded by the allocation of accommodation: guidance for local housing authorities in England which came into force on 18 June 2012. The District Council's amended SDHRAP exercises the new freedoms and existing flexibility within the allocation legislation to encourage work, mobility and respond to local priorities.

Subject to that requirement relating to “reasonable preference groups”, an allocations scheme may also make provision about the allocation of particular accommodation to persons of a particular description, whether or not they are within the “reasonable preference” groups.(Section 167(2E)) The Act therefore

permits allocation schemes to give preference to those in employment, and those with a strong connection to Sevenoaks District Council as is proposed, subject to the statutory obligations in relation to “reasonable preference” groups remaining part of the scheme. The proposals set out in this report are consistent with those statutory requirements.

To mitigate any risks, Housing Services works closely with the Legal Section.

Resource (non-financial)

Liaison with appropriate heads of service as when required.

Value For Money and Asset Management

All appropriate contracts are taken through the procurement process. For example, Kent Homechoice is a Kent-wide scheme which was tendered and the partnership approach has made the scheme cost effective for each Kent local authority. There is a contract in place with West Kent HA to ensure efficiencies and high performance and there are regular liaison meetings.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	Yes / No	See attached Equality Impact Assessments
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes / No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Risk Assessment Statement

All the Housing Services Risk Assessments are in place , including one for the Housing Register and the revised Allocation Policy. All Housing Service Risk assessments are reviewed regularly and updated annually .

Appendices

Appendix A – Sevenoaks District Allocations Policy

Appendix B – Sevenoaks District Tenancy Strategy

Background Papers:

Community Plan (2010-13)

SDHR Allocation Scheme (2008)

Housing Strategy Action Plan (2012)

West Kent Joint Homelessness Strategy (2011-16)

Kent and Medway Tenancy Strategy Framework
(2012)

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