



<b>REPORT TO:</b>	Policy Development Panel
<b>DATE:</b>	Wednesday 11 October, 2023
<b>SUBJECT:</b>	Review of Housing Allocations Policy
<b>PURPOSE:</b>	To consider the adoption of changes following a review of the existing Housing Allocations Policy
<b>KEY DECISION:</b>	No
<b>PORTFOLIO HOLDER:</b>	Councillor Tracey Carter
<b>REPORT OF:</b>	Jason King, Assistant Director - Housing
<b>REPORT AUTHOR:</b>	Vikki Cherry, Jason King
<b>WARD(S) AFFECTED:</b>	(All Wards);
<b>EXEMPT REPORT?</b>	No

## **SUMMARY**

The Housing Act 1996 (as amended) requires Councils to have a policy on how they allocate social housing within their district. The current Housing Allocations Policy was adopted by Cabinet in 2021. Informal consultation has been carried out and amendments are necessary to ensure the policy meets the latest legislation, case law and operational practice. Policy Development Panel is requested to consider the revisions to the policy as part of the consultation process. Formal consultation will then be carried out with Registered Providers and a final policy presented to Cabinet for approval.

## **RECOMMENDATIONS**

1. That Panel supports the recommendation to Cabinet to adopt the revised Housing Allocations Policy.
2. That Panel supports the recommendation to Cabinet to delegate minor operational amendments to the Assistant Director – Housing in consultation with the Portfolio Holder for Communities and Operational Housing.

## **REASONS FOR RECOMMENDATIONS**

To ensure that the Housing Allocations Policy references the most recent legislation, reflects current operational practice and supports the demand on Council services from homeless households. Formal consultation is required as per the Housing Act 1996 (as amended) and will be carried out following consulting Policy Development Panel.

## **OTHER OPTIONS CONSIDERED**

**Do nothing** – make no changes and continue to use the policy approved in 2021. This option is not recommended – it is good practice to update policies on a regular basis and amendments are required due to changes in case law.

## **1. BACKGROUND**

1.1 The Housing Act 1996 (as amended) requires Councils to have a policy on how they allocate social housing within their district. The current Housing Allocations Policy was adopted by Cabinet in 2021.

## **2. REPORT**

2.1 It is essential that the Allocations Policy is reviewed regularly to ensure that it meets current legislation, case law, operational practice and the latest Council priorities. The Policy has been reviewed by Officers in conjunction with partner Registered Providers. Legal advice has also been sought to protect the Council from successful legal challenge.

2.2. The key updates are as follows:

- Section regarding young people aged 16 & 17 updated to reduce risk of indirect discrimination (paragraph 4.10 of the policy).
- Sharing data with Department for Levelling Up, Housing and Communities added to the 'consent to share data and information' section (paragraph 4.18)
- Unacceptable behaviour section updated to allow for the inclusion of decisions made by the courts regarding civil cases, as well as criminal cases (paragraph 6.1 and 6.6).
- Properties and assets in countries subject to active war disregarded for asset checks (paragraph 6.1 and 6.25)
- Income figure updated for 23/24 figures – no change to how we define income threshold (paragraph 6.27)
- Debt Relief Order added to the definition of irrecoverable debt (paragraph 6.13)
- Disregard of local connection test for applicants fleeing domestic abuse as per case law R (on the application of TX) V Adur DC 2023 (paragraph 6.32)
- Applicants in 'ready to move on' categories will be subject to one offer of accommodation (instead of two). These applicants are living in supported accommodation which is in high demand - this decision will support a quicker turnover of specialist accommodation that is in high demand and includes SHDC's rough sleeper accommodation (paragraph 8.34)
- Applicants at risk of exclusion paragraph (2.4) amended to allow for flexibility across tenures where mediation can be used as a tool to prevent homelessness.
- 'Moderate medical, welfare or hardship' category (band 3) has been expanded to include applicants needing to relocate to give a defined and evidenced level of care or support to a resident of South Holland (i.e. 20 hours of respite care per week). This has

been added to alleviate some pressure on support services (paragraph 3.4 of appendix A of the policy).

- Priority of 'No security of tenure' changed from band 3 to band 4 (paragraph 4.3 of appendix A of the policy). This is a strategic change to reflect demand on the Council's services to support homeless households.
- Removal of 'sharing facilities category' as these cases fall into 'no security of tenure' by legal definition.
- Priority of 'overcrowding' moved from bands 2 and 3 to band 4 (paragraph 4.5 of appendix A of the policy). This is a strategic change to reflect demand on the Council's services to support homeless households, in addition overcrowded households will be treated the same regardless of tenure. Social tenants (previously in band 2) have the opportunity to move via mutual exchange also. The policy continues to recognise statutory overcrowding (in band 1).
- Addition of Community Contribution definition (paragraph 4.17 of appendix A of the policy).

(Amendments are highlighted in Appendix B).

2.3. The change of banding order is considered a major policy change, and therefore formal consultation with partner Registered Providers is required. Officers have informally consulted partner Registered Providers and responses received were supportive of the changes. A comment was received regarding cross over of the "no security of tenure" and "sharing facilities" categories. As of 27/9/23 there were 0 applicants in the "sharing facilities" category and following consultation it is proposed that this category is deleted. Formal consultation will be carried out following Policy Development Panel reviewing the proposed changes (as per the Housing Act 1996).

2.4. No changes have been made to the Sheltered Housing criteria. A review of the criteria will be conducted following the completion of the Sheltered Housing review.

### **3. CONCLUSION**

3.1 Adoption of the updated Housing Allocations Policy will ensure that our policy reflects current legislation and best practice.

### **4. EXPECTED BENEFITS TO THE PARTNERSHIP**

4.1 None.

### **5. IMPLICATIONS**

#### **5.1 SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP**

5.1.1 None.

#### **5.2 CORPORATE PRIORITIES**

5.2.1 The Policy will support the following Corporate Priorities:

- Your home – mitigating and preventing households becoming homeless by managing tenancies effectively, addressing housing need and being a landlord of choice
- Your place – managing estates within communities to ensure they are attractive places to visit, live and work

- Your health and wellbeing – delivering sustainable tenancies and letting properties with disabled adaptations to those in need.
- Our Council – ensuring that Officers report and manage concerns regarding safeguarding and modern-day slavery, making us a landlord of choice.

### **5.3 STAFFING**

5.3.1 None.

### **5.4 CONSTITUTIONAL AND LEGAL IMPLICATIONS**

5.4.1 Housing matters, including this policy, are executive functions and are therefore a matter for the Cabinet to determine.

5.4.2 This policy has been reviewed by Housing solicitors, Capsticks. Amendments have been made to the existing policy to reduce the risk of legal challenge on the grounds of direct or indirect discrimination. The policy has also been updated to reflect recent case law.

5.4.3 S166A of the Housing Act 1996 requires local housing authorities to consult on major changes to its allocations policy. We have informally sought feedback from partner Registered Providers, however appropriate formal consultation will be undertaken following review of this Policy by Policy Development Panel.

5.4.4 It is proposed that approval of minor changes are delegated to the Housing Landlord Services Manager in consultation with the Portfolio Holder for Communities and Operational Housing.

### **5.5 DATA PROTECTION**

5.5.1 Privacy notices are published on our website and information sharing agreements are in place between SHDC and partner Registered Providers.

### **5.6 FINANCIAL**

5.6.1 None.

### **5.7 RISK MANAGEMENT**

5.7.1 None.

### **5.8 STAKEHOLDER / CONSULTATION / TIMESCALES**

5.8.1 We have informally consulted the following:

- Portfolio Holder - Communities and Operational Housing
- Section 151 Officer
- Monitoring Officer
- Allocations and Lettings Officers
- Housing Officers
- Housing Options and Homelessness Team including Homelessness Reduction Manager
- Partner Registered Providers.

5.8.2 Formal consultation with partner Registered Providers will be sought following Policy Development Panel reviewing the policy as per Part 6 of the Housing Act 1996 (as amended).

## **5.9 REPUTATION**

5.9.1 Minor amendments have been made to the policy to reduce the risk of reputational damage caused following a successful legal challenge on the grounds of discrimination. This includes not applying the local connection test to those fleeing domestic violence.

## **5.10 CONTRACTS**

5.10.1 None.

## **5.11 CRIME AND DISORDER**

5.11.1 None.

## **5.12 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING**

5.12.1 The Council promotes equal opportunities and aims to implement and maintain services that ensure no applicant is treated unfairly on the grounds of age, gender identity, marital status, pregnancy or maternity, sexual orientation, race, religious belief or disability or disadvantaged by the application of criteria that has a direct or indirect discriminatory effect that cannot be justified by law. An equality and impact assessment has been completed.

5.12.2 Preference for allocations will be given to applicants in the reasonable preference categories as per the Housing Act 1996 and local lettings policies will not discriminate unjustifiably, directly or indirectly, on equality grounds. Legal advice has also been sought regarding the potential for discrimination with minor amendments made to the existing policy.

5.12.3 Currently, applicants that are threatened with homelessness/homeless are subject to one suitable offer of accommodation. The revised policy also proposes that applicants in supported accommodation are entitled to one offer. These applicants are successfully ready to move on from their accommodation and no longer need to occupy specialist accommodation. Applicants in these categories will be advised of this rule at the point of applying. It is proposed that the Assistant Director – Housing has the right to allow a further offer of accommodation to be made in extenuating circumstances.

5.12.4 Advice and assistance is available to ensure that the Allocations Policy is accessible for all applicants. Information can be translated or made available in different formats, such as large print, upon request.

## **5.13 HEALTH AND WELL BEING**

5.13.1 Successful Allocations supports the health and wellbeing of our residents. This policy allows for adapted properties to be let to those in need of the adaptations. This ensures best use of adaptations and use of Disabled Facilities Grant funding.

## **5.14 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

5.14.1 None.

## **5.15 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER**

5.15.1 The documents support the mission of “Housing - Improve living standards”. Successful Allocations will improve wellbeing and pride in place.

## 6. ACRONYMS

6.1 None.

<b>APPENDICES</b>	
Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Housing Allocations Policy
APPENDIX B	Housing Allocations Policy – track changes version

<b>BACKGROUND PAPERS</b>
No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

<b>CHRONOLOGICAL HISTORY OF THIS REPORT</b>
None.

<b>REPORT APPROVAL</b>	
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