

Appendix 1: Indicative Proposed Changes to the Council's Housing Allocations Policy for Consultation

1. The queue policy

- 1.1 Remove the queue divisions set out in page 36 of the current policy.
- 1.2 Allow applicants to bid on all properties, excluding mobility classified properties and those properties subject to a local lettings plan or direct offer.
- 1.3 Priority for each property to be decided by band, and then by priority date within the band.
- 1.4 The exception to this approach is for mobility classified properties, such as ground floor level-access accommodation which will meet the needs of applicants with a disability which means they cannot manage the stairs or steep gradients. Where a property is advertised to give preference to a mobility group, bids from the mobility-coded applicants will be prioritised in band order above bids from applicants who do not have a need for mobility-classified accommodation.
- 1.5 Removing the queue divisions for applicants will allow applicants to bid on a larger pool of properties, increasing the choice and availability of properties to applicants. Removing the queue divisions is also necessary to reduce the likelihood of unintended indirect discrimination by simplifying the scheme.

2. Management transfers

- 2.1 Management transfers of individual households from one property to another are occasionally required in very specific circumstances. These will normally no longer be required to occur via the Allocations Scheme, except where required by law.
- 2.2 Management transfers which occur via the Allocations Scheme are normally to be made via one direct offer with a view to resolve the tenancy issue - taking account of the household's preferred location, where reasonably practicable, and subject to suitability assessments.
- 2.3 Removing some management transfers from the Housing Register banding system - except where required by law - will mean that Brighton & Hove City Council secure tenants with a need to move who do not fall into the reasonable preference categories defined under Part 6 of the Housing Act 1996, will not normally have to complete an application form for the Housing Register. This change will enable these households to be moved internally by Tenancy Services. This will reduce the bureaucracy currently faced by these transfer applicants.

3. Direct offers

- 3.1 Introduce a direct offer policy operated on a discretionary basis.
- 3.2 Not all properties becoming available for letting will be offered through choice-based lettings. The Council will reserve the right to make a direct offer at any time to an applicant in exceptional circumstances, or where it considers this would meet the Council's strategic aims.
- 3.3 Properties which are directly offered under this part of the policy will not be publicly advertised for bidding.

- 3.4 Implementing a direct offer policy operated on a discretionary basis will allow the Council to meet the needs of applicants where choice-based lettings have not occurred or would not meet need efficiently. Direct offers can be used to sensitively meet the needs of households, such as former rough sleepers, households with health or social care needs, homeless households in temporary accommodation, move-on from Council-commissioned supported housing, council tenants transferring or households who need a specialist type of housing such as disability adapted housing.

4. Homelessness prevention

- 4.1 Add the following Band B reasons for households who have worked with us to prevent their homelessness:
- 4.2 *'Households who were threatened with homelessness who would if they became homeless be likely to be owed a full housing duty under Part 7 of the Housing Act 1996, but where the Council negotiated for the household to remain in their accommodation for at least 6 months.'*
- 4.3 *'Applications for sheltered accommodation where the household is threatened with homelessness and who would if they became homeless be likely to be owed a full housing duty under Part 7 of the Housing Act 1996. Allocations to general needs accommodation will not be accepted under this band reason.'*
- 4.4 *'Households who were threatened with homelessness or were homeless and to whom the full housing duty under Part 7 of the Housing Act 1996 would likely be owed after the prevention/relief duty came to an end, or to whom the Council previously owed a full housing duty under Part 7 of the Housing Act 1996, but who have voluntarily agreed to the prevention/relief/main duty being brought to an end by the provision of private rented accommodation.'*
- 4.5 *'Households to whom the Council previously owed a full housing duty under Part 7 of the Housing Act 1996 who, with the advance agreement of the Council, have voluntarily left temporary accommodation to make alternative housing arrangements including staying with friends or relatives. This does not apply to those who have been given notice to leave by the Council, or who leave without giving the Council advance notice.'*
- 4.6 Making these changes to the priority band reasons in the Allocations Policy will enable us to provide an incentive to those households who work with us to prevent their homelessness and avoid going into our temporary accommodation under a homelessness duty, while recognising that these households are vulnerable in the private rented sector.

5. Residency criteria

- 5.1 Change the residency criteria in part (d) of page 10 of the current policy, so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the Housing Register.
- 5.2 Amend the saving clause in part (i) of page 10 of the current policy, so that applicants qualify to join the Housing Register if:
- a. they are homeless (within the meaning of Part 7 of the Housing Act 1996,) or
 - b. are owed a duty by a local housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985,) or

c. who are occupying accommodation secured by any such authority under section 192(3) of the Housing Act 1996.

- 5.3 Remove the '*exemptions for temporary absence from the local authority area*' on page 11 of the current policy, as the new requirement of 5 out of the last 7 years residency provides a sufficient safety valve.
- 5.4 Changing the residency criteria so that applicants must have lived in Brighton & Hove for 5 out of the last 7 years to qualify to join the housing register provide greater flexibility for applicants, as it would give them the choice to temporarily move out of the city, without being penalised for that choice. This reflects the reality that personal circumstances may mean that applicants who are close to bidding successfully on social housing may move out of Brighton & Hove for a short while.
- 5.5 Awarding priority Band C to all households who are homeless and/or owed a local authority homelessness duty will bring the Council's Allocation Policy in line with the statutory requirements of section 166A (3) of the Housing Act 1996.

6. Domestic abuse

- 6.1 Update references to 'Domestic violence' to reflect the definition of domestic abuse in the Domestic Abuse Act 2021.
- 6.2 Making these changes will broaden the definition of domestic abuse in the policy, to reflect the statutory definitions provided in the Domestic Abuse Act 2021. This will improve outcomes for households who are victims of domestic abuse.

7. Joint tenants

- 7.1 Change the principle regarding joint tenants on page 16 of the current policy from, '*Applications for transfers can only be considered from joint tenants where both tenants are moving*' to, '*When considering a request for a transfer from a joint tenant, the Council will consider the relevant circumstances of the joint tenant and may accept an application for a sole tenancy where appropriate.*'
- 7.2 This change will improve outcomes for social housing tenants in the city where there has been a relationship breakdown and where one joint tenant needs to move homes, such as by enabling a victim of domestic abuse to move to a place of safety without having to give up their secure tenancy status.

8. Detailed changes to band criteria

- 8.1 These changes to the band reasons will enable the most urgent and highest priority cases to receive an offer of accommodation more quickly, by narrowing the criteria for highest bands. We want to reduce examples of Brighton & Hove City Council tenants who wish to downsize from a 3-bed to a 1-bed, who would be freeing up scarce family-sized accommodation, but are prevented from doing so because many other households are coming higher on shortlists for social housing in the city.

8.2 The changes to the current Band C are necessary for the Council to meet its statutory obligations under section 166A of the Housing Act and will allow all persons who are homeless to join our Housing Register, rather than simply those households who occupy the Council's temporary accommodation under a homelessness duty.

Band A	Overriding (severe and immediate) priority awarded by the Homemove assessor after seeking advice from the Medical Advisor – where a person needs to move as the housing conditions are having a severe and immediate adverse effect on the medical condition of the applicant or a member of the applicant's current household as to warrant emergency priority.
	<p>Where the applicant is:</p> <ul style="list-style-type: none"> • A current or former member of the regular armed forces or reserves, who is suffering from a serious injury, illness or disability which is wholly or partly attributable to their service, as assessed by the Council's Medical Adviser, or • Bereaved spouses or civil partners of those serving in the regular forces where, <ul style="list-style-type: none"> (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service. <p>And at least one of the following applies:</p> <ul style="list-style-type: none"> • Households with a less urgent medical need as assessed by the Council's Medical Adviser • Households who are overcrowded or living in shared housing (lacking one bedroom compared to their allowed property size, or sharing kitchen or bathroom with anyone not part of the applicant's household, or not having any access to bathroom or cooking facilities) • Households who are homeless under Part 7 of the Housing Act 1996 (irrespective of whether a housing duty is owed) • Any other applicant who would otherwise be placed in Band C by virtue of a statutory reasonable preference
	Social Services nominations under the quota arrangements. This includes applicants owed duties under the Care Act and the Children Act, as well as applicants leaving care. This band reason will not apply if other rehousing options are available, or if the applicant has applied for assistance under Part 7 of the Housing Act 1996.
	Witness protection nominations under a quota arrangement agreed by the National Witness Mobility Service.
	Transfer applicants under-occupying family sized accommodation.
	Priority Transfers, agreed in exceptional circumstances, at the discretion of the Homemove Manager, due to significant and insurmountable problems associated with the tenant's occupation and there is imminent personal risk to the household if they remain. This may include, but not be limited to, Domestic Violence, Racial Harassment, Homophobic, transphobic, biphobic, ableist, faith or migrant-related abuse, victimization, or harassment. This may also include, but not be limited to, households which are existing tenants of Brighton & Hove City Council or registered providers in the city with a nomination agreement with the Council whose accommodation would be likely to be assessed as being unreasonable to continue to

	occupy if they made an application for homelessness assistance under Part 7 of the Housing Act 1996. Priority transfers will be made one direct offer to resolve the tenancy issue.
	Supported accommodation move-on from Brighton & Hove City Council commissioned accommodation where, if homeless, the household would likely be owed the main housing duty under Part 7 of the Housing Act 1996 by Brighton & Hove City Council.
	Statutory successors who are under occupying the tenancy where the council has grounds for seeking possession by offering suitable alternative accommodation. (This category will not be considered under the TIS scheme). This group will be made one direct offer to resolve the tenancy issue.
	Retiring council employees, eg Sheltered Scheme Managers, Residential Estate Wardens where the council or Housing Association has a contractual obligation to house the applicant. This group will be made one direct offer to resolve the tenancy issue.

Band B	Where the property is deemed to be statutorily overcrowded by the Private Sector Housing Team or Housing Needs Team under Part X Housing Act 1985 and there is no practicable means to make the property suitable for the number of occupants within a reasonable time. This band reason will not apply where the applicant or a member of their household has intentionally overcrowded a property.
	Transfer applicants who have a reasonable preference under section 166A of the Housing Act 1996.
	High (Major) priority awarded by the Homemove assessor after seeking advice from the Medical Advisor – where a person needs to move where the housing conditions are having a major adverse effect on the medical condition of the applicant or a member of the applicant’s current household and there is no practicable means to make the property suitable for the household within a reasonable time.
	Where the applicant is: <ul style="list-style-type: none"> • A former member of the regular armed forces And at least one of the following applies: <ul style="list-style-type: none"> • Households with a less urgent medical need as assessed by the Council’s Medical Adviser • Households who are overcrowded or living in shared housing (lacking one bedroom compared to their allowed property size, or sharing kitchen or bathroom with anyone not part of the applicant’s household, or not having any access to bathroom or cooking facilities) • Households who are homeless under Part 7 of the Housing Act 1996 (irrespective of whether a housing duty is owed) • Any other applicant who would otherwise be placed in Band C by virtue of a statutory reasonable preference
	Ex-tenants returning from institutions e.g., rehabilitation, hospital – where a prior commitment has been made in writing in order to secure the relinquishment of a council or HA tenancy on entering the institution (this may also be considered for a person admitted under section in an emergency situation that would otherwise have been agreed on notice).

	To enable fostering or adoption – where agreement is reached to provide permanent accommodation or foster care arrangements on the recommendation from Brighton & Hove City Council Children and Families Service.
	Social Services nominations under the quota arrangements into Band B used as a preventative measure but does not warrant an emergency move under Band A above.
	Unsatisfactory housing conditions as confirmed after a visit from the Private Sector Housing Team and classed as a priority 1 hazard(s) that cannot be rectified within six months (as assessed by the Private Sector Housing Team using the HHSRS (Housing Health and Safety Rating System (part 1 Housing Act 2004)), for the period that hazard remains. Applicants will no longer be eligible for this banding once the hazard(s) has been resolved.
	Accepted Homeless households owed the main duty by B&HCC making their own temporary arrangements or suffering family split due to a genuine lack of accommodation. These temporary arrangements cannot be from the property that a person is considered homeless from.
	Multiple needs that warrant high priority – applicants whose needs match more than three of the priority reasons from the Band C considered cumulatively - by the Service Manager with responsibility for the Housing Register - which are deemed to be so severe as to warrant being placed in a higher priority band.
	An applicant where a household is living in support accommodation funded by Brighton & Hove City Council and has been assessed as ready to leave supported accommodation.

Band C

There are two levels of priority within Band C: Level 1 and Level 2 (Level 1 is higher.)

Households who are homeless and have been accepted as statutory homeless and owed a full housing duty by Brighton & Hove City Council under s193(2) or s192(3) of Part 7 of the Housing Act 1996 will be placed in Level 1 of this Band. All other applicants, including homeless households not owed a full housing duty, will be placed in the lower Level 2.

	Households lacking one separate bedroom
	Council and housing association tenants under-occupying that do not qualify for the Transfer Incentive or Tenants Support Schemes.
	Accepted homeless households owed the main duty by Brighton & Hove City Council placed in temporary accommodation.
	Households that are homeless (within the meaning of Part 7 of the Housing Act 1996.)
	Households that are owed a duty by a local housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985.)
	Households who are occupying accommodation secured by any such authority under section 192(3) of the Housing Act 1996.
	Applications for Seniors accommodation. Allocation to general needs accommodation will not be accepted under this band reason.
	Households who need to move to a particular area in the city where failure to meet that need would cause hardship, e.g. to give or receive support.
	Council and Housing Association tenants who are seeking to transfer and who need to move from another local authority district to be closer to work, or to take up an offer of work and the council is satisfied that the relevant person has a genuine intention of taking up the offer of work.
	Minor need to move (mobility.)

References

1. Brighton & Hove City Council Housing Allocation Scheme 2016. Available at: <https://www.brighton-hove.gov.uk/sites/default/files/2023-11/Allocations%20policy%20Nov%202023.pdf>

