

HOUSING MANAGEMENT CONSULTATIVE COMMITTEE MEETING

Agenda Item 54

Brighton & Hove City Council

Subject:	Allocations Policy Review		
Date of Meeting:	8th November 2010		
Report of:	Strategic Director of Place		
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Key Decision:	No		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The current Housing Register Allocations Policy was approved by committee on 6th January 2005 with an update in March 2009 agreed by Housing Cabinet. A review of the Allocations Policy, Choice Based Lettings and the reasons for Local Lettings Plans has recently been undertaken resulting in recommendations for changes to the way the Housing Register is to be operated. This is to ensure that we make best use of the limited housing resources we have available. The recommended changes to the Allocations Policy are attached as Appendix 1 for approval, and consultation with the City.
- 1.2 This report is to consider the recommended changes that have been suggested to the Homemove Allocations Policy. Following this a 12 week consultation with the City will be conducted. A further report will then be brought back to HMCC with final recommendations for implementation following the Consultation
- 1.3 The policy is based on the principal that it is:
 - easily understood by tenants;
 - fair and equitable;
 - effective;
 - efficient and
 - legal.

2. RECOMMENDATIONS:

- 2.1 That Housing Management Consultative Committee consider and commend for approval to the Housing Cabinet Member Meeting, the report to then go out to consultation with the City on the recommendations put forward to amend the Allocations Policy.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

The following areas of focus were identified by the tenant-led focus groups

3.1 Choice Based Lettings platform

The platform for which permanent social housing in Brighton & Hove was discussed and was found not to be the cause of any outstanding issues from the Tenant led group.

3.2 Allocations Policy

The tenant led group raised issues around certain areas of the Allocations Policy and who is being offered and allocated social housing in Brighton & Hove. Attached in Appendix 1 are the changes recommended which if agreed will go forward to be consulted on.

3.3 Local Lettings Plans (LLPs)

LLPs were reviewed and pilot Local Lettings Plans were implemented in early 2010. It has been agreed that these will be reviewed in Autumn 2010.

3.4 Communication

We have taken on board the feedback from our user group so that information given is clear, correct and timely. Tenant representatives will be more actively involved to promote such initiatives as under occupancy and assist with developing positive adverts of properties in their area and to provide information on the neighbourhood for prospective and new tenants, to enable them to settle into the community. This will also contribute towards developing sustainable communities as people are more likely to feel a part of the community.

3.5 Other areas looked at

The tenant led group considered information around other areas of social housing and the allocation of it and whilst this information was useful to all there were no outstanding issues raised that would mean any changes. These areas included; The LDV, Accessible Housing, Housing Options, Homelessness & information from another LA who are not using Choice Based Lettings.

4. CONSULTATION

- 4.1 The tenant-led focus groups identified the areas for improvement (Appendix 1) and the next stage will be to complete the 12 week process of consulting with wider stakeholders in the City over proposed changes. Stakeholders include our Communities of Interest, our partner agencies, Age Concern, support agencies, people on the Housing Register, and support providers. The feedback from Consultation and the amendments recommended as a result will be referred back to Housing Management Consultative Cabinet and Housing Cabinet.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications.

There are no direct financial implications arising from the recommendation made in this report.

The alterations on the Scheme User Guide required will be completed along with the re-print at the end of the year to introduce changes around operational practices, therefore putting no additional pressure on the budget.

Finance officer Consulted: Neil Smith - Senior Finance Officer 11/10/10

5.2 Legal Implications

Under section 167 Housing Act 1996, the council as a local housing authority is required to have an allocations scheme for determining priorities and as to the procedure to be followed, in allocating housing accommodation. Local housing authorities must not allocate housing accommodation otherwise than in accordance with their allocation scheme. The amended Housing Register Allocations Policy, which the Cabinet Member for Housing is asked to approve, is the Council's allocations scheme for the purpose of section 167. As there is no specific right to housing under the European Convention on Human Rights or Human Rights Act 1998, there are no significant human rights issues to be considered in relation to this report.

Legal officer Consulted: Simon Court – Senior Solicitor 10.10.10

5.3 Equalities Implications

Equalities Impact Assessment will be carried out for the proposed changes to the Policy once the 12 week consultation has occurred and will be presented back with the final report to Housing Management Consultative Cabinet and Housing Cabinet.

5.4 Sustainability Implications

The proposals will ensure that better use is made of the housing stock and will contribute to sustainable housing solutions.

5.5 Crime & Disorder Implications

None.

5.6 Risk and Opportunity Management Implications

Failure to adopt the changes prescribed in the attached new Allocations Policy could render the Local Authority vulnerable to legal challenge.

5.7 Corporate / Citywide Implications

Limited social housing stock will be used in the best and most efficient way possible and that the city will benefit from clearer communication and updated Local Lettings Plans.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The alternative to the amendments would be for the policy to remain as per the current policy. This however would not make best use of the housing stock.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The recommendations have been made so that through the Allocations Policy we can ensure that best use is made of the council and RSL housing stock in the City. The policy will be clear, transparent and easily understood.

APPENDIX 1

Recommended Changes:

1. Local Connection

- 1.1 Applicants are able to apply for social housing within Brighton & Hove from anywhere within the United Kingdom. However, in order to ensure that the Council meets the needs of the local community, reduced priority will be given to those people without a local connection.
- 1.2 Applicants without a local connection will have their priority reduced to Band C (below those with a local connection in this band) until they acquire a local connection with the Council.
- 1.3 The following factors as set down in s199 Housing Act 1996 will be taken into account in determining whether or not an applicant has a local connection with the Brighton & Hove City Council area. An application is awarded a local connection if:
 - an applicant is currently residing in the City in either temporary or permanent accommodation and has been resident in the city for a minimum of 24 months or is a serving member of the armed forces and is posted in the Brighton & Hove City Council Area.
- 1.4 For the purposes of determining local connection, living in Brighton & Hove will not include the following:
 - Occupation of a mobile home, caravan or motor caravan which is not placed on a residential site.
 - Occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday.
 - Resident of Bail Hostels or other such accommodation.
 - In-Patient of Hospitals/specialist centres

1.5 Exceptions

There may be occasions not predicted by this Allocation Scheme where the application of the Local Connection Policy is deemed inappropriate by the Council and accordingly there is a Director level Discretion available not to invoke the Policy in these Special Circumstances. One example might be someone who has been placed out of Brighton & Hove for a period of time, whilst being looked after by the Childrens & Young Persons Trust, or the Community Mental Health Team – although each case would be considered on its merits.

Applicants who do not have a local connection with Brighton & Hove but to who the City Council have accepted a full Homelessness duty under section 193(2) will not be subject to any reduction in their priority (as the Council is under a statutory duty to provide long term settled housing).

2. Leaving Supported Accommodation

Accepted Homeless s193 households where supported housing is required

In some cases where a household has been accepted as homeless under s193 of the Housing Act 1996 Part VII, an assessment of the housing need will take place. If the outcome of the assessment is that the household are not ready for independent accommodation but need supported accommodation, then they will not be able to access general needs housing.

The Integrated Support Pathway comprises high support accommodation, leading to lower supported accommodation, until ultimately households are ready to move into the general needs housing with floating support.

Households are worked with throughout this process and their skills and abilities are interrogated to ensure that they are ready to make each step to greater independence.

Band 1 is primary contact organisations, e.g. Rough Sleepers Street Services Team
Band 2 is high support accommodation with 24 hour staffing and intensive support
Band 3 is step down accommodation, independent flats and shared houses with several support hours a week.
Band 4 is floating support provided to clients who are living in the general needs sector.
Band 5 is peer to peer support for clients who are stable but need some community support.

When these households are ready to move on from the Council's Integrated Support Pathway reasonable preference will be awarded when a household is assessed as ready to move to independent settled housing on the recommendation of the support worker.

If ongoing support needs have been assessed and, where appropriate, a support plan will be put in place. This will mean that only those households who are ready to manage a tenancy will be able to access Social housing.

3 Refusals of suitable accommodation

Applicants who have refused 3 reasonable offers of accommodation within 12 months of the date of the first offer will have their priority for re-housing reduced to Band D for a 12 month period. After this 12 months period the applicant will have their case returned to their original band with their original date as long as a change of circumstances has not occurred. This does not include Accepted Homeless cases where if households in this category are successful in obtaining an offer of accommodation within six months, this will be considered a final offer.

4.Leaving Care

4.1 Move on from Care.

Applicants are awarded this category in accordance with protocols between the Housing Service and the Children and Young Persons Trust. Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002 and be a young person at risk.

The evidence to support this will be provided by the City's Housing Options Team and will consist of confirmation that:

- The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.
- The care leaver possesses the life skills to manage a tenancy including managing a rent account.
- The care leaver is in need of either long term or medium term tenancy support.

The Council wants to ensure that care leavers and other vulnerable people with a support needs are helped to move on from schemes. It is important that they are only able to access social housing when they are assessed as ready to move on.

Therefore their application for housing will be demoted to Band D until they are ready to move on and this has been confirmed by the Housing Options team. At this point the applications will be placed in the appropriate Housing Need Band as assessed under the full Allocations Scheme.

The following cases leaving care will qualify for Reasonable Preference under this category:

- An applicant is ready to move to independent settled housing on the recommendation of the Housing Options Team
- The applicant is in need of appropriate tenancy support.
- That a support package has been assessed and where required, is in place.

Ongoing support needs have been assessed and, where appropriate, a support plan is in place.

Once this information has been assessed and received by the Homemove Team a Housing Needs assessment will take place in accordance with the main assessment criteria laid out here in the Allocations Policy.

5. Priority for Working Household and those making a Positive Contribution to the City

There is an increased recognition of the importance of Allocations Schemes at a National level to ensure that Authorities make best use of housing stock, but also to improving access to affordable housing for those who are on low incomes and the ease of mobility for positively contributing to the community.

The Government has published “Fair and Flexible - Statutory Guidance on social housing allocations for local authorities In England”. This is enabling Local Authorities to be open to change within the Allocations Schemes so that it is responsive to local needs.

To ensure that Brighton & Hove City Council promotes a positive contribution to the community at least 50% of all permanent social council housing stock will be advertised with a priority being given to those who can show that the incoming primary tenant(s) is/are working or is making a positive contribution to Brighton & Hove City.

Exceptions for Special Circumstances

There may be occasions not predicted by this Allocation Scheme where the application of the priority given to working family policy/positive contribution is deemed inappropriate by the Council and accordingly there is a Director Level Discretion available not to invoke the Policy in these Special Circumstances.

Mobility standard flats and houses will be excluded from these allocations as will all Sheltered accommodation. It is hoped that this will help increase an economic balance within all parts of the city community.

5.1 Working Households

Economic Contribution

This part of the policy aims to support the economic growth of our city. We aim to encourage people who can, to work and want to raise levels of aspiration and ambition. We will offer priority on property adverts to the prime applicant(s) who is/are working (see definition below) and who are therefore making a contribution to Brighton & Hove's economy. The priority for Working Households will apply to rehousing across the city and is not linked with a specified area or property type.

Definition of Working Households

For the purposes of this Allocations Scheme employment is described as having a permanent contract, working as a temporary member of staff or being self-employed. Applicants will only qualify if the worker has been employed for 9 out of the last 12 months, is currently in employment and is working for a minimum of 16 hours per week. Verification will be sought at point of application as well as point of offer under the same terms.

Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper in order to qualify (we may also contact employers directly for confirmation of employment). If employment status changes whilst on the Housing Register or at the point of offer it is up to the prime applicant(s) to inform the homemove team immediately of the changes. Section 171 of the Housing Act 1996 makes it an offence to withhold information that we reasonably require to assess an application, or to provide false or misleading information that leads to gaining a tenancy. We will take appropriate action against anyone who gains a tenancy through knowingly providing false information. This may result in a substantial fine and/ or the loss of the home.

5.2 Positive Contribution Community Contribution

Brighton & Hove City Council wishes to recognise residents who make a positive contribution to the City and play a part in making their neighbourhood a strong, stable and healthy place to be. We believe those who help make it a good place to live, work and play are valuable people and they need to be recognised for the good they do. We will offer priority on property adverts to the prime applicant(s) who is/are positively contributing to their community (see definition below) and who are therefore making a contribution to Brighton & Hove's wellbeing. The priority for positive contribution Households will apply to rehousing across the city and is not linked with a specified area or property type.

Positive Contribution – definition

This covers households who are undertaking voluntary work or who are full-time carers and so unable to undertake paid work.

- Volunteers

Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application and the same at point of offer. Volunteering must be for a not-for profit organisation or a charity and must be for a minimum of 32 hours per month.

Evidence required for voluntary work.

Letter from Manager responsible for Volunteers confirming applicant's involvement in a minimum of 32 hours per month of voluntary work in the requested area for over 6 months. This person must not be related to the applicant in any way and we may also contact manager directly for confirmation of work done. If volunteer status changes whilst on the Housing Register or at the point of offer it is up to the prime applicant(s) to inform the homemove team immediately of the changes, as part of Section 171 of the Housing Act 1996 makes it an offence to withhold information that we reasonably require to assess an application, or to provide false or misleading information that leads to gaining a tenancy. We will take appropriate action against anyone who gains a tenancy through knowingly providing false information. This may result in a substantial fine and/ or the loss of the home.

- Full Time Carers

If the prime applicant(s) provide care in an area of the City, the priority may be applied for in the area in which they provide care. Carers must have been providing for a continuous period of at least 6 months up to the point of application and the same at point of offer.

Evidence required for voluntary work.

Proof that full time care is required (this will be in the form of a care assessment from Adult Social Care or Children and Young Persons Trust in Brighton & Hove City Council) or a copy of the carers allowance that is being paid and proof of receipt of this. We will also require a letter from the person/people requiring care confirming applicant's full time involvement. We may also contact Adult Social Care, Children and Young Persons Trust,

the person/people receiving the care or any other point of contact directly for confirmation of care given. If care status changes whilst on the Housing Register or at the point of offer it is up to the prime applicant(s) to inform the homemove team immediately of the changes, as part of Section 171 of the Housing Act 1996 makes it an offence to withhold information that we reasonably require to assess an application, or to provide false or misleading information that leads to gaining a tenancy. We will take appropriate action against anyone who gains a tenancy through knowingly providing false information. This may result in a substantial fine and/ or the loss of the home.

Work & positive contribution and disability

The complexity and breadth of the needs of disabled people can not easily be tested by the means above and this is partly due to the fact that each individual will have varying degrees of ability which present unique barriers. We feel that it is important to recognise that many disabled people are and wish to remain active in their communities regardless of level of employment status or volunteer work and it has been found that they will likely benefit from being able to bid on all accommodation irrespective of level of work, paid or otherwise that they do. We therefore believe that anyone with a mobility 1 assessment on the Housing Register who can prove that they work or volunteer (irrespective of hours carried out) should be able to be awarded this priority. Normal proof (as stated above) will still be required. If work or volunteer status changes whilst on the Housing Register or at the point of offer it is up to the prime applicant(s) to inform the homemove team immediately of the changes, as part of Section 171 of the Housing Act 1996 makes it an offence to withhold information that we reasonably require to assess an application, or to provide false or misleading information that leads to gaining a tenancy. We will take appropriate action against anyone who gains a tenancy through knowingly providing false information. This may result in a substantial fine and/ or the loss of the home.

Exceptions for Special Circumstances

There may be occasions not predicted by this Allocation Scheme where the application of the priority given to working family policy/positive contribution is deemed inappropriate by the Council and accordingly there is a Director Level Discretion available not to invoke the Policy in these Special Circumstances.

6. Minor wording changes regarding Private sector housing repairs banding to bring the allocations scheme into line with the H&S hazard rating system

Band A

- Private Sector Housing nomination issued under a quota arrangements as agreed by the Private Sector Housing Team.

Band B

- Other unsatisfactory housing conditions (category 1 hazard(s) that cannot be rectified within 6 months as assessed by the Private Sector Housing Team using the HHSRS (Housing Health and Safety Rating System (part 1 HA 2004)).

Band C

- Unsanitary conditions that cannot be addressed by the Private Sector Housing Team action including lacking one or more of the following; a kitchen (eg sink and space for a cooker), an inside WC or a bathroom (e.g. basin and bath or shower).
 - Other unsatisfactory housing conditions (higher category 2 hazard(s) where formal remedial action is being pursued, as assessed by the Private Sector Housing Team using the HHSRS (Housing Health and Safety Rating System (part 1 HA 2004))

Appendix A Overcrowding

Where the property is deemed to be 'statutorily overcrowded' by the Private Sector Housing Team under section X of the 1985 Housing Act and there are no practicable means to make the property suitable for the number of occupants within a reasonable time period the applicant will be placed in band A. Applicants will be placed in band B if they lack two or more bedrooms and band C if they lack one bedroom below these minimum provisions

7. Directors Discretion (for other exceptional circumstances not covered by this scheme)

To replace Severe need – exceptional circumstances and/or multiple needs, which warrant emergency priority – to be agreed by Head of TA and Allocations.

From time to time a situation may arise that is not adequately reflected in this Allocations Scheme but the needs or circumstances are exceptional and significant. Where a case is considered exceptional but the applicant does not meet any of the Banding criteria or it is felt that a higher Banding than the one awarded is more appropriate then the Strategic Director for Housing reserves the right to override this scheme and allow an applicant to have a higher priority than they would be entitled to under the Scheme. These cases will be few in number and will be closely monitored and regularly reported on to ensure that the duty to achieve Reasonable Preference overall is not compromised. Directors Discretion can also be used to block an allocation or to make a direct allocation of a property in circumstances not predicted by this scheme but where the Council is satisfied someone has unfairly taken advantage of the scheme to the detriment of those in housing need. Again, these cases will be monitored and are will be few in number.

8. Homeless priority changes

In order for the Council to maximise and make the best use of social housing stock as well as local private sector housing all Accepted Homeless households who are owed a full part 7 main duty with the following priority reason will be placed into Band C. The council will retain the main duty owed until such time as suitable accommodation can be sought to warrant the discharge of this duty.

The following bands will now be placed into Band C and will be helped via the Temporary Accommodation Allocations Team.

- Accepted Homeless households owed the main duty by Brighton & Hove City Council placed in B&B or short term temporary accommodation where the only prospect of meeting the household's needs is in permanent accommodation (eg the applicant has obtained employment and is experiencing severe financial hardship or the household has severe medical or disability reasons).
- 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 band reasons will now be aligned with the following that is currently Band C under the allocations scheme:

- Accepted Homeless households occupying temporary accommodation on an assured short hold or non-secure tenancy until such time as the landlord requires the property back or the household's needs are no longer met unless offered permanent accommodation.

At the end of all private sector leases further leased accommodation will be considered. If at this time no accommodation can be sought or if for financial reasons or accessibility reasons the leased accommodation is no longer suitable (as decided by the temporary

Accommodation Allocations Manager) the case will be recommended to the Homemove Team to be placed into Band A for social housing. At this time the following band reason will be given:

- Accepted Homeless households owed the main duty by B&HCC, placed in temporary accommodation where the landlord requires the property back or the property is unsuitable to meet the applicant's needs or a member of the household's needs, and where the household have been assessed as ready to manage independent accommodation.

9. Closing of Homemove applications

Once a household has been moved via the Homemove Scheme it will be deemed that housing need has been met and therefore all housing applications for the entire household will be closed and sent to the landlord for the information to form the start of the tenancy file.

10. Change in wording for adapted property releases in Band A

Previous

- Releasing an adapted property or to make best use of adapted stock – at the council's discretion, where the tenant does not require adaptations or where the existing property cannot be adapted to meet the applicant's needs

Change to

- Releasing an adapted property or to make best use of adapted stock – at the council's discretion, where the tenant does not require the mobility 1 or 2 assessed adaptations or where the existing assessed property cannot be adapted to meet the applicant's mobility 1 assessed needs.

11. Medical priority wording changes

Band A

Overriding (severe and immediate) medical priority awarded by the Medical Advisor – where the housing conditions are having a severe and immediate adverse effect on the medical condition of the applicant or member of the current household as to warrant emergency priority.

Band B

High (major) medical priority awarded by the Medical Advisor – where the housing conditions are having a major adverse effect on the medical condition of the applicant or member of the current household as to warrant extra priority.

Band C

Low (minor) medical priority awarded by the Medical Advisor – where the housing conditions are having a minor adverse effect on the medical condition of the applicant or member of the current household as to warrant reasonable priority.