

## **EXECUTIVE COMMITTEE**

**6<sup>th</sup> March 2018**

### **COUNCIL HOUSING ALLOCATIONS POLICY 2018 UPDATE**

Relevant Portfolio Holder	Councillor Mark Shurmer
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis
Wards Affected	All
Ward Councillor Consulted	No

#### **1. SUMMARY OF PROPOSALS**

- 1.1 The Council's Allocations Policy was last updated in 2017 and this 2018 update incorporates changes to assist the Council with the new duties to prevent and relieve homelessness to be implemented by the Homelessness Reduction Act 2017 which comes into force on the 3 April 2018.
- 1.2 A drafting error in section 9 and section 29 of the 2017 Policy has also been identified and amended.
- 1.3 The property size to be offered to applicants assisted through homeless legislation with a child under two has been changed to a one or two bedroom property to provide greater flexibility and improve the use of the stock.
- 1.4 This report seeks the approval from Members to implement the updated Housing Allocations Policy 2018 which incorporates these changes.

#### **2. RECOMMENDATIONS**

**The Committee is asked to RECOMMEND that**

- 2.1 **the revised Housing Allocations Policy 2018 (appendix 1) be adopted and;**

**the Committee is asked to RESOLVE that;**

- 2.2 **authority be delegated to the Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services in conjunction with the Legal Service Manager to make any future amendments to the Council's Housing Allocations Policy that are deemed to be necessary and which do not trigger the statutory obligation to consult the persons affected by the changes pursuant to section 168(3) of the Housing Act 1996.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 There are no direct financial costs to the revised Allocations Policy.

**Legal Implications**

- 3.2 The Housing Act 1996 Part 6 (as amended by the Homelessness Act 2002 and the Localism Act 2011) governs the allocation of local authority housing stock in England.
- 3.3 The Housing Act 1996 S.168 (3) states that when the authority make an alteration to their scheme reflecting a major change of policy, they shall within a reasonable period of time take such steps as they consider reasonable to bring the effect of the alteration to the attention of those likely to be affected by it.
- 3.4 The Homelessness Reduction Act 2017 has changed the definition of those who are threatened with homelessness from 'within 28 days to within 56 days' and places a new duty on local authorities to assist with homelessness prevention under s.195. The authority must take reasonable steps to help the applicant to secure that accommodation does not cease to be available for the applicant's occupation. This duty will end if the Council are satisfied that—
- (a) the applicant has suitable accommodation available for occupation for 6 months or more,
  - (b) the authority have complied with the duty and the period of 56 days beginning with the day that the Council are first satisfied they were threatened has ended (whether or not the applicant is still threatened with homelessness),
  - (c) the applicant has become homeless,
  - (d) the applicant has refused an offer of suitable accommodation
  - (e) the applicant has become homeless intentionally from any accommodation that has been made available to the applicant as a result of the authority's exercise of their functions under s.195,
  - (f) the applicant is no longer eligible for assistance
  - (g) the applicant has withdrawn the application
- 3.5 The relief duty under s.189B requires that the Council must take reasonable steps to help the applicant to secure that suitable accommodation becomes available for the applicant's occupation for at least 6 months. This duty will end if the Council are satisfied that—

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- (a) the applicant has suitable accommodation available for occupation for at least 6 months or more,
- (b) the authority have complied with the duty and the period of 56 days beginning with the day that the Council are first satisfied they were homeless has ended (whether or not the applicant has secured accommodation),
- (c) the applicant has refused an offer of suitable accommodation
- (d) the applicant has become homeless intentionally from any accommodation that has been made available to the applicant as a result of the authority's exercise of their functions under s.189B,
- (e) the applicant is no longer eligible for assistance, or
- (f) the applicant has withdrawn the application

Once the relief duty has ended should the applicant have a priority need and be unintentionally homeless the Council will need to make a decision on what other duties under Part VII of the Housing Act 1996, as amended, the Council has to the applicant.

**Service / Operational Implications**

- 3.6 An applicant who the Council is satisfied it has a duty to prevent homelessness (s.195) or relieve homelessness (s.189B) will be placed in the Silver band and awarded points as required by the allocations policy (Section 10 Redditch home choice bandings).
- 3.7 An applicant who the Council is satisfied it has a duty to prevent homelessness (s.195) or relieve homelessness (s.189B) and the Council has validated as being unintentionally threatened with homelessness or homeless and has a priority need (within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002) will be placed into the Gold band (Section 10 Redditch home choice bandings).
- 3.8 Applicants assisted through homelessness legislation with a child under two will now be eligible for an offer of either a 1 bedroom or 2 bedroomed properties to discharge the Council's duty (policy page 19)
- 3.9 At section 9 Owner Occupiers 'and they have demonstrated that they have no financial means of helping themselves.' has been removed as this is not a consideration that can be used for determination of a statutory reasonable preference category.
- 3.10 At section 29 staff/elected member applications 'or relatives of either' has been inserted to the first sentence of the second paragraph.

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**Customer / Equalities and Diversity Implications**

- 3.9 A strong and proactive housing options approach will ensure that households are offered support to access the housing solution which best meets their needs (this might be private rented housing, low cost home ownership or help to stay put), in addition expectations about accessing social housing will be properly managed, and social housing will be focussed on those who need it most.
- 3.10 Better use of housing stock will result in more families being housed in appropriately sized accommodation and free up other accommodation for households who may otherwise becoming socially excluded.
- 3.11 In framing the Allocations Policy the council has had regard to its duties under the equalities legislation.

**4. RISK MANAGEMENT**

- 4.1 There are risks to not implementing the updated Allocations Policy 2018 which are in the table below:

Risk	Consequence	Mitigation
Increase in the use of temporary accommodation including B&B accommodation	<ul style="list-style-type: none"><li>• Judicial review</li><li>• Housing ombudsman complaint</li></ul>	<ul style="list-style-type: none"><li>• Placing applications in appropriate banding for their circumstances will enable the Council to assist customers to prevent homelessness in a suitable manner.</li></ul>
The Council not fully using it resources to meet the duties placed on it through new legislation.	<ul style="list-style-type: none"><li>• Increase in staff resources to deal with numbers of homelessness applications</li><li>• Delays in providing housing</li><li>• Government intervention</li></ul>	<ul style="list-style-type: none"><li>• Placing applications in appropriate banding for their circumstances will enable the Council to assist customers to prevent homelessness in a suitable manner.</li></ul>

**5. APPENDICES**

- Appendix 1 – Draft Housing Allocations policy 2018  
Appendix 2 – Housing Allocations Policy 2017

**6. BACKGROUND PAPERS**

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Housing Allocations Policy 2017

Housing Act 1996

Localism Act 2011

Allocation of accommodation: guidance for local housing authorities in  
England 2012

Homelessness Reduction Act 2017

**7. KEY**

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