



CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

Decision Ref. No:

Responsible Officer: Kelly Ansell, Strategic Housing Projects Manager

Subject: Housing Register and Allocations Policy Amendments

Decision taken:

To amend the Housing Register and Allocations Policy to;

- a) bring eligibility for properties in line with the Bedroom Standard applied by Housing Benefit
- b) clarify the position regarding eligibility for sheltered accommodation and one bedroom bungalows
- c) revise the levels of priority awarded to those living in supported accommodation, in order to ensure that those with longer term housing needs are prioritised above those who are able to meet their own needs
- d) increase the maximum financial capacity levels in the policy to 6 x Local Housing Allowance (LHA)
- e) amend the policy to allow that growing housing need is recognised by removing the requirement to change an applicants Effective Date when they are awarded a higher band
- f) increase priority for those under occupying their accommodation in order to release more larger properties for allocation by awarding one year time credit to under occupier applications
- g) reduce the number of permitted unreasonable refusals of offers of accommodation from 3 to 2
- h) To agree to changes to the Management Transfer approval system.

Reasons for the decision:

Policy change a) This decision is required in order to bring the Housing Register and Allocations Policy in line with current Housing Benefit Regulations and the Welfare Reform Act 2012

Policy change b) This decision is required in order to ensure that the eligibility criteria for these properties is made clear and to ensure that the provision of independent senior living accommodation is made to those over 60 and that one bedroom bungalows which, are considered to be particularly suitable for elderly persons, are only made available to those under the age of 60 in exceptional circumstances. This will ensure that such

accommodation will continue to be available to those groups that need it.

Policy change c) This decision is required in order to ensure that all applicants are treated equitably and to ensure that applicants currently residing in supported housing are pro actively moved on

Policy change d) This decision is required in order to ensure that maximum financial capacity levels in the policy are in line with the current housing market costs, to ensure that those who are struggling to afford to meet their own housing needs are considered

Policy change e) This decision is required in order to ensure that where housing needs are growing more significant and/or urgent, the entire time that this need has existed is taken into account in terms of the applicants banding, and therefore priority

Policy change f) This decision is required in order to increase the number of allocations to those households who are under-occupying their social housing to smaller units of accommodation, which will in turn, release additional family homes

Policy change g) This decision is required in order to create a disincentive for applicants who repeatedly refuse suitable offers of accommodation, in order to ensure that the lettings process is as efficient as possible.

Policy change h) This decision is required to ensure that the Council's existing Management Transfer policy is in accordance with the Housing Register and Allocations policy. There is also a requirement to have a policy in place that staff and tenants can refer to that makes it clear when management transfers would be appropriate.

Call-in and Urgency:

This decision is subject to the councils call in procedures.

Background:

This report recommends amendments to the Housing Register and Allocations Policy to take account of issues which have arisen since the implementation of the revised policy in November 2012.

The revised policy was agreed by Cabinet on 23rd May 2012. At that time cabinet also approved delegated authority to the Housing Portfolio Holder Member for future minor/administrative policy changes.

The Member Allocations Working Group comprising of 5 Councillors, set up to develop and oversee the implementation of the new policy, has continued to meet on a regular basis. A review of the first 12 months of operation of the new policy was recently completed and presented to this working group in April 2014. The proposed changes contained within this report were also considered and approved.

Policy Change a)

In April 2013 the Welfare Reform Act introduced a reduction in Housing Benefit payments

for those households who are under-occupying their social housing accommodation. This means that where households are under-occupying their accommodation by one bedroom, they will lose 14% of their housing benefit award, and where two bedrooms are under-occupied, they will lose 25%. The impact of this benefit change emphasises the importance of ensuring that households are allocated properties which meet their needs at the point of allocation.

Housing Benefit Regulations require that in order to be considered for a three bedroom property, a household must have two children of opposite sexes with one over 10 years of age. Our current policy allows those households with two children of opposite sexes with one child over 7 to be allocated a three bedroom property, which under these regulations they would not be able to claim for, thus making the allocation less affordable for those tenants claiming housing benefit.

The intention of the original policy position was to ensure that as permanent accommodation was being allocated, a sustainable solution in the long term was being provided. Under previous benefit rules the family would not have been penalised as they will now be under the new Welfare Reform Act rules. Further, it is no longer common place for households to be allocated tenancies on a permanent basis since the implementation of fixed term tenancies within the Social Housing sector.

It is therefore proposed that following eligibility criteria is included in the Allocations Policy;

Household Type	Bedroom standard entitlement/property size
Single adult	1 bedroom
Two adults living together as a couple	1 bedroom
Households with 1 child	2 bedrooms
Households with 2 children under 10 years old	2 bedrooms
Households with 2 children of the same sex aged under 18 years old	2 bedrooms
Households with 2 children of opposite sex where one is aged over 10 years old	3 bedrooms
Households with 2 children of the same sex aged over 18 years old	3 bedrooms
Households with 4+ children	4 bedrooms

Policy change b)

The policy needs to clarify the eligibility for independent senior living accommodation and for one bedroom bungalows, particularly within the Council's own housing stock. At the present time the policy is silent on this issue and therefore leaves this open to interpretation and to challenge. It is imperative that Council properties which are designated for a specific use are protected for those groups who need them and to sustain accommodation of this nature.

It is therefore recommended that the policy is amended to state that;

Applicants wishing to be considered for independent senior living accommodation must be

over 60 years of age.

Applicants wishing to be considered for one bedroom bungalows within the Council's own housing stock must be over 60 years of age. Exceptions will be considered where medical evidence for the need for a bungalow is provided and where it is clear that there are no alternative options for meeting the identified housing need within the social housing stock in Bournemouth.

Senior officers from Strategic Housing and Housing Landlord Services will sign off any exceptions.

Policy change c)

The Housing Register and Allocations Policy currently states that Gold band status is awarded where *'the applicant resides within a short-term supported housing project (usually up to a maximum of 2 years) and is seeking to 'move-on' into independent accommodation. NB: the project manager of the scheme must confirm in writing that the applicant is ready for such a move and has acquired reasonable skills to sustain a tenancy.'*

This policy position has led to raised expectations for those residing in supported housing and makes it difficult for move on to be secured, as applicants feel they should wait for an offer made through the Housing Register. In reality, many of those who access supported housing require this support for a short term period. They are then capable of moving on into private rented accommodation which meets their needs. Financial assistance is available through the rent deposit scheme in order to enable this. It is therefore not appropriate in all cases to support a move into long term social housing and it would be of benefit to ensuring that the best use is made of the supported housing stock available, to ensure that move on can be pro actively secured through a variety of sources.

It is proposed that the Housing Register and Allocations Policy is amended to state that;

A quota will be awarded to those who have an established need for longer term settled accommodation where the private sector cannot provide this. Applicants must also meet the criteria for a social housing allocation. NB: the project manager of the scheme must confirm in writing that the applicant is ready for such a move and has acquired reasonable skills to sustain a tenancy.'

Criteria for establishing a need for long term settled social housing will be as follows;

- *The applicant suffers from a long term condition which makes them vulnerable and results in them requiring long term stable and sustainable accommodation*
- *The applicant will suffer a significant impact to their health and wellbeing should they move on to any form of insecure accommodation*
- *There is no other suitable option for meeting their housing need other than social housing*

Applicants being considered under this criteria will require evidence from Professionals involved in their care and/or support. A panel consisting of the SP Hub Manager and the Senior Lettings Officer will convene on a monthly basis to consider these applications.

Applicants may appeal against a decision made by the panel. Appeals will be heard by the Strategic Housing Projects Manager.

The quota will be 10% of all 1 bed lettings and will be reviewed annually.

Policy change d)

The current policy states;

Applicants with a household income more than five times higher than the relevant Local Housing Allowance level prevailing at the time will normally be considered to be able to meet their housing need, through either renting privately or owner occupation.

This results in restrictions to income levels as shown below. The table also shows the impact of the proposed increase;

Unit Size	LHA Level 2012	5 x LHA Level = Annual Salary (gross)	LHA Level 2014	6 x LHA
1 bed	£524	£31,440	£530	£38,160
2 bed	£650	£39,000	£656	£47,232
3 bed	£800	£48,000	£809	£58,248
4 bed	£1100	£66,000	£1100	£79,200

The reason for the proposed increase is that it brings the maximum income levels in line with increases in the cost of obtaining accommodation in the private rented sector. Additionally, the increase assists in being able to give priority to working households in line with strategic projects such as Boscombe Regeneration by enabling the scenario for both applicants in the household to be in employment, albeit on a lower wage.

It is therefore recommended that the policy is amended to show that the level applied to maximum income levels will be 6 x LHA.

Policy Change e)

The current Allocations Policy states that;

If, because of a change in a household's circumstances, the applicant moves into a higher priority band (e.g. from Bronze to Silver, or from Gold to Emergency), the applicant's new Effective date will be the date on which their application is re-assessed.

If, because of a change in a household's circumstances, the applicant moves into a lower priority band (e.g. from Bronze to Silver, or from Gold to Emergency), the applicant will keep their previous Effective Date.

This means that, for example;

An applicant has registered in 2001 and has a moderate housing need, so is registered in the Silver band for medical reasons. Their medical situation worsens and they are eligible to be considered for the gold band. Under the current policy their date of registration will be amended to the date that they are awarded gold band status. This means they in effect, start again within their now increased band.

The proposed changes to the policy are to allow that growing housing need is recognised by removing the requirement to change the applicants Effective Date when they are awarded a higher band. This means that in the scenario above the applicant would retain their 13 years of waiting time prior to the point that their needs worsened.

There will be required exceptions to this rule, however. Where applicants are placed into the bronze band for example because they don't have a local connection but do have a housing need, they may eventually move up to silver once they meet the local connection criteria. In these circumstances it would not be considered appropriate to amend their effective date. Also for those applicants who become eligible for Emergency Band status, it is considered fair and equitable for those applicants to be awarded this significant priority from the date the decision is made. This will ensure that applicants are effectively prioritised when they have an extreme housing need.

It is considered therefore that the current policy is not acknowledging the years of housing need that an applicant may have already experienced and that clarification of application of effective date is required. It is therefore recommended that the policy is amended to state;

If, because of a change in a household's circumstances, the applicant moves from Silver to Gold band the applicant's new Effective date will remain the date on which they originally made their application.

Applicants moving from Bronze to Silver will not retain their original application date and the effective date applied will be the date they became eligible to move from Bronze to Silver.

Applicants being placed into the Emergency band will hold an effective date which will be the date they became eligible to move to this band.

Policy Change f)

Applicants who are currently under occupying their social housing property are currently awarded gold band status in order to allow them to move quickly and release a larger property for a household in need. In order to enable these allocations to take place in a timely manner, and to increase the ability to assist households who may be affected by the Social Housing Under-occupation criteria for housing benefit, it is proposed that we increase priority for those households by awarding one year time credit to under occupier applications. It is therefore proposed that the policy is amended to state;

Gold Band

The applicant is a tenant of the council or a Registered Provider partner who resides within the Bournemouth area and under-occupies their existing property and is looking to move to a smaller, more suitable property. In these instances additional preference is awarded by awarding 12 months time credit to each qualifying application.

Policy Change g)

At present, the Allocations Policy allows applicants to refuse 3 offers of accommodation before their priority will be reduced by reducing their banding for 12 months. The refusals must be unreasonable for us to take this action. The experience since the policy was

implemented is that there are a number of applicants with significant priority who regularly refuse suitable offers of accommodation. The impact is a not insignificant amount of abortive work and increased void periods.

In order to act as a further disincentive it is proposed that we reduce the number of permitted unreasonable refusals of offers of accommodation from 3 to 2.

Policy Change h)

Most local authorities have a policy for undertaking management transfers of tenants in certain circumstances either for operational reasons or in emergency situations. These policies are guided by the requirements of the local authorities wider allocation policy.

There is no legal requirement to grant management transfers but in some circumstances guidance suggests that is a reasonable expectation for the Council to have such policies to deal with particular situations e.g. cases involving serious racial harassment.

Management transfers are particularly useful as an option to protect tenants who are either vulnerable or at risk of serious violence or harm from others in the area. It is also a useful policy to refer to in instances where financially or operationally it would be appropriate to grant a management transfer. It is anticipated that only a handful of management transfers will be approved each year.

Options - and reasons for rejection:

Policy change a) The option of maintaining the current policy position is not appropriate as it potentially places new tenants in financial hardship and therefore must be amended. It is not considered that there are any alternative options.

Policy change b) The option of enabling applicants under the age of 60 to be allocated independent senior living accommodation and one bedroom bungalows has been considered and rejected due to the need to protect the properties for a specific group of people, the elderly. This specific designation is essential in meeting the housing need requirements in the town and sustaining essential provision of accommodation. The proposals include allowance for exceptions to be made for the allocation of one bedroom bungalows where a specific medical need for this property type exists.

Policy change c) A further option of awarding Gold band status for those with higher level needs, and Silver band for those with lower level needs was considered before making the recommended proposal above. However, in order to bring this policy position in line with the rest of the housing register, which adopts a principle of applying strict housing need assessment parameters, it is considered that only exceptional needs should be acknowledged. The current position does not promote move on into independent accommodation in the private rented sector, and there needs to be a clear distinction made between those who will be a priority for social housing, and those who are expected to enter into the private rented sector in order to meet their housing need. Given the severe shortage of social housing in Bournemouth, there is no alternative option.

Policy change d) Upon identifying the issue of maximum financial capacity levels, various options were considered before deciding that the most suitable option was to propose an increase to 6 x Local Housing Allowance (LHA); The option of retaining the

level of 5 x LHA has been determined as unsuitable and also unfair to those applicants on low incomes as housing costs have risen and therefore those on low incomes just above the current maximum threshold will most certainly be experiencing affordability issues. Various multipliers were considered in the modelling of this proposal and a small increase to 6 x LHA was considered justified based on the above and the current local costs of housing.

Policy change e) Retaining the current policy position of amending an applicants Effective Date upon worsening of their circumstances is not considered to be an appropriate option. This method simply does not acknowledge the entire time during which the applicant has had a housing need, albeit at a less severe level. No alternative options are considered appropriate.

Policy change f) The option to retain the current policy is not considered appropriate as there is an identified need to increase the number of allocations to under occupiers in order to release any pressure from the Housing Benefit Social Housing Under-occupation Criteria, and equally to make the best use of the social housing stock in Bournemouth. That being the case, the simple option of increasing priority through time credits is considered to be sufficient to deliver the required change.

Policy change g) The option of retaining the current policy position of 3 unreasonable refusals before an applicants banding is reduced for 12 months is not considered to be sustainable as the amount of abortive work and inefficiency that results in repeat refusals is unacceptable. Ultimately this increases staff and void costs. It is considered that to reduce to 1 refusal would potentially be open to challenge, however, 2 is considered to be an acceptable level to create an additional disincentive and rectify the issue.

Policy change h) the option of retaining the current system of management transfers is not appropriate as it is unclear and may not adhere to the Council's allocations policy.

Consultations undertaken:

The Member Allocations Working Group considered a review of the first 12 months of operation and the proposed changes contained within this report on 9th April 2014. All proposed changes were approved.

Due to the impact of the changes on Supported Housing Providers and their residents, of Policy change c, all Supported Housing Providers in Bournemouth were consulted between 7th March and 16th April on these changes. Two responses were received, one very supportive of the proposals and the other querying unrelated issues.

The management transfer policy was considered by the Tenancy Standards Group as well as a wider group of tenants and residents. There was support for the proposals.

Legal Services have been consulted throughout the development of these policy changes.

Finance/Resource Implications:

There is a small resource requirement for the implementation of changes to the Housing Register IT system (Locata), of £2000 (a one off cost). This will be funded from the Strategic Housing services budget.

Name:

Signature: (of Chief Finance Officer)

Date: 19/06/14

RCC
19.6.14

Legal implications:

The Council is required by virtue of Part 6 of the Housing Act 1996, as amended by the Homeless Act 2002 and the Localism Act 2011 to publish and maintain a Housing Allocation Policy. In setting its Housing Policy the Council must have regard to the Statutes mentioned above and the Code of Guidance. The changes recommended in this report comply with these.

Any major changes to the Published Allocation Policy require formal consultation. However, the changes recommended in this report are not major changes and therefore no consultation is required.

Name: TANYA Council

Signature: (of Monitoring Officer)

Date: 20 June 2014

Risk assessment:

- A risk assessment has been completed and is available as a background paper.

Name: Kelly Ansell

Signature: (of Officer completing assessment)

Date: 18/6/14

Impact Assessments:

- An Equality Impact Assessment has been completed and is available as a background paper.

Information for/not for publication:

- N/A

Background papers:

Allocations Policy as amended June 2013
Allocations Code of Guidance (Department of Communities and Local Government)
Equality Impact Assessment
Risk Assessment

Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
No*			

* Delete as appropriate

Decision taken by:
 Councillor Robert Lawton
 Cabinet Portfolio Housing

Signed: Date of decision: 4.7.14

Date of publication of record of decision: (to be inserted by Democratic Services)
 11-07-2014

Date decision effective - that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel:
 18-07-2014

-insert date-