

CABINET MEMBER DECISION RECORD TEMPLATE

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

Decision Ref. No:
Responsible Officer: Claire Dyke, Housing Options and Advice Manager
<p>Subject: Revision to the Allocations Policy</p> <p>The following sets out the proposed changes by presenting the policy as at now, together with the proposed revisions. Additions are noted in red.</p> <p><u>Gold Band - Cumulative Need</u></p> <p>Current The applicant is awarded four or more silver band housing needs with the exception of those applicants that are found to be intentionally homeless by the relevant local authority.</p> <p>Proposed The applicant is awarded four or more silver band housing needs with the exception of those applicants that are homeless (regardless of any statutory duties) and those applicants occupying temporary accommodation provided by the council in discharging its homelessness duties. (See Silver Band for homeless applicants). Cumulative need is aimed at those households who are at a permanent disadvantage rather than temporary disadvantage.</p> <p><u>Silver Band - Homelessness</u></p> <p>Current Homeless/Threatened with Homelessness People who are homeless (within the meaning of Part 7 of the 1996 Housing Act as amended by the Homelessness Act 2002). This includes people who are intentionally homeless and those who are not in priority need;</p> <p>People who are owed a (homeless) duty by ANY local authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are living in accommodation secured by ANY housing authority under section 192(3). The letter detailing the outcome of a homeless application will specify whether one of these sections applies;</p> <p>Applicants accepted as homeless or threatened with homelessness under Part 7 of the Housing Act 1996, (as amended by the Homelessness Act 2002 including Rent (Agricultural) Act Cases will be placed in the silver band. Allocations to homeless households are subject to allocations quotas.</p>

Proposed

Homeless/Threatened with Homelessness

People who are homeless (within the meaning of Part 7 of the 1996 Housing Act as amended by the Homelessness Act 2002). This includes people who are intentionally homeless and those who are not in priority need;

People who are owed a (homeless) duty by ANY local authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are living in accommodation secured by ANY housing authority under section 192(3). The letter detailing the outcome of a homeless application will specify whether one of these sections applies;

Applicants accepted as homeless or threatened with homelessness under Part 7 of the Housing Act 1996, (as amended by the Homelessness Act 2002 including Rent (Agricultural) Act Cases will be placed in the silver band.

Applicants awarded Silver Band for being homeless will not attract any other reasonable preference within this policy e.g. sharing facilities/lacking bedrooms.

Allocations to homeless households are subject to allocations quotas.

Silver Band - Work/Support

Current

Applicants who are able to demonstrate the need to move nearer their place of work within Bournemouth because they have secured or has permanent employment (over 16 hours) in the area (evidence of the employment must be provided). Also applicants who are able to demonstrate the need to move nearer local facilities or relatives, in order to receive, or give, support or care within the Borough.

Proposed

Applicants who are able to demonstrate the need to move nearer their place of work within Bournemouth because they have secured or has permanent employment (over 16 hours) in the area (evidence of the employment must be provided). Also applicants who are able to demonstrate the need to move nearer local facilities or relatives, in order to receive, or give, support or care within the Borough. **This priority is only available to applicants whose main residence is outside the Bournemouth Borough Council boundary at the point of application.**

Bronze Band - Substantial Rent Arrears

Current

Applicants who have substantial rent arrears to a landlord who have been (or would be) assessed as having accrued these rent arrears intentionally will be placed in the Bronze band. Intentionally means that the applicant deliberately did something (or failed to do something) that resulted in the rent arrears. An act or omission in good faith on the part of the applicant will not be treated as deliberate if they were unaware of any relevant fact.

Where efforts are being made to commit to a payment plan and the applicant's landlord is satisfied with this commitment, the applicant will be placed in the appropriate band to meet their housing need.

Proposed

Applicants who have substantial rent arrears to a landlord who have been (or would be) assessed as having accrued these rent arrears intentionally will be placed in the Bronze band. Intentionally means that the applicant deliberately did something (or failed to do something) that resulted in the rent arrears. An act or omission in good faith on the part of the applicant will not be treated as deliberate if they were unaware of any relevant fact.

Where efforts are being made to commit to a payment plan and the applicant's landlord is satisfied with this commitment, the applicant will be placed in the appropriate band to meet their housing need. **Until this has been demonstrated (for a minimum period of three months), any bids made will be rejected.**

Bronze Band - Deliberate Worsening of Circumstances

Current

Households that have been assessed as having deliberately worsened their housing circumstances by moving into unsuitable accommodation prior to an application may be placed into bronze band.

Proposed

Households that have been assessed as having deliberately worsened their housing circumstances by moving into accommodation that is unsuitable for their needs and /or by taking no action to improve their circumstances which can be evidenced may be placed into bronze band.

Deliberate worsening of circumstances will arise where local authorities decide that an applicant has given up accommodation that was suitable for their needs where there was no requirement or obligation to do so. To reduce the likelihood of applicants moving into poorer accommodation in order to qualify for higher priority and quicker re-housing, applicants who are deemed to have deliberately worsened their circumstances will be placed into Bronze Band.

Homeless Applicants

Current

Applicants who have not received an offer of accommodation within 12 months of the acceptance of their homelessness application, will be made one direct and final offer of accommodation.

Proposed

To remove this paragraph from the policy because of the scarcity of social housing.

Proposal to delete the entire Supported Housing Move on Section but move part of it to silver band

Current

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.

Applicants who occupy supported housing and are ready to move on but do not have an established need for long term settled accommodation will be assessed in accordance with the general terms of this policy.

Proposed (for inclusion in Silver Band)

Supported housing move-on

- The applicant will suffer a significant impact to their health and wellbeing should they move on to any form of non secure 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. Applicants who occupy supported housing and are ready to move on but do not have an established need for long term settled accommodation will be assessed in accordance with the general terms of this policy. Having regard to all circumstances and supporting information, the final decision will rest with the Housing Options & Advice Team Manager

Exceptional Circumstances (New Clause Proposed)

Proposed

The policy may be departed from where the Housing Options & Advice Manager considers that an individual's exceptional circumstances warrant a departure from any part of this policy, has recorded reasons for that decision, and has the written/emailed agreement of another senior housing manager within Bournemouth Borough Council.

Length of Tenancy Term Offered (amendment)

Current

From April 2012, most new tenants will be granted a fixed term tenancy for a minimum of five years, although we will continue to grant secure or lifetime tenancies to people of pensionable age and those with a long-term disability. Tenants granted a fixed term tenancy will enjoy many of the same rights as secure tenants, including the right to buy.

Proposed

Most new tenants will be granted a flexible fixed term tenancy. **In general this will be for five years although the Council reserves the right to make this for a lesser period of time. We will continue to grant a secure lifetime tenancy to people moving into our independent senior living accommodation. Tenants granted a fixed term tenancy will enjoy many of the same rights as secure tenants, including the right to buy.**

This reflects what was agreed for the tenancy management policy.

Exceptions for Allocations (amendment)

Current

There are also some circumstances in which allocations may be made other than in accordance with the scheme detailed in this policy.

These include:

- Supported accommodation (i.e. accommodation in which support is provided as a condition of occupancy).
- Accommodation for keyworkers, as defined locally
- Lettings to joint tenants, where a tenancy is currently held by one of the joint tenants as a sole tenancy.
- Letting to a former tenant, where a joint tenancy has been terminated by one joint tenant and the other tenant wants to remain in the property (when this is in accordance with eligibility for the specific property type in question)
- Letting to someone who has lived in that property as the relative or carer of a tenant who has died, but there is no statutory right for that person to succeed to the tenancy
- Letting of a property for the purpose of decanting an existing Council or Registered Social Landlord tenant (e.g. where their current property requires work which cannot be carried out with the tenant in residence, or if the current property is scheduled for demolition).
- Letting of a property to an existing Council or Registered Social Landlord tenant, for management reasons. Such allocations can only be carried out with the prior approval of the Housing Resources Manager.
- Letting of a property which is particularly suitable for an applicant by virtue of its design, construction or adaptation.
- Letting of a property to a person referred to the Council by the Multi Agency Risk Assessment Conference (MARAC) as a result of Domestic Violence.
- Lettings which are required in order to secure a 'chain letting' whereby the Council maximises use of the stock available to meet the most housing need.

Any decision to allocate accommodation outside of the policy will be signed off by the Deputy Director of Housing & Head of Customer.

Proposed

There are also some circumstances in which allocations may be made other than in accordance with the scheme detailed in this policy.

These include:

- Supported accommodation (i.e. accommodation in which support is provided as a condition of occupancy).
- Accommodation for keyworkers, as defined locally
- Lettings to joint tenants, where a tenancy is currently held by one of the joint tenants as a sole tenancy (when this is in accordance with eligibility for the specific property type in question and the Councils Tenancy Management policy).
- Letting to a former tenant, where a joint tenancy has been terminated by one joint tenant and the other tenant wants to remain in the property (when this is in accordance with eligibility for the specific property type in question and the Councils Tenancy Management policy). An alternative property may be offered where there is no eligibility for the specific property in question.
- Letting to someone who has lived in a property as the relative or carer of a tenant who has died, but there is no statutory right for that person to succeed to the tenancy. An alternative property may be offered where there is no eligibility for the specific property in question.
- Letting of a property for the purpose of decanting an existing Council or Registered Social Landlord tenant (e.g. where their current property requires work which cannot be carried out with the tenant in residence, or if the current property is scheduled for demolition).
- Letting of a property to an existing Council or Registered Social Landlord tenant, for management reasons. Such allocations can only be carried out with the prior approval of the Tenancy Services Manager.
- Letting of a property which is particularly suitable for an applicant by virtue of its design, construction or adaptation.
- Letting of a property to a person referred to the Council by the Multi Agency Risk Assessment Conference (MARAC) as a result of Domestic Violence.
- Lettings which are required in order to secure a 'chain letting' whereby the Council maximises use of the stock available to meet the most housing need.

Any decision to allocate accommodation outside of the policy will be signed off by the Deputy Director of Housing & Head of Customer

This will allow us to let alternative, more suitable properties to those people whose joint tenancy has been ended or who have been left in a property with no succession rights. The policy does not specifically state that we can consider them for alternative properties.

Additional Criteria

Proposed

To include the following:-

Preference may be given for the allocation of bedsits to single people under 35.

Appendix B - Assessment of Housing Need

Remove reference to "Low" level of need in the table as this isn't in the policy anywhere.

To provide extra clarity within the policy on issues which have arisen since the last version.

Call-in and Urgency:

As required.

Background:

The Allocations Policy is a complex document which sets out detailed priorities for those on the Housing Register. The policy needs to evolve over time to take into account national policy changes as well as the need to clarify local circumstances and issues that arise over time. Cases that arise over time can identify the need for greater clarity within the policy.

Options - and reasons for rejection:

To keep the Policy as it is, although this would not provide clarity on the issues noted above.

Consultations undertaken:

Consultation: <http://biz/BIZkits/Toolkits/Consultation/Documents/Consultation Plan.doc>

Note:

- Strategic Housing Options Management team
- Head of Housing and Communities
- Director of Housing and Communities
- Legal Services

Finance/Resource Implications:

Note:

- None

Name: ADAM RICHENS

Date: 8/11/17

Signature: (of Chief Finance Officer)



Legal implications:

Note:

- The revised changes are in line with legislation.

Name: TANIA COUNTELL

Date: 6/11/17

Signature: (of Monitoring Officer)



Risk assessment:

Note:

- The main risk is around legal challenge. However, Legal Services have agreed the changes proposed here which mitigates this risk.

Name: 

Signature: (of Officer completing assessment)

Date: 17.10.17

Impact Assessments:

Note:

- The proposed changes are relatively minor and therefore do not require any change to the previous EINA.

Information for/not for publication:

Note:

- Information in public domain.

Background papers:

The current Allocations Policy -

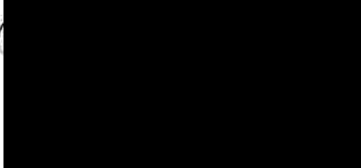
<https://www.bournemouth.gov.uk/Housing/ApplyforCouncilHousing/HousingRegister-Bands.aspx>

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

Decision taken by:

Councillor LAWTON (Print name)

Cabinet Portfolio Housing

Signed: 

Date of decision: 25.10.17

Date of publication of record of decision:

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:

Insert date

