

CABINET

12 FEBRUARY 2019

PRESENT: Councillor A Macpherson (Leader); Councillors S Bowles (Deputy Leader), P Irwin, Sir Beville Stanier Bt, P Strachan and M Winn

IN ATTENDANCE: Councillor Stuchbury

APOLOGIES: Councillors H Mordue, C Paternoster and J Ward

1. MINUTES

RESOLVED –

That the Minutes of the meetings held on 10 January, 2019 and 16 January, 2019, be approved as correct records.

2. BUCKS HOME CHOICE ALLOCATIONS POLICY UPDATE

Cabinet received a report, posted in full on the Council's web site, and summarised in the Minutes of the Environment and Living Scrutiny Committee of 29 October, 2019 (also available on the Council's web site), concerning proposed amendments to the Bucks Home Choice Allocations Policy.

The Council was a member of the Bucks Home Choice Partnership which comprised all four District Councils in Buckinghamshire. These authorities managed the collective housing register and the allocation of affordable rented accommodation within their respective areas. A number of changes were being suggested to the Policy to take account of changes in legislation, and recent case law. The Partnership had considered all these factors, alongside the likely impact of Government reforms, and the increased demand and reduced supply of social housing, particularly larger properties.

Applicants who would now qualify for Bucks Home Choice were:-

- Applicants in the statutory reasonable preference categories (even if they did not have a local connection or would normally be non qualifying as required by the Housing Act 1996). However, applicants with a local connection were prioritised above those without a local connection when allocating properties.
- Applicants owed prevention or relief duties within the Council's statutory homeless duties (Part VII of the Housing Act 1996) were to be included to reflect the changes made by the Homelessness Reduction Act 2017.
- Applicants meeting the criteria set out in the Right to Move Regulations 2015.
- Applicants who had left the local authority area for a period of up to four months, where they were staying with family to search for alternative accommodation in the area.
- Applicants placed into supported accommodation out of the area would retain a local connection with the area they were living in prior to placement.
- Prisoners who had been released from prison would retain a local connection with the area they were living in prior to going to prison.

Applicants who would no longer qualify for Bucks Home Choice were:-

- Applicants aged 16 or 17 (unless there was an adult who could hold the tenancy as a trustee until they were 18).
- Applicants who had formally owned a property within the last five years and had disposed of capital without making reasonable housing arrangements. Evidence as to the circumstances would be required.
- Applicants who had previously purchased a Right to Buy or Right to Acquire property (unless they were owed a main homelessness duty).
- Applicants subjected to an Anti-Social Behaviour Order and/or had broken the terms of their tenancy and/or where a Notice to Quit had been served.
- Applicants aged over 55 who owned suitable and affordable accommodation, or who had assets or savings sufficient to enable them to source accommodation in the private sector. Decisions on these cases would be taken on a case by case basis, as opposed to income or savings thresholds being set. Guidance would be provided to case workers to ensure a degree of consistency in decision making and all decisions would carry a statutory right of review by a senior officer.

There were a number of other policy changes:-

- Where a change of circumstances resulted in the award of a higher priority band, the priority date of the banding would be amended to the date of the notification of the change. This would ensure that applicants waiting longer in the same circumstances were given priority in shortlisting. On the reverse, where a change of circumstances resulted in the award of a lower band, the date would remain the same.
- Initially the Partnership proposed to include an amendment to increase the bedroom sharing age of same sex siblings from 16 to 21. However, following consultation with members of the public and housing providers, it had become clear that a significant number disagreed with the age of 21. It was therefore proposed that same sex siblings share a room up to the age of 18, in accordance with the age when adolescents were generally no longer considered to be minors, and granted full rights and responsibilities of an adult. Those adults over the age of 18 would be encouraged to apply for housing in their own right where possible.
- To place applicants who owed rent arrears to a landlord in a new Band E until such time as they had cleared the arrears. This meant that applicants owing rent arrears were not likely to be nominated for a tenancy where it was also likely that the nomination would be unsuccessful. However there remained the scope to consider exceptional circumstances where, for example a property was unaffordable.
- The inclusion of three further examples where an applicant could be deemed to have worsened their circumstances, including the refusal of an offer of suitable and affordable private rented accommodation for a statutorily homeless applicant or where an applicant colluded with a landlord or family member to obtain a notice to quit.

- To amend verification procedures to ensure that where an applicant could not be contacted within the next working day following a home visit, the applicant might not be nominated for the property. This was to ensure that the Council met its legal time frames set out in nomination agreements.
- Reduced priority banding of applicants who had applied for homeless assistance to one of the four District Councils belonging to the Bucks Home Choice Partnership under Part VII, but who had been assessed as intentionally homeless.
- Reduced priority of Band D to Band E those who had applied for assistance to one of the four District Councils under Part VII but had been assessed as not in priority need (meaning that there was no long term housing duty). This meant that these applicants would not be placed above those whom the Council had accepted a full homeless duty towards.
- Increased priority for those assessed as under occupying social rented accommodation from Band B to Band A. This would give the highest priority to those applicants who occupied larger family homes to ensure the best use of housing stock and to meet a high priority objective.
- Increased priority for applicants who were living in severely overcrowded rented, either social housing or private sector accommodation and assessed as lacking two bedrooms or more (Band B to Band A). This change was designed to reduce homelessness, as re-housing time would be reduced in recognition of unsuitable housing circumstances.
- Increased priority of applicants living in accommodation assessed as insanitary and/or evidenced as being in a state of significant disrepair, which could not be repaired or rectified, from Band B/C to all being awarded Band B. This change supported reducing homelessness as re-housing time would be reduced in recognition of unsuitable housing circumstances.
- Reduced priority from Band C to Band D for applicants who were eligible, homeless, in priority need and not intentionally homeless and had a local connection to the area (full duty). This was an important change to align the Homelessness Reduction Act's emphasis on preventing homelessness.
- Addition of applicants owed the new Prevention or Relief duty to place into Band E, to ensure that they were given reasonable preference in accordance with the Council's statutory duties.
- Reduced priority for Right to Move applicants (under the Right To Move Regulations 2015) who needed to move to their place of work where they did not hold a local connection from Band D to Band E. These applicants had to be permitted to join the Housing Register to avoid hardship, but local authorities had to be satisfied that the tenant needed rather than wished to move for work reasons.

Cabinet was advised that the changes had been consulted upon and the report contained an analysis of the results which broadly supported the changes.

It was reported that the Bucks Home Choice Partnership was awaiting legal advice in relation to the qualification of those who were guilty of anti-social behaviour. Accordingly Cabinet agreed that the relevant Director, after consultation with the Cabinet Member for Communities should be authorised to make any necessary

amendments to take account of the legal advice. In order to allow sufficient time during which to fully analyse that advice it was intended to submit the revised policy to the Council meeting on 17 April, 2019.

Members also discussed the implications for the housing allocation policy of moving to a new unitary authority. It was accepted that the policy would have to be re-visited, and in particular how it would operate across a much larger council area in terms of local connections.

The proposed changes had been considered by the Environment and Living Scrutiny Committee, which having sought clarification around number of specific issues as summarised in the Cabinet report, was satisfied with them.

RESOLVED –

- (1) That the information obtained through the formal consultation exercise be noted and the Environment and Living Scrutiny Committee be thanked for its input to the update of the policy.
- (2) That subject to (3) below, the Bucks Home Choice Allocation Policy be approved for submission to full Council. (This will take place on 17 April,2019).
- (3) That the relevant Director after consultation with the Cabinet Member for Communities, be authorised to make any further necessary amendments to take account of further legal advice as to the qualification of those guilty of anti-social behaviour, prior to the document being submitted to full Council.
- (4) That it be recognised that the policy would need to be re-visited as part of the transition to the new unitary authority and in particular how it would operate across a much larger council area in terms of local connections.