

BUCKS HOME CHOICE - REVIEW OF HOUSING ALLOCATIONS POLICY

1 Purpose

- 1.1 To seek Members' views regarding proposed changes to the Bucks Home Choice Housing Allocations Policy.

2 Recommendations/for decision

- 2.1 That Members set out their initial views regarding the proposed changes to the Bucks Home Choice Housing Allocations Policy for consideration by the Director in conjunction with the Cabinet Member for Community Matters.
- In particular Members' views are sought on
- A) The proposal to continue to allocate accommodation on a district wide basis as opposed to a locality basis as outlined in the report (please see paras 5.1- 5.9) and;
 - B) The proposal to not include applicants as having a local connection where there are close family ties to Aylesbury Vale, unless applicants also meet the qualification to join the Register through a residential or employment connection with the district as outlined in the report (please see paras 5.11 - 5.13). This would not affect approved Band A cases, applicants seeking properties for persons aged 55 or more, or in respect of properties made available for cross- district lettings (generally where there is no local demand for such properties).

3 Executive summary

- 3.1 Following the passing of the Localism Act 2011 (ss 145-147), amending the Housing Act 1996 (Part V1), local housing authorities have been given the power to make their own decisions on who should or should not qualify to be accepted onto their housing register and be prioritised for the allocation of social housing, subject to ongoing statutory Government guidance.
- 3.2 This report outlines, for consideration, proposed changes to the Council's statutory housing allocation scheme through the countywide Bucks Home Choice, Choice Based Lettings system.
- 3.3 In broad terms the drivers behind the proposed changes can be summarised as:
- (i) responding to new Government policy and guidelines (e.g. regulations regarding armed forces, welfare reforms etc.),
 - (ii) tightening the local connection criteria so that each district can focus on allocating to households who are living and/or working in its area and,
 - (iii) recognising that many non-priority applicants registered on Bucks Home Choice have no realistic prospect of being re-housed via the scheme and that it would be more appropriate to restrict the scheme to "reasonable preference" households
- 3.4 If the proposed changes are applied to the existing Council Bucks Home Choice Register about 800 cases would cease to be qualifying households.

4 Supporting information

- 4.1 Bucks Home Choice is the choice based lettings scheme that is operated jointly by Aylesbury Vale, Chiltern, South Bucks and Wycombe District

Councils for the allocation of social housing tenancies. The District Councils operate the scheme in partnership with the four main stock transfer Registered Providers – Paradigm Housing, London and Quadrant, Vale of Aylesbury Housing Trust and Red Kite.

Under the Bucks Home Choice scheme, the partners operate a common allocations policy for:

- assessing who qualifies for Bucks Home Choice,
- prioritising applicants based their housing need and
- allocating vacant social housing tenancies.

4.2 The partners also share a common database for recording applicant details. However, within the common allocations policy and database, each District Council still operates its own Housing Register (i.e. applicants seeking housing in Aylesbury Vale apply to Aylesbury Vale District Council, applicants seeking housing in Chiltern apply to Chiltern District Council etc.). As at 1st October 2012, a total of 4453 applicants were registered as “live” applicants requiring accommodation in the Aylesbury Vale district under the Bucks Home Choice Scheme, with a further 814 being checked for validation or pending assessment. From the supply viewpoint, 597 households were rehoused from the register managed by the Council in 2010/11, and 567 in 2011/12, i.e. an average number of circa 48 lettings per month were let via Bucks Home Choice during these 2 years.

4.3 The current Bucks Home Choice allocations policy was adopted in May 2009 when the scheme was implemented and was subsequently revised in late 2010. Both the original policy and the revised version were subject to the requirements of Part 6 of the Housing Act 1996 which:

-specified how that the local housing authority should assess who qualified for social housing and how they should be prioritised,

-required the authority to publish its housing allocation scheme, and

-required the authority to allocate social housing in accordance with the published scheme.

4.4 The current Bucks Home Choice allocation policy prioritises applicants in one of four priority bands which can be broadly summarised as:

Band A – Urgent and immediate need to move

Band B – Extensive or multiple housing needs

Band C – Current housing need

Band D – No current housing need

When a tenancy is advertised, applicants are prioritised based on the following:

- (a) Priority Band (i.e. Band A is a higher priority than B and so on)
- (b) Local connection to the District where the tenancy is located (i.e. Aylesbury Vale, Chiltern, South Bucks or Wycombe)
- (c) Date of registration

4.5 Under Part 6 of the Housing Act 1996, the authority could only exclude someone from applying for social housing if:

- the applicant was ineligible for social housing due to immigration status, or

- the applicant had been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant.
- Anyone who did not fall into these categories was entitled to apply for social housing. The current Bucks Home Choice allocation policy has reflected these requirements.

Legislative changes

- 4.6 Part 7 of the Localism Act 2011 has now amended the Housing Act 1996 in order to give local housing authorities the power to make their own decisions on who should or should not qualify to be allocated social housing. This is covered by Sections 145 to 147 of the Localism Act.
- 4.7 In June 2012, the Government published “Allocation of Accommodation: Guidance for Local Housing Authorities in England”. This replaced all previous guidance on allocations and highlighted “the new freedoms in the Localism Act which allow councils to better manage their waiting lists” and “to tailor their allocation policies to meet local needs and circumstances”. The Guidance highlights that:
- Government will continue to set the criteria for deciding if persons from abroad are eligible to apply for housing
 - Council housing allocation policies must take account of Government criteria on persons from abroad (i.e. classes of person who are cannot apply for housing due to immigration status). Apart from this, Councils are free to decide who does and does not qualify to go onto their housing waiting lists.
 - Councils should consider how they manage unrealistic expectations from people with little or no prospect of being re-housed. They should consider adopting a pro-active approach to housing options. This could result in a reduction in the numbers on the housing waiting list.
 - Councils must still ensure that their allocation schemes give “reasonable preference” to the categories of household set down in Section 166A of the Housing Act 1996 as amended (see paragraph below). However, Councils can include other local priorities alongside these categories (providing that the local priorities do not dominate the allocation scheme).
 - The Guidance encourages Councils to consider how they can take advantage of this flexibility to meet local needs and local priorities. Examples given in the Guidance include local priorities for under-occupiers, members of the armed forces, households who are in (or seeking) work, carers and prospective adopters and foster carers. However, the Guidance emphasises that, overall, any allocation scheme must still prioritise the statutory “reasonable preference” categories.
 - There is no longer a requirement for non-priority transfer applicants (i.e. Registered Provider tenants with no housing need who are seeking a move) to be included in Council allocation schemes.

4.8 As stated above, Councils are still required to ensure that, overall, their allocation policies give reasonable preference to the categories of households set down in Section 166A of the Housing Act 1996, as amended, namely:

- i) People who are homeless (within the meaning of Part 7 of the Act);
- ii) People who are homeless and in priority need but homeless intentionally;
- iii) People who are homeless and in priority need and not intentionally homeless;
- iv) People threatened with homelessness and in priority need and not intentionally homeless;
- v) People who are not intentionally homeless but not in priority need;
- vi) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- vii) People who need to move on medical or welfare grounds (including grounds relating to disability);
- viii) People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

As these reasonable preference categories are set down in the legislation, local housing authorities have no discretion in applying them to local allocation policies.

4.9 **Proposed changes to the Bucks Home Choice Allocation Policy**

The Bucks Home Choice Officer Management Board has undertaken a review of the scheme Allocations Policy in light of the changes introduced by the Localism Act 2011. The Board has identified changes that could be made within several key areas of the Allocations Policy. Full details of the proposed changes in comparison with the current policy are set down in the table shown at Appendix 1. The changes proposed are summarised in brief below accompanied by comments on the potential impact in Aylesbury Vale district.

(A) Restrict the scheme to households who have a local connection to Bucks and only allow applicants to register with the District where they have a local connection

The effect of this in Aylesbury Vale would be:

- o Applicants with no local connection to Aylesbury Vale will no longer be able to register on the Council's Housing Register within Bucks Home Choice (other than in exceptional circumstances).
- o As at October 2012, there were 85 applicants registered with Aylesbury Vale, with a further 146 cases where a local connection was not specified. Some applicants currently managed by the other districts, who have expressed an interest in accommodation in Aylesbury Vale, also, have no local connection. In total, about 300 applicants for accommodation within Aylesbury Vale have no local connection with the district. These applications would be removed.
- o The proposed change will prevent applicants with a local connection to one district moving to another district in Bucks via the scheme (unless a property is specifically advertised as being

available to anyone regardless of where they have a local connection). During 2011/12, a total of 6 vacant social tenancies (excluding difficult to let properties that were advertised countywide) in Aylesbury Vale were let to applicants from other districts in Bucks. However, while this change will mean that local tenancies can be limited to Aylesbury Vale applicants, it will also mean that Aylesbury Vale applicants will generally be unable to access tenancies in other Bucks districts (8 such cases were rehoused in the rest of the BHC partnership area in 2011/12 excluding difficult to let homes). Experience of Bucks Home Choice to date suggests therefore that the impact of this change in Bucks would be broadly neutral, as the number of Aylesbury Vale applicants moving cross district has generally been matched by the number of applicants coming into the district from elsewhere in the county.

- Urgent applicants assessed as Band A, together with applicants for properties designated for persons aged 55 or over, or properties advertised for cross-district lettings (for which there is no local demand), would be excluded from the requirement to meet the district connection criteria.

(B) Exclude applicants from the scheme who do not have a reasonable preference for re-housing

As at October 2012, there were 3494 applicants on the Council's Bucks Home Choice Housing Register who do not fall into any of the "reasonable preference" categories (see above paragraph) and do not meet any of the scheme's local priorities. However, the proposal to exclude applicants with no housing need would not result in a similar reduction to the waiting list as many of the applicants currently in Band D will be deemed to fall into a broader definition of reasonable preference to be adopted. This would include applicants sharing accommodation or facilities, as more fully set out in Appendix 1 paragraph B (i). It is estimated that this change may result in a reduction of about 250 cases.

(C) Place intentionally homeless households in a lower priority band

This will potentially have only a limited impact in Aylesbury Vale as the number of intentionally homeless decisions issued by the Council in recent years has been very low. However, it will ensure that households deemed to be intentionally homeless are not awarded priority over other homeless applicants registered on the Bucks Home Choice scheme.

(D) Exclude applicants with a history of rent arrears from registering unless they have made arrangements to clear the arrears

In general, the current Bucks Home Choice policy excludes persons who have been guilty of unacceptable behaviour that is serious enough to make them unsuitable to be a tenant (at the time of their application). This includes incidents of anti-social behaviour and a history of rents arrears. This will continue in the proposed revised policy.

On the specific issue of rent arrears, it is intended that the revised policy will clarify that applicants with a history of rent arrears must have taken steps to deal with these arrears. Otherwise, they cannot be considered for re-housing via Bucks Home Choice.

(E) Amend the overcrowding criteria to bring it in line with Government Guidance and Welfare Benefit changes

This will ensure that the Bucks Home Choice policy on assessing overcrowding and allocating properties is consistent with national policy. In particular, it will ensure that applicants are not allocated properties where they may face a housing benefit shortfall because they are deemed to be under-occupying (under regulations being introduced from April 2013). For example, a family with 2 children under 10 would only qualify for a 2 bedroom property, instead of a 2 or 3 bedroom property at present.

(F) Exclude owner occupiers from the scheme (unless they have to move to older persons accommodation and/or cannot remain in their own home due to medical or mobility issues that cannot be addressed with disabled adaptations)

This reflects Government guidance that authorities should avoid allocating social housing to people who already own their own home other than in exceptional circumstances. The proposed change to the Bucks Home Choice policy will focus on owner occupiers

- with a specific need to move on age or mobility grounds and
- who do not have access to financial resources to secure a move, and their home is not capable of adaptation.

The wider consultation on this proposal will address the question of how owner occupiers (who are accepted on Bucks Home Choice) should be expected to dispose of their property if they secure a tenancy (e.g. will they be required to sell the property, lease it to the Council etc.)

As of October 2012, there were 83 owner occupiers on the Council's Bucks Home Choice Housing Register. Approximately 50 of these would cease to qualify for the scheme under this proposed change.

(G) Give members of the armed forces due consideration in line with Government guidance

This reflects new Government guidance and statutory instruments which require the Council to:

- exempt service personnel and families from local connection criteria when applying for housing (including service personnel who left the services within the last five years) and
- give additional priority to former service personnel with urgent housing needs.

An initial review has indicated that there are currently only a very small number of service personnel on the Council's Bucks Home Choice Housing Register. An assessment is underway to identify all of the current applicants who meet the Government definition. While the initial impact on Aylesbury Vale may be limited, it is unknown as to how many current and former service personnel from elsewhere may wish to apply to Aylesbury Vale for re-housing in the future (bearing in mind that there are service bases in our area and Wycombe). The Bucks Home Choice partnership will be monitoring this.

(H) Amend the process for taking account of Date of Registration when prioritising applicants for vacancies

As stated earlier, the date of original registration is one of the key factors for determining which applicant should be offered a property (i.e. the property is offered to the applicant who has been registered for the longest period within the relevant banding). However, there is potential for

unfairness to occur if an applicant is moved into a higher priority banding (e.g. Band C to Band B) and is then re-housed ahead of other applicants who have been in the higher banding for a longer period, on the basis of their registration date. The proposed change will result in the allocation process reflecting the length of time an applicant has been in housing need with the appropriate banding, rather than the original registration date. This change is intended to address any unfairness.

- 4.10 Persons who already hold a tenancy with a Registered Provider (e.g. Paradigm) or in private rented accommodation will continue to be able to apply to the Bucks Home Choice scheme. However, they will still need to meet the scheme qualification criteria in the revised policy in order to register (e.g. have a local connection with the district concerned, have a reasonable preference for re-housing etc.).
- 4.11 The main impact of the changes will affect placed in Band D with a likely reduction in the number of applicants. This reduction could potentially result in a reduced level of administration for those Band D applicants who do remain (e.g. undertaking detailed verification checks on the application only if the applicant is due to receive an offer of a tenancy). This will provide more scope for officers to spend time delivering targeted advice and assistance on housing options to clients who do not qualify for Bucks Home Choice or who have limited prospects for securing a tenancy.
- 4.12 However, this takes no account of the potential increase in demand from applicants in housing need as a result of the Government's welfare reform policies which will apply to benefit levels generally as well as levels of housing benefit for private sector tenancies (already in force) as well as for social tenancies from April 2013.
- 4.13 That said, at present, all applicants applying to join the Housing Register are entitled, under the Housing Act 1996 as amended, to apply to the Council for a statutory review of any adverse decision we have taken in connection with their application, including any decision to refuse to accept an application (as a qualifying person), or a decision not to award a rebanding priority to an applicant. The introduction of strict eligibility criteria, as opposed to the current open housing register, is likely to result in an increase in requests for statutory review for housing register cases under Part V1. These cases need to be assessed by a senior housing officer who has had no previous dealings with the case.
- 4.14 Each of the four District Councils in the Bucks Home Choice partnership is seeking initial views of its Members on the proposed changes to the Allocations Policy ahead of undertaking a formal consultation exercise. Following the formal consultation, the Bucks Home Choice Partnership will develop a final draft of the revised policy which will be reported back to Members for consideration.

5.0 Local consultation

- 5.1 In Aylesbury Vale, a BHC pre-consultation event was held on 26 October which was attended by District Council Members, together with town and parish councillors. Generally those present supported the proposed changes to the

BHC policy. A number of points were raised, and these are attached at Appendix 2 to this report.

- 5.2 Some of the questions raised relate to the issue of whether allocations should continue to be based on Aylesbury Vale district as a whole, or whether some allocations could be made, within the normal banding priorities, on a more local basis perhaps based on connections with individual villages. This already applies to villages with a population of less than 3000, if a Rural Exception Scheme has been developed so that applicants with a strong village connection are rehoused subject to a Local Lettings Policy as provided for within the main BHC policy. In such circumstances, applicants with the qualifying local village connection have preference over applicants who do not have such a connection.
- 5.3 Analysis of lettings in the slightly larger settlements of Buckingham, Haddenham, Wendover and Winslow undertaken between 1 April 2011 and 31 March 2012 has established that between 36% and 66% of lettings in each settlement were allocated to applicants with a local connection to that settlement or an adjoining ward. This demonstrates that BHC is giving applicants a good deal of choice as to where they wish to live.
- 5.4 One major difficulty in restricting allocations to specific localities – irrespective of individual applicants’ housing priority - is that it could conflict with statutory Government guidance that, overall, local authorities must give priority to applicants in the reasonable preference groups (currently, priority bands A, B and C). Under the BHC Policy review proposals, it is suggested that revised definitions be applied to Band D that will then include Band D applicants in the “reasonable preference” priority. However, we would still need to ensure that applicants across the district in the greatest housing need (Bands A, B or C) continue to have priority over Band D cases.
- 5.5 The Bucks Home Choice system already achieves this goal whilst giving applicants the opportunity to move where they wish, whether or not they have a residential or employment connection (or no connection) with a specific locality within the district. If we were to consider adopting a Policy that applied an additional set of eligibility criteria to establish a local connection with a locality / village, this would make the scheme administratively more complex and expensive. It may not be possible for the software to be enhanced to identify local connection to a workable degree (beyond residential postcode identification, for example). Such a change would also put a greater responsibility on applicants to notify us of additional change of circumstance that may qualify or disqualify them from a rural allocation.
- 5.6 Significantly, choosing to adopt an allocation policy based on localities rather than the whole district could enable lower priority applicants to be rehoused above others in greater need and restrict choice for a large number of applicants with no connection to smaller towns or villages, or village residents who wanted to leave their village and move to a town, for example, for employment reasons. In any event to adopt a policy to cover individual parishes throughout the District, (therefore going beyond provision made through local lettings policies) would be inconsistent with the philosophy of the Bucks Home Choice policy. If we adopt a village based allocation policy, we would be operating, in effect, our own separate Policy. Assuming we could continue to operate under the Bucks Home Choice banner, we would be

offering what is essentially a separate service to the other BHC partners and would have to bear the additional costs to meet our local needs.

- 5.7 Applicants in localities where there was no new build or a limited number of relets would have less chance of being housed than applicants with a connection with a locality where more housing was available. This may also conflict with our duties under the Equalities Act 2010. We have to consider whether there are any barriers or unintended consequences for some groups as a result of any policy change. For example, the choices for people with disabilities, or those needing supported housing, may be restricted if the area with which they have a connection has no suitable accommodation for their needs.
- 5.8 It is likely that specific and additional detailed local connection rules would need to be drawn up to achieve the desired result of giving preference to applicants with a strong village connection. It is likely also that this would result in void property rent losses being incurred by Registered Provider (housing association) landlords as it would take longer to vet applications at pre-allocation stage as part of the lettings process.
- 5.9 We must ensure that homeless applicants (falling within the reasonable preference categories) are housed as quickly as possible from temporary accommodation at Griffin Place. This is an AVDC Corporate Plan objective. Giving lower priority applicants an advantage through “ring fencing” vacancies to applicants with a specific locality would result in a slower turn round at Griffin Place. We may also be unable to place homelessness families there as required which would be costly as we would have to use additional bed and breakfast accommodation which is contrary to government guidance.

Members ‘views on” locality” allocations (Para 5.1 - 5.9 above) are sought.

- 5.10 The proposals also include a suggestion to cease to operate an open housing register. The recommendations are that a qualifying applicant would in future need to be resident or employed within the district for 12 months immediately prior to registration. This proposal would exclude applicants from the register where they have a local connection on the basis of close family ties unless the applicants also meet the residential or employment connection, and having a housing need themselves.
- 5.11 Under the policy review proposals, only applicants with a residential or employment connection with the district would qualify for inclusion on the Register, except for applicants seeking properties designated for persons aged 55 or above (apart from approved Band A cases, and cross– district allocations where there is no local demand). In the case of owner–occupiers, they would have to prove that they had medical/mobility issues which meant that they could not remain in their home, and adaptations were not practicable, and that they did not have access to financial resources to secure a move elsewhere.
- 5.12 At the pre-consultation event, some Members expressed concern that this will affect the ability of would be carers from outside the district to look after close family in the district, or those requiring care and support from close family living in Aylesbury Vale. Most applicants of this nature come from older applicants living outside our district, and needing to be near close family living in Aylesbury Vale. Under the policy review proposals, provided applicants are

seeking accommodation designed for applicants over 55's, there would be no barrier to this.

- 5.13 To accept any other applicants from outside the district where they do not meet these criteria and do not have a housing need would be inconsistent with the policy proposals. Members' views on this matter are sought.
- 5.14 As part of the policy review, the BHC partnership is legally obliged to conduct consultation with Registered Providers with whom they have nomination arrangements in Buckinghamshire. We also have a duty to advise those likely to be affected by a major policy change of the effect the revised policy may have. We would expect to do this early in 2013, subject to the draft policy being approved by Members across the four district councils in the BHC Partnership.

6.0 Options Considered

- 6.1 To not review / revise the BHC Allocation Policy – The passing of the Localism Act and introduction of new Government Guidance as set out in section 3.1 necessitates a review of the current policy.
- 6.2 To review / revise the BHC Policy - Under s 166A of the Housing Act 1996, a local housing authority's Allocation Scheme must include a statement of the authority's policy on offering applicants a choice of housing accommodation, and about the opportunity to express preferences. It is recommended that we continue implementing our Allocation Scheme within Bucks Home Choice to meet these requirements.
- 6.3 This would ensure that a revised Bucks Home Choice Policy is approved and ready for implementation subject to the agreement of the other Bucks Home Choice partners and completion of other relevant procedural matters.

7.0 Resource implications

- 7.1 The costs of software enhancements related to the proposed changes to the BHC policy have not been confirmed in detail but are estimated to be between £10k to £20k, some of which would be shared with the other District Council partners in BHC subject to all partners agreeing the revised Policy. If any of the Partners, including Aylesbury Vale, decided to agree a policy significantly different from the Partnership, that authority would have to bear the costs of all additional software development required to implement their particular policies.
- 7.2 Budget provision for software enhancement has been made within the Housing IT Reserve.
- 7.3 Additional resources are likely to be required should it be decided that the waiting list and allocations be administered on a locality basis as opposed to a district wide basis.
- 7.4 Additional staff resources may be required for reassessing applications as part of the policy review, dealing with enquiries and the resulting extra administrative duties. It is hoped to implement the revised BHC Policy by mid 2013, but this will depend on the Policy having been agreed by all BHC partners, software enhancements having been completed, and all consultations and necessary equality impact assessments having taken place. .

8.0 Response to Key Aims and Objectives

8.1 Providing an effective Bucks Home Choice Service is an objective in the Council's Corporate Plan 2011 to 2015, within the priority theme "Protecting and Improving the living experience in the Vale".

Contact Officer Roy Brooks Tel 01296 585107

Background Documents None

APPENDIX – Summary of Proposed Changes to Bucks Home Choice Allocations Policy

Review of Bucks Home Choice Allocations Policy – Summary of Proposed Changes	
Current Policy and Reasons for Proposed Changes	Proposed Changes
<p><u>(A) LOCAL CONNECTION & REGISTRATION</u></p> <p>Current Policy: BHC is currently open to any applicant regardless of whether or not they have a local connection with Bucks. An applicant can register with any of the four districts.</p> <p>Reasons for Proposed Change: There is concern that an increasing number of households with no local connection to Bucks will be registering with BHC as housing costs increase elsewhere. In turn, this will make it harder for local households to secure tenancies via the scheme. Also, new statutory instruments are excluding members of the armed forces from local connection requirements.</p>	<p>(i) An applicant will only qualify for Bucks Home Choice if he/she has a local connection with one or more of the Districts in Bucks (i.e. Aylesbury Vale, Chiltern, South Bucks or Wycombe)</p> <p>(ii) An applicant will be deemed to have a local connection with a district if he/she: (a) has lived in the district continuously for at least 12 months immediately prior to application and/or (b) has had continuous employment in the district for at least 12 months immediately prior to application. (Note; -An applicant who has close family living in a district in Bucks will <u>not</u> be deemed to have a local connection unless the applicant also meets the residence or employment requirement set down above)</p> <p>(iii) An applicant with no local connection to the district will not qualify for BHC unless he/she is:</p> <ul style="list-style-type: none"> - (a) seeking properties designated for persons aged 55 or more, - (b) an applicant where one of the District Councils (i.e. Aylesbury Vale, Chiltern, South Bucks or Wycombe) has accepted a statutory homelessness duty under Part 7 of the Housing Act 1996 (e.g. because the applicant is fleeing violence from another area), - (c) an applicant who had to move away from the district for reasons beyond his/her control (e.g. hospital, care, prison etc.) and who had lived in the district for at least 12 months immediately prior to moving away,

A) LOCAL CONNECTION & REGISTRATION (CONTINUED)

In addition, each District wants to ensure that vacancies within its area are targeted at households with a local connection to the District concerned (e.g. Vacancies in Aylesbury Vale district are targeted at person with a local connection to Aylesbury Vale etc.)

- (d) serving in the armed forces or has served in the armed forces within five years of the date of the BHC application,

- (e) a bereaved spouse or civil partner of a member of the Armed Forces leaving Service Family Accommodation following the death of their spouse or partner, or

- (f) a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service.

(iv) An applicant will only be permitted to make a Bucks Home Choice application to a district where he/she has a local connection (e.g. An applicant whose sole local connection is with Chiltern will not be able to register with Wycombe District Council).

(v) Vacancies that are advertised in each district will only be available to applicants who are registered in the district concerned (e.g. Properties advertised in South Bucks will only be available to applicants on the South DC Bucks Home Choice register).

The only exceptions to this will be:

- applicants who are assessed as Priority Band A and

- a proportion of tenancies that each partner will continue to make available for cross-district letting (these will be clearly advertised as being available to applicants registered with any of the four districts)

(B) APPLICANTS WHO HAVE NO REASONABLE PREFERENCE FOR RE-HOUSING

Current Policy

Applicants who are deemed not to have any reasonable preference are placed in the lowest Priority Band D and have little or no prospect of being re-housed via the BHC scheme. However, all Band D applicants are still subject to the full registration process and receive a full assessment of their application.

Reason for Proposed Change:

Considerable officer time is spent administering BHC applications with little or no chance of securing a tenancy via the scheme. We want to make more efficient use of officer time to focus on those applicants who actively need advice and assistance.

There is also concern that the current arrangement gives false expectations for re-housing to Band D applicants when the reality is that they have little chance of securing a tenancy. This can prevent them actively looking at other housing options.

(i) The qualification criterion for Priority Band D will be revised and limited to applicants who the scheme considers to be in reasonable preference for re-housing because they are:

- (a) sharing accommodation with their family,
- (b) living in a HMO (House in Multiple Occupation),
- (c) sharing at least one of the following facilities with another household:
 - cooking facilities
 - bathroom
 - toilet
- (d) serving in the armed forces (or who has served in the armed forces within five years of the date of the BHC application),
- (e) registered on BHC and have subsequently accumulated rent arrears on their tenancy (the applicant will remain in Band D until the arrears are cleared or regular payments have been in place for at least 6 months), or
- (f) homeless and deemed to be intentionally homeless under Part 7 of the Housing Act 1996.

(ii) Applicants who are:

- not in reasonable preference
- would currently qualify for Band D status and
- do not fall into any of the categories listed in (i) above

will cease to qualify for the Bucks Home Choice Scheme. Instead, these households will be given advice and assistance on the other housing options that are available to them.

(C) APPLICANTS WHO ARE INTENTIONALLY HOMELESS

Current Policy:

All applicants who are homeless are currently placed in Priority Band C unless they have multiple needs or have been in temporary accommodation for at least 6 months.

Reason for Proposed Change:

Applicants who are intentionally homeless (i.e. homeless as a result of a deliberate act or omission) currently receive the same level of priority as homeless persons who have become homeless through no fault of their own. This is considered unfair

Applicants who are deemed to be intentionally homeless (as assessed under Part 7 of the Housing Act 1996) will no longer be placed in Band C. Instead, they will be placed in Band D.

<p><u>(D) UNACCEPTABLE BEHAVIOUR AND RENT ARREARS</u></p> <p>Current Policy: Currently, an applicant is not eligible to register with BHC if: - the applicant (or a member of the household) is considered to have been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant and - at the time of application, he/she is still considered unsuitable by reason of that behaviour</p> <p>Reason for Proposed Change: This provision around unacceptable behaviour will remain in the BHC policy. However, the policy will provide clearer guidance on when rent arrears will be deemed to be unsuitable behaviour and render an applicant as non-qualifying for BHC (see right)</p>	<p>(i) An applicant has a history of rent arrears will not will qualify for BHC on the grounds of unreasonable behaviour if: - the rent arrears are still outstanding, and - regular payments have not been made to reduce the rent arrears for at least 6 months. (If an applicant is already registered with Bucks Home Choice and then gets into rent arrears, he/she will be moved to Priority Band D until the rent arrears are cleared or regular payments have been in place for at least 6 months) The Bucks Home Choice partnership will agree a common approach to what should be deemed as an acceptable level of “regular” payments for the purposes of the above.</p> <p>(ii) This provision will not apply to cases where the applicant has a history of rent arrears, but the District Council has accepted the main statutory homelessness duty (i.e. duty to secure that accommodation is available) under Part 7 of the Housing Act 1996.</p>
<p><u>(E) BEDROOM REQUIREMENTS</u></p>	

Current Policy:

The BHC policy includes a Bedroom Standard that sets down the size of property (i.e. number of bedrooms) that an applicant can express an interest in based on the household size. The policy also allows some applicants with two children the flexibility to express an interest in both 2 and 3 bedroom properties

Reason for Proposed Change:

The current Bedroom Standard states that two children of the opposite sex are expected to share a bedroom until the older child reaches 8 years of age. This is inconsistent with Housing Benefit assessment regulations which expect them to share until the older child is 10. The proposed change will bring the BHC policy in line with Housing Benefit regulations. The proposed change will also remove the flexibility for applicants with two children to express an interest in both 2 and 3 bedroom properties. This will ensure that households do not find themselves penalised for under-occupation under the new Housing Benefit regulations.

(i) The assessment of an applicant's bedroom requirements will assess that two children of the opposite sex can share a bedroom until the older child reaches 10 years of age.

(ii) An applicant with two children of the opposite sex will only be entitled to express interest in a two bedroom property until the older child reaches 10 years of age. At that point, the applicant will be permitted to express an interest in a three bedroom property.

(iii) An applicant with two children of the same sex will only be entitled to express interest in a two bedroom property until the older child reaches 16 years of age. At that point, the applicant will be permitted to express an interest in a three bedroom property.

(The Code of Guidance on Allocations (June 2012) recommends that 2 children of the same sex should be expected to share the same room until the oldest one reaches 21 years of age. The proposal in (iii) above may be amended to reflect this)

(F) OWNER OCCUPIERS

Current Policy:

Owner Occupiers are entitled to apply for re-housing via BHC. However, in this event, the BHC policy requires an assessment of the applicant's financial circumstances (including equity in his/her property) to determine if the applicant can secure alternative housing using his/her own resources. If the applicant is deemed to have sufficient resources available, he/she is placed in Band D.

Reason for Proposed Change:

It is considered that owner occupiers who have sufficient resources and/or equity available to them should generally make their own arrangements if they require alternative housing and should not seek re-housing via BHC. However, the new Code of Guidance recognises that in some cases older owner occupiers may need to move and may not have the necessary resources to do so.

An applicant who is an Owner Occupier will not qualify for BHC unless:

(i) The applicant:

- is seeking accommodation designated for persons aged 55 or more
- he/she cannot stay on their own home, and
- he/she does not have sufficient resources available to secure his/her own alternative housing.

(ii) The applicant;

- has medical and/or mobility issues which mean that he/she is unable to remain in the home
- adaptations are not possible and
- he/she does not have access to financial resources to secure a move elsewhere.

(G) MEMBERS OF THE ARMED FORCES:

Current Policy:

There is no specific reference to members of the Armed Forces in the current policy

Reason for Proposed Change:

The Government has introduced draft statutory instruments which propose that:

- residency requirements in an allocation policy should not apply to current or former members of the armed forces (or to bereaved partners or injured reservists), and
- an allocation policy should be framed to give additional preference to an applicant who formerly served in the armed forces and is a person with urgent housing needs.

(i) The following persons will not be subject to the BHC local connection requirements (see (A) and (B) above):

- (a) an applicant who is serving in the armed forces (or who has served in the armed forces within five years of the date of the BHC application),
- (b) a bereaved spouse or civil partner of a member of the Armed Forces who is leaving Service Family Accommodation following the death of their spouse or partner, or
- (c) a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service.

(ii) The BHC Allocation policy will give additional preference for re-housing to persons who formerly served within the armed forces and who fall within the reasonable preference categories (Section 167 of the Housing Act 1996) and have urgent housing needs.

(iii) An applicant who meets the armed forces criteria set down in (i) above will qualify for the Bucks Home Choice scheme regardless of whether or not they have a reasonable preference for re-housing.

(H) DATE OF REGISTRATION

Current Policy:

When applicants are shortlisted for a tenancy, they are prioritised based on:

- priority banding,
- local connection to district and
- date of registration on Housing Register/Bucks Home Choice

If an applicant is re-assessed and moved into a higher priority Band (e.g. Band D to Band C), their date of registration is unchanged.

Reason for Proposed Change:

It is considered unfair that an applicant may be moved into a higher band and then may be shortlisted ahead of other households who have been in that Band for longer (because the applicant's date of initial registration for the scheme was earlier than for those other households)

(i) If an existing applicant has his/her circumstances re-assessed and is moved into a higher priority band, then his/her date of registration will be re-set to the date of the move the higher Band (This will include homeless applicants who move from Band C to Band B because they have completed 6 months in temporary accommodation)

(ii) If an existing applicant has his /her circumstance re-assessed and is moved into a lower priority band, then his/her date of registration will be unchanged.

Questions and Responses

Q1	<p>a) Have we already defined the criteria for both homeseekers and transfer applicants? b) Would we consider a proposal to look at some sub areas in Aylesbury Vale for reasonable preference to apply?</p> <p><u>Response</u> a) The priority banding is based on the reasonable preference criteria set out in S166a Housing Act i.e. homeless, overcrowding etc. We have to reflect the legislation. b) We will consider further and listen to suggestions.</p>
Q2	<p>a) Can we include local connection in the reasonable preference categories so that more applicants go into Band B? b) Villages under 3000 population can opt for a Rural Exception Scheme but does the Housing Policy reflect this for the four sub areas which don't qualify?</p> <p><u>Response</u> a) No we cannot alter the reasonable preference categories as the Code of Guidance sets out the criteria and this does not include local connection. However the Code does give us scope to take account of local connection/ applicants' finance/ fostering etc. in drawing up the Allocation Scheme generally. An assessment of the applicant's housing need is the trigger for awarding the appropriate level of banding. Band B issue; concerned about number of people disqualified and social cost if children cannot live near parents and grandchildren. We will consider this matter further. b) The proposals do not currently include "village" allocations to the 4 small towns in the Vale. We will consider this matter further in the policy review.</p>
Q3	<p>How local is local? Of the 22 homes owned by VAHT in Swanbourne, only 2 are occupied by "local people".</p> <p><u>Response</u> These properties were not subject to a Rural Exceptions Scheme so allocations were not restricted. Fuller response required.</p>

Q4	<p>a) There has been “unfair” and “inappropriate” allocation of bungalows to young families. Why not allocate to local elderly? Will the policy allow these properties to be allocated across the district boundary? b) Why do Registered Providers (RPs) allocate their “own applicants”?</p> <p><u>Response</u></p> <p>a) We no longer place homeless families in bungalows following the development of Griffin Place. There is some possibility of cross boundary lettings for Difficult To Let (DTL) bungalow/sheltered accommodation. b) AVDC generally have 100% nomination rights on all new build properties and these are restricted to only those with a local connection with Aylesbury Vale under a Local lettings Policy. RPs can allocate 25% of their own applicants but some give us 100% instead of having their own waiting list.</p>
Q5	<p>a) Supports “micro” allocations. Can other councils export their housing shortages to AVDC? b) Will tenants who have a spare bedroom be given priority for a transfer to avoid a penalty? c) What will the cost be to the tax payer of the statutory reviews? Can the cost be recorded on AVDC’s website for the tax payers?</p> <p><u>Response</u></p> <p>a) Less than 10 exports and imports - neutral (7v8) - Can information be put on BHC website? b) Tenants under occupying by one bedroom would be a Band C. Pensioners will not be affected by the “spare bedroom tax” following HB reforms. c) It is not necessary to refer requests for statutory reviews to the Legal division for action. They are investigated by senior housing staff. The only expense will be the officer’s time. At present we can re-assess some cases informally prior to the need for a statutory review arising. Currently receive about 12 reviews per year under this Part of Housing Act.</p>

Q6	<p>Rural Exception Scheme in Stewkley developed in 2006. Since then most of the houses seem to be occupied by people not from Stewkley.</p> <p><u>Response</u></p> <p>There are strict allocation criteria attached to Rural Exception Schemes and it may be that difficult to sell shared ownership properties have gone to outside buyers.</p>
Q7	<p>Is the bidding based on a points system and is it based on local or government policy?</p> <p><u>Response</u></p> <p>The Allocations Policy is not based on a points system but priorities are set out in a narrative form which reflects the Code of Guidance. Band priorities are set out in the Policy and the case officers apply the policy. For example if ten applicants apply we select in the following order:- Look at Band A, and then Band A local connection, then date of registration. Officers have to interpret the information and will telephone or interview applicants for further information as necessary.</p>
Q8	<p>a) Suggestion that BHC does not cater for the needs for the north of the district, so can Winslow / Buckingham have priority for allocation? b) Most communities have a stock of established social housing so can relets be considered for more local applicants? c) Over 90% of respondents to a questionnaire were in favour of priority being given to local applicants in the Winslow local plan.</p> <p><u>Response</u></p> <p>The new local connection criteria will benefit the district as a whole. Between 1 April 2011 and 31 March 2012 we have established that between 33% and 59% of lettings in the 4 “larger” small towns were allocated to applicants with a local connection to that settlement or an adjoining area. This demonstrates that BHC enables applicants a good deal of choice in where they wish to live.</p>

Q9	<p>With a reduction of approx. 800 applicants from the Housing Register will they be signposted to other alternatives?</p> <p><u>Response</u></p> <p>Housing Advisers and Housing Options Officers will help. However, the Welfare Reforms may price some people out of the private market. Central government expects local authorities to reduce waiting lists.</p>
Q10	<p>Will the new criteria on residence & employment affect applicants who are unemployed or made redundant and have no residence qualification?</p> <p><u>Response</u></p> <p>We will consider those people who would “normally” be resident e.g. not in prison/residential care/hospital. The stricter eligibility criteria will however have to take account of homelessness cases for whom we have accepted a statutory duty assessment even if they do not otherwise meet the criteria for qualification to the waiting list. We will check the answer with our partners concerning applicants who qualify through employment qualification, but are made redundant.</p>
Q11	<p>AVDC used to operate a local allocations policy. Will “local” lettings be discriminatory under the Equalities Act?</p> <p><u>Response</u></p> <p>We will have to do an Equalities Impact Assessment for the new policy</p>

Q11	<p>a) Can we calculate the benefit changes and the effect on AVDC? b) Will AVDC build their own housing under the general powers of competence?</p> <p><u>Response</u></p> <p>a) We are preparing a briefing on the benefit changes which will be available to members. b) AVDC has no plans to start building new homes.</p>
Q12	<p>Will this information be available before the elections in March?</p> <p><u>Response</u></p> <p>Yes</p>
Q13	<p>How many families have moved in and out of Buckingham?</p> <p><u>Response</u></p> <p>We can only provide statistics re - social housing allocations for the four small towns.</p>
Q14	<p>Can we provide information on the number of local lettings for each parish with a local connection?</p> <p><u>Response</u></p> <p>No we are not able to provide data in that degree of detail.</p>