

**1 Purpose**

- 1.1 To seek the views of the Scrutiny Committee on a revised draft Bucks Home Choice Allocations Policy.

**2 Recommendations**

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| <p>2.1 That the Scrutiny Committee consider proposed changes to the Council's Allocations policy and additionally;</p> <ul style="list-style-type: none"><li>- Approve formal consultation on these changes</li><li>- Determine comments on the changes for consideration by Cabinet</li></ul> |
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**3 Executive summary**

- 3.1 The Council is a member of the 'Bucks Home Choice' Partnership which consists of four district council's; Aylesbury Vale District Council, Chiltern District Council, South Bucks District Council and Wycombe District Council, who manage the allocation of affordable and social rented accommodation with their districts. The partnership operates a common Allocations Policy which is being reviewed in response to changes made by recent case law following the Localism Act 2011 and the Homeless Reduction Act 2017.
- 3.2 As a Local Housing Authority the Council has a statutory duty to consult the Public and housing providers about the allocation of social housing in the county. The proposed policy changes will be consulted upon and this report provides information for members of the scrutiny committee on the changes.
- 3.3 Broadly speaking these changes have a material effect on who does and who does not qualify for Bucks Home Choice. The proposed changes will also effect the relative priority band awarded to certain types of applicant and introduce a new priority band E. In doing so the Council seeks to achieve the following policy objectives;
- To respond to recent case law and government guidance, so that the Allocations Policy is lawful.
  - To better utilise the Allocations Policy as a homelessness prevention tool.
  - To continue to make best use of housing stock, by allocating the largest properties to the largest families who need it most.
- 3.4 Proposed changes to the Allocations Policy have no effect on existing Local Lettings Policies. In particular, the local policy which fences a quota of properties to applicants with a connection to one of four sub groups in Aylesbury Vale will be unaffected.

**4 Supporting information**

- 4.1 The Council has a common allocation policy with other members of the Bucks Home Choice Partnership who are Chiltern District Council, South Bucks District Council and Wycombe District Council. We are proposing a number of amendments to the policy to provide greater clarification as to how we currently allocate housing. We are also reacting to changes in legislation and recent case law.

- 4.2 The Localism Act made changes to the Housing Act 1996 and offered much greater freedom to local authorities, allowing them to manage their waiting lists, by considering the needs within their local area. In effect this allowed allocation schemes the flexibility to set classes of qualifying persons. Statutory guidance accompanying these changes suggested that local authorities set a qualifying local connection period of at least two years. Further statutory guidance was also issued to;
- Help members of the Armed Forces obtain social housing if they need it
  - Ensure those Social Tenants who need to move for employment are not disqualified by local connection rules
  - To make the best use of housing stock by letting properties to those that need a particular size and type of property to avoid over/under occupying.
- 4.3 Further to the Localism Act, there remained a conflict between the Housing Act 1996, which sets out that priority must be given to households falling into 'reasonable preference' categories (such as those who live in overcrowded or insanitary conditions), and the Localism Act, which allowed authorities to set qualification criteria locally, that would prevent 'reasonable preference' applicants from qualifying. Recent case law has resolved the position, setting out that those 'reasonable preference' applicants must not be disqualified by an allocation scheme, but can however, be awarded a lower priority.
- 4.4 Since 2012, a range of welfare reforms have had a cumulative effect on the numbers of applicants seeking and requiring homelessness assistance. This has placed pressure on the supply of and cost of temporary accommodation in Aylesbury Vale.
- 4.5 More recently, the Homeless Reduction Act 2017 substantially amends the Homelessness legislation increasing statutory duties to prevent and relieve homelessness.
- 4.6 There is now a greater expectation that local authorities frame their allocation policies to house those living in unsuitable housing circumstances, in order to prevent them from becoming homeless. This is an approach increasingly taken by other local authorities.
- 4.7 The Bucks Home Choice partnership have considered new legislation and case law/ guidance and the likely impact of the governments reforms, alongside a lack of social housing (particularly larger properties). The two year residence or employment qualification will remain, but there be further exceptions and changes, which are summarised below.

## **5 Proposed amendments to the scheme**

- 5.1 Those applicants who will now qualify for Bucks Home Choice:
- Applicants who have left the local authority area for a period of up to 4 months, where they are staying with family to search for alternative accommodation in the area.
  - Applicants placed in supported accommodation out of the area will retain a local connection with the area they were living in.
  - Applicants owed prevention and relief duties within the Council's statutory homeless duties (Part VII of the Housing Act 1996) to reflect the changes made by The Homelessness Reduction Act 2017.

- Applicants who meet the criteria set out in the Right To Move Regulations 2015.
- Prisoners who have been released from prison and had a local connection to the district immediately prior to going to prison.
- Applicants in the statutory 'Reasonable Preference categories' (even if they do not have a local connection or would normally be non qualifying as required by the Housing Act 1996).

#### 5.2 Those applicants who will no longer qualify Bucks Home Choice:

- Applicants aged 16 or 17 (unless there is an adult who can hold the tenancy as a trustee until they are 18).
- Applicants who have income, (unless they fall within the statutory reasonable preference category). Decisions on these cases will be taken on a case by case basis, as opposed to a income or savings threshold being set.
- Applicant who formerly owned a property within the last five years and have disposed of capital without making reasonable housing arrangements. Evidence as to the circumstances will be required.
- Applicants who have previously purchased a Right to Buy or Right to Acquire property (unless they are owed a main homelessness duty)
- Applicants subjected to an Anti-Social Behaviour Order and those breaking the terms of their tenancy, where a notice to quit has been issued.
- Applicants aged over 55 (who would previously qualify as an exception where they are seeking accommodation designated for over 55's) who have suitable owner occupier accommodation, or who have assets or savings sufficient to enable them to source accommodation in the private sector. Decisions on these cases will be taken on a case by case basis, as opposed to a income or savings threshold being set.

#### 5.3 Other Policy Changes

- Where a change of circumstances results in the award of a higher priority band the priority date of the banding will be amended to the date of notification of the change. Where a change of circumstances results in the award of a lower band the application date will remain the same.
- Include an amendment to allow same sex siblings to share a bedroom up to the age of 21 and encourage those over 21 to apply separately to make the best use of accommodation
- To place applicants who owe rent arrears to a landlord to be placed in a new Band E until they have cleared the arrears to ensure that applicants owing rent arrears are not offered accommodation. There will still be the opportunity for exceptional circumstances to be considered.
- Include three further examples as to where an applicant could be deemed to have worsened their circumstances to include the refusal of an offer of private rented accommodation, where a statutory homeless applicant refuses a suitable final offer and where an

applicant colludes with a landlord or family member to obtain a notice to quit.

- To amend verification procedures to ensure that where an applicant cannot be contacted within the next working day following a home visit the applicant will not be nominated for the property. This is to ensure we meet our legal time frames set out in nominations agreements.

#### 5.4 Changes to Priority Banding:

- To move from Priority Band D to E those applicants who have applied for assistance to one of the four district Councils belonging to the Bucks Home Choice Partnership under Part VII where the Council has reached a decision that the applicant is eligible, homeless in priority need but intentionally homeless to ensure they do not have priority over those not found intentionally homeless.
- To move from Priority Band D to Priority Band E those whom have applied for assistance to one of the four district Councils belonging to the Bucks Home Choice Partnership under Part VII of the Housing Act 1996 where the Council has reached a decision that they are eligible, homeless but not in priority need. This would mean that these applicants are not placed above those whom the Council have accepted a full homelessness duty towards.
- To increase priority Banding from Band B to Band A those whom are assessed as under occupying social rented accommodation. This gives the highest priority to those applicants who would leave a larger family home for re allocation and places the best use of housing stock our high priority objective.
- Applicants that are living in severely overcrowded rented, either social housing or private sector, accommodation and assessed as lacking two bedrooms or more, would be awarded Band A. Under the current policy these applicants would be awarded a Band B. This change is with a view to reducing homelessness as re-housing time would be reduced in recognition of unsuitable housing circumstances.
- Applicants who are living in accommodation that has been assessed as insanitary and or evidenced as being in a state of significant disrepair which cannot be repaired or rectified, would be awarded Band B. Under the current policy these applicants may be awarded a Band C and so this change ensures that applicants who meet this criteria all are placed in a Band B. This change is again with a view to reducing homelessness as re-housing time would be reduced in recognition of unsuitable housing circumstances
- Reduce Priority Band C to Band D those applicants who are eligible, homeless, in priority need and not intentionally homeless and have a local connection to the area (full duty). This is an important change to align the Homelessness Reduction Act's emphasis on preventing homelessness.
- To place those applicants owed a Prevention/Relief duty into Band E to ensure they are given reasonable preference in accordance with our statutory duties.
- In order to meet the Council's statutory duties under the Right To Move Regulations 2015, applicants who are social housing tenants

who need to move due to their place of work being in an area in which they do not hold a local connection, must be permitted to join the housing register to avoid hardship to the applicant. Local authorities must be satisfied that the tenant needs, rather than wishes, to move for work reasons. Amend from Band D to Band E so to not prioritise higher than those with a local connection.

## **6 Options Considered**

- 6.1 To not proceed with any of the above changes. This is not a preferred option as it would prevent the Bucks Home Choice Partnership as a whole, bringing forward changes. The current policy would remain unlawful in some areas.
- 6.2 To proceed only with a selection of the above changes, including updates to make the policy lawful. This may however compromise the ongoing viability of the Bucks Home Choice partnership if we cannot agree as a whole to bring forward changes identified by all Districts.

## **7 Resource Implications**

- 7.1 A number of system enhancements will be required to incorporate the changes to the existing Bucks Home Choice software. The cost such changes have not yet been confirmed but are expected to be met from an existing modest software improvement budget.
- 7.2 Existing applicants will not need to reapply to be re-assessed under new arrangements. Instead, applicants will be automatically re-assessed and placed into new priority bands and notified in writing, with the usual statutory recourse to review proceedings. There will be an uplift in officer time required for associated reviews and enquiries, but this is expected to be met from existing resources.

Contact Officer	Mrs J Oliver , Principal Housing Officer, 01296 585109.
Background Documents	Allocation of accommodation: guidance for local housing authorities in England 2012. Housing Allocation & Homelessness, Law & Practice, Jan Luba QC, Liz Davies and Connor Johnston 2016.