



Report For:	Cabinet
Date of Meeting:	Cabinet 11 March 2019
Part:	Part 1 - Open

SUMMARY	
Title of Report:	BUCKS HOME CHOICE ALLOCATION POLICY
Cabinet Member: Officer Contact: Direct Dial: Email:	Councillor Mrs Julia Langley Kathryn Hobman 01494 421602 kathryn.hobman@wycombe.gov.uk
Wards affected:	All
Reason for the Decision:	The Council is a member of the Bucks Home Choice Partnership and has a shared Allocations Policy with Aylesbury Vale, Chiltern and South Bucks District Councils. The Partnership is proposing a number of amendments to the priority bandings and qualifying criteria in its housing allocation policy due to changes in housing legislation, recent case law and local housing pressures.
Proposed Recommendation:	That the Cabinet recommends that Council adopts the revised Bucks Home Choice Allocations Policy and that partnership working and co-operation with Aylesbury, Chiltern and South Bucks District Councils continues.
Sustainable Community Strategy/Council Priorities - Implications	Risk: N/A Equalities: An Equalities Impact Assessment has been completed and is included as Appendix B for Cabinet to consider prior to recommending an option to full Council. Health & Safety: N/A
Monitoring Officer/ S.151 Officer Comments	Monitoring Officer: Legal implications and references to relevant legislation are contained within the report. S.151 Officer: The short term impacts of the changes will need to be met from within existing approved budgets. Any long term implications will be built into the next iteration of the MTFS.
Consultees:	A full consultation process has taken place with all stakeholders and service users including Red Kite Housing. A summary of the consultation responses is available as background paper to this report.

Options:	<p>Cabinet can:</p> <ol style="list-style-type: none"> 1) Recommend that Council adopts the revised policy to ensure continued compliance with statutory requirements, and that the Council's approach to housing allocations continues to reflect local conditions and housing pressures. 2) Reject the proposed policy changes, which could render the current policy open to legal challenge, and leave it out of step with current housing pressures in the district.
Next Steps:	Subject to full Council Approval and approval from the partner District Councils, the policy will be enacted before August 2019.
Background Papers:	<p>All documents are available on request.</p> <ol style="list-style-type: none"> 1. Summary of the stakeholder consultation responses. 2. Current Bucks Home Choice Allocations Policy
Abbreviations:	BHC – Bucks Home Choice

Appendices to this report are as follows:

Appendix A: Proposed Amended Bucks Home Choice Policy

Appendix B: Equality Impact Assessment

Detailed Report

1.1 Purpose

1.2 This report seeks the views of Cabinet on proposed changes to the Bucks Home Choice (BHC) Allocations Policy and asks that a decision be taken concerning a recommendation for adoption of the proposed amendments.

2 Executive summary

2.1 Bucks Home Choice is the overriding policy regarding access to the statutory housing register for households and persons seeking social housing. Applicants to the register are usually unable to access home ownership and have an identified housing need

2.2 The Council is a member of the Bucks Home Choice Partnership which comprises four District Councils; Aylesbury Vale District Council, Chiltern District Council, South Bucks District Council and Wycombe District Council. The councils manage the collective housing register and the allocation of housing within their respective district areas. This provides a consistent approach to allocations across the County.

2.3 The Housing Act (HA) 1996, Part VI, applies to allocations of social housing and both to new applicants for social housing and to some existing social housing tenants who are seeking transfers. When making an 'allocation', local housing authorities must comply with both the provisions of HA 1996 Part VI, and with their own local allocations scheme.

2.4 The partnership's Allocations Policy has been reviewed in response to recent case law following the Localism Act 2011, the Homelessness Reduction Act 2017, as a

response to rising demand for social housing, and the need for intelligent use of the available stock to help prevent and relieve homelessness within the district.

- 2.5 More recently, the Homelessness Reduction Act 2017 substantially amended Homelessness legislation, increasing the time and extent of the statutory duty to prevent and relieve homelessness.
- 2.6 The partnership is proposing a number of amendments to the policy to provide greater clarity on how applicants are assessed and housing is allocated, in consideration of the new legislation and recent case law.
- 2.7 There is now an expectation that local authorities re-frame their allocation policies to address those living in unsuitable housing circumstances, in order to *prevent* them from becoming homeless. Many authorities are now reviewing policy, as this prevention approach is supported and driven by the Ministry for Housing Communities and Local Government (MHCLG).
- 2.8 The proposed changes to the policy have a material effect on who may or may not qualify for Bucks Home Choice. The proposed changes will also affect the relative priority bands awarded to certain types of applicant, and also introduce a new priority band 'E', in order to accommodate legislative change. The changes are driven by the following policy objectives;
 - To respond to recent case law and government guidance, so that the Allocations Policy remains lawful.
 - To make the partnership's Allocations Policy an effective homelessness prevention tool, and to respond to local housing pressures.
 - To continue to make the best use of housing stock.
- 2.9 The Council has a statutory duty to consult applicants likely to be affected by the proposed changes, and also any Registered Providers who have housing stock in the district. The result of a consultation carried out in pursuit of this duty is available as a background paper.

3 Proposed major amendments to the scheme

- 3.1 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). The local connection criterion will remain and applicants will be prioritised above those without (a local connection) when allocating properties.
- 3.2 Applicants owed prevention or relief duties under the Council's statutory homelessness duties (Part VII of the Housing Act 1996) are now to be included, to reflect the changes made by The Homelessness Reduction Act 2017.
- 3.3 The revised banding table can be found in Appendix A – Proposed Amended Bucks Home Choice Policy. Homeless applicants will no longer be moved up to band B from band C after six months as this practice may, in the past, have encouraged households to become homeless rather than waiting for accommodation via the Bucks Home Choice system. The ethos of the Homelessness Reduction Act 2017 is to *prevent* people from becoming homeless, and by increasing priority to those continuing to live in perhaps unsuitable accommodation, it is anticipated that the incidence of exclusions by parents, friends or relatives will decrease.
- 3.4 The following applicants will no longer qualify for Bucks Home Choice, under the proposed changes:
 - (i) Applicants who have 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.

- (ii) Applicants who have previously purchased a 'Right to Buy' or 'Right to Acquire' property (unless they are owed a main homelessness duty).
 - (iii) Applicants subject to an Anti-Social Behaviour Order and or have broken the terms of their tenancy and or where a notice to quit has been issued.
 - (iv) Those who own and occupy suitable and affordable 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 income or savings thresholds being set. Guidance will be provided to caseworkers to ensure consistency in decision making, and all decisions will carry a statutory right of review by a senior officer.
- 3.5 However, the Council will retain discretion to make exceptions to the above under certain circumstances, including matters of hardship.

4 Changes to the Priority Bands

- 4.1 The proposed amendments to the banding arrangements are intended to ensure that the Bucks Home Choice Partnership allocations policy remains compliant and takes into account legislative change and the evolving local housing situation.
- 4.2 Many applicants will benefit from a higher banding, some will see no change and a small number will be given a lower banding.
- 4.3 The proposed changes to the banding will also see the introduction of band 'E' to give a priority, albeit the lowest available, to those applicants without a local connection to the Wycombe District.
- 4.4 The impact of these band changes will see more households in bands A and B due to overcrowding. Around 40 households will move from Band B to Band A as a result of being 2 bedrooms short of need. A further 490 will move from a band C to a band B due to being one bedroom short of need.
- 4.5 Those homeless households who are currently owed the main homelessness duty (approximately 54 households at present) will be moved from bands B & C to band D and will be further notified accordingly.

5 Resource implications

- 5.1 The Bucks Home Choice system is a 'choice based lettings system', which works on an externally provided software platform. The proposed policy changes in this report would result in the need for the Council's provider to modify the choice based lettings system software. The charges levied by the software provider to carry out this work would be met by the partnership members. The cost of Wycombe's share of the work may be met from existing budgets.
- 5.2 If the proposals are accepted, the priority banding of existing applicants on the system would be reassessed automatically, and people are not expected to make new applications as a result of the changes.
- 5.3 If amendments are made to any applicant's priority banding, that applicant has the right to request a review. It is anticipated that those who see a band decrease may request reviews. It is planned to meet any additional workload in this respect from existing staff resources.
- 5.4 Should the need for temporary accommodation to rise as a result of a lack of move on, officers can use the direct nominations process as per the policy to prevent long term placements in temporary accommodation.