

Bolsover District Council

Meeting of the Executive on 6th November 2023

Bolsover District Council Allocations Policy Review

Report of the Portfolio Holder for Housing

Classification	This report is Public.
Contact Officer	Victoria Dawson Assistant Director Housing Management and Enforcement

PURPOSE/SUMMARY OF REPORT

To seek approval to commence consultation on the draft revised allocations policy and to grant the Assistant Director of Housing Management and Enforcement delegated powers in consultation with the Leader, Deputy Leader, and Portfolio Holder for Housing to adopt the Allocations Policy in the absence of any substantive changes following consultation.

REPORT DETAILS

1. Background

- 1.1 It is a statutory requirement under the Housing Act 1996 for local authorities to have an Allocations Policy in place which outlines how social housing located within their authority will be allocated.
- 1.2 Statutory guidance on social housing allocations for local authorities in England sets out how allocation schemes are to be framed. In summary the guidance covers:
- who is eligible for allocation, this relates to immigration status.
 - how local housing authorities can determine who can qualify for an allocation, this can relate to local connection, financial resources, and unacceptable behaviour; and
 - the categories of persons that an allocation scheme must give “reasonable preference” to, this includes households who are homeless (not just those considered to be statutory homeless), overcrowded households, persons with medical and welfare needs, and those suffering from hardship.
- 1.3 The current Bolsover District Council allocations policy was approved in April 2020.
- 1.4 This report outlines a number of proposed changes to the existing allocations policy and rationale for the changes. It seeks approval to carry out a public consultation exercise on these changes and provides a proposed timeframe for completion.

- 1.5 Council housing within the district is an extremely limited resource and demand significantly outstrips supply. The Council has approximately 380 properties becoming available each financial year to meet the housing needs of applicants. It is imperative that the policy can adequately balance availability of the resource with needs that people have for rehousing into council housing.
- 1.6 At 1st October 2023, there were 1,410 applicants on the housing register with a further 885 suspended. Approximately 600 of these are suspended pending providing necessary proofs to process the applications and join the register, the remaining are suspended either for rent arrears, anti-social behaviour, or risk-management reasons. The 1,410 is broken down into the following bands.

Band A – Urgent i.e., Street homeless, in temporary accommodation	0
Band B – High need i.e., Homeless, and high medical need	165
Band C – some need – overcrowding, medical etc	819
Band D – low need, including out of area	426

2. Details of Proposal or Information

- 2.1 The last full review of the allocations policy was undertaken in 2019, with this being formally adopted in April 2020. This moved away from a points-based system to a band system.
- 2.2 Demand for social housing continues to rise, and it is important that the housing allocations policy provides a genuine route to access housing for households in need. The criteria to determine access to the housing register and priority banding are important. The policy has been reviewed in the context of local housing need. The changes proposed may mean that some households who do not have a housing need are no longer eligible to access social housing via the Bolsover District Council Housing Register. A full Equality Impact Assessment will be carried out as part of the consultation phase.
- 2.3 The areas of the policy requiring change are outlined below along with the rationale for the changes. Full details are contained within the appendix summary of changes document. These changes will then be subject to full public consultation and following analysis of the responses and careful consideration a final updated policy will be presented to the Leader, Deputy Leader, and Portfolio Holder for Housing for final approval and adoption.
- Local Connection has increased from 1 to 2 years continuous residency, we have tightened up the requirement for those in permanent employment in the area and removed the key worker status connection to the area. This ensures we prioritise established local families who have a strong connection for residence of 2 years or more.
 - Removal of Band D which is primarily applicants who live out of area or who have a very low need. Approx 30% of those on the housing register have no housing need or live out of area, removing Band D removes these people who are unlikely to ever be allocated a property.
 - Amendment to Band C - This change will remove those who wish to move within the district but have no statutory housing need, therefore ensuring bands are awarded based on a housing need.

- We have expanded the criteria for when an applicant will qualify for the statutory housing need bands A, B and C, to make it clearer when a band will be awarded and ensure assessments are always consistently applied.
- A rent arrears suspension rule has been amended to allow people on the register if they have maintained repayment agreements and reduced arrears within an acceptable threshold.
- Introduced a 12-month suspension for refusal of 2 suitable offers. Where applicants were bidding for properties, and later changed their mind after the bidding cycle had ended as void times were being adversely affected.
- Overcrowding and assessment of bedroom size has been amended to reflect statutory rules.
- The 3 years rule preventing a move to another council property will now be applied consistently to all social housing tenants. The time scale remains the same but ensures everyone is treated the same regardless of tenure.
- The review of decision process has been simplified to make the process quicker and easier for applicants and officers alike.
- A non-qualification rule for home ownership has been introduced, to reflect that bands are awarded for housing need. The demand on the register is unprecedented and many owner occupiers have the means to secure suitable accommodation without the need for assistance from the local authority. There are some circumstances which will give rise to being accepted on the register, but these are limited.
- Those over 60 and with no statutory housing need (excluding Homeowners) will be awarded a Band C. This reflects that approximately 45% of the Council's housing stock is older persons accommodation and ensures we do not have significant empty properties of this type.
- General terminology - we have identified some areas where the policy was inconsistent and have remedied this as well as updating the terminology and job roles.

2.4 The Council is legally required to consult with other housing providers operating within the district, but it is also important to seek views and feedback from other partners and stakeholders. In addition to those already on the housing register, all existing Council tenants, all Local Registered Housing Providers, The Derbyshire Law Centre, and Citizens Advice Bureau will be consulted. These consultees will be provided with a summary of change document, a link to the full draft policy as well as an online or paper survey to complete to provide comments on the draft policy. All Councillors will also be consulted and provided the same documentation and an opportunity to provide feedback.

2.5 Whilst there is no statutory timeline for consultation, the Council must provide reasonable opportunity for feedback and response to the consultation draft. This report seeks approval from Executive to begin a consultation phase which will commence on 16th November 2023 and will close on 13th January 2024. This is a period of 8 weeks. Officers will review consultation feedback throughout the consultation period and will compile a record of all feedback, along with details of any changes that are made to the draft policy in response to the feedback.

2.6 The survey results and responses received will enable any amendments to be consider for inclusion within the policy ahead of a final version being considered by the Assistant Director of Housing Management and Enforcement in consultation with the Leader, Deputy Leader, and Portfolio Holder for Housing on

29th January 2024. It is proposed the final version of the policy will be effective from 29th April 2024.

- 2.7 It is possible that some current housing register applicants will be directly affected by the proposed policy changes, for example, through a change to priority banding or eligibility to remain on the housing register. For every applicant affected, an assessment of the individual circumstances and housing options available would be carried out on a case-by-case basis to ensure any affected applicants are given housing options advice and support that is appropriate to their circumstances. Initial analysis based on the proposed changes suggests that approximately 400 current applicants may become ineligible for the housing register. This group of people will be invited to provide additional evidence should they disagree with the decision.
- 2.8 In addition, due to the proposed changes we anticipate that every application will need to be looked at. It is therefore proposed that this work takes place after approval of the policy but prior to the policy being formally effective on 29th April 2024.
- 2.9 The Council's housing management system which manages the choice-based lettings system and online application form will need to be amended to reflect the changes that are approved within the final approved policy. A period of implementation and testing will also be required prior to formal adoption and go live of the new policy.
- 2.10 There will also need to be a brief period of downtime of accepting allocations under the current allocations policy and the reviewed policy, as well as letting properties in the build up to the reviewed policy going live on 29th April 2024. It is therefore proposed that in the 3 weeks prior there will be no new applications or lettings unless they are emergency or to sheltered schemes to ensure everyone's applications are given sufficient consideration, the correct priority banding awarded and that the computer systems that support these changes is implemented, tested, and working correctly.

3. Reasons for Recommendation

- 3.1 It is a statutory requirement that Councils have an allocations policy in place under Part VI of the Housing Act 1996. The policy needs to reflect changes in legislation and Government guidance as well as local requirements.
- 3.2 It is important that the policy is regularly reviewed to ensure that it remains fit for purpose and continues to ensure that the limited resource of social housing is allocated fairly, in line with legislation and with local and national priorities.
- 3.3 The unprecedented demand on the housing register means we need to ensure the policy balances the availability of resources with housing needs.

4 Alternative Options and Reasons for Rejection

- 4.1 The policy is considered necessary so that members of the public are aware of the Council's position on allocations, to ensure that the bands reflect the statutory housing need and that the policy is applied consistently.

RECOMMENDATION(S)

1. To approve the Council's Revised Allocations Policy, and to authorise a public consultation process.
2. That the Assistant Director of Housing Management and Enforcement be given delegated powers in consultation with the Leader, Deputy Leader, and Portfolio Holder for Housing to adopt the Revised Allocations Policy in the absence of any substantive changes following consultation.

Approved by Councillor Sandra Peake, Portfolio Holder for Housing

IMPLICATIONS.

Finance and Risk: Yes No

Details:

There are no financial implications arising from this report. However, the policy changes will need to be reflected as part of the Council's Housing Management Choice Based lettings system and online application form configuration. The costs associated with system configuration are separate to this report and will be contained within existing budgets.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details

The allocation of housing accommodation by local housing authorities (LHAs) is regulated by Part 6 of the Housing Act 1996 (HA 1996). The Council is required to have a scheme for determining priorities and the procedure to be followed in allocating housing accommodation, including all aspects of the allocation process and the persons or description of persons by whom decisions are taken. Generally, an LHA must not allocate housing accommodation except in accordance with its allocation scheme. LHAs must also have regard to guidance issued by the Secretary of State.

To meet legal requirements consultation must be undertaken when proposals are still at a formative stage; it must include sufficient reasons for the proposals to allow interested parties the opportunity to consider the proposal and formulate a response; it must allow adequate time for interested parties to consider proposals and formulate their response and the outcome of consultation must be conscientiously taken into account when the ultimate decision is taken. The proposed consultation period is 8 weeks which will provide adequate time for the proposals to be considered.

The proposed changes will ensure that the Council has a legally compliant and robust housing allocations policy.

On behalf of the Solicitor to the Council

Environment: Yes No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. (Please speak to the Climate Change Lead Officer for advice) **Not Applicable to this report.**

Staffing: Yes No

Details:

There are no staffing implications arising from the report or policy.

On behalf of the Head of Paid Service

DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards, or which results in income or expenditure to the Council above the following thresholds: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies.</i>	Yes
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	Yes

District Wards Significantly Affected	Yes
Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input checked="" type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	During consultation process – all Councillors, all tenants, Customer Services Scrutiny and Tenant Participation and Member Development Group

Links to Council Ambition: Customers, Economy, and Environment.
Customers – Providing excellent services. Supports Targets CUS.08 - Maintain high levels of tenant satisfaction with council housing and associated services.

DOCUMENT INFORMATION	
Appendix No	Title
1	Draft Allocations Policy
2	Summary of changes

Background Papers <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers)</i>
None