

 <b>Executive</b> <b>4 January 2018</b>		<b>Agenda Item No.</b> <b>4</b>
<b>Title</b>	Housing allocations policy review	
<b>For further information about this report please contact</b>	Lisa Barker Head of Housing Services Email: <a href="mailto:lisa.barker@warwickdc.gov.uk">lisa.barker@warwickdc.gov.uk</a>  Ken Bruno Housing Strategy and Development Manager Email: <a href="mailto:ken.bruno@warwickdc.gov.uk">ken.bruno@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Executive – 9 March 2016 Minute 115	
<b>Background Papers</b>	HomeChoice Allocation Scheme 2016 Housing & Homelessness Strategy 2017 – 2020. Warwickshire Tenancy Strategy 2015	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes Ref: 858
<b>Equality Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Deputy Chief Executive	4/12/2017	Bill Hunt
Head of Service	7/12/2017	Lisa Barker
CMT	4/12/2017	Chris Elliott
Section 151 Officer	4/12/2017	Mike Snow
Monitoring Officer	4/12/2017	Andrew Jones
WCC Legal Services	7/12/2017	Lara Macnab
Portfolio Holder(s)	7/12/2017	Councillor Peter Phillips
<b>Consultation &amp; Community Engagement</b>		
Housing Advisory Group – 15 <sup>th</sup> November 2017		
<b>Final Decision?</b>		No
<b>Suggested next steps (if not final decision please set out below)</b>		
The recommendations will go to council should executive agree them.		

## 1. **Summary**

- 1.1 This report incorporates a review of the housing allocations policy introduced in June 2016 and recommends a number of refinements and amendments to the policy as a result of the experience of the first twelve months.

## 2. **Recommendations**

That Executive:

- 2.1 Notes the review of the working of the allocations policy set out in the report.
- 2.2 Recommends to Council that the current policy (see paragraph 3.2 below) be amended in accordance with the proposals set out in appendix two of the report.
- 2.3 Delegates authority to the Head of Housing Services in consultation with the Housing and Property Portfolio Holder to redraft the allocations policy document to reflect the agreed changes.
- 2.4 Resolves that the revised policy is monitored with a further review after a sufficient period of operation.

## 3. **Reasons for the Recommendations**

- 3.1 The housing allocations policy sets out the rules that the council uses to decide who may apply for vacant council and housing association homes and how decisions will be taken as to who will be offered the vacancies. The overarching aim of the policy is to get more people into homes appropriate to their circumstances.
- 3.2 In August 2015 Council agreed a number of changes to the policy and also resolved that the working of the new policy should be reviewed after 12 months of operation. The new policy was implemented in June 2016 and is on the council website at:  
[https://www.warwickdc.gov.uk/downloads/file/989/homechoice\\_policy](https://www.warwickdc.gov.uk/downloads/file/989/homechoice_policy).
- 3.3 Appendix One to this report sets out the review for consideration in accordance with that resolution. A number of issues have been identified as a result of the review and, in order to address these, a number of proposed amendments to the policy linked to in 3.2 above are set out in Appendix Two.

## 4. **Policy Framework**

### 4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all. Housing needs for all met. Impressive cultural and sports activities. Cohesive and active communities.	<u>Intended outcomes:</u> Area has well looked after public spaces. All communities have access to decent open space. Improved air quality. Low levels of crime and ASB.	<u>Intended outcomes:</u> Dynamic and diverse local economy. Vibrant town centres. Improved performance/ productivity of local economy. Increased employment and income levels.
<b>Impacts of Proposal</b>		
The housing allocations policy is critical to how the council addresses housing need. The proposed changes will ensure that the most urgent housing needs are met in the most efficient manner while also giving existing tenants opportunities to move to alternative accommodation where appropriate.	None.	None.
<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained. All staff have the appropriate tools. All staff are engaged, empowered and supported. The right people are in the right job with the right skills and right behaviours.	<u>Intended outcomes:</u> Focusing on our customers' needs. Continuously improve our processes. Increase the digital provision of services.	<u>Intended outcomes:</u> Better return/use of our assets. Full Cost accounting. Continued cost management. Maximise income earning opportunities. Seek best value for money.
<b>Impacts of Proposal</b>		
None	Housing allocations are a key customer service and refining the policy ensures that it continues to address people's needs in the best way.	None.

## **4.2 Supporting Strategies**

- 4.2.1 Each strand of the FFF Strategy has several supporting strategies. The council adopted the current Housing and Homelessness Strategy in April 2017. This includes objectives around providing suitable accommodation for the homeless in an effort to prevent and reduce homelessness and meeting housing needs through new provision and regard has been had to that strategy, and to the Warwickshire Tenancy Strategy, in framing these proposals.
- 4.2.2 A robust, effective and proportionate allocations policy ensures that both new and existing available properties can be targeted towards meeting housing and homelessness needs and facilitating moves for existing tenants to free up other accommodation to meet such needs, thereby creating a chain of lettings.

## **4.3 Changes to Existing Policies**

This report recommends changes to the existing housing allocations policy in light of the review of the working of the policy over the twelve months since implementation.

### **4.4 Impact Assessment** – An equality impact assessment has been undertaken:

- The proposals about ex-partners of armed forces personnel will have a small positive impact upon gender equality.
- The proposal on definition of a child will have a slight negative impact upon age as those with 16 or 17 year-old sons/daughters and no younger children will no longer be eligible for a house. Around 30 cases are likely to be affected.
- In seeking to increase the number of transfers the policy may indirectly benefit older people because they tend to be the people whose homes become under-occupied as children grow up and leave home. This can be justified, as the counter-balance will be to release more family housing for younger families.

## **5. Budgetary Framework**

- 5.1 Changes to the allocations policy may require changes to stationery, website information, customer information and staff training. There will also be postage costs involved in mailings to customers. These will be met from existing resources.
- 5.2 There will also be a need to update the HomeChoice software to reflect the revised policy. Provision for this development work was included in the contract with the new HomeChoice software support provider and is therefore also within current budgets.

## **6. Risks**

- 6.1 Council and housing association properties are a scarce resource and inevitably their allocation is an area of controversy that is always open to challenge.
- 6.2 It is also a policy area that is legislated for and the council is not entirely free to set policy as this needs to be laid out within the context of the legislation and case law (which is also substantial). Legal advice has therefore been sought in relation to the detail of the allocations policy and the changes proposed. A verbal update will be provided at the meeting.

- 6.3 Failure to keep the policy up to date and within legislative boundaries therefore carries reputational and financial risks if challenged, with potentially very high costs if this were to proceed to court.
- 6.4 There is also the risk of inconsistent decision-making and inappropriate allocations if the policy is not clearly defined. At the same time the policy will not withstand legal challenge if it is so rigid as to fetter the council's discretion. A careful balance between the two is therefore required.

## **7. Alternative Option(s) considered**

- 7.1 The option of not revising the policy has been considered but given the findings of the review this was not felt to be appropriate.
- 7.2 A number of the individual proposals in appendix two were discussed with the Housing Advisory Group in November when potential alternatives were considered and debated. Some of the alternatives are included in appendix two.

## **8. Background**

- 8.1 In June 2016 a new allocations policy was introduced for the district and it was agreed that this would be reviewed after 12 months of operation.
- 8.2 Appendix one sets out a range of statistics showing how the policy has worked over the first twelve months:
- As far as possible tables one and two show the composition of the housing register before the changes in comparison to its state at the time of writing.
  - Table three shows the proportions of general needs properties being advertised for each of the various bands with comparative figures for the proportion of allocations made to each band.
  - Table four shows the number and percentage of all properties being allocated to each band.
  - Table five breaks this down further by the size of the property in terms of the number of bedrooms.
- 8.3 Comparison of tables one and two shows that overall there has been a fall of over 1,000 applicants on the housing register. This is due to a combination of factors:
- Whenever a new system is introduced there will be a proportion of applicants who drop off the list for their own reasons.
  - The introduction of local connection criteria has meant that a number of applicants no longer qualified to be on the list. However during the implementation of the policy a legal decision meant that applicants without a local connection who had a housing need ("reasonable preference") could not be excluded from the list so this has had a lesser impact than originally envisaged.
  - The introduction of transfers, with over 200 having been completed in the first 12 months, has enabled tenants to move while still generating another vacancy for a non-tenant and this has increased the overall number of people being rehoused through the scheme.
  - The significant new-build programme of affordable housing (950 new homes in the last three and a half years) has also increased the number of properties available for applicants.

- 8.4 There were some concerns that enabling more transfers would hamper those in the greatest need (band one) from being rehoused and a transitional arrangement was put in place of limiting the percentage of properties advertised to the transfer band to 50%. The statistics show that this appears to have worked in that band one applicants accounted for 21% of all allocations (including housing designated for older people and other special groups) and 31% of general needs allocations. Further the number of applicants in band one has actually halved. It is worth noting that a reduction in the number of applicants in band one is unlikely to be due to applicants dropping off the list voluntarily and cannot be due to local connection rules. This is because band one applicants are either homeless or have enough priority to be able to anticipate being rehoused. It is therefore much more likely to be due to the positive measures of transfers and more affordable homes being built and available for letting within this period.
- 8.5 Overall, it can be said that the scheme has been a success, with reductions in the number of applicants in all bands except band two, which is unchanged, and a reasonable spread of allocations across the bands. Transfers have helped over 200 tenants to find suitable alternative accommodation, freeing up their property for high need non-tenants.
- 8.6 Despite the success of the scheme there are some further changes that are recommended. These are set out in appendix two to this report.
- 8.7 Feedback from Registered Providers has been received informally through normal operational channels during the implementation of the new scheme and no specific new concerns have been raised. Nevertheless, once the schedule of changes has been agreed a consultation will be undertaken with them for their comments in accordance with the legislation. Any comments will be verbally reported to Executive.

## **Appendix One – 12 month review of the working of the allocations policy**

### **The 2016 changes**

The broad structure of the allocations system, i.e. a choice-based, banding and bidding system, was unchanged from the previous system which had been in place since 2008.

There were two main changes and a number of more minor ones. The main changes were:

- The introduction of a transfer list to give more priority to existing tenants in certain circumstances;
- Excluding from the housing register people with no local connection.

### **Composition of the housing register**

Prior to implementation of the new system, in April 2016 the make-up of the housing register, by band and number of bedrooms needed, was as shown in the following table.

<b>Table 1 - Housing register analysis as at April 2016</b>						
<b>Band</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed</b>	<b>5 Bed+</b>	<b>TOTAL</b>
Band 1	19	6	3	0	0	28
Band 2	134	37	85	20	5	281
Band 3	972	287	73	16	3	1351
Band 4	1087	571	148	15	4	1825
Young Person	3	0	0	0	0	3
Unbanded	6	0	2	0	0	8
<b>TOTAL</b>	<b>2221</b>	<b>901</b>	<b>311</b>	<b>51</b>	<b>12</b>	<b>3496</b>

The introduction of the changes means that the current register is different because of the transfer band. However, within that context, the following table shows the analysis of the register as at 3<sup>rd</sup> November 2017.

<b>Table 2 – Housing register analysis as at November 2017</b>						
<b>Band</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed</b>	<b>5 Bed+</b>	<b>Total</b>
Band 1	10	3	0	0	1	14
Band 2	104	75	62	24	16	281
Band 3	614	112	22	5	1	754
Band 4	465	269	68	7	1	810
Young person	0	0	0	0	0	0
Transfer	363	203	28	2	1	597
<b>Total</b>	<b>1556</b>	<b>662</b>	<b>180</b>	<b>38</b>	<b>20</b>	<b>2456</b>

### **Allocations under the new scheme**

The approval for the new allocations scheme allowed up to 100% of available properties to be available to transfer tenants and then to become available for Bands 1 to 4. As an initial trial we have been advertising 50% of available properties for transfer applicants to bid on while the other 50% are advertised for applicants in bands one to four.

As regards properties advertised for a numbered band, they are advertised with a preference for a particular band as follows: 50% for band one; 30% for band two and 20% for band three. The two exceptions to this are those properties where the age of

the applicant is restricted (invariably this will be properties for people who are over 55 years of age) and properties where the rural local lettings policy applies.

For the 538 properties advertised in the normal way the following table show in percentage terms which bands properties have been advertised for and which bands properties were actually allocated to during the first twelve months of the scheme.

<b>Table 3 – Advertisements and allocations by band (General needs)</b>		
<b>Band</b>	<b>Proportion advertised (%)</b>	<b>Proportion allocated (%)</b>
One	25.5	30.5
Two	15	31.5
Three	6.5	14.5
Four	0	1.5
Transfer	53	22
<b>TOTAL</b>	<b>100</b>	<b>100</b>

\* All figures rounded to the nearest 0.5%.

There were 234 age-designated properties allocated during the year. Exactly 50% were advertised to the transfer band and 32% of allocations went to the transfer band.

Of 39 properties advertised under the rural local lettings policy seven were allocated to a transfer case.

Overall 811 properties were allocated during the twelve month period of which 403 were advertised to the transfer band, resulting in 201 allocations to transfer applicants. The breakdown by band of all allocations completed was as follows.

<b>Table 4 –Allocations by band (all properties)</b>		
<b>Band</b>	<b>Number</b>	<b>Percentage</b>
One	171	21
Two	218	27
Three	150	18.5
Four	71	8.5
Transfer	201	25
<b>TOTAL</b>	<b>811</b>	<b>100</b>

These allocations can be broken down further by the types of property that have been available as follows.

<b>Table 5 – Allocations by band and bedroom type (all properties)</b>						
<b>Band</b>	<b>Bedsit</b>	<b>One bed</b>	<b>Two bed</b>	<b>Three bed</b>	<b>Four bed</b>	<b>TOTAL</b>
One	2	54	78	34	3	171
Two	3	53	92	61	9	218
Three	2	76	56	15	1	150
Four	0	37	28	5	1	71
Transfer	2	90	82	26	1	201
<b>TOTAL</b>	<b>9</b>	<b>310</b>	<b>336</b>	<b>141</b>	<b>15</b>	<b>811</b>



## **Appendix two – Proposed changes to the housing allocations policy**

### **1 Transfer categories - Like for like**

The like-for-like band has not been well understood or set up properly and has led to a number of issues. The original intention was that this should enable tenants with no need, who didn't fall into any of the transfer band reasons for rehousing to be able to move to a property of the same size and type as they currently had where there was a benefit to WDC in allowing the move. However when the system was introduced, all applicants who didn't fit into any of the other categories were placed into this band.

It is proposed that this be rectified by:

- Dealing with the types of cases that this was originally intended to rehouse through the "Move for housing management reasons" transfer band category.
- Removing the "Like for like" category from the scheme.
- Creating a new transfer band category – "Transfer – other" for all those transfer applicants who do not have a reasonable preference and do not fit any of the other transfer categories. These applicants would be able to bid for properties of an appropriate type and size for their household that are advertised to the transfer band, including a like-for-like move, and would be shortlisted as the lowest priority transfer category.

Transfer categories would then be as follows (in order of priority):

1. Under-occupation.
2. Two-for-one moves.
3. Making best use of adapted properties.
4. People with children in above-first-floor flats.
5. Moves for good housing management reasons (existing categories in the policy plus releasing high demand properties).
6. Other.

Tenants in a reasonable preference category (usually overcrowding or medical/welfare priority) would continue to go into band two as required by law.

To better incentivise downsizing it is also proposed that under-occupying tenants who live in a property with three or more bedrooms and wish to move to a smaller property may be able to bid for a property with up to one bedroom in excess of need subject to demand levels for the property they will be vacating.

### **2 Transfers quota**

The original policy was that all properties would be advertised to the transfer band first with the numbered bands being able to bid below the transfer band. As members will recall, at implementation a transitional arrangement was applied so that 50% of properties were advertised to the transfer band and 50% to the numbered bands.

The review has shown that this arrangement has been successful in enabling over 200 transfers while halving the numbers of applicants in band one.

It is now time to consider whether to move to the original policy intention of all properties being advertised to the transfer band.

The options are to:

- move to 100% transfers;
- put all first-time adverts to the transfer band with all re-advertisements going to numbered bands;
- advertise all newly void properties to transfer band except that any void that arises as a result of a transfer is advertised to a numbered band;
- make the transitional arrangement of 50% permanent;

- move to another proportion altogether;
- have no quota for transfers and simply place them within the bidding hierarchy, awarding greater preference to those who are underoccupying or who are moving from an adapted property;
- Create a separate transfer policy and offer properties to transfer customers (with no housing need) outside of the allocations scheme.

Moving to 100% of properties advertised to the transfer band will undoubtedly lead to more such moves and more mobility for tenants within the stock. However it would have a detrimental impact upon high-need non-tenants and possibly begin to increase pressure upon temporary accommodation use again. This is because it would mean that, while applicants in numbered bands would be able to bid on properties advertised to the transfer band they would only get a chance if no transfer applicants wanted it. Over time it may also be seen as increasingly unfair in that tenants who have only very recently applied for a move will have much better prospects of rehousing than people who have been waiting in the numbered bands for considerably longer.

The move could also lead to increased complaints from applicants and tenants in need, with potential legal challenges on the grounds that "reasonable preference" is not being given in accordance with legislation. Advice from WCC Legal Services on this point is that: "If WDC wish to advertise 100% of its vacant properties to existing tenants BEFORE considering non tenants who have a reasonable preference I can see a potential argument of unlawfulness giving rise to a judicial review because it may be deemed to be circumventing the provisions as set down in legislation."

The second option on the list is a variation on the "100%" theme and therefore has similar advantages and disadvantages. In addition, as regards first-time adverts to transfers with re-advertisements to numbered bands, we only do a second advert if no-one bids the first time or if we have exhausted the bidding list. Pursuing this option would effectively mean that the only properties that would be advertised to numbered bands would be those that no-one wanted, either because no-one had bid on them at all, or because everyone who did bid had subsequently refused it. This again would be likely to lead to high levels of complaints and the potential for legal challenges.

The third option, that all "natural" voids be advertised to transfers but all voids freed up by transfer go to numbered bands, ought in theory to be equivalent to the current policy of 50% of properties going to transfers.

The other three options are fairly self-explanatory.

It is proposed that the existing transitional arrangement of advertising 50% of properties to the transfer band and 50% to numbered bands should now be adopted permanently as policy.

### **3 Bidding policy**

At present properties are advertised 50% to the transfer band and 50% to numbered bands. The latter are then advertised in the ratio 50:30:20 to bands one, two and three respectively.

Applicants in the transfer band cannot bid for properties advertised to a numbered band.

For properties advertised to a numbered band any applicant in a lower band than that advertised is able to bid as well and can be considered if no-one from the advertised band is suitable. Applicants in a higher band cannot bid.

The intention behind this is to try to give people with lower level needs a fair share of opportunities while still advertising most properties to the higher need bands. However it can sometimes lead to a situation where a property advertised to band three may go to someone in band four (who has no need) when it would have been suitable for a band one applicant, or a transfer applicant may have been willing to take it and free up another vacancy.

Age designated properties are advertised 50% to the transfer band and 50% to numbered bands, although in the latter case they are not included in the 50/30/20 quotas and the shortlist is done based on highest priority and time on the list.

Applicants in numbered bands can bid on properties advertised to the transfer band, and will be considered if there are no suitable transfer applicants. However transfer applicants cannot bid on properties advertised for the numbered bands.

It is proposed that this policy be changed as follows:

- All applicants, regardless of band, will be able to bid for any property (including age-designated properties, subject to being of the required age).
- Shortlisting will be arranged according to the following table. (Age designated properties will be shortlisted in the same way as for band one).

Priority	Preferred band			
	Transfer	Band one	Band two	Band three
First	Transfer	Band one	Band two	Band three
Second	Band one	Band two	Band three	Band one
Third	Band two	Band three	Band one	Band two
Fourth	Band three	Transfer	Transfer	Transfer
Fifth	Band four	Band four	Band four	Band four

#### 4 Imbalance of the housing register

As of November 3<sup>rd</sup> 2017 the housing register breakdown was as follows.

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed+	Total
Band 1	10	3	0	0	1	14
Band 2	104	75	62	24	16	281
Band 3	614	112	22	5	1	754
Band 4	465	269	68	7	1	810
Transfer	363	203	28	2	1	597
<b>Total</b>	<b>1556</b>	<b>662</b>	<b>180</b>	<b>38</b>	<b>20</b>	<b>2456</b>

There are 22 applicants in band three with a three-bed need but there are 62 in band two with a three-bed need. A similar situation occurs with four bedroom properties. This contrasts sharply with the situation twelve months ago when the two bands had broadly similar numbers of applicants with a need for three or more bedrooms as the following table from April 2016 shows:

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed+	TOTAL
Unbanded	6	0	2	0	0	8
1	19	6	3	0	0	28
2	134	37	85	20	5	281
3	972	287	73	16	3	1351
4	1087	571	148	15	4	1825
YP	3	0	0	0	0	3
<b>TOTAL</b>	<b>2221</b>	<b>901</b>	<b>311</b>	<b>51</b>	<b>12</b>	<b>3496</b>

Although the quotas direct more properties to band two than band three (30% band two, 20% band three net of transfers) this doesn't fully redress the balance and as property types are distributed at random between the bands the reality is that currently, for applicants needing three bedrooms, those in band three (lower need) have a better chance of rehousing than those in band two (higher need).

It is proposed that this should be monitored and if the situation does not improve the Head of Housing, in consultation with the Portfolio Holder, should have delegated authority to secure that a greater proportion of three and four-bedroom properties are advertised to band two applicants to redress the balance.

## **5 People housed through HomeChoice**

It is proposed that anyone that takes up a tenancy allocated through HomeChoice, regardless of whether it is a fixed-term, secure, introductory or starter tenancy should normally have to wait 12 months before being able to go back onto the housing register.

Exceptions would be agreed in the limited circumstances where the applicant would come within a reasonable preference category (broadly speaking this would mean statutory overcrowding, medical or welfare need or homelessness.)

The Head of Housing would have discretion to agree to earlier access to take account of other important changes of circumstances.

## **6 Financial resources**

Current policy states:

"If you have an income or savings or investments that will allow you to get private accommodation, we will encourage and support you to take this option and we may give you less preference in HomeChoice." In practice this has not been used and the following more stringent definition is proposed.

"An applicant and their household with assets, or equity in a property, with a net value of more than £16,000 will have this taken into account when their application is assessed and will not receive any priority.

Where the applicant is part of a couple, the income of an applicant and their partner is taken into account. Single applicants who have an income in excess of £30,000 per annum and households with a joint income in excess of £50,000 will not receive any priority. Any Disability Living Allowance (DLA), Personal Independence Payment (PIP) and War Pensions are not included as income.

This restriction may be removed for individual cases by the Head of Housing Services in exceptional circumstances where it can be shown that it would cause exceptional hardship."

## **7 Children above ground floor**

It is proposed that this category within the transfer policy and in band 3.3 should be revised so that it only applies to children above the first floor rather than above the ground floor and only applies to flats not maisonettes.

Two further changes are proposed.

**Band 3.3:** This states that it applies to "private tenants" because council and housing association tenants within the district will be in the transfer band.

However there could be council and housing association tenants from outside the district with a local connection (or exempt from local connection rules) who have children above the first floor. They wouldn't be in the transfer band (because WDC wouldn't get to nominate to the resulting vacancy) so it is proposed that they should go into band 3.3.

**Transfer:** For clarity it is proposed that the policy should state that applicants with this transfer band priority will only be considered for a move to a lower floor: the need reflected by the banding is not alleviated by a sideways or upwards move.

## **8 Housing-related debt**

There are various aspects to this within current policy. At present debt may be dealt with in three separate ways:

1. Unacceptable behaviour. Policy allows exclusion completely from Homechoice for two years where a member of the household has been "guilty of unacceptable behaviour" which can include "not paying rent". The test is whether a social landlord could have evicted the person had they been a tenant, not whether an actual eviction has taken place. The wording of this section is such that it appears to only apply to behaviour of people who were not tenants of a social landlord at the time of the behaviour.
2. Housing-related debts – no offer. Policy states that for an applicant who owes a social landlord money "we might not offer you a property".
3. Housing-related debts – demotion. Policy goes on to state "We may put you in a lower banding if you have housing-related debts". The demotion can be lifted if the debt is brought below a set level or a payment plan is made and kept to.

The latter two points have at times been applied together, i.e. applicants have been demoted a band due to debt but then, having come up for an offer in the lower band, had it withdrawn. This seems to be double punishment and is not easily justified to applicants.

It is proposed that the following changes are made:

- The definition of housing-related debt should be broadened to include housing-related debts owed to private landlords, building societies, banks and other lenders.
- Demotion for housing-related debts should be withdrawn.
- Housing-related debts that actually resulted in an eviction should be considered unacceptable behaviour and dealt with in accordance with the "Unacceptable behaviour" policy. There should be two exceptions to this:
  - Where the applicant has kept to an arrangement with the landlord and has reduced the debt by at least 50% at the time of the application;
  - Where the applicant is assessed and found to be unintentionally homeless.
- For other housing-related debts it is proposed that an applicant with a combined housing-related debt exceeding £500 should be suspended from being able to bid until the debt is brought below that figure or the applicant has made an agreement to pay off the debt and has kept to it for at least 13 consecutive weeks. Exceptions to this will be considered on a case-by-case basis by a senior officer within the Housing Advice & Allocations Team, in conjunction with the body to whom the debt is owed. In particular exceptions will be considered for tenants being affected by the removal of the spare room subsidy who are seen to be trying to keep up with their rent payments but

nevertheless falling into arrears. All decisions about exceptions will be logged so that precedent is built up to ensure consistency.

## **9 Split households**

Current policy does not explicitly address the situation where people living separately wish to live together. (The only situation that is covered is where both parties are social housing tenants and can be banded as a transfer “two for one” move.)

This kind of situation can in certain circumstances be considered under homelessness legislation, for example where children are involved and the whole family cannot reasonably live together at one or other of the dwellings.

However on occasions applicants have sought to include other people on their application to gain a larger property than they are entitled to or to claim a higher banding.

For applicants in this situation that do not fall to be considered under homelessness legislation it is proposed that an application form should be completed for both parties and submitted together. A joint application will be registered to the address that would attract the lower banding were the parties to move in together.

Where an offer of accommodation is made both parties must sign up to a joint tenancy. If either party moves out or seeks to terminate the tenancy and leave the other in occupation during the first twelve months of the tenancy a fraud investigation will be initiated.

## **10 Definition of “child”**

There is a lack of consistency in the policy in that for determining bedroom need, under 16 years of age is used. However for the property size and letting guidelines, to qualify for a house there needs to be at least one “dependant” and this is someone under 18 years of age. The “children above ground floor” bands also use dependant rather than date of birth.

It is proposed that this be rationalised so that both “child” and “dependant” are defined as someone younger than 16 across the whole policy.

## **11 Multiple needs**

Applicants with multiple needs are placed in a band according to their greatest need. For example someone with both a band two need and a band three need will be placed in band two as this has a higher priority. Applicants within a band are prioritised purely on time on the register. However if an applicant has, for example two “band two” needs no additional consideration is given for this and priority within the band is again done according to time on the list.

It is proposed that a new category is created in each of bands two and three for multiple needs. This will have priority over applicants with only one need regardless of time on the list although within the multiple need category if there is more than one applicant they will be prioritised by time on the list.

Only needs within the band will be considered. So:

- Someone with both a band two and a band three need will go into band two under the category of their band two need;
- Someone with two or more band two needs will go into “Band two-multiple need”; and
- Someone with two or more band three needs will go into “Band three-multiple need”.

## **12 Refusals**

Applicants are allowed to bid for up to five properties on any single advert. They can only be made one offer at a time and are currently free to refuse any offers that they receive without penalty (with the exception of band one where the urgency of addressing the need requires a degree of compromise on the part of the applicant.)

This is in keeping with the ethos of a choice-based system. However there have been instances of applicants bidding for, but then refusing, a number of properties that would have been suitable for their needs. This is unfair on landlords who lose rental income while a property is void and also go to a lot of abortive work in contacting the applicant, arranging tenancy checks and sign-up appointments etc.

It is therefore proposed that an applicant should be suspended from bidding for a period of three months if they have refused three offers of suitable accommodation that they have placed bids on in any six month period.

The intention would be to provide some deterrent to frivolous bidding while recognising that, in a choice-based system, applicants should be able to bid for, but subsequently refuse, properties. A more serious sanction is not therefore considered appropriate.

## **13 Unacceptable behaviour**

The present definition makes it sound as though this only applies to people who were not council or housing association tenants at the time of the behaviour. It is proposed that the wording should be changed to make it clear that these rules apply to any applicant.

Current policy also states that the decision will be "based on the circumstances at the time of the application" and therefore can only be applied to new applications. It is proposed that this should be extended to allow for exclusion for unacceptable behaviour of existing, as well as new, applicants where such behaviour occurs or comes to light after an applicant has been accepted onto the register.

It is further proposed that there should be a facility to extend the non-qualifying period for longer than two years if the applicant's behaviour has not changed in that time.

## **14 Changes to the Allocations Policy**

At present all changes, however minor, need to be reported through Executive and on to Council. It is proposed that the Head of Housing Services be given delegated authority, in consultation with the Housing & Property Portfolio Holder, to make minor policy changes from time to time. More substantial changes would still be the subject of reports to Executive and Council.

## **15 Demolition and regeneration**

Where the council is planning to demolish a tenant's home or regenerate an area resulting in one or more tenants losing their home it is proposed that affected tenants should be placed in band one.

## **16 Move-on applications**

These applications currently go into band one. This would appear to have been introduced so if we had a homeless approach from a single vulnerable person they would be referred to supported accommodation and when they were tenancy ready we would rehouse them from band 1 'move-on' then place another vulnerable person into that vacancy.

The move-on protocol has recently been revised and is a lot less prescriptive so that the supported providers take referrals from any organization (and in some cases self-referrals) not just the council. This has a negative impact on the waiting list as the provider still expects to refer them to us for 'move-on' which in turn affects the waiting time for homeless applicants in temporary accommodation, especially with a one-bedroom need.

It is proposed that in future move-on applicants should go into band two.

### **17 Threat of violence and harassment**

For existing social tenants these are covered under band two – welfare need. It is proposed that this should be broadened to cover all cases of threat of violence or harassment that aren't serious enough to warrant band one under a homelessness assessment.

It is also proposed that a band one category be created for serious cases to try to facilitate a move through the housing register without forcing the applicant into homelessness. This would also include requests for rehousing that are supported by the Police or a formally established organisation such as the Risk Assessment Management Panel under the countywide Multi-Agency Public Protection Arrangements (MAPPA), Multi-Agency Risk Assessment Conference (MARAC) or the National Witness Support Scheme.

### **18 Fostering and adopting**

It is proposed that an applicant who needs more bedrooms because he/she has been approved by the relevant agencies to foster or adopt a child or children should be eligible for a number of bedrooms that will provide space for the child/children in accordance with the bedroom need rules.

If the number of bedrooms in their current property is less than the number that they are assessed as needing, the applicant will be banded as overcrowded.

The child does not have to be living with the applicant at the time of the application but the approval for fostering or adoption must be evidenced and the intention to adopt or foster the child must be apparent.

### **19 Ex-partners of serving or former armed forces personnel**

Serving or former armed forces personnel currently may have their service recognised within the allocations policy in three ways, subject to meeting certain criteria:

- They may be exempt from the local connection rules;
- They may receive band two priority;
- They may be promoted a band due to urgent housing needs

It is proposed that an ex-partner of a serving or former armed forces member should be assessed for local connection and banding, as if their ex-partner were still a part of the household. This is conditional upon them having been living with their then-partner while he or she was serving in the forces for a period of at least six months at the time that they separated.

### **21 Homelessness Reduction Act**

It is proposed that the wording of the current homelessness categories in bands one, two and three should be adjusted to match the new statutory duties in the Homelessness Reduction Act 2017.



## **22 Overcrowding**

It is proposed to create a distinction between statutory and non statutory overcrowding providing greater preference to statutory overcrowded applicants.

## **23 Administrative clarity**

It is proposed to provide applicants with detail about matters including how their application will be processed, their rights to information held about them and how the policy will be monitored and reviewed.