



**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**Report to Cabinet**

**Date: 12<sup>th</sup> November 2018**

**REPORT TITLE:               Housing Allocations Policy Renewal**

**PORTFOLIO:                 Housing and Homelessness**

**HEAD OF SERVICE:        Sal Khan**

**CONTACT OFFICER:        Brett Atkinson                               Ext. No. x1123**

**WARD(S) AFFECTED:     None**

**1.     Purpose of the Report**

1.1. To seek adoption of a revised Housing Allocations Policy at Appendix 1 for implementation from 1st December 2018.

**2.     Executive Summary**

2.1. The current Allocations Policy has been reviewed and a number of revisions are proposed.

**3.     Background**

3.1. The Allocations Policy is the Council's allocation scheme and must therefore comply with Part VI of the Housing Act 1996<sup>1</sup> and amending legislation, case law, and statutory guidance.

3.2. The current Allocations Policy was adopted in February 2015 and implemented from 1st April 2015. The policy is implemented on behalf of the Council by Trent & Dove Housing under a partnership agreement which continues until 2020.

3.3. The policy is shared with Trent & Dove Housing and other housing associations providing housing in the Borough, and the review has therefore been carried

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/1996/52/part/VI>

out in partnership. Draft revisions were published for consultation on 20th September 2018, with responses requested by 5<sup>th</sup> October 2018.

#### **4. Contribution to Corporate Priorities**

- 4.1. Protecting and Strengthening Communities.

#### **5. Proposed Revisions**

- 5.1. Officers and partners have reviewed the operation and impact of the policy, taking into account the Council's Homelessness Strategy and Tenancy Strategy. The proposed Allocations Policy with tracked changes is provided at Appendix 1, with a table summarising the changes provided at Appendix 2.

- 5.2. The main changes proposed are as follows:

5.2.1. Alignment of bedroom entitlement criteria with Housing Benefit rules to ensure affordability and improve long term tenancy sustainment, whilst retaining flexibility in exceptional circumstances.

5.2.2. Addition of a specific section concerning transferring social housing tenants, which requires the suitable conduct of their current tenancy.

5.2.3. A priority band for recipients of the new Homeless Prevention and Relief duties created by the Homelessness Reduction Act 2017.

5.2.4. Removal of priority banding criteria which was seldom utilised, or which required simplification.

- 5.3. Therefore there are a relatively small number of changes, but the changes are necessary to take account of legislative and other changes.

#### **6. Consultation**

- 6.1. The revisions were drafted in close collaboration with Trent and Dove, hence the revisions had their approval prior to undertaking a wider consultation. A small number of other responses were received from Housing Associations in the partnership either seeking clarification or expressing support.

#### **7. Financial Considerations**

*This section has been approved by the following member of the Financial Management Unit: Anya Murray*

- 7.1. There are no financial issues arising from this Report. The proposed changes do not have a bearing on the Housing Register service provided by Trent & Dove who administer this policy.

#### **8. Risk Assessment and Management**

- 8.1. The main risks to this Report and the Council achieving its objectives are as follows:
- 8.2. **Positive** (Opportunities/Benefits):
  - 8.2.1. Provide greater clarity to housing applicants.
  - 8.2.2. Improve affordability and long term tenancy sustainment.
  - 8.2.3. Update the policy in response to changes in the homelessness duties owed by the Council.
- 8.3. **Negative** (Threats):
  - 8.3.1. Changes to bedroom entitlement reduce the choice available to applicants.
  - 8.3.2. Removal of specific priority bands may mean that some applicants could be awarded a lower priority.
- 8.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

## 9. **Legal Considerations**

*This section has been approved by the following member of the Legal Team:  
Sherrie Grant*

- 9.1. The main legal issues arising from this Report are as follows:
  - 9.1.1. Part VI of the Housing Act 1996 requires that the Council's allocation policy must be framed so as to secure that reasonable preference is given to certain groups of people. The proposed revisions preserve this reasonable preference and are therefore fully consistent with this requirement.
  - 9.1.2. Regulations require that the Council's allocation policy must be framed to give additional preference to applicants from the Armed Forces who are in urgent housing need. The proposed revisions preserve additional preference for all applicants in urgent housing need and are therefore fully consistent with this requirement.
  - 9.1.3. Part VI of the Housing Act 1996 requires that before making an alteration to its allocations policy the Council must send a copy of the proposed alterations to every housing association with which it has nomination arrangements and afford those persons a reasonable opportunity to comment. This has been done.
  - 9.1.4. Part VI of the Housing Act 1996 requires that if an alteration is made which reflects a major change of policy the Council must take reasonable steps to bring the effects of the change to the attention of those likely to be affected by it. It is not considered that the proposed revisions amount to a major change of policy. However a press notice will be issued to notify residents of the revisions.

9.2. There are no other legal issues arising from this Report.

**10. Equalities and Health**

10.1. **Equality impacts:** The subject of this Report is a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is attached at Appendix 3.

10.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is attached as Appendix 3.

10.3. The main equality or health issues arising from this Report are as follows:

10.3.1. Homelessness assistance will have a positive impact on households who are homeless or threatened with homelessness.

**11. Human Rights**

11.1. There are no Human Rights issues arising from this Report.

**12. Sustainability (including climate change and change adaptation measures)**

12.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

**13. Recommendation(s)**

13.1. That the revised Housing Allocations Policy at Appendix 1 be adopted.

**14. Background Papers**

14.1. The Housing Allocations Policy 2015

14.2. The Homelessness Strategy 2018 – 2022

14.3. The Tenancy Strategy 2016

**15. Appendices**

15.1. Appendix 1: Draft Allocations Policy 2018

15.2. Appendix 2: Summary of Changes

15.3. Appendix 3: Equality and Health Impact Assessment