

# CABINET



Report subject	<b>Housing Allocations Policy</b>
Meeting date	11 November 2020
Status	Public Report
Executive summary	<p>Bournemouth, Christchurch and Poole have separate legacy Housing Allocation Policies which require alignment, as per the Statutory Order from Government.</p> <p>The BCP Housing Allocation Policy seeks to harmonise each policy providing criteria used to consider applications for the BCP Council Housing Register. It sets out the eligibility, qualification and assessment criteria on which different housing circumstances of person will be prioritised.</p> <p>All nominations to social housing properties managed by BCP Council, Poole Housing Partnership (PHP) and local housing associations will be made in accordance with the policy and administered through a revised BCP HomeChoice scheme.</p> <p>Implementation for the new policy is proposed for July 2021 when the IT system is fully mobilised in line with the approved policy.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>The proposed Policy be considered and approved.</b></p>
Reason for recommendations	<p>This report is for approval of a new BCP Housing Allocations Policy which is required for alignment as per the Statutory Order agreed with Government.</p>

Portfolio Holder(s):	Councillor Robert Lawton (Portfolio Holder for Housing)
Corporate Director	Kate Ryan – Corporate Director of Environment and Community
Contributors	Lorraine Mealings, Director of Housing Ben Tomlin, Head of Housing Options & Partnerships Sarah Smith, Principal Housing Solutions Officer
Wards	All
Classification	For consideration and approval

## Background

1. There are currently 3 legacy housing allocation policies being used across BCP Council and each has slightly different qualification and allocation criteria, however they broadly follow the principle of prioritising households in greatest housing need who meet the local connection criteria.
2. A new policy has been developed which aligns the legacy policies and takes a greater person-centred approach, to meet the needs of the most vulnerable of BCP Council's residents whilst ensuring that its valuable housing resources go to those in the most need. The policy is used by the Council to administer the allocation of social housing for its own stock and accommodation managed by Registered Providers / Housing Associations.
3. This policy has been developed with specific regard to its contribution on the following corporate priorities, Fulfilled Lives, Brighter Futures and Connected Communities.
4. In particular, the policy seeks to provide access to social housing for our most vulnerable residents, including adults with complex needs, those experiencing homelessness or rough sleeping who require housing stability and additional support have been recognised as key groups.
5. Particular priority and recognition is given to strengthening our Corporate Parenting role, through the allocation of social rented homes for care experienced young people and parents and guardians at risk, including domestic abuse victims or subject to exploitation who depend on safe and secure housing to live independent lives.

6. The policy provides for people living in overcrowded, unsafe and or poor quality accommodation whilst seeking to ensure all allocations address these needs and promote safe sustainable communities.

## **Development of the Policy**

7. Bringing together legacy allocations policies provided the opportunity to rethink the approach to housing allocation, whilst still meeting the legal framework set out in the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011) the Homelessness Reduction Act 2017 and associated regulations.
8. The development process began with mapping of the existing policies and identified which areas could be simply aligned and which could be reviewed to meet the priorities and aspirations set out in the Corporate Strategy.
9. A workshop with all social housing landlords was facilitated to gather feedback about their experiences of HomeChoice and the existing policies in operation, options and changes for the formation of a new policy including key resident feedback and experiences shared from a landlords perspective.
10. In developing the policy, national evidence and examples of best practice in housing allocation were considered, together with the Chartered Institute of Housing report 'Rethinking Allocations' 2019 which discusses the key national issue of how best to allocate our limited social housing stock to ensure that we meet the needs of our most vulnerable residents.
11. In addition, changes have been made to reflect updates in statutory guidance to improve access to social housing for members of the Armed Forces, veterans, and their families. The policy is fully compliant with the Armed Forces Covenant. Similarly, the policy is compliant with the housing requirements of the Domestic Abuse Bill.
12. The draft policy developed for consultation was considered by legal Counsel providing helpful assurance of its legal status.

## **Stakeholder and Public Consultation Findings**

13. The Housing Allocations Policy consultation ran from the 17<sup>th</sup> February to the 15<sup>th</sup> July 2020 and received 209 responses. The period was extended due to the impact of Covid on people's ability to engage and additional resource was put into ensuring engagement through digital solutions rather than face to face which was originally envisaged.

14. The survey was hosted on the BCP Council Consultation Tracker page and was promoted through various channels including:

- Social media posts (Facebook, Twitter, LinkedIn) – see more details in the Communications Report below
- Emails to key stakeholders including businesses and charities
- Emails to over 6,000 Housing Register applicants through the Locata Housing System. This is used by the council to communicate with them on a day-to-day basis using email addresses provided by the applicants. 3 reminder emails were sent during the consultation period.
- Presentations were given to Registered Social Housing Providers, Bournemouth Housing Neighbourhood Team & engaged tenants, Poole Housing Partnership – Residents Group, 2 x BCP Councillors Sessions. Recorded presentations were also sent to internal staff in Adult & Children's Social Services directorates, associated groups and to the BCP Homelessness Partnership.
- BCP Council e-Newsletter

The website consultation page itself received more than 8,000 views.

15. Of the 209 responses, more than half of the respondents live in Bournemouth (56%) and the majority of respondents were also either Council or housing association tenants.

16. The proposal to 'include residency as an eligibility requirement' (87%) and the proposal to 'only restrict people who knowingly withheld / provided false information / deliberately worsen their situation to gain an advantage on the Scheme' (81%) had the highest levels of agreement

17. The proposal 'to not apply a restriction for people involved in unacceptable behaviour with housing needs which can only be met by social housing' (38%) had the lowest level of agreement

18. Respondents expressed strong feelings in their comments about:

- How applicants are prioritised
- Allocations being carried out in a fair way
- The criteria used to determine how housing is allocated
- The importance of treating applicants as unique cases and paying attention to their specific housing needs
- Prioritising applicants that meet the local connection criteria
- Not breaking families apart and, for those who do not have family connections, considering the impact on friendships and cultural connections
- Anti-social behaviour not being overlooked by the council and penalties being imposed consistently on those involved in unacceptable behaviour

- Considering the financial positions of applicants especially younger people
- The impact of inadequate housing on mental health and communal living
- Ensuring that the way housing is allocated is not abused by deception or by refusing perfectly suitable accommodation
- Not being heard by the council and/or being overlooked in favour of other applicants

## **Finalising the policy**

19. The proposed Policy can be found at Appendix A, attention to the key points outlined below were raised as part of the consultation process.

### Local Connection

20. Most people agreed with a 2 year residential criteria, with some consideration given to 3 years, it was concluded the 2 years to be the appropriate period of time aligning with Government guidance and limited merit with offering a 3 year criteria. This criteria included an important change to the Bournemouth policy, by excluding people with housing needs but no BCP connection which is in line with current legal counsels advice.

### Area Preference

21. Although there was majority agreement following consultation not to apply Bournemouth, Christchurch or Poole area preferences when allocating homes, concerns were raised about the impact on Christchurch and Poole residents if an area preference was not included due an average longer accrued time on the register of Bournemouth applicants.
22. The perception being that Poole and Christchurch applicants would be disadvantaged because Bournemouth applicants appear to have been on the register for more than 10 years and also because the Bournemouth policy gives a 'time credit'.
23. Housing Register data as at the 1<sup>st</sup> September 2020 shows that the majority of applicants across BCP, applied for housing within the last 5 years and that Bournemouth applicants, during that period, more than doubled those in Christchurch and Poole combined.
24. When the legacy Poole & Christchurch Policies went live, applicants were invited to re-apply for housing and have their housing needs re-assessed. In both cases, there was a significant drop in the number of applications received and in the number of households who qualified for the register. In part this was due to the age of the data held and the fact that applicants had already moved or no longer had a need to move.

25. This is expected to be the case with the new policy and believe that this will bring a natural balance to the number of applicants across all areas, however we aim to ensure that existing applicants are not disadvantaged as a result of existing length of time on register.

#### Removing restrictions for unacceptable behaviour

26. This question received the most comments, all of which were negative. The majority felt it was unfair for people with a history of unacceptable behaviour to be prioritised for social housing and the proposal would be potentially rewarding people in those circumstances. The impact was felt to be restricting people who had always been good tenants if they lost out on a property because, for example, it had been given to someone who had been previously evicted for unacceptable behaviour.
27. Whilst acknowledging this is was not a popular proposal, it is noted that often the perpetrators of these behaviours are vulnerable themselves and the Council has a statutory duty to ensure advice, support and housing options exist for people in housing need to prevent recurrent homelessness and rough sleeping. By identifying those for whom social housing is the only housing solution and providing an agreed support plan for them, the aim is to break the cycle of negative behaviour and enable people to sustain a tenancy in the long term.
28. Having regard the consultation feedback, the proposed policy has been amended, stating people with a history unacceptable behaviour will be placed in the lowest band irrespective of their housing need. Alternative banding or priority, reflective of their needs, will only be considered under exceptional circumstances for this group if there is evidence they are engaged with a robust person-centred multi-agency support and housing plan.

#### Removing Financial restrictions & recognising Financial Hardship

29. The 3 existing policies restrict applicants who have an income which is in excess of ceiling levels set out within those policies.
30. Those levels are proposed to be removed as the policy restriction does not take in to account the financial situations of applicants and creates an automatic restriction for those who have affordability problems and whose housing needs could only be resolved by an offer of social housing.
31. Instead, an assessment will be made of household income, savings and investments, and an affordability test will be applied to establish if an applicant could meet their own housing needs in the private sector. Consideration will be given to overall financial means to either purchase or rent a property privately and whether their housing needs would prevent them from securing

suitable accommodation. An additional Financial Hardship band will be created.

#### Bedroom Needs Assessment – Removal of adult non-dependent children to qualify for own bedroom

32. Although 50% of those consulted agreed to this, there were concerns that by default, additional homelessness demand maybe seen if families ask their non-dependant children to leave home. Concerns were also raised that the average 18 year old wouldn't be able to afford to live on their own.
33. Based on this feedback, it is recommended that the proposed policy is retained but amended to clarify each case will be considered on its merits, particularly where it is not reasonable for the non-dependant to find an alternative home. Assessments will ensure the needs of families with younger children are balanced fairly, whilst also not inadvertently creating further pressures on homeless or social services.

#### Rough Sleeping & Preventing Homelessness

34. The Policy will more proactively support BCP Council's commitment to ending rough sleeping and preventing homelessness in a number of different ways including:
- Prioritising the Housing First scheme, homeless people and families in exceptional housing need with the direct offer of accommodation.
  - Supporting people to maintain their tenancies where they are at risk of repeated homelessness.
  - Providing tailored housing & support action plans to those who may have lost their home, due to unacceptable behaviour, but who are recognised as being vulnerable and requiring additional support to help them to sustain a tenancy in the future.

#### **Policy Summary**

35. Traditional housing allocation policies put local connection above housing need and create unrealistic expectations that social housing is the housing answer for most people. These policies result in applicants who have little or no realistic chance of being offered a move, sitting on waiting lists for years.
36. The proposed Policy takes an innovative approach to resolving this by putting need before local connection and offering tailored housing options advice to everyone who applies to join the list.
37. If a move isn't the only way to resolve a problem, tailored advice and support and signposting will be provided to applicants by the Housing Options service,

working with a range of partners including Community safety, private sector housing teams, Early Help, Children's & Adult services, health and voluntary and third sector services, so that people can be supported remain in their homes.

- 38. This proposed Policy will ensure that applicants with the greatest need will be identified quickly and provided with a realistic housing solution.
- 39. BCP HomeChoice will be launched with an updated website & online application process which provides applicants with improved self service capability to access wider housing options and their online housing plan and / or application. It is anticipated the website and policy will be launched in July 2021 subject to the IT mobilisation timetable.

### **Summary of financial implications**

- 40. A number of IT software system changes are required to facilitate the new harmonised policy, including revisions to a more interactive online experience, estimated to cost in the region of £50'000. Grant income of £50'000 has been identified to cover these costs. The Council will work with its existing contracted Housing IT partner, Locata, to deliver the required changes. At a later stage the IT system will be tendered but the current provider will be engaged with to deliver this revised BCP policy.

### **Summary of legal implications**

- 41. Local authorities are required in law to have an allocation scheme for determining priorities for the allocation of accommodation and the procedures to be followed.
- 42. This policy was required for harmonisation within 2 years of the creation of BCP Council and listed in the Statutory Orders. Whilst this deadline has been extended for a further 12 months by Government we are keen to progress as planned.
- 43. A review of the draft proposed policy was sought from Counsel. Counsel provided written advice on 21st January 2020. Counsel's view was that the draft policy was compliant with the relevant obligations regarding eligibility, qualification, reasonable and additional preference which are the statutory requirements of an Allocations Scheme. Counsel made some additional comments on the draft proposed policy which were actioned prior to the Consultation of the Allocation Policy. It is a legal requirement that any major changes to an Authority's Allocation Policy must be put out to Consultation as set out in Section 166A (13) of the Housing Act 1996. This is the Consultation period referred to in above. A Housing Allocation Policy can be subject to Legal Challenge by way of an Application to the Administrative Court. Although Counsel provided advice in relation to the draft policy it should be noted that the definitive decision as to lawfulness of the Policy would rest with the Court should such a challenge be made.

### **Summary of human resources implications**

- 44. N/A

## **Summary of environmental impact**

45. N/A

## **Summary of public health implications**

46. The proposed Policy takes a person centred approach to meeting the housing needs of BCP Council's most vulnerable residents through early intervention and tailored housing options advice which aims to benefit health and wellbeing through housing.
47. We are committed to taking a multi-agency/partnership working approach to ensuring that we are able to find long term and sustainable housing solutions which support our residents to improve their independence and overall wellbeing.
48. To do this, we aim to make sure that our residents housing situations are considered whenever they come in to contact with any of BCP Council's services, and that we actively engage with our partner agencies, and draw on their expertise and knowledge, to provide as much help and support as needed, and as quickly as possible, to help them to find suitable housing.
49. Engaging in partnership working early on will enable us to make sure that our residents are able to sustain a tenancy and/or have a package of support around them to help them to do so. It will also allow us to create long term plans for those who will need social housing, in the future, for example long term hospital stays who will require complex discharge plans.

## **Summary of equality implications**

50. An Equalities Impact Assessment has been completed and will remain relevant for the lifetime of the Policy.

## **Summary of risk assessment**

51. N/A

## **Appendices**

A – Proposed Housing Allocations Policy