



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
7 November 2019
Agenda Item 5

Key Decision [~~Yes~~/No]

Ward(s) Affected: All

Draft Revised Allocations Policy

Report by the Director for Communities

Executive Summary

1. Purpose

1.1 Adur and Worthing Councils are required, in law, to have a published scheme/policy that sets out how they will allocate social housing in their geographies. These can be homes owned by the Council or by registered providers and accessed via a nominations process. In Adur and Worthing this detail is contained within the Choice Based Lettings Policies.

1.2. The current policies for both Adur and Worthing Councils were last updated in 2014. Clearly it is necessary to regularly review this key housing policy in light of the changing needs of our populations and critically, changes in legislation and core guidance.

1.3 Nationally, Local Authorities are experiencing an increase in homelessness and there is rising demand for social housing, which locally is in limited supply. The revised and renamed Allocations Policy for each Council, needs therefore to reflect what is best practice in supporting those in the greatest need to access this limited supply of social housing, and ensure that we are open and transparent with our communities around how this is allocated.

1.4 Since the policies were last reviewed there have been some significant legislative and policy changes, which have also been incorporated into the revised policy, these include:

- The Homelessness Reduction Act 2017, in particular additional guidance on Reasonable Preference groups,
- The Public Sector Equality Duty within the Equality Act 2010 and
- The Government's Rough Sleeping Strategy.

1.5 This report outlines to members of the Joint Strategic Committee on the changes proposed in the revised and renamed Allocation Policies, to take account of these legislative and contextual changes, and seeks permission to undertake a period of public consultation on the draft policies.

2. Recommendations

That members of the Joint Strategic Committee:

2.1 Approve the draft Allocation Policies for public consultation; and

2.2 Request a further report on the outcome of that consultation and recommendations, to be presented at the meeting of the Committee in January 2020.

3.0 Context

- 3.1 All statutory Housing Authorities are obliged to have a published scheme which sets out how they will decide to allocate any social housing that is within the geography of their authority. This includes both social housing owned by the Council, and nominations to properties provided by registered providers.
- 3.2 The Allocations Policy sets out how each Council decides who will be offered social and affordable housing and on what basis. It is therefore one of the Councils' most important housing policies. The last full review of the Choice Based Lettings Policies which includes our current policy for the allocation of social housing, was carried out in 2014.
- 3.3 Given the increasing demand for social housing, it is important that the Councils have transparent and well considered policies to ensure that available social housing is allocated to households who are most in need. Table 1 shows how many households are on each housing register, compared

with the number of lets in the last year (table 2). From this it can be seen that there is a significant shortfall between supply and demand for social housing in our areas. Whilst both Councils are committed as part of our delivering our Housing Strategy to increasing the number of affordable homes within both the District and Borough, this disparity between demand and supply will continue. The pipeline of social housing provided either by the Council (Adur District) or other registered providers is limited by the scale of development across our area. Consequently, our focus continues to be on a range of solutions to assist people in housing need, including innovations such as Opening Doors, however there will always be a finite number of homes that will be allocated through the Allocations Policy.

Table 1: Households on the Housing Register

| Households on the Housing Register | Adur | Worthing |
|---|-------------|-----------------|
| as at 31/12/2018 | 651 | 1076 |
| as at 31/03/2019 | 608 | 1299 |
| as at 31/09/2019 | 642 | 1337 |

Table 2: Number of Lets in the preceding 12 months

| | |
|-----------------|-----|
| Adur | 137 |
| Worthing | 210 |

- 3.4 It is also necessary that the policy is reviewed from time to time to ensure that it is updated in line with legislation, regulation guidance, case law and current Council goals and priorities.
- 3.5 Contextually, many councils across the UK have experienced increased demand for housing and homelessness services. Committee members will be well aware that both Adur and Worthing Councils have seen significant increases in those presenting to the Councils in housing need. Therefore it is imperative that this policy both reflects the local context of housing demand and supply, and is in line with current legislation and policy.
- 3.6 This report sets out some proposed changes to the Councils' renamed Allocation Policies to reflect these changes which include:

- The Homelessness Reduction Act 2017 and draft code of guidance, which imposes a legal duty on local authorities to provide Prevention and Relief duties to applicable households who are homeless or at risk of homelessness.
- The Housing and Planning Act 2016;

3.7 The revised policies will also support the Councils' current and future strategic ambitions to continue to prevent homelessness by 'Making Homelessness Everyone's Business' and further embeds the ethos of early intervention and prevention, into our policy and practice.

4.0 Issues for Consideration

The following paragraphs outline the key changes proposed in the revised Policies:

4.1 *Increase in Local Connection criteria from two years to five years*

This will be applied to new applications when each policy goes live in March 2020. It will not affect those already on the Registers unless they are in Band D (see below). This change is proposed to ensure that the limited supply of social housing that is available, is allocated to residents that have a significant connection with the District or Borough. This change is also in line with neighbouring authorities, ensuring that demand for housing in Adur and Worthing is not impacted by changes to local connection criteria made by neighbouring Districts and Boroughs. Local connection can still be acquired from employment and family living in the area, when there is a housing need e.g. to receive or give care and support.

Should this change not be included, Adur and Worthing Councils could be impacted by increased demand, that we will be unlikely to meet as we will be operating differently to our neighbours.

4.2 *The removal of Band D*

Currently there are 404 Worthing households and 166 Adur households on the register in band D. Band D is used for those who are in suitable accommodation but still want to join the housing register or for those who have circumstances which mean they are unable to secure social housing. In the last year, 4 households in Worthing and 11 households in Adur in Band D have secured a property via the Housing Register.

4.3 Under the new Policy, applicants who have a need for social housing will still qualify to join the housing register under Band A, B or C. If they are in housing need and have a debt to be paid, they can be 'suspended' whilst the debt is cleared whilst at the same time accruing waiting time on the register which will reduce the negative impact of any suspension on the household.

4.4 This change is proposed to provide clarity and transparency and to ensure that those on the housing register, are those who have an assessed need for social housing. All current Housing Register applicants in Band D will be reviewed when the policy is introduced, and if they have a current housing need under the requirements of the revised policy, they will be re-allocated to Band A, B, or C accordingly.

4.5. *Introduction of a Band B for qualifying prevention cases:*

This element will support the Councils' efforts to work with households to proactively prevent identified homeless risk, particularly where they can make more suitable temporary arrangements rather than placing them in emergency accommodation. A qualifying prevention case is where a household is threatened with homelessness, this has been verified by the housing team, and the household is able to make independent, suitable, temporary arrangements, in agreement with their case officer for a minimum of twelve months. Such households will be allocated to this new Band instead of the current position Band C. Support to access the Private Sector e.g Opening Doors, will remain available to the household whilst this arrangement is in place.

4.6 *One Reasonable Offer*

The revised policy introduces the concept of one reasonable offer for high priority categories as defined in section 13 of the policy, which includes Band B prevention cases. A Direct Offer is a property allocated by the Accommodation Team and if refused without reasonable cause, the duty to that household can be discharged, and/or they can be removed from the register.

4.7 The Policy also introduces the option to suspend or remove applicants who do not make bids on suitable properties within defined time frames as outlined as in section 3.6 of the Allocations Policy.

4.8 The changes outlined in 4.6 and 4.7 are proposed in order to reduce refusals, void loss, unreasonable demand on temporary accommodation (as suitable

permanent accommodation is available) and ensure the allocation of social housing to those most in need.

4.9 *Changes to the Income and Savings Allowances:*

The revised policies introduce differentiated income and savings allowances, moving away from the current position of a standard amount for all households. Instead, it is proposed to introduce a scale that is linked to the size of the household. The policy also introduces some discretion for those in need of sheltered accommodation and/or who are threatened with homelessness, whose savings allowance exceeds the maximum allowance for their household size.

4.10 *Reciprocal Arrangements*

A new band, Band A9, is included in the revised policies, to represent reciprocal arrangements with other authorities. The instances of reciprocal arrangements are rare, but the policies need to account for them. This will be used when we are trying to find suitable housing for those fleeing domestic abuse (as an example), and remaining in the area may not be safe for them. Across both councils, in 2018-2019 there were no requests for a reciprocal arrangement. In 2019-2020, Horsham District Council accepted an Adur Homes tenant and Worthing Borough Council have received one request from Mid Sussex District Council. This element will also assist us to meet our obligations under recent Government guidance.

4.11 *Reasonable Preference*

The revised policy includes the concept of Reasonable Preference to recognise those eligible under the Homelessness Reduction Act. These include; Armed Forces Personnel for whom we had regard to under the Armed Forces protocol, those fleeing violence and Gypsies and Travellers. This is a requirement under housing legislation.

4.12 *Allocation of nominations to the Single Person's Pathway*

The policy proposes the removal of Band B for Rough Sleepers and the introduction of a bespoke allocation for those in the 'single person's pathway'.

4.13 Many of the people who have slept on our streets, experience significant and rapid changes in their circumstances and are often/usually excluded from securing social housing. Placing applicants who have slept rough in Band B

does not therefore increase their chances of being housed. Instead, the policy will support an annually reviewable allocation of nominations to the Single Person's Pathway for move on from Supported Accommodation, where individuals with support needs will have received support to address these issues. This will release supported accommodation for single people in temporary accommodation and rough sleepers.

- 4.14 In the last twelve months there have been between 17 and 20 Adur single people and between 46 and 63 Worthing single people in temporary accommodation at any one time. In the last twelve months services have dealt with more than 120 individual rough sleepers. This will be done alongside pursuing partnerships for funding opportunities for Housing First.

5.0 Engagement and Communication

- 5.1 The draft policy has been written by a working group of Adur and Worthing Council officers, including a representative from Legal Services. Following approval of the draft Policies, there will be a period of consultation with our partners and stakeholders and the public, followed by a full Equalities Impact Assessment.
- 5.2 The next stage will be to publish the draft Policy for consultation between the 11th and 6th December 2019. Information will be published on the Councils' website. Relevant stakeholders will be informed directly and asked to respond. Following consultation it is proposed to return to this committee with the results of that consultation and final recommendations as to the adoption and implementation of the updated Policies.
- 5.3 Following final approval of the policies, all households on the two housing registers will be written to and any affected households will be notified in writing of the changes and impacts to them. It is intended that current households on the register who have a housing need but do not meet the new local connection criteria will be permitted to remain on the register. Those without a housing need (Band D) will be removed but will have the opportunity to request a review of this decision. Information will also be made publically available on our website.

6.0 Legal Implications

- 6.1 Housing Act 1996 Section 166A(1) requires every local housing authority to have an allocation policy and section 166A(13): requirement for consultation of an Allocations Policy is to send a draft to all Private Registered Providers

and Social Housing landlords to which we have nomination rights and ensure they have reasonable opportunity to comment.

- 6.2 The draft policy has been written with advice from Legal Services to ensure compliance. Further advice will be sought post consultation.
- 6.3 Section 8 Housing Act 1985 continues to place a duty on every local Housing Authority to consider housing conditions in their District/Borough and the needs of the District/Borough with respect to the provision of further housing accommodation. Further, part 7 Housing Act 1996 (as amended) places an obligation on Local Authorities to promote the prevention of homelessness.
- 6.4 The Allocations Policies support the Councils' to discharge their obligations under s8 Housing Act 1985, and work towards the promotion of the prevention of homelessness. The changing landscape in relation to housing regulation and homelessness prevention, including the Homelessness Reduction Act 2017, places an ongoing legal burden on Local Authorities to consider carefully their housing strategies.
- 6.5 The Homelessness Reduction Act 2017 placed additional responsibility on Local Authorities in the form of Prevention and Relief Duties and the proposed changes to the policy supports these functions.

7.0 Financial Implications

- 7.1 There will be a requirement for a short term support staff member at a cost of £8,000 to deal with the transition to the new allocations policy and the implementation of the new choice based lettings system. The cost of this temporary resource can be accommodated from within existing budgets

Background Papers

- Adur and Worthing Councils' - Housing Strategy 2017-2020
 - <https://www.adur-worthing.gov.uk/housing/policies-and-strategies/housing-strategy/>
- Adur and Worthing Councils - Choice Based Letting Policies
 - <https://www.adur-worthing.gov.uk/housing/policies-and-strategies/choice-based-lettings-policies/>
- Adur and Worthing Councils' - Platform for our Places
 - <https://www.adur-worthing.gov.uk/platforms-for-our-places/>

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Sustainability & Risk Assessment

1. Economic

- Housing of all types and tenure, supports the economy of our places, enabling inward investment as well as providing safe and secure places for our communities to live and work from.

2. Social

2.1 Social Value

- There is a growing understanding of the health and social impacts of poor housing and at its extreme, the impacts of homelessness can be significant for individuals and families. Adur and Worthing Councils seek to minimise these impacts through our work to identify and support individuals and communities at risk of homelessness and prevent this wherever possible. The revised allocation policies supports these aims.

2.2 Equality Issues

- An Equalities Impact Assessment which will be completed post consultation and prior to returning to Committee.
- As with Social Value, equality of opportunity and indeed of access to services may be impacted by an individual's or group's access to suitable housing. The Councils seek to provide a service to all residents to enable them to access advice and support in preventing the issues that may lead to homelessness from escalating. The revised allocation policies supports these aims.

2.3 Community Safety Issues (Section 17)

- The revised policies will allow for more flexibility in working with those who may have a history of complex behaviors and/or ASB that to access suitable accommodation.

2.4 Human Rights Issues

- The Councils are committed to supporting our most vulnerable communities and those in most need to be supported into stable housing. The revised policies support these aims.

3. Environmental

- Issue considered, no specific matters to report

4. Governance

- Annual Review of all the applicants on the Housing Register to ensure they comply with the criteria.
- Local Quality audit assurance checks to ensure that the policy is being applied consistently and correctly

- Application of case law and central government guidance as it occurs and input into our processes of any feedback from the Local Government/Housing Ombudsman