

# **Task & Finish Group Report**

**Housing Allocation Policy Task  
& Finish Group**

**For consideration by the General**

**Overview & Scrutiny Committee – 13**

**May 2013**





## Scrutiny Task and Finish Group Report

### Housing Allocation Policy

May 2013

#### Introduction

1. The Quality of Life Survey 2008 identified affordable decent housing as one of the highest priority issues for respondents, i.e. one of the most important and most in need of improvement. This was one of the factors that prompted the Overview and Scrutiny Committee (OSC) to identify Affordable Housing as a topic it wished to include in its work programme.
2. In accordance with the agreed Scrutiny Operating Model consideration was given to whether Scrutiny involvement would be duplicating other work being undertaken or planned and whether the scrutiny activity would add value to the Council's and/or its partners' overall performance.
3. The Quality of Life Survey 2012 subsequently reported that "the top three factors most important in making somewhere a good place to live were the level of crime, health services and affordable decent housing, as was seen in 2008 and has remained virtually unchanged since 2003". When combining priorities for most important to the area and most needing improvement, the aspects standing out are road and pavement repairs, job prospects and affordable decent housing."
4. Understanding Herefordshire 2012 – the integrated needs assessment noted (p8) that *"Herefordshire has the worst housing affordability ratio (house prices are 8.6 times annual earnings) within the West Midlands region. There is high demand for affordable properties in Herefordshire, in particular Hereford City (with an average of 64 bids per property), and the waiting list for social housing is approximately 5,000 households."*
5. The approach to affordable housing provision includes the provision of new stock and the management of existing stock.
6. The Assistant Director, Homes and Community Services considered that the Service had explored most of the traditional options for providing new stock. There was a great dependency on the housing market recovering so that developers would be prepared to build. The Local Development Framework, was of prime significance in potentially enabling greater provision. This was already under consideration by the Overview and Scrutiny Committee (as it then was). It was not considered that a Scrutiny Task and Finish Group could add any additional value at that stage to work on the provision of new affordable housing stock.
7. However, the Council was required in response to the Localism Act 2011 to review its housing allocation policy. A Steering Group comprising officers and the Registered Social Landlords (RSLs) had already been established to undertake this work. The Assistant Director, Homes and Community Services nevertheless considered that a Member perspective in parallel with this work would be invaluable.

8. A Task and Finish Group was established accordingly. The Group's task was not to undertake an in-depth review but to challenge and comment on policy proposals as they were brought forward.
9. The Group's comments were considered and taken into account as the policy was being drafted. When a draft policy was available to the Group for consideration the Group was broadly satisfied that the principal areas that the Group had discussed had been satisfactorily reflected in the draft policy.
10. This report does not therefore contain any dramatic new recommendations on the policy, although the implications of the new policy itself are potentially significant. The issues upon which the Group focused and the conclusions it reached are summarised below.
11. The draft housing allocation policy, as presented to the Group, is attached at Appendix 3. Conclusions reached by the Group have informed the draft policy. If the Committee is dissatisfied with the Group's conclusions the Committee will need to determine what recommendations it might wish to make to the Executive.
12. The agreed terms of reference of the Task and Finish Group were:
  - To understand the current housing allocations policy and choice based lettings system.
  - To consider the work currently underway both by the Council and Registered Social Landlords in ensuring there is an efficient and effective use of housing stock.
  - To consider any opportunities arising from current legislation eg the Localism Act, that may be implemented that would improve the overall use and turnover of current and future housing stock in the County.
13. The full Scoping Statement for the review is set out in Appendix 1.
14. This report addresses the key questions from the scoping statement including comments upon a number of other related issues identified during the review and sets out a number of recommendations. The recommendations are consolidated at the end of the report for ease of reference.
15. The Task and Finish Group Members were Councillors PJ Watts (Chairman); PA Andrews, KS Guthrie, P Rone and A Seldon.
16. The activity the Group undertook is set out at Appendix 2.
17. The Group would like to acknowledge the work of the following officers who supported the review: Jane Thomas, Laura Tyler, Emma Evans and Tim Brown.
18. The Group would like to thank all those who participated in this review.

## **Background**

### **What is Affordable Housing?**

- 19 Affordable Housing is defined in the draft Housing Allocation Policy as housing provided at below market prices and allocated on the basis of need to people who live or work in Herefordshire or need to move to Herefordshire to receive/provide support and who are unable to purchase or rent houses generally available on the open market without financial assistance, as their only home.

### **How is Affordable Housing Currently Allocated?**

- 20 The Council has to decide how to prioritise who can access affordable housing in a way that is fair to everyone. At the same time, it has to make sure vulnerable people and those in most need have somewhere safe and affordable to live.
- 21 It manages this task through Home Point, a partnership formed by the Council and main housing providers to manage a common housing register. Herefordshire Council no longer owns any housing stock. To apply for a home with one of the County's main registered housing providers, applicants need to register with Home Point by filling out an application form. The application is assessed by Home Point and the applicant is allocated into one of three priority bands, with priority status within the highest (gold) band. Properties that become available for letting are advertised through Home Point and people who have registered can bid for them. Home Point creates a shortlist based upon the guidance laid out in the Allocations Policy. An applicant's position on the shortlist is determined by their banding and the time they have been waiting on the register. Home Point nominates eligible households to Housing Associations.
- 22 The Housing Associations, not Home Point, allocate accommodation against the shortlist based upon their own eligibility criteria. It is possible that common approaches have been agreed but some details might vary.

### **Management of Existing Stock**

- 23 The Group has been advised that stock held by RSLs is well managed with few dwellings remaining empty for any significant period. The Group comments that this issue does, however, need to be kept under review to ensure performance is maintained.
- 24 The draft policy also removes provisions in the current policy that allow RSLs to set aside a small proportion of the stock. The Group has been advised that this will improve flexibility and make more effective use of the available housing stock.
- 25 The Herefordshire and Shropshire Housing Strategy 2012-15 notes:

*“As at 1 April 2011, there were a total of 895 long term (over 6 months) empty dwellings in Herefordshire and 2412 long term empty dwellings in Shropshire. The implications of this are significant. As stated in the Audit Commission report Building Better Lives, if only five per cent of empty homes could be brought back into use, councils could cut their annual homelessness costs by £½ billion.*

*Whilst there are often good reasons for properties being left empty, many are empty for longer than is justified by the workings of the housing market. Both Herefordshire*

*and Shropshire Councils take this issue very seriously as many of these dwellings could be used to help to meet the identified housing needs within both areas. As such, both Herefordshire and Shropshire Councils have recently produced Empty Homes Strategies which provide detailed information on the extent of the issue and measures to bring long term empty dwellings back into use.”*

(The Group notes that most of these empty properties are privately owned.)

## **The Localism Act 2011**

26 Department of Communities and Local Government Guidance: Allocation of accommodation: guidance for local housing authorities in England (June 2012) states that:

*2.1 The Localism Act 2011 introduces significant amendments to Part 6 of the Housing Act 1996 (as amended by the Homelessness Act 2002). The main policy objectives behind these amendments are to:*

- *enable housing authorities to better manage their housing waiting list by giving them the power to determine which applicants do or do not qualify for an allocation of social housing. Authorities will be able to operate a more focused list which better reflects local circumstances and can be understood more readily by local people. It will also be easier for authorities to manage unrealistic expectations by excluding people who have little or no prospect of being allocated accommodation*
- *make it easier for existing social tenants to move by removing the constraints of Part 6 from those social tenants who apply to the housing authority for a transfer, unless they have reasonable preference. Housing authorities will be able to strike a balance between meeting the needs of existing tenants and new applicants for social housing, while making best use of their stock. Part 6 continues to apply to transferring tenants with reasonable preference, ensuring they continue to receive priority under the authority’s allocation scheme*
- *maintain the protection provided by the statutory reasonable preference criteria – ensuring that priority for social housing goes to those in the greatest need*

27 The legislation allows consideration to be given to whether the allocation policy should exclude people from the waiting list where

- No local connection exists (except for armed forces personnel)
- Savings or income are above a certain level
- Households have former rent arrears and have not tried to pay them back or behaviour problems that have not been addressed.

28 The local authority can consider giving greater priority to:

- Those who are on low incomes but are working
- People who volunteer in the local community
- Good tenants
- Armed forces personnel

- 29 As long as the rules are reasonable and do not discriminate, a council can set its own rules.
- 30 Reasonable preference must still be given to people who:
- Are overcrowded or in unsatisfactory housing.
  - Need to move on medical or welfare grounds.
  - Need to move to a particular locality to avoid hardship.
  - Are homeless
- 31 In relation to homeless households the Localism Act includes measures which allow local authorities to end their main homelessness duty with a private rented sector offer without requiring the applicant's consent.
- 32 As the draft policy notes (p4 para 2) this breaks the link between being accepted as homeless and obtaining housing association properties and therefore gives other categories on the housing register a stronger chance of being successful with their bids.
- 33 Under the current allocation policy, as required by law, anyone in the UK can apply for affordable housing in the County. However, demand is very high. The figures for February 2013 showed 4,896 on the housing register, with an average in 2011/12 of 16 properties available per week. The total number of properties let/sold in 2011 to date was 844. The 4,896 were prioritised as follows:
- Priority 205
- Gold 886
- Silver 2029
- Bronze 1776
- 34 Under the current policy and in the light of the distinct shortage of affordable housing in the County a significant number of people on the Home Point register have no hope of being housed.
- 35 The policy means that a lot of administrative time is wasted on cases that have no prospect of ever being housed. It is also not realistic with people on their prospects of being housed because there are so few properties available. Many people would choose other options if they were helped and given the appropriate information based on the housing figures.
- 36 It is expected that the new policy is likely to reduce the numbers on the register by 50%, although it should be noted that at the present time requests from households are increasing. It is still expected that the register will remain reduced in numbers but this will be closely monitored.
- 37 The Group recognised the fact that there is simply not enough housing in the right places that people can afford. Any changes to the allocation policy can achieve only

a marginal change for the better rather than providing the solution to the problem that all would wish to see.

- 38 Other difficulties with the current policy include that existing tenants currently find it hard to move within the stock. The Group is also aware that the recent changes in the benefits system may have an impact on demand for social rented housing. In addition more may want to downsize.
- 39 The implications for Councillors in their wards of the changes to the Housing Allocation Policy are clearly significant and the Group through the Chairman of the (then) Overview and Scrutiny Committee encouraged attendance at a Member seminar on the matter in September 2012. The Group was informed that a further seminar on the policy was planned prior to the policy's submission to Cabinet for approval. However, it was subsequently agreed that the seminar would be held instead in the Autumn prior to the implementation.

### **The New Policy**

- 40 Under the new proposed policy, to qualify for registration on the Home Point housing register scheme all applicants:
- Must have a local connection,
  - Must not have sufficient financial resource (income, savings and or capital assets) to resolve their own housing needs, and
  - Must be able to demonstrate a housing need by having a reasonable preference.
- 41 These eligibility criteria are discussed in detail below.
- 42 Applicants who do not qualify and are not eligible to register will be provided with appropriate advice and assistance.
- 43 The Group was particularly keen to see that the policy gave appropriate weight to applicants with a local connection, because this issue has been a source of much complaint within Wards.
- 44 It recognised the complications associated with means testing but concluded that it was reasonable to expect that those with sufficient assets should access alternatives in the open housing market.
- 45 The Group was also keen to see that the provisions in the legislation and guidance relating to armed forces personnel were fully reflected in the new policy.
- 46 The proposed eligibility criteria are set out at section 2 of the attached draft policy.
- 47 As part of the development of the new policy a consultation exercise was undertaken by the Council's research team. Views were sought on how requests for affordable housing should be prioritised from anyone over the age of 16 who lives or works in Herefordshire and of any organisations or professionals with an interest in the issue.



- 48 The Group was presented with a brief overview of the consultation responses and the proposals in response (Appendix 4), alongside the full report by the Council's research team. The Group considered and challenged the proposals and their rationale.
- 49 The Group agreed:
- That the proposals in relation to eligibility of those with a local connection were appropriate.
  - That the proposed financial criteria were appropriate.
  - That the proposals in relation to those with an ongoing history of anti-social behaviour were appropriate.
  - That the proposals in relation to those with an ongoing history of rent arrears were appropriate.

### **Local Connection**

- 50 The current Housing Policy defines a local connection as:
- Those who are normally resident in the area. Local Government Association guidelines define this as having resided in the area for six of the last twelve months, or three of the last five years, where residence has been out of choice;
  - Those who are employed in the area– the Local Government Association guidelines define this as employment other than of a casual nature;
  - Those who have family connections – the Local Government Association guidelines define this as immediate family members who have themselves lived in the area for five years;
  - Special circumstances at the discretion of the local authority
- 51 The draft policy continues the timescales in relation to residency of those currently living in the county (six of the last twelve months, or three of the last five years) and those with close relatives in the county (immediate family members who have themselves lived in the area for five years).
- 52 In relation to employment in the area the draft policy provides that an applicant will be employed and have worked in the county for at least 6 months or more and the work is for more than 16 hours a week.
- 53 Where applicants cannot evidence that they have one or more of the above local connections, they will not be able to register. However there are some exemptions (those fleeing domestic abuse and seeking assistance under the Homelessness legislation; those subject to witness protection or Multi Agency Public Protection Arrangements (MAPPA); those with care plans in place that require they reside in the county; and Armed Forces personnel – as prescribed by Regulations.

54 The Group agreed that the proposals in relation to eligibility of those with a local connection were appropriate.

55 However, it was noted that this aspect may require further consideration in the light of the Prime Minister's Statement in March (relating to the introduction of immigration rules from January 2014):

*The Government will introduce an expectation on councils to introduce a local residency test in determining who should qualify for social housing. This would mean someone would have to live in an area for say 2 or 5 years before they could even go on the waiting list.*

*This will stop someone from turning up and immediately gaining access to social housing. To ensure UK nationals are protected when they are moving for genuine reasons – for example for work or because of family breakdown – local authorities will have the ability to set exceptions (e.g. in relation to work mobility, armed services personnel, for people escaping domestic violence etc).*

### **Armed Forces**

56 The Government guidance emphasises that, *“Through the Military Covenant, the Government has made clear its responsibility to support our Armed Forces in return for the important contribution they make to the country. This guidance will assist councils to ensure that Service families get the priority for social housing they deserve.”*

*“Authorities are also strongly encouraged to take into account the needs of all serving or former Service personnel when framing their allocation schemes, and to give sympathetic consideration to the housing needs of family members of serving or former Service personnel who may themselves have been disadvantaged by the requirements of military service and, in particular, the need to move from base to base.”*

57 Regulations provide that authorities must not disqualify the following applicants on the grounds that they have a local connection: someone who

- (i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
- (ii) formerly served in the regular forces,
- (iii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- (iv) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

58 This relates to applications made within five years of discharge.

- 59 The Herefordshire and Shropshire Housing Strategy 2012-15 states that *“Herefordshire and Shropshire are home to a number of military bases, such as at Credenhill, Cosford and Shawbury. We recognise the challenges currently faced by military and ex-military personnel in accessing the housing market and will seek to ensure that policies enable fairer access to the housing market”*.
- 60 The Group was particularly concerned to ensure that the Council fulfilled its undertaking in the Herefordshire Armed Forces Community Covenant. It met representatives of Herefordshire’s Civilian and Military Task Group (CMTG), formed under the Local Strategic Partnership to deliver actions to address the 5 Key Aims of the Armed Forces Community Covenant to explore the issues in detail. The new policy states at page 11: *“this policy is framed to recognise and remember the sacrifices faced by the Armed Forces Community and considers opportunities to support the housing needs of Service and ex-Service personnel.”*
- 61 The Government guidance comments particularly on how the application of a local connection criterion might disadvantage serving personnel because of the requirement to be mobile.
- 62 Service representatives emphasised to the Group that they were seeking fairness in the approach, that recognised the circumstances service personnel faced in securing housing, as opposed to special treatment.
- 63 The guidance states that:
- Examples of ways in which authorities can ensure that Service personnel and their families are given appropriate priority, include:*
- *using the flexibility within the allocation legislation to set local priorities alongside the statutory reasonable preference categories so as to give preference, for example, to those who have recently left, or are close to leaving, the Armed Forces*
  - *using the power to determine priorities between applicants in the reasonable preference categories, so that applicants in housing need who have served in the Armed Forces are given greater priority for social housing over those who have not*
  - *if taking into account an applicant’s financial resources in determining priorities between households with a similar level of need disregarding any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service*
  - *setting aside a proportion of properties for former members of the Armed Forces under a local lettings policy.*
- 64 The draft Allocations Policy for Herefordshire will award the applicant an additional 6 months in waiting time at the point that need has been assessed or date of registration (if need hasn’t changed over time).

- 65 The Task and Finish Group highlighted that consideration did need to be given to how any financial lump sum service personnel received was treated in assessing assets. In particular, a lump sum for injury incurred in service could be intended to provide support to a person over many years. The Group considered that this indicated a need for the case of each individual to be considered on its merits. This is reflected in the draft policy.
- 66 The Group also considered that those service personnel who did have the financial resources to secure accommodation needed to receive better signposting to housing options. This was a matter both for the Council and Housing Associations and the armed forces themselves.
- 67 The Government guidance notes at paragraph 4.26 *“A number of organisations provide specialist housing and support for veterans, such as the Royal British Legion, Stoll, Haig Homes, Alabare and Norcare, and housing authorities are encouraged to liaise with them to ensure that former Service personnel are able to access the housing option which best suits their needs.”*
- 68 The Group is keen that the Executive ensures that appropriate arrangements are in place to ensure that former Service personnel are able to access the housing option which best suits their needs.
- 69 The draft policy does not set aside a proportion of properties for former members of the Armed Forces under a local lettings policy. This contrasts with the approach taken by Shropshire Council which provides that up to 5% of properties for each Partner Landlord may be targeted for Former Members of the British Armed Forces where the application is made within 5 years of discharge, they have a local connection to Shropshire and have served a minimum of 4 years with the British Armed Forces..
- 70 The rationale for the Herefordshire approach is that the consultation response from within the armed forces communities and agencies requested that armed forces be treated fairly. It was therefore felt that the new banding structure would provide for this and give armed forces personnel sufficient priority to enable those seeking affordable housing to be assisted alongside other local households.
- 71 The Group has received confirmation that the CMTG is satisfied with the relevant criteria in the policy.
- 72 The Group considers that the policy does provide the assurance they were seeking that members of the armed forces are not disadvantaged as a result of their service.
- 73 The Regulations are clear that authorities cannot distinguish between the needs of members of the armed forces on the basis of a local connection. The Group did consider whether this meant that there was a risk that, without safeguards, the policy might tempt ex service personnel, with no connection to the County, to relocate to the County. Information was sought on the approach being undertaken by other authorities with significant connection to the forces. This evidence was inconclusive and shows a range of approaches, consistent with the fact that the new Housing Allocation Policies are tailored to local circumstance. The Group does note, however, that the exemption from a local connection relates to applications made within five years of discharge.

## Income, Savings and Capital Assets

74 The question in the consultation document asked whether account should be taken of gross annual household incomes of £60,000 or more, and of substantial assets and savings of £60,000 and more.

75 The Group was concerned about this threshold.

76 The draft policy now provides:

*“Applicants with a gross household annual income level of £45,000 or above are deemed to have sufficient resources to access alternative housing solutions, for example private rented sector or affordable home ownership and therefore are unlikely to be accepted onto the housing register.”*

*Applicants aged 49 years and younger with savings and/or capital assets of £50,000 or above may also be deemed to have sufficient resource to meet their own housing need and may not be eligible to register. If savings and/or capital assets are below this level applicants will be considered for registration.*

*It is recognised that obtaining a mortgage in later life can be more difficult and therefore applicants aged 50 years and over with savings and/or capital assets of £100,000 or above may be deemed to have sufficient resource and will not be eligible to register and will be offered advice and assistance on alternative options available”.*

77 A threshold of 60k was originally proposed in the consultation document on the basis that this was an eligibility threshold used by the majority of RSL partners and a number of RSLs across the West Midlands. The rationale for the £45k is based on the median house price, the payment of a 10% deposit and the resource needed to meet mortgage payments.

78 The assessment will also have regard to special circumstances e.g. where an older person is committed to paying for care or support costs in order to remain living independently. The Group supports the rationale and the tailored approach set out in the draft policy.

79 As a comparison it is noted that Shropshire Council's policy states: *Affordable housing in Shropshire is targeted towards those households unable to afford open market housing. Reduced preference against people in the same banding will be given to applicants who are considered to have sufficient financial resources to secure alternative accommodation. Financial resources will be taken to include income, capital and equity in property. Reduced preference may be given to households whose income and / or capital resources exceed £63,000 (reviewed annually). This assessment will be carried out by Shropshire HomePoint, having regard to the financial resources of the applicant and the cost and availability of alternative suitable accommodation.*

80 The £63k financial resources threshold within the Shropshire Affordable Housing Allocation Policy is linked directly to and is consistent with that Council's planning policy. Shropshire has a 'single plot scheme' which enables households unable to afford open market housing to build a single dwelling on a single plot of land. The

size, any rental value and re-sale value of the property is controlled to ensure homes brought forward under this scheme contribute to the supply of affordable housing. There is a financial assessment to determine eligibility for this scheme, with a threshold of £63k. This £63k threshold was taken from national criteria applied at the time.

- 81 The policy of the Homepoint plus partnership comprising Bromsgrove District Council, Malvern Hills District Council, Stratford-on Avon District Council, Worcester City Council, Wychavon District Council, Wyre Forest District Council provides: *“Applicants who have an household income of more than £60,000 per annum and / or savings/capital/assets/equity of £50k that will enable them to access and maintain private accommodation will be encouraged and supported to do so through our housing options service.”*

### **Ongoing History of Anti-Social Behaviour and/or Rent Arrears**

- 82 The Group supports the proposal in the draft policy (2.3.2) that a person with an ongoing history of anti-social behaviour and/or rent arrears should be allowed to register as long as other criteria are met **but** with a clearly reduced preference.

### **Volunteering**

- 83 The draft policy states that if an applicant is able to meet the local connection criteria (or is exempt from this), does not have sufficient resource to meet their own housing need and falls into one or more of the statutory reasonable preference categories and **is able to demonstrate that they have been volunteering in Herefordshire for a continuous period of at least 6 months up to the point of application**, the Housing Allocations Policy for Herefordshire will award the applicant an additional 6 months in waiting time
- 84 The Group initially had some misgivings about giving additional preference to people who volunteer within the County on the basis that this would be difficult to implement and monitor and that working people might find it harder to volunteer.
- 85 The Group suggests that the new policy as a whole needs to be subject to rigorous monitoring and review, with this aspect clearly being one that requires examination.

### **Appeal Process**

- 86 An applicant can appeal against registration and nomination decisions made by Home Point to Herefordshire Council.
- 87 The Group did consider the role of Ward Members in this process. The Government guidance states that: *the Allocation of Housing (Procedure) Regulations 1997 (SI 1997/483) prevent an elected Member from being part of a decision-making body at the time an allocation decision is made, when either: the accommodation concerned is situated in their division or electoral ward, or the person subject to the decision has their sole or main residence there.*

*The regulations do not prevent an elected Member from representing their constituents in front of the decision making body, or from participating in the decision making body's deliberations prior to its decision. The regulations also do not prevent*

*elected Members' involvement in policy decisions that affect the generality of housing accommodation in their division or electoral ward rather than individual allocations; for example, a decision that certain types of property should be prioritised for older people.*

- 88 The Group considered it to be impractical for Members to be notified of each application going forward. However, it did consider it essential that Members were formally and fully informed of the application and appeal process.

### **Communication**

- 89 The Group considered it essential that a good communication strategy was in place to ensure that everyone was aware of the significant changes the new allocations policy entailed.
- 90 In particular those currently on the register who no longer would be on the register needed to be advised of their situation and what options were open to them. It was of paramount importance that people were not left out on a limb without having had the opportunity to discuss these options.
- 91 It was essential that Ward Members were also fully briefed.
- 92 The Group also wishes to emphasise the importance of keeping the relevant section of the Council's website up to date.
- 93 The Group considers that the Allocations Policy Summary in diagrammatic form that appears at Section 7 of the draft policy is helpful. To assist the Group it requested a flowchart showing how to seek housing advice and assistance under the current system (appendix 5). The Group understands that this will change once the new policy and associated software has been introduced. The Group suggests that it would be helpful if an updated version of the flowchart is included in the new policy.

### **Annual Review of the Housing Allocation Policy**

- 94 The draft policy states that the Council will review the policy annually to ensure that it continues to address the needs of all communities across Herefordshire.
- 95 The Group considers that the Chairman of the General Overview and Scrutiny Committee should receive a progress report after six months and be advised of the results of the first annual review of the policy to determine whether any further consideration needs to be given to the policy.

### **Implementation Date**

- 96 The Group has noted that because of the increased workload of the software company and the level of changes required, it is now intended that the policy will be implemented with effect from 1 April 2014, rather than from April 2013. This is to enable the changes to be undertaken and new systems introduced to provide the appropriate advice and assistance to those who will no longer be able to access affordable housing.

## Provision of Affordable Housing

- 97 Whilst not within the remit of this review the provision of a sufficient stock of affordable housing is clearly key to the success of any policy to reduce homelessness.
- 98 Given that the amount of affordable housing stock is well below the level required, new stock is a priority to meet the demands of the local community.
- 99 The purpose of the Herefordshire and Shropshire Housing Strategy 2012-15 is *“to identify the key housing challenges and to co-ordinate our efforts, where appropriate, so that together we can be effective in tackling those challenges. The Strategy forms the basis to build closer working arrangements between Herefordshire, Shropshire and Telford and Wrekin Councils.”* It *“forms a basis upon which to establish a full sub-regional Housing Strategy between Herefordshire, Shropshire and Telford and Wrekin Councils in the future”*.
- 100 One of the aspects upon which the Strategy focuses is working to support economic growth, focusing particularly on affordable housing and sustainable growth.
- “We will seek to meet the significant challenge of how we ensure that there is a suitable and affordable housing offer to attract and retain younger people to enable a sustainable and vibrant economy in the future and to ensure that local facilities such as schools, shops and other community facilities in rural areas can remain viable.”*
- 101 The Strategy notes that whilst it is not in the scope of the Joint Housing Strategy to specify the specific solutions for each area, the strategy will guide decision making to identify specific work which should be undertaken on a locality based approach in order to provide the best outcome for the local area.
- 102 As stated earlier in this report the Group was advised that the provisions in the Local Development Framework (LDF) are of prime significance in potentially enabling greater provision of affordable housing.
- 103 The policies within the LDF have been influenced by Housing Officers to increase the delivery of affordable housing across the county that will address the needs identified in the housing strategy.
- 104 The draft Core Strategy was subject to consultation from 4 March to 22 April. The Strategy clearly recognises housing affordability is a key issue (page 17). Policy SS2 (page 38) provides information on the homes required to be delivered over the plan period and specific policies support the delivery of affordable housing (page 160 - 164).
- 105 The Group notes that the National Planning Policy Framework (NPPF) requires that local planning authorities should identify a rolling five year supply of deliverable housing land to ensure choice and competition in the market. Additionally, the NPPF requires an additional buffer of 5% (increased to 20% if a planning authority has persistently under delivered housing land). On the basis of the evidence available to date, it is considered the requirement for a 5% buffer is applicable to Herefordshire.



106 The Group recommends that progress in delivering this requirement is closely monitored and consideration given to investigation if it is not achieved.

107 The Group notes that the separate Task and Finish Review of the Community Infrastructure Levy has identified some concerns about the realisation of affordable housing targets.

## **RECOMMENDATIONS**

- That**
- (a) the direction of the new housing allocation policy as set out at appendix 3 be supported;**
  - (b) the Executive be requested to include an updated flowchart on seeking Housing Advice and Assistance in the new policy;**
  - (c) the Executive be requested to ensure that a good communication strategy is in place to ensure that everyone, including Ward Members, is aware of the significant changes the new allocations policy entails;**
  - (d) the Executive be requested to ensure that Ward Members are formally and fully informed of the application and appeals process and are kept up to date on any amendments to the policy;**
  - (e) the Executive insists that every effort is made to ensure that the relevant section of the Council's website is kept up to date;**
  - (f) the Executive be requested to ensure that robust arrangements are in place to ensure that those who will no longer be eligible to be placed on the housing register do receive appropriate advice and assistance;**
  - (g) the Executive ensures that appropriate arrangements are in place to ensure that former armed forces personnel are able to access the housing option which best suits their needs;**
  - (h) the Executive submits a progress report to the Chairman of the General Overview and Scrutiny Committee six months after the implementation of the policy;**
  - (i) the Executive advises the Chairman of the General Overview and Scrutiny Committee of the results of the first annual review of the policy to determine whether any further consideration needs to be given to the policy as part of the Committee's work programme;**
  - (j) the Executive ensures that progress in implementing the delivery of an adequate supply of affordable housing in accordance with the Core Strategy/Local Development Framework is carefully monitored and reported to the General Overview and Scrutiny Committee; and**
  - (k) if satisfactory progress is not being made in implementing the delivery of an adequate supply of affordable housing the General Overview and Scrutiny Committee considers establishing a Scrutiny Task and Finish Group to investigate.**

## **Appendices**

Appendix 1 Scoping Statement for the Review

Appendix 2 Summary of Activity Undertaken by the Group

Appendix 3 Draft Housing Allocation Policy (as presented to the Group) – March 2013

Appendix 4 Housing Allocations Consultation Results Table

Appendix 5 – Flowchart – Housing – Seeking Advice and Assistance

<b>TITLE OF REVIEW:</b>	<b>Housing Allocation Policy and Effective use of the Housing Stock</b>
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## **SCOPING**

### **Reason for Enquiry**

Due to the downturn in building new properties and in particular affordable housing, questions have been raised as to whether the current housing stock is being used effectively and whether any opportunities arise from the Localism Act to improve the turnover of stock thereby improving the opportunities for those seeking affordable housing.

### **Links to the Community Strategy**

One of the Council's priorities in its 2013/15 Corporate Plan is that the County has good quality housing to meet everyone's needs.

Understanding Herefordshire 2012 – an integrated needs assessment reports that Herefordshire has the worst housing affordability ratio (house prices are 8.6 times annual earnings) within the West Midlands region. There is high demand for affordable properties in Herefordshire, in particular Hereford City (with an average of 64 bids per property), and the waiting list for social housing is approximately 5,000 households.

### **Summary of Review and Terms of Reference**

#### **Summary**

This review is to consider the current housing allocation policy and how it could be improved through the opportunities presented by current legislation.

#### **Terms of Reference**

- **To understand the current housing allocations policy and choice based lettings system.**
- **To consider the work currently underway both by the Council and Registered Social Landlords in ensuring there is an efficient and effective use of housing stock.**
- **To consider any opportunities arising from current legislation eg the Localism Act, that may be implemented that would improve the overall use and turnover of current and future housing stock in the county.**

### **What will NOT be included**

- **A review of Homepoint business model has already been conducted by the Homepoint Partnership which includes the Council and Registered Social Landlords. The review will therefore be confined to reviewing the allocation policy options.**

### Potential outcomes

- To make recommendations on possible improvements to the housing allocation policy that would ensure the best use of the housing stock and improve the opportunities for those seeking affordable housing.

### Key questions

To

- What is the current housing allocations policy?
- What are the facts and figures on current RSL housing occupancy?
- What work is currently under way to improve the policy?
- What opportunities are available through current legislation eg the Localism Act?
- What are the advantages or disadvantages of those opportunities?
- How can the Council or RSL deliver or facilitate improvements.
- What examples are there of best practice in other Local Authorities?

### Cabinet Member (s)

Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

### Key Stakeholders/Consultees

- Key Council officers
- Registered Social Landlords
- Home Point

### Potential Witnesses

- Representatives of the Housing Tenants Forum
- Key Council officers
- Cabinet Member
- Partners within Homepoint partnership

### Research Required

Initial desk based research eg current policy; an indication of work underway; best practice at other local authorities. This will be followed by Interviews with witnesses.

### Potential Visits

- None identified

**Publicity Requirements:** Launch of Review, During Review, Publication of the Review and its recommendations, Herefordshire Matters

## **Summary of Activity Undertaken by the Task and Finish Group**

### **Information considered**

Briefing Presentation by Housing Solutions Manager on Key Issues Associated with the Allocations Policy

Allocation of Accommodation – guidance for local housing authorities in England - Department for Communities and local Government- June 2012

Allocation of Housing – meeting the demands of Localism Act – Housing Quality Network

The Empty Property Strategy for Herefordshire 2010-13

Flowchart – housing – Seeking Advice and Assistance

Herefordshire Housing Allocations Policy - Current

Herefordshire Key Housing Facts Quarterly bulletins

Herefordshire Local Plan – Core Strategy 2011-2031

Housing Allocation Policy Consultation – November 2012

Herefordshire and Shropshire Housing Strategy 2012-15

Homechoice Plus Allocation Scheme (Bromsgrove District Council, Malvern Hills District Council, Stratford-on Avon District Council, Worcester City Council, Wychavon District Council, Wyre Forest District Council)

Housing options -Joint Service Housing Advice Office

Housing Options Toolkit – homelessness amongst ex-service personnel and access to housing

Homepoint – Useful Housing Information

Draft Housing Allocations Policy for Herefordshire - 20 February 2013

Laying the Foundations – A Housing Strategy for England – HM Government

Shropshire Affordable Housing Allocation Policy and Scheme – Draft for Consultation August- November 2012

Shropshire Affordable Housing Allocation Policy and Scheme – Draft for Adoption – April 2013

### **Interviews Held**

Interview with representatives of the Civilian and Military Task Group



# **Housing Allocations Policy for Herefordshire**

## **SECTION 1: INTRODUCTION**

- 1.1 Introduction
- 1.2 Aims of the Allocation policy
- 1.3 Scope of the Allocation policy
- 1.4 Legal context
- 1.5 Strategic context

## **SECTION 2: ELIGIBILITY AND REGISTRATION**

- 2.1 Local Connection
- 2.2 Income, Savings and Capital Assets
- 2.3 Housing Need - Reasonable Preferences
  - 2.3.1 Additional Preferences
    - 2.3.1.1 Armed Forces
    - 2.3.1.2 Volunteering
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- 2.4 Allocation to existing tenants
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## **SECTION 3: HOW THE SCHEME OPERATES**

- 3.1 Statement of Choice
- 3.2 How to register on Home Point
- 3.3 Bidding for properties
- 3.4 Determining your banding
- 3.5 Bedroom Criteria
- 3.6 Allocation of Accommodation
- 3.7 Waiting time
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- 3.9 Why are some properties only available under Section 106?

## **SECTION 4: ENSURING EQUALITY**

- 4.1 Review of Applicant
- 4.2 Appeals and complaints
- 4.3 False statement and withholding information

## **SECTION 5: GOVERNANCE ARRANGEMENTS**

## **SECTION 6: GLOSSARY AND DEFINITION OF TERMS**

## **SECTION 7: ALLOCATIONS POLICY SUMMARY**

## **APPENDIX 1: HOME POINT PARTNERS**

## **APPENDIX 2: RURAL LOCALITIES**



## SECTION 1: INTRODUCTION

Under the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011), every local housing authority in England must have an allocation policy for determining priorities and detailing the procedures that are to be followed in allocating housing. This policy document describes the criteria that Herefordshire Council uses to register and prioritise applications for affordable housing in Herefordshire.

The demand for affordable housing in Herefordshire is significantly greater than the number of homes available. This Allocation Policy describes how the local authority prioritises applicants to ensure that those with a recognised housing need, as described by the legal definition of 'Reasonable Preference', are given access to register for the allocation of Affordable Housing. This Allocation Policy sets out in detail who is, and who is not, eligible to become a member of the Housing Register and how this assessment is made.

This policy supports the vision set out in the Herefordshire and Shropshire Housing Strategy 2012 – 2015:

**'The diverse housing and support needs of local communities in Herefordshire are provided for through a balanced supply of sustainable homes and services'.**

Herefordshire Council no longer owns any housing stock, having carried out a transfer of its entire housing stock to Herefordshire Housing Ltd, a not-for-profit Housing Association (HA) in 2002. In addition to Herefordshire Housing Ltd there are a number of other HA's operating in Herefordshire.

Therefore to allocate any available homes to those registered Home Point (a choice-based lettings agency) was set up in partnership between Herefordshire Council and the main HAs in Herefordshire. Homepoint advertises properties on a weekly basis and enables those on the register to choose and bid for properties themselves. (Appendix 1 of this policy lists Home Point Partners).

The Partnership funds the operation of Home Point Herefordshire to maintain the housing register, determine priority amongst those seeking affordable housing in Herefordshire, and advertise properties of member HAs that become available for letting. **Home Point does not actually allocate the housing**, it only provides the HA with nominations by way of a shortlist of those who are eligible to register and bid. Once it is determined who has greatest priority for a property that has been advertised through Home Point, the relevant HA will then decide and allocate against the shortlist, using their own eligibility criteria, whether to make an offer leading to an allocation.

**The Localism Act 2011** gives local authorities greater freedom to set their own policies about who should qualify to register for affordable housing in their area whilst still being obliged to ensure housing is allocated to those most vulnerable and those who need it most. In response, Herefordshire Council has reviewed its housing allocations policy after the Localism Act 2011 made amendments to Part 6 of the Housing Act 1996 (as amended by the Homeless Act 2002). The objectives of the Localism Act include:

- Enabling housing authorities to better manage their housing register in determining who will or will not qualify for an allocation of affordable housing. This will allow great focus on local need and demand, and ensure that local housing authorities manage unrealistic expectations of being allocated affordable accommodation.
- Making it easier for existing tenants to move, a balance will be made between new and existing tenants to make better use of stock.
- Maintaining the protection provided by the statutory reasonable preference criteria ensuring that priority for affordable housing goes to those in greatest need.

Specifically in relation to homeless households, **the act includes measures which allow local authorities to end their main homelessness duty with a private rented sector offer, without the applicant's consent.** The duty can only be ended in the private rented sector in this way with a minimum 12 month assured shorthold tenancy. This policy supports that, where possible and appropriate, an offer of private rented sector accommodation will be made to homeless household to alleviate the length of time applicants have to wait for an offer of accommodation. It is essential that the link between being accepted as homeless (under Part 7 of the Housing Act 1996) and obtaining HA properties is broken and therefore gives other categories on the housing register a stronger chance of being successful with their bids.

During the review of this policy, a wide range of stakeholders, including members of the public, were consulted on their views on who should be eligible to register for housing and on what they would like to see included within the allocation policy. The policy has been developed within a legal framework whilst still reflecting the views and meeting the needs of the community who have contributed to its development.

## 1.2 Aims of the Allocation Policy

The demand for affordable housing exceeds available supply in the county and therefore this housing allocation policy endeavours to meet the following aims:

- To ensure that accommodation goes to those households who have a recognised housing need and who are unable to access the open market.
- To help contribute to sustaining communities
- To make the best use of available housing stock and resources
- To assist in achieving mobility for existing tenants
- To ensure that local people have priority in the allocation of housing in the county
- To contribute towards tackling social exclusion and to promote independence
- To ensure housing nominations are made within the legal framework contained in Part 6 of the 1996 Housing Act (as amended)
- To enable the authority to meet its statutory duties – including duties owed to homeless households under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) and its duties under the Localism Act 2011
- To ensure the authority supports the changes under the Welfare Reform Act 2012.

This policy will also assist in achieving a number of key priorities and outcomes detailed within the strategies listed in section 1.5 of this policy.

## 1.3 Scope of the Allocation Policy

The Housing Allocations Policy for Herefordshire will predominately apply to the process by which Herefordshire Council make nominations to properties which are rented to households by Housing Associations in the county.

This policy will not be used to nominate households for Shared ownership schemes or for homes for sale but does provide guidelines to which households will be considered and what type/size of dwelling will be considered acceptable. Low Cost Home Ownership schemes will give preference to:

- existing HA tenants, with no rent arrears, who wish to release their accommodation
- those who cannot afford to resolve their own housing needs through the open market who are banded within Green or Amber.
- an applicant's waiting time.

LCHO will permit 1 bed and 1 bed spare for sustainability reasons and all sales will need to meet any local connection criteria set. Such schemes could be advertised through local estate agents and/or Homepoint and determined by S106 agreements.

## 1.4 Legal context

Part 6 of The Housing Act 1996 (as amended by the Homelessness Act 2002) requires Local Authorities to make all lettings and nominations in accordance with a published Allocation Policy. A summary of this Allocation Policy will be published and made available free of charge to any person who asks for a copy. A copy of the full scheme is available on Herefordshire Council's website and, if requested, a hard copy can be provided on payment of a reasonable fee (to be confirmed at time of request).

The Housing Act 1996 (as amended), requires Local Authorities to provide 'Reasonable Preference' in their Allocation Policy to people with high levels of assessed housing need. The Statutory 'Reasonable Preference' categories in Section 167 (2) (a) to (e) of the Housing Act 1996 (as amended) are:

1. all homelessness people as defined in Part 7 of the Housing Act 1996 (including those who are intentionally homeless and those not in priority need)
2. people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act or who are occupying accommodation secured by any housing authority under s.192(3)
3. people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
4. people who need to move on medical or welfare grounds, including grounds relating to disability and;

5. people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others).

The Housing Act 1996 requires that Local Authorities state within their Housing Allocations Policy what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be let to them.

This policy complies with the requirements of Section 167(2) of the Housing Act 1996 (as amended). In addition, the Council has embraced the changes to allocation legislation brought about by Sections 145-147 of the Localism Act 2011.

This policy takes into account the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2012 and reflects the recommendations made within the Allocation of Accommodation Code of Guidance for Housing Authorities 2012 which replaced all previous statutory guidance on Affordable Housing allocations.

This policy takes into account the changes to amend the way in which the duty on local housing authorities to secure accommodation for homeless households under section 193(2) of the 1996 Act can be brought to an end with an offer of suitable accommodation in the private rented sector. This will allow local authorities to end the main homelessness duty with a private rented sector offer, with a minimum of 12 month assured shorthold tenancy.

As required by The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, this policy is framed to give additional preference to applicants who fall within one or more of the reasonable preference categories and are currently serving or who have served within the Armed Forces.

This policy is compatible with the Herefordshire Council's equality duties including the Equality Act 2010 and has been subject to a full published Equalities Impact Assessment available online <http://www.herefordshire.gov.uk/housing>.

## 1.5 Strategic context

The framework provided within the Housing Allocations Policy for Herefordshire supports the delivery of the following:

- Herefordshire Council Corporate Plan 2013/2015
- Herefordshire and Shropshire Housing Strategy 2012 – 2015
- Herefordshire Council's Tenancy Strategy 2012 – 2015
- Herefordshire Council's Homelessness Strategy 2008-2013
- Herefordshire Council's Local Investment Delivery Plan 2011-2026
- Herefordshire Local Housing Market Area Assessment 2012
- A Study of the Housing and Support needs of Older People in Herefordshire (January 2012)

These documents can all be found at [www.herefordshire.gov.uk/housing/](http://www.herefordshire.gov.uk/housing/)

## **SECTION 2: ELIGIBILITY AND REGISTRATION**

Affordable housing will only be allocated to those who are eligible and qualify to register, in accordance with this policy. To qualify for registration on the Home Point housing register scheme all applicants must have:

1. a local connection
2. must not have sufficient financial resource (income, savings and/or capital assets) to resolve their own housing needs, and;
3. must be able to demonstrate a housing need by having a reasonable preference.

Herefordshire Council **will require evidence** to prove eligibility **prior to acceptance** on the register. Registration will only be completed on receipt of all relevant supporting documents. It will be the responsibility of the applicant(s) to provide appropriate evidence as requested through the registration stages, including at review of registration.

Applicants who do not qualify and are not eligible to register will receive confirmation of this in writing and will be provided with appropriate advice and assistance. Any applicant has a right to make an appeal – please see section 4.2 for further information.

Applicants who have previously been deemed not to qualify may make a fresh application if they consider that they should now be treated as qualifying, but it will be for the applicants to show that circumstances have changed.

Please note that any personal data held in relation to applicants will be held consistently with the Data Protection Act 1998.

### **2.1 Local connection**

In order to be accepted onto the register you must firstly satisfy the local authority that you have a local connection, as defined by s.199 of the Housing Act 1996, by meeting at least **one** of the following criteria:

- a) Currently living in the county (in settled accommodation or accommodation of choice) for at least 6 months out of the last 12 months or 3 years out of 5 years at the point of application.
- b) Have close relatives living in the county (parents, adult children, brothers or sisters) and have done so for at least the last 5 years at the point of application.
- c) Be employed and have worked in the county for at least 6 months or more and the work is for more than 16 hours a week.

#### **Exceptional circumstances**

Where applicants cannot evidence that they have one or more of the above local connections, they will not be able to register. However there are exemptions to this as follows:

- a) those fleeing domestic abuse and seeking assistance under the Homelessness legislation
- b) those subject to witness protection or Multi Agency Public Protection Arrangements (MAPPA) as determined by Herefordshire Council, in partnership with West Mercia Probation Trust and/or West Mercia Police.
- c) those with care plans in place that require they reside in the county or proven need to give support to or receive support from family members as determined by Herefordshire Council in partnership with joint agencies.
- d) Regulations specific to Armed Forces personnel, as outlined in The Allocation of Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012 (SI 2012/1869).

This provides that, where local housing authorities decide to use a local connection requirement as a qualification criterion, they must not apply that criterion to the following persons:

- those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for registration
- bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
- existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.

Applicants who fall into one of the criterion listed above will be asked to provide evidence of such prior to registration.

A local connection criterion is likely to disadvantage those who have recently been discharged from the regular armed forces, as well as serving personnel, because of the service requirement to be mobile. For this reason, the prohibition in the Regulations extends to applications from former service personnel, where the application is made within five years following discharge.

## 2.2 Income, Savings and Capital Assets

It is essential that affordable housing is made available to those who cannot access the open housing market, therefore it will be expected that any applicant or member of the household will maximise their resources to assist to secure housing.

To be eligible to register both income and savings/capital assets will be taken into account. It will therefore be necessary for **every** applicant to provide details of all their income, savings and capital assets prior to registration.



## **Income**

Applicants with a gross household annual income level of £45,000 or above are deemed to have sufficient resources to access alternative housing solutions, for example private rented sector or affordable home ownership and therefore are unlikely to be accepted onto the housing register.

## **Savings and Capital Assets**

Applicants aged 49 years and younger with savings and/or capital assets of £50,000 or above may also be deemed to have sufficient resource to meet their own housing need and may not be eligible to register. If savings and/or capital assets are below this level applicants will be considered for registration.

It is recognised that obtaining a mortgage in later life can be more difficult and therefore applicants aged 50 years and over with savings and/or capital assets of £100,000 or above may be deemed to have sufficient resource and will not be eligible to register and will be offered advice and assistance on alternative options available.

The household's financial resources will be determined through a financial assessment carried out during the registration process. The assessment will have regard to both income and expenditure and will consider long term commitments to enable independent living.

If it is determined that an applicant or household has sufficient resources to meet their own housing need within the local housing market they will not be eligible to register on the Home Point scheme and will be offered advice and assistance on alternative housing options available.

In exceptional circumstances, when making the financial assessment, where capital/savings are available for specific reasons these may be disregarded. For example, this may include any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service.

## **2.3 Housing need – Reasonable Preference**

As detailed in The Housing Act 1996 (as amended) housing authorities **must ensure that reasonable preference is given to the following categories of people (s.166A):**

1. **all homelessness people as defined in Part 7** of the Housing Act 1996 (including those who are intentionally homeless and those not in priority need)
2. **people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act** or who are occupying accommodation secured by any housing authority under s.192(3)
3. people occupying **insanitary or overcrowded housing** or otherwise living in **unsatisfactory** housing conditions

4. people who need to move on **medical or welfare grounds**, including grounds relating to disability and;
5. people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause **hardship** (to themselves or others).

Central government is clear that allocation policies must be framed so as to give reasonable preference to applicants who fall within the categories set out above, over those who do not. Therefore, in Herefordshire, only those applicants who are able to evidence that they can meet one or more of the reasonable preference categories, thus evidencing a recognised housing need, will be eligible to register under this policy.

#### 6. **Rural Localities (where an existing S106 applies)**

In addition to the statutory reasonable preferences listed above, Herefordshire will also apply reasonable preference to applicants who are bidding for properties which are subject to a Section 106 (Town and Country Planning Act 1990) agreement.

Where there is evidence of the applicant wishing to live in a parish/village where the population is below 3,000 and the applicant has a local connection to that locality (for example is currently living in the parish/village and wishes to remain) the Housing Allocations Policy for Herefordshire will give this applicant reasonable preference in relation to bidding on a property in their specific locality.

Please see Appendix 2 for a list of the rural localities which will be included within this Reasonable Preference criterion.

### **2.3.1 Additional Preference**

Section 166A(3) of The Housing Act 1996 (as amended) gives the local authority the power to frame an allocation policy to **grant 'Additional Preference' to particular descriptions of people who fall within the statutory 'Reasonable Preference' categories.**

Prioritisation within each band will be based on the length of time that need has been assessed or date of registration if need hasn't changed over time. **Applicants who are awarded Additional Preference will receive an additional 6 months in waiting time at the point that need has been assessed or date of registration (if need hasn't changed over time).**

#### **2.3.1.1 Armed Forces:**

The Housing Act 1996 (Additional Preference for Armed Forces)(England) Regulations 2012 provide that local housing authorities **MUST** frame their allocation scheme to give additional preference to the following persons if they fall within one or more of the statutory reasonable preference categories and are in urgent need:

- serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service



- former members of the regular forces
- bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (11) the death was wholly or partly attributable to their service
- existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

**If an 'Armed Forces' applicant is able to meet the local connection criteria (or is exempt from this), does not have sufficient resource to meet their own housing need and falls into one or more of the statutory reasonable preference categories, the Housing Allocations Policy for Herefordshire will award the applicant an additional 6 months in waiting time at the point that need has been assessed or date of registration (if need hasn't changed over time).**

Bereaved spouses and civil partners of service personnel who are required to leave service families accommodation following the death of their spouse or partners are likely to experience similar issues to service families on discharge from the forces. The Regulations are intended therefore to protect bereaved spouses and civil partners from the time they are required to leave service families accommodation until they are able to obtain alternative settled accommodation.

The Regulations also apply to members of the reserve forces who suffer from a serious illness, injury or disability as a result of their service, recognising that they may find that their current accommodation is no longer suitable for their needs or affordable, or that they may have to move to access care or support.

The **Herefordshire Armed Forces Community Covenant**, established as part of a government initiative to promote greater understanding between the general public and the military was signed on 29<sup>th</sup> May 2012. The agreement aims to encourage all parties within a community to offer support to the local Armed Forces community and make it easier for Service personnel, families and veterans to access the help and support available. This policy is framed to recognise and remember the sacrifices faced by the Armed Forces Community and considers opportunities to support the housing needs of Service and ex Service personnel.

### **2.3.1.2 Volunteering:**

In Herefordshire, volunteering is defined as “an activity that involves spending time, without payment, doing something that aims to benefit individuals (other than close relatives), groups or the environment” (Herefordshire Compact). This policy aims to recognise people who make their communities strong, stable and healthy places to live so that they will remain in that community and continue to contribute to sustaining the local area.

This policy will give applicants that contribute through regular voluntary work a level of additional preference.

If an applicant is able to meet the local connection criteria (or is exempt from this), does not have sufficient resource to meet their own housing need and falls into one or more of the statutory reasonable preference categories and **is able to demonstrate that they have been volunteering in Herefordshire for a continuous period of at least 6 months up to the point**

**of application**, the Housing Allocations Policy for Herefordshire will award the applicant an additional 6 months in waiting time at the point that need has been assessed or date of registration (if need hasn't changed over time).

Volunteers must have been volunteering in Herefordshire for a continuous period of at least 6 months up to the point of application and the same at point of offer. Volunteering must be for a minimum of 10 hours per month.

Evidence required for voluntary work:

- Letter and/or reference from Manager responsible for Volunteers confirming applicant's involvement. This person must not be related to the applicant in any way.
- Completed and validated Herefordshire Volunteer Passport. This is a record of volunteering placements and must be signed by a supervisor.

Herefordshire Volunteer Passports are available at the following locations:

- Herefordshire Voluntary Action, Berrows Business Centre, Bath Street Hereford, HR1 2HE
- Community Voluntary Action Ledbury, 4B Hill House, Bye Street, Ledbury, Herefordshire, HR8 2AA
- Herefordshire Council, Franklin House, Franklin House, 4 Commercial Road, Hereford, HR1 2BB

### **2.3.2 Reduced Preference**

It is not intended that a person's behaviour at one time in their life should permanently exclude them from affordable housing; therefore applicants who are placed within the Red Band will only receive reduced preference if the incidents or convictions occurred within the previous **twelve months**. Where the incidents, court orders or convictions are more than twelve months old from issue and there has been no repeat of the behaviour the applicant will not be given reduced preference, unless the incidents were of such an extreme nature that Home Point determine it is appropriate to do so.

With regards to former or current rent arrears and money owed to the local authority, if the applicant has made an arrangement to pay the debts and is maintaining this arrangement for a significant period, the reduced preference will be removed as long as the payment arrangements are adhered to.

Please note that each Home Point partner has its own exclusion policy which may apply.

### **2.4 Allocation to existing tenants**

The Housing Allocations Policy for Herefordshire does not apply to the allocation of accommodation to an existing HA tenant unless the allocation involves a transfer made at the tenant's request, and the authority is satisfied that the tenant has reasonable preference.

Existing tenants applying for a transfer who are considered to have reasonable preference will be treated on the same basis as new applicants.

Transfers at the tenant's request, where the tenant does not have reasonable preference do not fall within this Allocations Policy. Housing Associations have their own transfer policies in relation to these tenants.

Existing tenants can also facilitate a move through a mutual exchange agreement. For further information please visit [insert weblink].

## **2.5 Exclusions**

Certain persons subject to immigration control are not eligible for the allocation of housing under Section 160A (1) (a), (3) and (5) under the Housing Act 1996 (as amended) and therefore not eligible to be accepted onto the housing register. This includes:

- Over stayers and visitors to the country
- Illegal entrants
- Asylum Seekers
- People in the country on condition that they have no recourse to public funds
- Persons from abroad who fail the habitually residence test
- Persons from abroad who are in breach of the European Community Right of Residence Directive
- Persons from abroad who have been subject of a sponsorship agreement for less than 5 years and who sponsors are still alive

The Allocation of Housing and Homelessness Regulations 2012 amended regulations 4 and 6 of the Eligibility Regulations of The Allocation of Housing and Homelessness Regulation 2006 provides that the persons listed above are ineligible for an allocation of housing accommodation of homelessness assistance. Details of which can be found at: <http://www.legislation.gov.uk/uksi/2012/2588/made>

Where the application form indicates that immigration status may be an issue, Home Point will investigate to determine whether the applicant is eligible.

## **2.6 Advice and assistance**

Herefordshire Council has a duty to provide housing related advice and assistance to all those seeking it. The local authority will provide information and advice you may require in relation to a number housing options available, which may include:

- Shared ownership
- Mutual Exchange
- Private Rented
- Sheltered Housing
- Additional Support
- Overcrowding Under Occupation
- Supporting Housing
- Homelessness Prevention
- Mortgage Rescue
- Adapted Housing
- Improvement Agency

In particular, assistance will be provided to anyone who may have difficulty participating due to disability, learning disability, illness, age, where English is not their first language, or any other reason that might make it harder for them to fully participate within the scheme.

For further information please contact the Customers Services Advisor within Home Point on 01432 260000 or visit Franklin House, 4 Commercial Road, Hereford, HR1 2BB or <http://www.herefordshire.gov.uk/housing/advice/1546.asp>

Housing Association tenants can discuss their housing needs and options with their current Housing Association landlord.

Households who are not eligible to register for affordable housing in Herefordshire through this policy are able to seek advice and assistance on alternative housing options from the local authority, which may involve applicants being signposted to specialist support / advise agencies.

## **SECTION 3: HOW THE SCHEME OPERATES**

### **3.1 Statement of Choice**

All Home Point partners are committed to offering choice to those seeking accommodation, whilst ensuring that housing goes to those with the greatest need. It should be recognised that there is a very high demand for affordable housing in Herefordshire, and that this demand cannot be fully met from the resources available. Consequently only those in the greatest housing need are likely to obtain affordable housing, which means that the degree of choice in housing will always be limited.

There will be certain situations where choice cannot be offered in the allocation of housing, such as when a HA needs to make a management move as a matter of safety or where there is currently no stock in an area and a move is urgent.

With the exception of these very limited circumstances, housing will only be allocated to applicants who bid for a specific property, and all applicants have the opportunity to bid for properties they are entitled to be considered for, having regard to household size and other eligibility criteria. Where applicants have placed successful bids but they have refused to accept properties on more than 2 occasions, where there is evidence that these properties would sufficiently meet their needs, the applicant will be removed from the register for 12 months. Applicants do have the right to appeal any decision made under this policy – please see section 4.2 for further detail.

## 3.2 How to register on Home Point

If a household believes that they may be eligible and wishes to apply to register they will need to complete an application form, accompanied by evidence of local connection, income, savings and capital assets and reasonable preference criteria, as detailed in the application form. The following steps will apply.

Application forms are available to download to complete or a hard copy is available from Franklin House, Hereford, and all Herefordshire Council Info Centres and at the offices of Home Point partners.

An Enhanced Housing Options tool is being developed to assist applicants in providing Housing Option advice prior to registration.

Fill out an application form and include any relevant information about the main applicant and/or other household members who wish to be included in the application. The application will be assessed once all information requested is provided.

**Eligible** applicants will be designated within one of the bands. If any circumstances change, applicants must inform Home point, otherwise an application can be withdrawn or suspended for 12 months. If following reassessment the applicant is found to not be eligible they will be offered advice and assistance.

Those **not eligible** to register on the Home Point scheme will be offered advice and assistance on alternative housing options available.

The applicant can now bid on 1 advertised property a week. If the applicant is placed within the Red band they are not able to bid on a property and will be offered advice and assistance in relation to their housing options.

Applicants have the right to appeal any decision made – please see section 4.2 of this policy for further detail.

Once a bid is successful, the HA will carry out a check to confirm that the circumstances at the time of application still apply. Home Point **does not allocate the property**; the HA will allocate the property from those shortlisted in accordance with their own allocations criteria. The individual HA allocations criteria can be obtained directly from the HA concerned.

Please note that annual reviews will take place on the anniversary date of registration. Where an applicant has not bid for any properties with 12 months they will be removed from the register

**All offers of accommodation must be confirmed in writing by the HA to the applicant.**

### 3.3 Bidding for properties

Properties are advertised on a weekly basis and can be viewed on the Home Point website: [www.home-point.info](http://www.home-point.info). Advertisements are also displayed at Franklin House, 4 Commercial Road, Hereford, HR1 2BB and in partner offices/publications.

Where a S106 applies, for rural schemes, in addition to the advertising mentioned above, details will be circulated to your local ward member or Parish council clerk for distribution locally.

Bids can be placed via the following:

- Online at [www.home-point.info](http://www.home-point.info)
- Franklin House, 4 Commercial Road, Hereford, HR1 2BB
- text message system to bid: 07781482312
- telephone: 0845 2702550

The results of the successful bids are all available to view on the Home Point website

### 3.4 Determining your banding

If you are eligible to be registered your application will be prioritised within the register. This is based on how urgent a need to housing is, based upon the reasonable preferences. This policy has 3 bands only:

1. **Green band** – those who have an extreme need to be housed.
2. **Amber band** – those with a need to be housed or moved.
3. **Red band** – those with a need to be housed or moved but are restricted within the register due to:
  - Anti-Social Behaviour (ASB)
  - Current or former outstanding rent arrears,
  - Debt with the local authority or;
  - Those who have deliberately worsened their circumstances due to their behaviour.

Those applicants meeting one or more of the points listed within Red band **will be given reduced preference** until they can evidence a change in behaviour and/or a commitment to address arrears/debt that will satisfy the individual Housing Associations allocating accommodation.

\*Reasonable Preference numbers 1 -5 as listed within section 1.3 of this policy.

## 1. Green Band

Criteria (Reasonable Preference number*)	Guidance
<b>Care leaver (former 'Relevant Child' as defined by the Children Leaving Care Act 2002) (4)</b>	Where a young person who has been looked after, fostered or accommodated and has had a duty of care accepted by Social Care in Herefordshire and is ready for independent living, with a support package in place where appropriate.
<b>Social care referral (4).</b>	Social Care may determine that there is an urgent need to obtain alternative accommodation for a household. They will only be awarded in these circumstances where the referral is agreed jointly by Herefordshire Council's Assistant Director Homes and Community Services and the Head of Social Care Children's Services or the Head of Social Care Adult Services.
<b>Move on from specialist or supported accommodation (4).</b>	Where applicants have been assessed as ready, by the housing provider, to move into settled accommodation as part of an evidenced planned move. The agreement between Herefordshire Council and the supported housing provider will require that, where appropriate, arrangements will be made for ongoing post tenancy support.
<b>Those living in poor housing conditions that pose an on-going and serious threat to health or safety (3).</b>	Applicants living in residential premises determined by Herefordshire Council (or a partner organisation commissioned to act on its behalf) as presenting category 1 hazard(s) under Part 1 of the Housing Act 2004 that cannot reasonably be addressed by the person in control within 6 months of assessment.
<b>Verified high medical need where a move will improve or prevent deterioration of a condition that is directly affected by their housing (4).</b>	<p>A move is needed to have a positive effect on their medical condition, or where as a result of their medical condition their current accommodation is not suitable to their needs or cannot be adapted to support their needs.</p> <p>A recommendation for an applicant to be placed within this category will only likely to be made when all options to improve their current accommodation have been exhausted.</p>
<b>Severe overcrowding - needing 2 or more additional bedrooms (3).</b>	Having regard to the Welfare Reform Act 2012, investigations will be made to validate the need for additional bedrooms by making further enquires and contacting the landlord and Herefordshire Councils benefits section. Assessment will be based on the principles detailed in the bedroom allocation criteria section of this policy.
<b>A current housing association</b>	Checks will be made with the landlord concerned to validate the



<b>tenant is under-occupying by one or more bedrooms or is applying to downsize, particularly as a result of the Welfare Reform (4).</b>	application by reference to the HA's own lettings criteria and ensure the property is situated within Herefordshire and would be suitable for re-letting.
<b>A current housing association tenant is residing in an adapted property and no longer requires these adaptations and is applying to move.</b>	In order to assist people being housed appropriately, those who no longer need an adapted property of which they are currently residing will be allocated a Green banding in order to make the best use of current stock.
<b>Homeless from home</b>	This includes applicants who remain at their home/previous address resulting from a good will payment.
<b>Have been served with a Notice to Quit</b>	A formal statement shows proof that the applicant's current accommodation is coming to an end.
<b>Special Cases</b>	<p>A Special Cases Panel consisting of representatives nominated by the Home Point Partnership has the discretion to accept applicants onto the Green band in exceptional circumstances where they are satisfied that although the applicant does not fall within any of the registration and/or the reasonable preference criteria, their needs are sufficient to justify a Green banding.</p> <p>Applicants under Multi Agency Public Protection Panel Arrangements (MAPPA) may be dealt with through this panel.</p> <p>Referral of <b>existing tenants</b> to the Special Cases Panel can only be made where it is considered that a management transfer is not an appropriate / available response by the landlord. Such cases should be dealt with by the current housing association and referral to the Special Cases panel should be made in the last instance.</p>

<b>2. Amber Band</b>	
<b>Criteria (Reasonable Preference number*)</b>	<b>Guidance</b>
<b>Overcrowding - needing 1 additional bedroom (3)</b>	Subject to verification by either a home visit or information from landlord and/or Herefordshire Council Benefits department. Assessment will be based on the Bedroom Allocation Criteria set out in this policy.
<b>People who need to move to a particular locality within the district to avoid hardship to themselves and others. (5)</b>	This would include, for example, a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education or training opportunity.



<b>Medical grounds</b>	For example, this may include the need to move to a ground floor property due to medical issues. Applicants must be able to evidence support from an external statutory agency for such a move.
<b>Agricultural tied accommodation</b>  <b>(5)</b>	The Rent (Agriculture) Act 1976 requires a local housing authority to use their best endeavours to provide accommodation for a qualifying displaced agricultural worker. Section 27 of the 1976 Act requires the authority to be satisfied: i) that the dwelling-house from which the worker is displaced is needed to accommodate another agricultural worker;  ii) that the farmer cannot provide suitable alternative accommodation for the displaced worker; and,  iii) that they ought to re-house him or her in the interests of efficient  In reaching a decision, the authority may have regard to the advice of an Agricultural Dwelling-House Advisory Committee (ADHAC). The role of an ADHAC is to provide advice on the question of whether the interests of efficient agriculture are served by the re-housing of the worker, and on the urgency of the application. If the authority is satisfied that the applicant's case is substantiated, it is their duty under S.28 of the 1976 Act to use their best endeavours to provide suitable alternative accommodation for the displaced worker.
<b>All homeless people as defined in Part 7 of the Housing Act 1996</b>	The Housing Act 1996, part 7 (S175) states that a person is homeless if he has no accommodation available for his occupation which he is:  (a) Entitled to occupy by virtue of an interest in it or by virtue of an order of a court, (b) Has an express or implied licence to occupy, or (c) Occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.  A person is also homeless if he has accommodation but- (a) He cannot secure entry to it, or (b) It consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it. (c) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.
<b>People who are owed a duty under the Housing Act 1996.</b>	This includes applicants who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act or who are occupying accommodation secured by any housing authority under s.192(3).

<b>Rural Localities (where an existing S106 applies)</b>	Applicants who are bidding for properties which are subject to a Section 106 (Town and Country Planning Act 1990) agreement and the applicants is able to evidence that they meet all of the necessary requirements, for example, where there is evidence that the applicant has a local connection to the specific parish/village.
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### 3. Red Band

<b>Criteria (Reasonable Preference number*)</b>	<b>Guidance</b>
<b>Where an applicant is found to be intentionally homeless, under Part 7 of the Housing Act 1996.</b>	<p>Following an investigation, Herefordshire Council may find an applicant to be intentionally homeless if s/he has deliberately done/not done something as a consequence of which s/he has lost accommodation that was available and reasonable for them to continue to occupy.</p> <p>Once made, a finding of intentionality stands until the applicant has had a period in settled accommodation or experienced a significant change in his/her life circumstances.</p>
<b>Applicants with a history of on-going anti-social behaviour</b>	<p>Where it is known that an applicant (or member of the household) has previously lost accommodation through their own actions. This would include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• those who have been previously evicted from affordable HA for nuisance behaviour or for using the premises for unlawful purposes;</li> <li>• those who are, or have been, subject to anti-social behaviour orders or injunctions for anti-social behaviour</li> <li>• those who have been convicted of criminal offences that involve behaviour linked to their accommodation – such as assaults on neighbours, serious anti-social behaviour, drug dealing from the premises or storing stolen goods on the premises (this is not an exhaustive list).</li> </ul> <p>Those applicants who can evidence that they have addressed and changed their behaviour will be reassessed and may move up to the appropriate banding.</p> <p><b>Applicants should note that some Housing Associations may apply a 2 year ban in relation to Anti-Social Behaviour.</b></p>
<b>Applicants with outstanding current rent arrears.</b>	<p>This will be assessed at the point when the applicant's priority is being assessed unless new information comes to Home Points attention after their initial assessment.</p> <p>Home Point will consider any new application and if they are satisfied that appropriate action has been taken by the applicant to address the arrears and can evidence their commitment to a repayment plan over a period of at least 13 weeks, they will decide if the qualification criteria have been met. Applicants who can evidence this will move up to the appropriate banding and continue to pay. Failure to</p>

	continued payments once in amber/green will result in being reallocated into the Red band.
<b>Applicants who have an outstanding debt to the local authority and are making no effort to pay it back.</b>	Where it is determined that an applicant owes the local authority debt/loans they will be allocated into Red band until it can be evidence their commitment to a repayment plan over a period of at least 13 weeks and this continues.
<b>Those who have deliberately worsened their situation.</b>	Where it is found that an applicant has deliberately worsened their own situation e.g. poor behaviour, will have reduced preference and not be able to bid for a property for a period of 12 months from placement into the red banding.

### 3.5 Bedroom criteria

The size of the property that an applicant is able to place a bid will depend upon the household's size and circumstance. Herefordshire Council takes on board the view that the bedroom standard is an appropriate measure of overcrowding for allocation purposes, and recommends that all Housing Associations in Herefordshire should adopt this as a minimum. The bedroom standard allocates a separate bedroom to each:

- married or cohabiting couple
- adult aged 21 years or more
- pair of adolescents aged 10-20 years of the same sex
- pair of children aged under 10 years regardless of sex.

Home Point Bedroom standard for rental			
Household make up:	Suitable property size		
	1 Bed	2 Bed	3 Bed
Single person (where they are in receipt of housing benefit, affordable accommodation such as a bedsit will be sought)	✓		
Couple without children	✓		
Parent(s) & 1 child Applicant is pregnant (25 weeks onwards)		✓	
Parents(s) and 2 children of the same gender aged between 10 and 20.		✓	
Parent(s) and 2 children regardless of gender aged 0 to 9.		✓	

Parent(s) and 2 children same gender 0 to 9.		✓	
Parent(s) and 3 children 2 of the same gender aged between 10 and 20 and plus 1 other child.			✓
An extra bedroom may be allocated for those who need an overnight carer(s) subject to sufficient evidence provided and Housing Benefit has been agreed and confirmation provided.			

The table will, in general, relate to market and city areas due to high level availability of stock. However, in rural areas due to limited availability of stock and where two bedroom accommodation has been built for long term sustainability, under occupancy for two bed accommodation in these rural areas may be permitted for single households and where the housing association is satisfied that affordability permits.

Assessments will be undertaken by HA. The bedroom allocation criteria is compatible with the Welfare Reform Act 2012 which will ensure that where possible those on housing benefit can afford the property they wish to rent and will therefore help prevent the applicant from getting into any financial difficulties with rent arrears.

### 3.6 Allocation of Accommodation

The Housing Associations, **not Home Point**, allocate accommodation based upon their own criteria. It is possible that common approaches have been agreed but some details may vary. Home Point uses this policy to nominate eligible households to Housing Associations.

Home Point partners reserve the right to withhold properties from the Home Point choice-based scheme when the property has been specifically built or converted for an applicant with an identified medical need/s or when needed for urgent management reasons, which could include:

- temporarily accommodating another tenant whilst urgent repairs are carried out to their home
- public safety considerations under Multi Agency Public Protection Panel recommendations
- witness protection
- providing an immediate move to protect the safety of an existing tenant.

This is not intended to be an exhaustive list. These properties will normally still be advertised by Home Point, but the advertisement will state that the property has been “withheld by the landlord”.

Where a property has been adapted; is suitable for those with medical needs; is a sensitive let or has a local lettings plan in place; HAs may advertise and give preference to the most suitable applicants.

When a property is allocated by the HA, notification will be given on the Home Point website identifying the preference band of the successful applicant and the number of bids received for that property.

Home Point Partners reserve the right to offer a direct match of accommodation, in some circumstances, to ensure best use of housing stock to meet the housing needs of the applicant, or existing tenant. Examples may include, but are not limited to:

- Supported accommodation move on
- As directed by the special cases panel
- Those wishing to downsize
- Adapted properties which meet particular needs of a household.

From time to time the Home Point Partnership Board can agree to prioritise categories to enable best use of housing stock. This may include housing associations allocating accommodation to specific bands of applicants.

Housing Associations reserve the right to advertise properties for specific criteria within a given band to better meet the needs of the community and make best use of stock.

Amendments under the Localism Act 2011 to Part VII of the Housing Act 1996 now gives authorities the power to end the main homelessness duty with an offer of suitable private rented accommodation, without requiring the applicants consent. Where it is suitable and appropriate to do so an offer of private rented accommodation will be made.

If it is decided that an affordable property is more suitable for the applicant, where a successful bid is made for a property the applicant will be notified of this and, subject to rights of review under Part VII of the Housing Act 1996, this will constitute an offer of housing under Part VI as a discharge of the Council's homelessness duty. Should the applicant be refused by the HA under their allocations criteria, the homelessness duty will not be discharged and they will remain eligible for a further offer. If a suitable offer is refused the homelessness duty will be discharged and they will be reallocated into the Red band.

### **3.7 Waiting Time**

Prioritisation within each banding will be based on the length of time that need has been assessed or date of registration if need hasn't changed over time. Waiting time will begin from the date of registration, at which point appropriate evidence has been assessed and will continue until the need changes.

If the need changes the applicant must inform Home Point who will then reassess and reband accordingly. If an applicant is moved up into a higher band (following assessment) then the date they moved into that band will be their new waiting time. Please note it can take up to four weeks to assess a banding, from the date Home Point are notified of the change in need.

If after reassessment the applicant remains in the same band then the date they were registered will continue.

Please note that a new waiting time start date will apply if an applicant is taken off the register, due to review or housing need has stopped, and reapplies when a housing need arises.

### **3.8 Local Letting Plans**

Local letting plans may be used to achieve a wide variety of housing management and policy objectives. For example, to deal with concentrations of deprivation, to create more mixed communities by setting aside a proportion of properties for applicants who are in employment or to enable existing tenants to take up an offer of employment. These will be agreed in writing by the local authority and reviewed regularly to ensure the arrangements are still required.

### **3.9 Why are some properties only available under Section 106?**

Some properties may be restricted under agreements within the Section 106 of the Town and Country Planning Act 1990 (as amended).

For rural affordable housing schemes, such as those built on rural exception sites, the Section 106 will include clauses to ensure that the homes remain affordable in perpetuity to meet local identified households' needs now and in the future. They will be allocated to people with a local connection through the local authorities housing register managed by Home Point.

These properties will require a local connection to the parish / town where they are developed. If there are empty properties and no one with a local connection exists they will then be advertised to households in the cascading parishes. It will always state within the property advertisement where a S106 applies. It is recommended that the HA is contacted directly for specific information on each property.

## **SECTION 4: ENSURING EQUALITY**

Herefordshire Council is committed to effectively serve all members of the community to ensure that all strategies and policies consider all groups and sections of Herefordshire's communities. Herefordshire Council have signed up to the Herefordshire Equality and Human Rights Charter and recognise that some people may experience discrimination and be disadvantaged because of their individual characteristics or social identity, including (but not limited to) their race, disability, gender, age, religion or belief, sexual orientation, gender reassignment, marriage or civil partnership.

This policy seeks to address the imbalance between those who can and cannot access housing on the open market by specifically targeting groups of people who are disadvantaged for any reason.

Equality and diversity issues will be considered when working with partners to implement this policy, in order to ensure that no group is excluded and to make certain that those who are most in need of help and support, are taken into account.

Herefordshire Council expects all HAs to ensure that they follow the Equality Act 2010 and have their own Equal Opportunities policies available.



Under the Equality Act 2010, local authorities have a legal duty (the Public Sector Equality Duty) to pay due regard to:

- Eliminate unlawful discrimination, victimisation and harassment.
- Promote equality with regard to the protective characteristics
- Promote good relations.

The law requires that due regard is demonstrated in any decision making process. The following sections detail how equality is ensured including the appeals procedure every applicant is entitled to follow if they feel they are dissatisfied with any decision made.

## **4.1 Review of Applicant**

To ensure the register is accurate and up to date, all applicants will be reviewed annually (on the anniversary of their initial registration date) and will be asked to ensure that the information held reflects their current circumstances. If an applicant has not bid on a property within the last 12 months and/or they do not respond to the correspondence to update their records, it will be considered that they are no longer in need of accommodation and consequently will be taken off the Home Point register. Any applicant has a right to make an appeal if they are unhappy with their details being removed.

## **4.2 Appeals and complaints**

All applicants have the right to information about decisions which are taken in respect of their application. Any applicant has a right to make an appeal if they are unhappy with any decision made regarding their registration by Home Point, for example a banding decision or a decision to exclude them from the register.

### **4.2.1 Registration and nomination**

With regard to registration and nomination decisions made by Home Point, the applicant should appeal in writing and submit the appeal to Herefordshire Council. An applicant can appoint an advocate and once appointed Herefordshire Council will deal directly with that advocate. The appeal will be dealt with by a senior officer not involved in the original decision.

There are two stages to the appeal process:

### **Stage 1**

The appeal must be made in writing within 21 calendar days of the date of the decision letter, stating the grounds for the appeal. The appeal will be considered and a decision will normally be given within 21 calendar days. In complex cases it may not be possible to give a decision in 21 days and it may take longer. Where this is the case the applicant/advocate will be notified in writing prior to expiry of the 21 day period.

## Stage 2

If the applicant is unhappy with the decision made, they may request that a further review be carried out by the Home Point Board of Management (or their nominated representative). This request must be made in writing within 14 calendar days of the date of the stage 1 decision. A decision will normally be given in 21 calendar days, subject to extension where necessary.

If the applicant remains unhappy with the outcome of the appeal, the applicant may make a complaint to the Local Government Ombudsman.

### **4.2.3 Homeless Application**

If an applicant is unhappy with a decision that has been made on a homeless application (made under Part 6 of the Housing Act 1996) or relating to the suitability of housing that has been offered via Herefordshire Council Housing Solutions Team, they have a right to seek a review of the council's decision. You must request your review within 21 calendar days of being notified of the council's decision and you have a right to seek advice and assistance from an advice centre or solicitor for help with putting your case for review.

Where you have been offered housing and wish to seek a review of the suitability you have a right to both accept the offer and request a review.

### **4.3 False statement and withholding information**

This policy falls within the provisions of Part 6 of the Housing Act 1996. Section 171 of the Act states:

*(1) A person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part –*

*(a) he knowingly or recklessly makes a statement which is false in material particular, or*

*(b) he knowingly withholds information which the authority has reasonably required him to give in connection with the exercise of those functions.*

Home Point Herefordshire is the local housing authority's mechanism for discharging its functions under Part 7 of the Housing Act 1996 (as amended). Consequently where section 171 applies, Herefordshire Council may bring a prosecution.

Where false information is found to have been given, the applicant may also be excluded from registration with Home Point, and where false information has resulted in the applicant obtaining accommodation, the relevant HA may bring possession proceedings for recovery of the property.



## **SECTION 5: GOVERNANCE ARRANGEMENTS**

The Home Point Partnership Board will monitor the implementation of this Housing Allocations Policy and will be proactive in monitoring its effects.

Herefordshire Council will review this policy on an annual basis in order to ensure that it continues to address the needs of all communities across Herefordshire, with the first review to be undertaken and published xxxxxx 2014 (depends on implementation date)

Any changes that are made to this document, resulting from its annual review, will be implemented following a 28 day consultation period with all partner HA's.

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## SECTION 6: GLOSSARY AND DEFINITION OF TERMS

TERM	DEFINITION
<b>Accommodation of Choice</b>	Residence is not a person's choice if it is the consequence of being detained in prison or in hospital under the Mental Health Act.
<b>Affordable Housing</b>	<p>Housing provided at below market prices and allocated on the basis of need to people who live or work in Herefordshire or need to move to Herefordshire to receive/provide support and who are unable to purchase or rent houses generally available on the open market without financial assistance, as their only home.</p> <p>For further definitions of affordable housing please visit:  <a href="http://www.herefordshire.gov.uk/housing/36077.asp">http://www.herefordshire.gov.uk/housing/36077.asp</a></p>
<b>Allocation Policy</b>	Under the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011), every local housing authority in England must have an allocation policy for determining priorities and detailing the procedures that are to be followed in allocating housing. This policy document describes the criteria that Herefordshire Council uses to register and prioritise applications for affordable housing in Herefordshire.
<b>Bedroom Standard</b>	<p>The bedroom standard allocates a separate bedroom to each:</p> <ul style="list-style-type: none"> <li>• married or cohabiting couple</li> <li>• adult aged 21 years or more</li> <li>• pair of adolescents aged 10-20 years of the same sex</li> <li>• pair of children aged under 10 years regardless of sex.</li> </ul>
<b>Bidding for a property</b>	Your way of telling Home Point that you would like to live in a property. You can specify your bid of interest by telephone, internet or by visiting one of the Partner offices
<b>Category 1 hazard</b>	Category 1 hazards are typically those that are deemed more likely to occur than normal and would typically result in serious harm.
<b>Choice-based lettings</b>	A scheme that gives all applicants a greater degree of choice when applying for a home.
<b>Eligibility</b>	This term is used to confirm acceptance or qualify to be chosen/accepted.
<b>Equality Act 2010</b>	<p>The law requires that 'due regard' is demonstrated in the decision making process. Proposed changes to policies procedures and practice, is a way of 'due regard' can be demonstrated and we need to ensure the needs and the rights of different members of the community (the equality groups). The protected groups are:</p> <ul style="list-style-type: none"> <li>• Age</li> <li>• Disability</li> </ul>

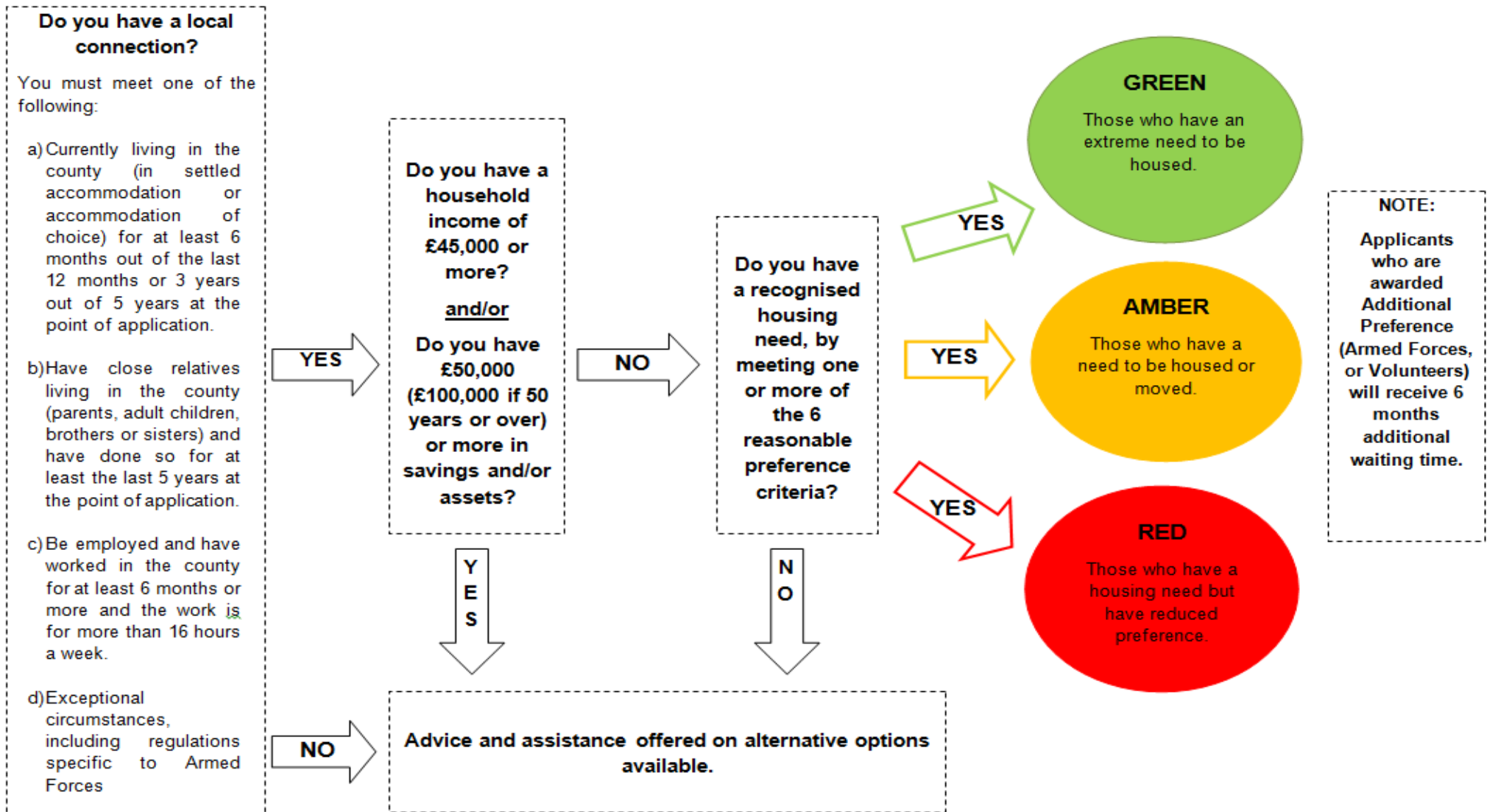
	<ul style="list-style-type: none"> <li>• Gender</li> <li>• Reassignment</li> <li>• Marriage and Civil Partnerships</li> <li>• Pregnancy and Maternity</li> <li>• Race</li> <li>• Religion or Belief</li> <li>• Sex</li> <li>• Sexual Orientation.</li> </ul>
<b>Regular Forces</b>	[Insert definition]
<b>Reserved Forces</b>	[Insert definition]
<b>Home Point</b>	The name of the choice-based lettings scheme in Herefordshire.
<b>Housing Act 1996</b>	An Act to make provision about housing, including provision about the social rented sector, houses in multiple occupation, landlord and tenant matters, the administration of housing benefit, the conduct of tenants, the allocation of housing accommodation by local housing authorities and homelessness; and for connected purposes.
<b>Homelessness Act 2002</b>	<p>The Homelessness Act 2002 made amendments to the Housing Act 1996 and also placed a duty on Local Authorities to review homelessness and to produce a homelessness strategy.</p> <p>For more information on these acts please see <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a></p>
<b>Housing Associations (HA)</b>	Housing Associations are not for profit organisations that essentially landlords are providing affordable housing. Housing Associations can also be known as Registered Providers, Affordable Housing Providers or Registered Social Landlords.
<b>Housing need</b>	Households are deemed to be in need if they are lacking their own housing or living in housing which is inadequate or unsuitable and are unlikely to be able to meet their needs in the housing market without some assistance.
<b>Localism Act 2011</b>	<p>The act aims to shift power from central government back to individuals, communities and councils. The Localism Act includes five key measures:</p> <ul style="list-style-type: none"> <li>• Community Rights</li> <li>• Neighbourhood planning</li> <li>• Housing</li> <li>• General power of competence</li> <li>• Empowering cities and other local areas.</li> </ul> <p><b>For more information please refer to:</b>  <a href="http://www.local.gov.uk/localism-act">http://www.local.gov.uk/localism-act</a></p>
<b>Mutual exchange</b>	A swap of accommodation between two affordable housing tenants that relies on each tenant moving permanently into the other persons / tenants property.
<b>Non-statutorily homeless</b>	A term that refers to homeless people or households to whom local housing authorities do not have a duty to make an offer of permanent housing.
<b>Person in</b>	This may be the owner of the property, landlord, freeholder, letting agent.

<b>control</b>	
<b>Private Landlord</b>	Someone who owns or lets properties other than a council or housing association.
<b>Reasonable Preference</b>	<p>The Housing Act 1996 (as amended), requires Local Authorities to provide 'Reasonable Preference' in their Allocation Policy to people with high levels of assessed housing need these are defined as the following:</p> <ul style="list-style-type: none"> <li>• All homelessness people as defined in part VII of the Housing Act 1996 (including those who are intentionally homeless and those not in priority need)</li> <li>• People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3),</li> <li>• People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions</li> <li>• People who need to move on medical or welfare grounds, including grounds relating to disability and;</li> <li>• People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others). The Communities and Local Government guidance defines this as 'a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education or training opportunity' (please see Allocation of accommodation: guidance for local housing authorities in England, p19).</li> </ul>
<b>Housing register</b>	Is a list of households seeking affordable housing.
<b>Section 106</b>	A contract entered into by a local planning authority and an individual property developer under Section 106 of the Town and Country Planning Act 1990 under which the developer agrees to provide defined facilities, or contributions, as part of the proposed development. Such planning obligations are often used as a legally binding agreement between a local authority and developer to deliver affordable housing within a development including occupancy criteria.
<b>Settled Accommodation</b>	[Insert definition]
<b>Shared ownership</b>	A type of Affordable housing which enables a household to buy a share in a property and pay rent on the remaining share which is owned by a housing association. Usually the maximum share owned cannot exceed 80% of the property value.
<b>Shortlist</b>	A list of applicants that have expressed an interest in a particular property advertised through Home Point at the close of bidding.
<b>The Homelessness (Suitability of Accommodation) (England) Order</b>	<p>The Suitability of Accommodation (England) Order 2012 requires local authorities to put in place arrangements to ensure that private rented sector offer accommodation is suitable. The location requirements of the Order also extend to any accommodation secured under Part VII of the Housing Act 1996 (including temporary accommodation).</p> <p><a href="http://www.legislation.gov.uk/uksi/2012/2601/made">http://www.legislation.gov.uk/uksi/2012/2601/made</a> or</p> <p><a href="https://www.gov.uk/government/publications/homelessness-changes-in-the-">https://www.gov.uk/government/publications/homelessness-changes-in-the-</a></p>

<b>2012</b>	<a href="#">localism-act-2011-supplementary-guidance</a>
<b>Statutorily homeless</b>	A term that refers to people or families to whom a local housing authority have a duty to make an offer of housing.
<b>Welfare Reform Act 2012</b>	<p>The Act legislates for the biggest change to the welfare system for over 60 years. It introduces a wide range of reforms that will deliver systems fairer and simpler by:</p> <ul style="list-style-type: none"> <li>• creating the right incentives to get more people into work</li> <li>• protecting the most vulnerable in our society</li> <li>• delivering fairness to those claiming benefit and to the taxpayer.</li> </ul>

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## SECTION 7: ALLOCATIONS POLICY SUMMARY



## APPENDIX 1: HOME POINT PARTNERS

The following are members of the Home Point Partnership, which operates under an agreement:

- Bromford Housing Group
- Festival Housing Association
- Guinness Hermitage
- Herefordshire Council
- Herefordshire Housing Ltd
- Kemble Housing
- Marches Housing Association
- Sanctuary Housing
- South Shropshire Housing Association
- Two Rivers Housing

Please note that this list is not exhaustive and does not include all providers who have housing stock within Herefordshire.

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## APPENDIX 2: RURAL LOCALITIES

Please find listed below parishes/villages within Herefordshire where the population is below 3,000.

Source: 2011 Census, Office for National Statistics © Crown Copyright 2012

Abbey Dore; Bacton	Edwyn Ralph	Marstow
Aconbury; Little Birch	Eggleton; Stretton Grandison	Mathon
Acton Beauchamp; Evesbatch	Elton; Leinthall Starkses; Pipe Aston	Michaelchurch Escley
Adforton	Ewyas Harold	Middleton on the Hill
Allensmore	Eye, Moreton & Ashton	Moccas
Almeley	Eyton	Monkland & Stretford
Ashperton	Felton; Ocle Pychard	Mordiford
Aston Ingham	Ford & Stoke Prior; Newton (Leominster)	Moreton Jeffries; Much Cowarne
Avenbury	Fownhope	Moreton-on-Lugg
Aylton	Foy	Much Birch
Aymestrey	Ganarew; Whitchurch	Much Dewchurch
Ballingham; Bolstone	Garway	Much Marcle
Bartestree	Goodrich; Welsh Bicknor	Munsley; Pixley
Belmont Rural	Hampton Bishop	Newton (S Herefordshire)
Birley with Upper Hill	Hampton Charles; Hatfield & Newhampton	Norton Canon
Bishop's Frome	Harewood; Pencoyd; Tretire with	Norton
Bishopstone	Michaelchurch	Orcop
Blakemere; Tyberton	Hentland	Orleton
Bodenham	Hereford	Pembridge
Bosbury; Coddington	Holme Lacy	Pencombe with Grendon
Brampton Abbots	Holmer & Shelwick	Warren
	Hope Mansell	Peterchurch



Brampton Bryan; Willey  
Bredenbury  
Bredwardine  
Breinton  
Bridge Sollers; Byford; Mansell Gamage  
Bridstow  
Brilley; Huntington  
Brimfield  
Brinsop & Wormsley  
Brobury with Monnington-on-Wye; Staunton-on-Wye  
Brockhampton; Whitbourne  
Brockhampton with Much Fawley  
Bromyard & Winslow  
Buckton & Coxall; Walford, Letton & Newton  
Burghill  
Burrington; Downton  
Byton; Combe; Kinsham  
Callow; Grafton  
Canon Frome; Castle Frome  
Canon Pyon; Dinmore  
Clehonger  
Clifford  
Collington; Thornbury  
Colwall  
Cradley  
Craswall  
Credenhill  
Croft & Yarpole  
Cusop

Hope Under Dinmore  
How Caple  
Humber  
Kenchester; Stretton Sugwas  
Kenderchurch; Treville; Wormbridge  
Kentchurch  
Kilpeck  
Kimbolton  
Kings Caple  
King's Pyon  
Kingsland  
Kingstone; Thruxton  
Kington Rural; Lower Harpton  
Kington  
Kinnersley; Sarnesfield; Letton  
Knill; Rodd, Nash & Little Brampton; Titley  
Lea  
Ledbury  
Leintwardine  
Leominster  
Leysters  
Lingen  
Linton (Bromyard)  
Linton (Ross)  
Little Cowarne  
Little Dewchurch  
Little Hereford  
Little Marcle  
Llandinabo; Llanwarne

Peterstow  
Pipe & Lyde  
Preston Wynne  
Preston-on-Wye  
Pudleston  
Putley  
Richards Castle  
Ross Rural  
Ross-on-Wye  
Sellack  
Shobdon  
Sollers Hope; Yatton  
St. Devereux  
St. Margarets  
St. Weonards  
Stanford Bishop  
Stapleton  
Staunton-on-Arrow  
Stoke Lacy  
Sutton  
Tarrington  
Tedstone Delamere  
Turnastone; Vowchurch  
Ullingswick  
Upper Sapey; Wolferlow  
Upton Bishop  
Wacton  
Walford  
Wellington Heath

Dewsall; Haywood  
Dilwyn  
Dinedor  
Docklow & Hampton Wafer; Grendon Bishop  
Donnington; Eastnor  
Dormington; Stoke Edith  
Dorstone  
Dulas; Llancillo; Rowstone  
Eardisland  
Eardisley  
Eaton Bishop  
Edvin Loach & Saltmarshe; Tedstone Wafer

Llangarron  
Llanrothal; Welsh Newton  
Llanveynoe  
Longtown; Walterstone  
Lower Bullingham  
Lucton  
Lugwardine  
Luston  
Lyonshall  
Madley  
Mansell Lacy  
Marden

Wellington  
Weobley  
Westhide; Withington  
Weston Beggard  
Weston Under Penyard  
Whitney-On-Wye  
Wigmore  
Willersley & Winforton  
Woolhope  
Yarkhill  
Yazor

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### Housing Allocations Consultation Results Table

The table below gives a brief overview of the consultation responses for the allocations policy and some proposed

NB: Headline figures only, the full report is available separately.

Question	Responses	Suggested response
<b>1, When deciding who should be eligible to register for affordable housing should we take into account:</b>		
Gross annual household incomes of £60,000 or more?	75% answered YES	Propose a limit is set, feedback suggested 60k too high.  Suggest £45,000  Can still register but will operate a separate list for Low Cost Home Ownership for households with income of £45,000 or more. This is based on 2x average wage (approx.)
Substantial assets and savings of £60,000 or more?	74% answered YES	As above but suggest if over 50 years, £100,000 in assets/savings due to age and ability to get a mortgage. Those 49 years and below £50,000.
Ongoing history of anti social behaviour?	83% answered YES	Agree to accept to register as long as other criteria is met, but with lower preference.
An on going history of rent arrears?	70% answered YES	Agree to accept to register as long as other criteria is met, but with lower preference.
<b>2, Should we take into account local connections?</b>		
Time lived in the county?	88% answered YES	Propose that this added as part of local connection eligibility in line with current legislation.
If yes how long?	26% answered 2-5 years 46% 6-10 years	Propose additional preference for those who have lived in the county for 6 years and above. It

		was agreed to propose this additional preference in an additional 6 months on the waiting list.
Whether they are working in the county?  If yes how long?	75% answered YES  44% (highest majority) answered 2-5 years	Propose that this is included in the local connection eligibility  Due to current employment market this length of time would be difficult to defend if challenged.
Whether they have close family in the county?	73% answered YES	Propose that this is included in the local connection eligibility to include close family.
<b>3. Should the following be given priority on the register?</b>		
People in work living in the county?	79% answered YES	Propose that this is included in the local connection criteria.  Giving those in work additional priority in the current employment market would be difficult to defend if challenged. Many people raised concerns about those unable to work for whatever reason and whether this was a fair to allow them additional preference. The subject of whether the tenant is working is proposed to be part of tenancy reviews under the Tenancy Strategy.
People who work in the county but live outside of the county?	49% answered NO  38% answered YES	Propose that this is also included with local connection eligibility by giving them the option to tick 1 or more of the local connection criteria.
People who volunteer within the county?	35% answered YES  49% answered NO	Many thought that this would be difficult to implement and monitor. Propose that this is not included in the revised

		policy.
People wanting to downsize to smaller accommodation?	66% answered YES 24% answered NO	Propose this goes in the top banding to offer incentives to downsize and free up larger home properties.
<b>Do you think there are any other groups that should be given priority?</b>	Out of the total who responded to this question (215) the top 4 responses included the below  13% disabled 8% Homeless 7% Armed forces 6% Households with Children	Accept – these groups will be picked up and included as part of the policy.  Need to ensure that mental health is adequately picked up within the band criteria.
<b>Any additional points made:</b>		
Should be for local people	This is a consistent theme throughout the consultation and people wanting to see local connection within the policy.	Accept – propose a local connection eligibility to register criteria is set and also propose that additional preference will be given to those who have lived in the county for 6 months or more.
Length of time on the list	Some complaining that they have been on the list for years!	This is recognised and one of the purposes of reviewing the policy is to be realistic with people about their expectations. Assistance and advice will be given on alternative housing options available.
Armed Forces	Many agreed that we should support members of the armed forces, but in a fair way.	Accept – members of the armed forces will not be subject to the local connection criteria.  It is proposed that where they have been given a valid section 21 notice to quit (including

		those who have been widowed) they will have additional preference and be allocated into Green Band.
Pregnancy and housing	Many comments from people expressing concerns that young women/girls get pregnant to get housing.	Concerns are noted. Work with partners to address these concerns/issues.

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**Housing - Seeking Advice and Assistance**

