

Title of report: Revised Housing Allocation Scheme 2023 for Herefordshire

**Decision maker: Cabinet Member housing, regulatory services and
community**

Decision date: Tuesday 25th April 2023

Report by: Housing Strategy Officer, Strategic Housing

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose

To approve the Housing Allocation Scheme for Herefordshire 2023.

Under Part VI Housing Act 1996 (as amended) the council is required to have an allocation scheme for determining priorities and providing information on all aspects of the allocation process. This is required even though Herefordshire Council does not have its own social housing stock but it does have nomination rights to a proportion of the properties owned by registered providers (RPs) in the county that become vacant and available for letting.

A housing allocation policy was approved by Cabinet in February 2020 with further amendments approved by Cabinet Member in June 2020, which was subsequently implemented. However, it was

agreed to review the policy to monitor the effectiveness of additional Band E, which was introduced for existing tenants and general applicants who did not have a housing need identified in the council's banding criteria. This review has now been completed, with consultation carried out with RPs, Herefordshire Council's legal team, and internal colleagues.

The review has shown that Band E has not been successful, as once the applicants were registered, very few properties were advertised with eligibility for Band E and only 4 applicants have been housed. Through the consultation stages above, it has been agreed to remove Band E.

The review process also allowed the opportunity to conduct a wider review of the allocations policy. This has led to further changes for which approval is also being sought.

Recommendation(s)

That:

- a) Band E be removed from the Housing Allocation Scheme;**
- b) The revised Housing Allocation Scheme set out at Appendix 2 be approved and implemented upon approval; and**
- c) Any minor amendments to the scheme necessary to enable implementation are delegated to the Corporate Director - Community Wellbeing.**

Alternative options

1. Not to approve the revised allocation policy and continue to operate the 2020 policy. This option is not recommended as, within the policy, Band E will remain operational but since it become operational, RPs have only advertised 10 properties under Band E and 4 applicants have been housed.

Key considerations

2. The allocation of social housing is governed by Part VI Housing Act 1996 (as amended). Although the council is not a social housing stock holder, it must adopt and operate an allocation scheme;
3. As the strategic housing authority, Herefordshire Council has a statutory duty to produce and publish an allocation scheme, which is required to set out how social housing will be allocated to local people in housing need. It sets out how national priorities are to be addressed locally, including qualification for the register and provision for the five statutory 'reasonable preference' categories. It identifies local priorities and how they will be implemented so as not to undermine the reasonable preference categories. The scheme also details the procedure by which people can apply for social housing. The scope of an allocation scheme means that it requires revision if there are significant changes in national policy, local priorities or operational arrangements.
4. An allocation policy was approved by Cabinet in February 2020 with further amendments approved by Cabinet Member in June 2020. It was agreed at that time to monitor the effectiveness of the additional category Band E for existing tenants and general applicants who did not have a housing need identified in the council's banding criteria. Subsequent review and consultation has identified that Band E has not been effective in helping those applicants to acquire accommodation through the Home Point process, as the applicants within this

lowest priority banding were not eligible to bid due to the RPs not listing Band E when advertising available properties, so applicants were unable to apply. Therefore, Band E has been removed from the Housing Allocation Scheme 2023. There are currently 291 applicants registered on Band E with an overall total of 1739 applicants registered with Home Point (figures correct for November 2022). Since June 2020 when Band E was created, RPs have only advertised 10 properties for this category with 4 applicants being housed.

5. The Revised Housing Allocation Scheme was amended primarily due to the removal of Band E. It has, however, provided the opportunity to review and update the policy with the benefit of further legal advice in other areas of housing law and in line with further consultation with Registered Providers, Home Point Team, Housing Solution Team and other internal colleagues.
6. The advertising cycle of properties will be reverted back to a defined weekly advertising cycle, from Wednesday to midnight on a Tuesday (from any day advertising) in order to improve the transparency and fairness of the choice-based lettings process. This will ensure that applicants have improved access to view all properties available each week and reduce the impact on services by applicants not contacting Home Point and RP's each day to review and amend their daily bids.
7. The amendment to the weekly cycle and additional changes to the software will have a financial impact, the IT provider will charge for delivering configuration changes, which includes those amendments to the Banding categories. The allocation policy is fundamental to the workings of the IT system and will result in a fully managed project process to reduce the risk of inadvertently impacting the current system's operation.
8. In addition to the above, further revisions to the policy include awarding additional preference to young people leaving care and to people who have moved into supported accommodation and are ready to move on. Additional preference may already be given to serving or former members of the regular armed forces and reservists who are suffering from a serious injury, illness or disability which is attributed (wholly or partly) to their military service and to bereaved spouses or civil partners of members of the regular armed force who are facing homelessness as a result of the death of their spouse or partner. Additional preference may also be awarded to those fleeing violence or threats of violence, including those experiencing Domestic Abuse and refugees fleeing their home country due to persecution. Additional preference will be provided by backdating their application date by six calendar months.
9. A summary of the changes to the Housing Allocations Scheme is set out in Appendix 1. The revised Housing Allocation Scheme is attached as Appendix 2. A full detailed list of all changes applied to the policy is attached as Appendix 3.

Community impact

10. The social housing allocation process contributes to the council's priority to build communities to ensure everyone lives well and safely together. It plays a significant role in addressing the housing needs of low income people, providing them with secure, safe and affordable housing.
11. The register currently holds applications from approximately 1700 applicants requiring social housing. This reflects housing need including homelessness and other needs relating to quality, affordability and availability of suitable housing.
12. There are currently just under 300 applicants registered on Band E. Home Point will contact each applicant to reassess their housing need. If their circumstances have changed that

evidences eligibility for another banding or they can evidence a qualifying local connection, they will be able to register under the appropriate banding. Home Point will explain to applicants that Band E was not effective as RPs were not advertising their available properties through this banding. Even though their application will have a new effective date, this will mean that they could be offered housing more quickly than by remaining in a banding that has proved to be ineffective.

13. There are no direct implications for health and safety arising from these proposals, which do not involve significant changes to the council's operations of public facing services directly. The housing providers, as independent organisations, have responsibility to ensure that appropriate health and safety provisions are in place for their housing stock and for the operation of their services.

Environmental Impact

14. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.

Equality duty

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
15. The various specific policy changes with the revised allocation scheme are not expected to have a particular impact on groups of people with protected characteristics. However, as the council only has limited supported accommodation, specific decisions about offering tenancies to people are made by the partner Registered Providers and whilst they are bound in principle by the allocation scheme, they also apply their own lettings policies, which may include exclusion criteria. Revisions to the policy include awarding additional preference to young people leaving care and to people who have moved into supported accommodation and are ready to move on. Additional preference may already be given to serving or former members of the regular armed forces and reservists who are suffering from a serious injury, illness or disability which is attributed (wholly or partly) to their military service and to bereaved spouses or civil partners of members of the regular armed force who are facing homelessness as a result of the death of their spouse or partner. Additional preference may also be awarded to

those fleeing violence or threats of violence, including those experiencing Domestic Abuse and refugees fleeing their home country due to persecution. Additional preference will be provided by backdating their application date by six calendar months.

Resource implications

16. There are no specific implications for staffing resources arising from the proposed new allocations scheme. The scheme helps shape how resources of the housing providers are utilised but the council has no direct control over those resources. The new scheme has no direct impact on the council's staff who support the allocation process.
17. A cost of £30,000 has been incurred from Civica, due to the reconfiguration of the IT system that manages the housing register and supports the Home Point system. The reconfiguration includes reverting back to 7 day weekly bidding cycle and changes made to the banding categories. As it is the aim for the Allocations Scheme to be reviewed every five years, the council should not incur further costs of this type until future amendments to policy lead to further configuration changes. The cost was taken from the Empty Property and Development revenue account.
18. Registered Providers pay an agreed fee for advertising available properties through Home Point. It is envisaged that this income stream will fund future costs for reconfiguration of the choice-based lettings IT system.

Legal implications (*reference taken from Cabinet Report 27th February 2020 for Revised Housing Allocation Scheme for Herefordshire 2020*)

19. The allocation of housing by local housing authorities is regulated by Part 6 of the Housing Act 1996. Section 159(1) of the 1996 Act provides that a local housing authority must comply with the provisions of Part 6 when allocating housing accommodation. However, subject to this compliance, councils may otherwise allocate housing in any manner they consider appropriate (section 159(7) Housing Act 1996).
20. Section 166A(1) of the 1996 Act provides that every local housing authority must have an allocation scheme for determining priorities between qualifying persons. In formulating or amending its allocation scheme, a local authority must have regard to its current homelessness strategy under section 1 Homelessness Act 2002. An allocation scheme may be framed to give additional preference to particular descriptions of people (section 166A(5) Housing Act 1996). However, a local housing authority must not allocate housing accommodation except in accordance with its allocation scheme.
21. As a result of changes made by the Localism Act 2011, with effect from 18 June 2012, local housing authorities have been able to decide who 'qualifies' for an allocation. Accommodation can therefore only be allocated to someone who qualifies under those local criteria (section 160ZA Housing Act 1996). Who qualifies is largely a matter for the local housing authority. The Secretary of State has power to prescribe classes of persons who are, or are not, to be treated as qualifying persons.
22. The proposed changes are in accordance with the current legal position and incorporating the changes minimises the risk of any potential legal challenge to the council.

Risk management

23. The key risks arising from the proposed changes to the allocations policy are to be reviewed by the council's strategic housing service on a scheduled and systematic basis. The risks include:
- Specific policy changes within the allocations policy will remove approximately 291 applicants from the housing register from under Band E. Home Point will work with each applicant to re-assess their housing need. If their circumstances have changed to show they have an identified housing need through another banding category or if they are evidencing a qualifying local connection, they will be eligible to register within Bands A to D. Home Point will advise those who do not have an identified need nor local connection that they will no longer qualify for the housing register.
24. The policy will be reviewed in every 5 years or earlier if there are significant issues arising from it operationally.

Risk management	
<p>Risk / opportunity The 291 applicants currently registered under Band E may gain a negative perception of the service</p> <p>Applicants under Band E who are identified with eligibility under Bands A – D through the reassessment will have built up no 'waiting time', with the effective date being the new date they are registered under the new banding.</p> <p>After being reassessed, applicants currently under Band E have found to have no qualification for any other banding.</p>	<p>Mitigation Home Point will contact each applicant to reassess their housing need. If their circumstances have changed that evidences eligibility for another banding or they can evidence a qualifying local connection, they will be able to register under the appropriate banding.</p> <p>Home Point will explain to applicants that Band E was not effective as RPs were not advertising their available properties through this banding. Even though their application will have a new effective date, this will mean that they could be offered housing more quickly than by remaining in a banding that has proved to be ineffective.</p> <p>Applicants will be sign-posted to further advice and information.</p>

Consultees

25. Consultation has taken place with the RPs with stock within Herefordshire, and who advertise through Home Point. Consultation has also taken place with internal colleagues within Housing Solutions, Home Point, All Age Commissioning, Legal team and applicants on the waiting list.
26. A political group consultation took place on 7th March 2023. Councillors in attendance were advised of the removal of Band E and what the consequences of this would be. We discussed the purpose of introducing Band E in 2020, but subsequent review showed that it had been ineffective and caused the applicants to become 'static'. By removing Band E, the group was

advised that each applicant would be contacted to be reassessed to ascertain whether they would now be eligible to qualify under one of the other bands (A to D).

The Political Group was also advised of other proposed changes, including reverting back to weekly advertising cycle from the current 'any day' cycle, to provide more transparency of what was available to bid for each week; two additional categories – Looked After Children and people in supported housing who are ready to move on - to be added into the 'Additional Preference' categories, which is provided by backdating the effective date of applications by six months; widening the criteria for qualification for properties with a Section 106 agreement; reviewing other Banding criteria, such as moving Looked After Children who are ready to move on and social housing tenants who are under-occupying and wishing to move from Band B to Band A to allow a higher priority.

The Political Group raised no objections to the above.

Appendices

Appendix 1 Summary of changes to Housing Allocation Scheme 2023

Appendix 2 Revised Housing Allocations Scheme 2023 (with tracked changes)

Appendix 3 Housing Allocations Scheme Review 2023 – List of Changes

Background papers

None

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	Sarah Buffrey, Democratic Services Officer	Date 05/04/2023
Finance	Kim Wratten, Senior Finance Business Partner	Date 28/02/2023
Legal	Samantha Evans, Senior Lawyer	Date 20/02/2023
Communications	Luenne Featherstone, Communications Manager	Date 02/03/2023
Equality Duty	Harriet Yellin, Equality Compliance HLN Manager	Date 05/04/2023
Procurement	Carrie Deeley, Commercial Services Manager	Date 05/04/2023
Risk	Jo Needs, Performance Team Lead	Date 20/02/2023

Approved by	Hilary Hall	Date 10/04/2023
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