

TO: EXECUTIVE
27 SEPTEMBER 2016

HOUSING ALLOCATION POLICY
Director of Adult Social Care, Health and Housing

1 PURPOSE OF REPORT

- 1.1 To consider changes to the Council's Allocations Policy.

2 RECOMMENDATION

That the Executive agrees:-

- 2.1 **To change the residency requirement before customers can join the housing register from one year to four years from the 1 November 2016.**
- 2.2 **To allow those customers who have lived in the Borough for 3 years at the time of implementation to remain on the register.**
- 2.3 **That the Council will make offers of suitable private rented sector property to homeless households so as to discharge its homeless duty.**
- 2.4 **That families whose children are taken into care by Bracknell Forest Council can remain on the housing register upon advice of the Chief Officer: Children's Social Care so that their housing prospects are maintained if the children are returned to them.**
- 2.5 **To agree a maximum of three lettings are year are made to households under the right to move proposals.**

3 REASONS FOR RECOMMENDATION

- 3.1 The Council's Housing Allocation Policy supports the Council's plan to support strong safe, supportive and self-reliant communities where resources are targeted at those most in need.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 An alternative to the proposals would be not to implement the change in residency requirements, discharge of homeless duty into the private rented sector and also the local policy to support children in need. However, as the Council's new plan required service to be targeted at those most in need and these proposals achieve that aim that course of action is not recommended.
- 4.2 The change in residency requirement to join the housing register could be a different period of time other than the four years recommended. However, the recommended four years strikes a balance between the residency requirements in neighbouring boroughs, improving the chances of households who are registered to be housed

more quickly and also addressing any possible future changes in the immigration status of EU nationals.

5 SUPPORTING INFORMATION

- 5.1 In formulating the Council's Allocation Policy due regard should be taken of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2012. Of particular relevance to this report is part 6 of the Localism Act which enabled 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. The Statutory Guidance Allocation of accommodation guidance for Local Authorities in England 2013 provides guidance as to interpretation of the legislation. In addition immigration regulations provide guidance as to who may be considered as an eligible person for the purposes of receiving an allocation; EEA nationals and their family members who have a right to reside in the UK that derives from EU law are not persons subject to immigration control and thus are eligible.
- 5.2 In April 2012 the Council made a number of changes to its Allocation Policy; that Band E in the Council's Allocation Policy for those applicants who are adequately housed is removed, that applications from households in Bands C and D can move up a band but not to Band A based on how long they have been waiting on the Council's housing register, that a residency requirement is introduced for applicants to the Council's housing register so that households must have lived in the borough for one year continuously before their application will be considered, that those households who are working are prioritised above those who are not working when bids are received for properties and that those applicants who have the financial resources to meet their housing need are prioritised below those who do not have the financial means to meet their housing need, that applications from households who are considered to have deliberately worsened their housing situation are placed in the band below the need they present, that households who move to resolve overcrowding must only bid to the maximum sized property they are eligible for. That households who are owed a statutory homeless duty by the Council are offered the first available property that meets their housing need, that households living in affordable housing who are under-occupying by one bedroom are placed in Band B, that households who have applied for affordable housing and have been agreed by the Chief Officer: Children's Social Care as suitable as foster carers are placed in Band B, and that an Arrears Policy is introduced so that applicants who have housing related debts will not be nominated unless there is evidence of at least six months consistent regular repayments of debts in line with an agreement.
- 5.3 Consultation has taken place to amend the current Allocation Policy. Consultation began in April 2016 and concluded on the 10th June 2016. The first proposed change is to increase the residency requirement before a household in housing need can join the housing register from one year to four years. The four year criteria has been based on comparing neighbouring Local Authority criteria and also any potential changes that may arise in the immigration status of EU nationals in the future. The residency requirements in neighbouring Boroughs are set out in the table below:

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Borough	Residency requirement
RBWM	2 years
Slough	5 years
Wokingham	No requirement but priority to Borough residents
W. Berks	2 years or has close family member who has lived in Borough for 5 years or applicant has worked in Borough for 2 years
Reading	3 years

It needs to be recognised that Bracknell Forest Council's Allocation Policy only allows customers onto the housing register who have a housing need and this may not be the same in neighbouring local authorities. There is the risk that if those in housing need cannot join the housing register and thus resolve their housing need for a period of four years they may approach the Council as homeless as an alternative way of accessing appropriate housing. If the proposal to require four year residency was introduced it would lead to customers being removed from the housing register. Case law has established that Councils should not operate blanket policies when implementing policy and should take each application on its merits. Thus the Council should take into account exceptional circumstances when applying residency requirements. For example if an elderly customer needs to move near to a carer/relative in the Borough the Council could waive the residency requirement. For clarification, members of the armed forces or ex-members of the armed forces are not required to meet residency requirements.

- 5.4 If Council is minded to amend the residency requirement to four years it will lead to the following applications being removed from the housing register based on a 1st November 2016 implementation date.

Bedroom size required	Priority band B	Priority band C	Priority band D	Total
1 bed	1	30	53	84
2 bed	7	33	12	52
3 bed	13	20	0	33
4 bed plus	13	6	0	19
Total	34	89	65	188

The following table sets out the number of households who would be removed from the register if the Council were minded to choose a residency requirement for less than four years.

Band	2012	2013	2014	2015	Total
Band B	0	15	14	5	34
Band C	1	27	45	16	89
Band D	0	32	24	9	65
Total	1	74	83	30	188

- 5.5 Removing the applications from the register will mean that those applicants will have to wait until they can demonstrate that they have lived in the Borough for four years before they can apply again. When they do apply their application date will change so that they have in effect lost the time they have waited to date. There are 30 households who have lived in the Borough for 3 years.. As it does not seem either fair nor good use of Council resources to cancel an application and then reinstate it a

Unrestricted

year later to start all over again it is recommended that those customers are allowed to remain on the register despite not having four year residency. There is a risk that those households are offered a property before they reach the four year residency requirement but realistically that will only probably be those applications in band B .

- 5.6. An alternative to removing applicants from the register would be to give those on the register without four years residency amnesty and only require four year residency for new applicants. That is not recommended as it would expose the Council to challenge from those households who would not be allowed on the register as they did not have a four year residency as there would be households with the same circumstances who not only were allowed on the register but could even be housed.
- 5.7 The removal of applications from the register will improve the prospects of those households who remain on the register to be housed more quickly. It is difficult to quantify the improvement in how quickly households will be rehoused as we will not know the properties they will bid on in future. However, as an example in 2015/16 there were 10 four bed Band B customers housed. Out of the 13 Band B customers that would be removed there are two who are coming within the top 10 in shortlists for properties. If they are removed there will be two more Band B households in Band B (who had lived in the Borough for four years) needing a four bedroom property who will be housed who would have had to wait a further twelve months all things being equal.
- 5.8 The second proposal follows the ability of Local Authorities to discharge their main housing duty to applicants who are homeless or threatened with homelessness by making an offer of appropriate housing in the private rented sector. To date the Council has made such offers and if applicants have refused the duty has not been discharged and subsequent offers have been made. If a policy was introduced to make offer of private sector rented property as a discharge of homeless duty and the offer was refused the Council would only provide advice and assistance to homeless customers so that they can find a new home themselves.
- 5.9 The third proposal is a local policy change that would give families where their children are taken into care by the local authority the ability to stay on the housing register with their housing need so that they have better chances of being housed when their children are returned. Situations have arisen where children who have been taken into care are ready to be returned to their parents but the housing is not suitable so the return has not taken place or been delayed. Clearly, that is not in the child's, families or Council's interests and this local policy would allow the Chief Officer: Children's Social Care to identify families where this policy would apply.
- 5.10 Lastly, in 2015 the Government introduced statutory guidance on the Right to Move. This requires Local Authorities to support customers who need to move into an area for employment purposes so that they are not disadvantaged by residency requirements. This applies to customers who are already tenants of affordable housing outside the Borough and they would need to demonstrate paid employment in Bracknell Forest and that the inability to move due to residency requirements or any other means of moving would cause hardship. Government guidance suggests that 1% of annual lettings should be made available for such applications each year so that could amount to 3 lettings to such applicants each year.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The relevant legal issues are addressed within the body of the report.

Borough Treasurer

6.2 The Borough Treasurer is satisfied that there are no financial implications arising from this report.

Equalities Impact Assessment

6.3 An equality impact assessment is included at Appendix A.

Strategic Risk Management Issues

6.4 There are no strategic risk management issues arising from this report

7 CONSULTATION

7.1 Registered providers have been consulted on the proposals. Bracknell Forest Homes response is as follows:

“We have no objection to 4 year eligibility rule but would comment that this is less generous than our other partner councils. One of the consequences could mean a further increase in homelessness applications as they will not be subject to time restriction. We are happy with the right to move proposal. With regard to the children in care we will need assurance via evidence that the children will be returning to avoid the risk of gross under occupation and as part of our own allocation review will consider offering short term tenancies.”

7.2 Consultation has taken place with the wider community and those customers already on the Council's housing register. The result of that consultation is included in the equality impact assessment.

Contact for further information

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