

**TO: ADULT SOCIAL CARE AND HOUSING OVERVIEW AND SCRUTINY PANEL
25 MAY 2016**

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

1 PURPOSE OF REPORT

- 1.1 To offer the Overview and Scrutiny Panel an opportunity to discuss possible revisions to the Council's Housing Allocation Policy.

2 RECOMMENDATION

- 2.1 **That the panel considers the proposed changes to the Council's Allocation Policy which are currently subject to consultation.**

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 SUPPORTING INFORMATION

- 4.1 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.
- 4.2 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

Unrestricted

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.

- 4.3 Consultation is taking place to amend the current Allocation Policy. Consultation began in April and will conclude on the 6 June 2016. Consultation is taking place directly with key stakeholders and via the Council's consultation portal. The first proposal is to increase the residency requirement before a customer can join the Council's housing register from one year to four years. Many London Boroughs require residency of five years and residency requirements in neighbouring Boroughs is set out in the table below,

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

If there is a change to the immigration status of EU nationals it may supersede the local residency requirements. It needs to be recognised that Bracknell Forest Council's Allocation Policy only allows customers onto the housing register who have a housing need. 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 consultation asks whether 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 should the Council waive the residency requirement? This would enable low demand sheltered housing to be occupied and without such an approach registered providers may let properties to customers from outside the Borough anyway. The argument against such an exceptional circumstance policy is that it could generate additional demand for other Council services. For clarification, members of the armed forces or ex-members of the armed forces are not required to meet residency requirements.

- 4.4 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.

- 4.5 The third proposal is a local policy change that would give families where their children are taken into care 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.
- 4.6 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. Guidance suggests that 1% of lettings should be put aside for such applications each year so that could amount to 3 lettings to such applicants.

5 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 5.1 The proposals will require consultation prior to making the policy changes and will need to be clearly set out in an easily understandable robust policy document.

Borough Treasurer

- 5.2 The Borough Treasurer is satisfied that there are no financial implications arising from this report. When the preferred option is put forward for a final decision any potential financial implications of that option will be outlined as part of that decision paper.

Contact for further information

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