

To: Executive Member for Adult Services, Health and Housing
Date 2 March 2021

HOUSING ALLOCATIONS POLICY
Director of People

1 PURPOSE OF REPORT

1.1 The Council's Housing Allocation Policy sets out who is awarded priority on the 'My Choice' Housing Register. The purpose of the report is to request that the Executive Member for Adult Services, Health and Housing approves minor changes to the Council's Housing Allocation Policy. The changes are to include applicants awarded any of the new homelessness duties brought in by the Homelessness Reduction Act.

1.2 RECOMMENDATION(S)

- 2.1 **To seek the approval of the Executive Member for Adult Services, Health and Housing for changes to the Housing Allocation Policy as required by the Homelessness Reduction Act.**
- 2.2 **To approve the banding priority awarded under the Allocations Policy to homeless households, which aims to support the Council's strategy to prevent homelessness.**
- 2.3 **To agree that the 'My Choice' Allocations Policy last reviewed in 2016 should be subject to a more comprehensive review with policy options developed for member consideration.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The changes are recommended:
- a) To reflect the new duties to prevent and relieve homelessness in the 'My Choice' Allocations Policy
 - b) To award all applicants owed one of the homelessness duties a banding to reflect that, under legislation, they qualify for an award of reasonable preference, and
 - c) To use the new banding priority to support the Council's homelessness prevention strategy.
- 3.2 This policy applies to all applicants included on the Council's 'My Choice' Housing Register. The changes will be applied to all new and existing applicants 1 month from the date of sign off by Executive Member.

4 ALTERNATIVE OPTIONS CONSIDERED

4.1 Not applicable

5 SUPPORTING INFORMATION

- 5.1 Section 167 requires every local authority to publish an Allocations Policy setting out how social rented housing will be allocated within its area, and in particular how applicants on the housing register will be assessed and prioritised. The Council is required by law to keep its Policy under review.
- 5.2 The report requests that the Executive Member for Adult Services, Health and Housing approves minor changes to the Council's Housing Allocation Policy. The changes are to include applicants awarded any of the new homelessness duties brought in by the Homelessness Reduction Act 2017. These new duties must by law be included in the Council's Allocation Policy through awarding applicants owed any homelessness duty priority through a statutory reasonable preference to reflect their housing need.
- 5.3 There is a legal requirement to give 'reasonable preference' to individuals or households considered to have a high level of housing need as defined by the statutory reasonable preference groups set out in section 167 of the Housing Act 1996. The reasonable preference groups include all applicants owed a statutory homeless duty by Bracknell Forest Council.
- 5.4 **Further details of the changes proposed can be found in Appendix 1.**
- 5.5 The Council's 'My Choice' policy was last reviewed in 2016 and requires a significant review to reflect case law, statutory guidance and to ensure it still reflects any locally adopted priorities agreed by Members. The intention is to complete a more comprehensive review and to bring forward policy options for member consideration in early 2021, leading to the development of a draft revised policy for Executive approval for statutory consultation. The review will involve briefings with members, stakeholders and service users.

6 CONSULTATION AND OTHER CONSIDERATIONS

Legal Advice

- 6.1 The Council has a duty to keep its Housing Allocation Policy under review to reflect changes to the legislation, case law and local priorities. The requirement to reflect the new homelessness duties in the 'My Choice' priority banding system is a requirement of housing legislation and confirmed in the MHCLG Homelessness Code of Guidance 2018, as amended. The policy is being updated to reflect this legislative requirement.
- 6.2 The report is not confidential and therefore not exempt from publication by virtue of paragraph 9 of Schedule 12A to the Local Government Act 1972

Financial Advice

- 6.3 The policy is an update of the previous policy and involves only minor changes to the banding groups which need to be incorporated into the CIVICA IT operating system at no additional cost. There are no HR or other implications as the established service and team will be unaffected by the changes to the policy. Training will be provided on the changes and how the housing application assessment team should apply them.

Other Consultation Responses

- 6.4 Major change to the Policy can only be made after a copy of the proposed amendments have been consulted on by sending to every Registered Provider Housing Association with social housing stock in Bracknell Forest (Section s166A (13) Housing Act 1996). The changes proposed are not considered to be major changes to the policy and do not therefore require a period of consultation.

Equalities Impact Assessment

- 6.4 Under the Equality Act 2010, the Council must have due regard to:
- 6.4.1 Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
 - 6.4.2 Advancing equality of opportunity between people who share a protected characteristic and people who do not share it;
 - 6.4.3 Fostering good relations between people who share a protected characteristic and people who do not share it.
 - 6.4.4 The changes to the Allocation Policy set out in this report are a legal requirement. It is not anticipated that the proposals within this report will have a differential impact on any protected group and therefore a full revised Equality Impact Assessment (EIA) is not required. By awarding priority banding to those owed a homelessness duty this will benefit applicants owed a protected characteristic. Nationally, many applicants who are owed a homeless duty also have a protected characteristic under the Equality Act. However, recent case law encourages local authorities to regularly update their Equality Impact Assessment. A new Equality Impact Assessment will be undertaken as part of the wider review of the Allocations Policy

Strategic Risk Management Issues

- 6.5 Not applicable

Background Papers

Appendix 1 - Detailed Considerations

Contact for further information

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