

To: EXECUTIVE

14 NOVEMBER 2023

DEVELOPMENT OF A NEW HOUSING ALLOCATIONS POLICY FOR BRACKNELL FOREST

EXECUTIVE DIRECTOR OF PEOPLE

1 Purpose of Report

- 1.1 A new housing allocation policy is required to bring the policy in line with legislative changes and to address the current housing supply and demand challenges facing the borough. Parts of the existing policy are out of date and clearer wording on how some of the policies should be applied is needed.
- 1.2 This report sets out the main proposed changes to the policy, the rationale for these and the outcomes that they seek to achieve. It is proposed to incorporate these changes into a new housing allocations policy for 2024. Subject to further discussion and approval of the proposed changes, a period of internal and external consultation will be launched, with the aim of bringing a final version to Executive for approval in the New Year.

2 Recommendations

2.1 Executive are asked to:

- (i) **Approve the proposed changes to the Housing Allocation Policy**
- (ii) **Approve the proposed consultation plan to enable applicants, stakeholders, partner organisations, councillors, and the wider public to give their views on the proposed policy changes prior to presenting the findings and any subsequent amendments to the Executive for approval.**

3 Reasons for Recommendations

- 3.1 The current housing allocations policy is over seven years old and requires a refresh to take account of legislative changes, to support the Council's homelessness and housing strategies, and to address shortfalls in housing supply against demand in Bracknell Forest.
- 3.2 The proposed policy reflects and demonstrates the Council's ambitions, whilst also addressing the challenges of a limited supply of homes for allocation and an increased demand for social and affordable rented homes.
- 3.3 Stakeholder consultation is an important part of the development of a new Housing Allocations Policy, enabling residents, applicants, partners, Registered Providers of social housing, and officers and councillors to understand and comment on the proposed changes to the policy.

4 Alternative Options Considered

- 4.1 The current policy is out of date and no longer reflects the housing needs of the residents of Bracknell Forest and those seeking housing assistance in the Borough and so the option of doing nothing has not been considered.

5 Supporting Information

Background

- 5.1 All housing authorities are required to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation, regardless of whether they own housing stock. The Allocation of Accommodation Code of Guidance sets out statutory guidance that local authorities must follow in framing their allocation policies.
- 5.2 The housing allocations policy sets out who qualifies to join the housing register, how they can apply, how their application will be assessed, and how their priority for rehousing will be determined. The current policy was drafted in 2016 with a minor update in 2021. It introduced a four-year residency requirement for those seeking to join the housing register. Qualifying applicants are placed into one of four bands, according to their level of housing need and priority, as determined by the policy. In April 2023, there were 1,900 households on the housing register, compared to 1,330 applicants three years previously. Over the same period, the number of homes available to let has steadily declined.
- 5.3 The housing service is committed to developing a new housing allocations policy which provides a fair, transparent, and easily understood approach to meeting the housing needs of the local area, makes best use of the stock available for allocation, and prioritises those in greatest housing need. The new policy also needs to take account of legislative changes such as the Homelessness Reduction Act 2017 to ensure that it is supporting work to prevent households from becoming homeless.

Proposed changes

- 5.4 The changes proposed in the new policy aim to deliver the following outcomes:
- Reduce waiting times for larger homes
 - Support homelessness prevention and reduction
 - Ensure statutory guidance is met
 - Support key groups in need
 - Reduce complexity and unfairness

The table below summarises the current issues and the proposed policy changes in relation to each of these objectives.

Key objective 1. Reduce waiting times for larger homes	
Issues	Proposed changes
The current policy allocates a separate bedroom for each child in the household (as well as to additional non-dependent adults), resulting in a high number of applications for larger family homes which are in short supply. This is out of step with national guidance.	Adopt the national bedroom standard which allocates a bedroom to each: <ul style="list-style-type: none"> • 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
The waiting time for larger family homes is disproportionately longer for families with 3+ children, compared to smaller properties.	The above proposal will reduce demand and waiting times for 3 and 4 bedroom homes by giving priority to families with dependent children living in the most overcrowded homes who cannot resolve their housing need in other ways.
The current policy allows households with adult, non-dependent children residing at home to apply for large, long term,	Remove non-dependent household members (aged over 21) from assessments of housing need (with mitigations where

<p>permanent social housing with the same priority as families with dependent children</p> <p>Under occupiers of social housing do not have sufficient priority and the current policy does not adequately encourage households to free up much needed larger family homes.</p>	<p>households have no other choice). Non-dependent household members will be able to apply for housing in their own right</p> <p>Ensure households seeking to downsize from large family social or affordable rented homes receive a high priority for rehousing</p>
Key objective 2. Prevent and reduce homeless applications	
Issues	Proposed changes
<p>There has been a significant increase in the number of housing applications made by homeless households over the last three years, which has increased demand on the housing register and rehousing times.</p> <p>The current 4-year residency requirement encourages households with a break in local residence, or with less than 4 years residence, to present as homeless in order to access social housing (homelessness legislation requires only a 6 month local connection).</p>	<p>Review the policy to ensure that it gives an appropriate level of priority to statutory homeless households, especially where they have been placed in suitably sized temporary accommodation, relative to other groups such as overcrowded households.</p> <p>Reduce the residency requirement from 4 years to 2 years which will help to reduce homelessness applications from households not meeting the criteria, whilst ensuring that the housing register continues to recognise and prioritise local residents.</p>
Key objective 3. Ensure statutory guidance is met	
Issues	Proposed changes
<p>Households that have undertaken actions that would previously have disqualified them from the housing register, e.g. anti-social behaviour or large outstanding rent arrears, cannot legally be excluded from the housing register if they fall within a group defined as having a statutory housing need ('reasonable preference' group).</p>	<p>Introduce an additional 5th band to allow the Council to comply with the statutory code of guidance by providing access to the housing register for those in a 'reasonable preference' group, whilst at the same time allowing them to be placed in a new band with a low priority for rehousing as a result of their actions.</p>
Key objective 4. Support key groups in need	
Issues	Proposed changes
<p>The current policy does not provide sufficient clarity or recognition with regard to the priority to be given to certain groups including care leavers, foster parents, parents of children in foster care, ex armed forces.</p>	<p>Clarify operation of policies to ensuring that care leavers assessed as more vulnerable and in need of social housing are given a high priority for rehousing.</p> <p>Clarify policy allowing households undertaking long-term fostering to apply for larger family homes, if required, in order to continue to foster children.</p> <p>Clarify policy allowing parents whose children are in foster care or looked after by the Council to include their children as part of their application where it is likely that they will return to live with them.</p> <p>Ensure policy gives sufficient priority to ex-armed forces personnel that have been medically discharged and other serving or</p>

	recently serving armed forces personnel, in line with Government guidance.
Key objective 5. Reduce complexity and unfair policies	
Issues	Proposed changes
<p>The current policy prioritises working households which means that other households, including vulnerable households, are disadvantaged by having to wait longer for rehousing, despite having a similar housing need.</p> <p>Applicants who have been on the register for six or more years currently receive additional priority, even though they may have little or no housing need.</p> <p>Households with high incomes and/or with sufficient asset and resources to meet their own housing need are currently able to join the housing register and apply for social housing.</p> <p>Under the current policy households can increase their priority by aggregating different needs to achieve a higher band level than warranted. This system also adds complexity to the assessment system.</p>	<p>Remove the priority given to working households which will increase the ability of vulnerable households to make successful bids for properties. Such policies have since been found to be unlawful under equalities legislation.</p> <p>Remove the additional priority given to households waiting for six years as it is unfair to households with a higher housing need.</p> <p>Introduce an income cap for those who can potentially resolve their own housing need which limits their ability to access social housing.</p> <p>Remove the current cumulative preference rule for those with more than one band reason. This will help to minimise 'band chasing' and make the process simpler to understand.</p>

5.5 The impact of these proposed changes has been assessed through data analysis, to quantify how many and which people are affected. Initial analysis has identified about 250 households that would no longer qualify for a larger home as a result of adopting the bedroom standard. A detailed equalities impact assessment has been undertaken focusing on those groups with protected characteristics. In some cases, exceptions and mitigations will be proposed to prevent adverse and unfair impacts on some groups.

5.6 The overall impact of the proposed changes is summarised below.

- Reduced average rehousing times for the most overcrowded households with dependent children.
- Recognition of the needs of armed forces personnel, care leavers, foster carers, parents with children in care.
- Reduced entitlement to larger homes for some households including those with non-dependent household members.
- Higher income households no longer able to apply.
- Removal of unfair and complex policies that favour working households, some long-term applicants and those who benefit from cumulative needs policies.

Consultation

5.7 Government guidance states that where major changes to the housing allocations scheme are being considered, the authority must bring these to the attention of those likely to be affected by the change. Authorities are also required to consult with registered providers with whom they have nomination arrangements about the proposed changes.

- 5.8 A structured consultation plan has been developed to provide opportunities for applicants, Registered Providers, councillors, voluntary organisations, other statutory organisations and the wider public to give their views on the proposed changes set out in the draft policy. This includes the following elements:
- An online survey that individuals and organisations will be invited to complete; it is proposed to run the survey from December 2023 to the end of January 2024.
 - Councillor session or other opportunity for councillors to provide comments.
 - Consultation workshops with registered providers and the Homeless Forum.
 - Invitation to key stakeholders to meet or submit written comments by email.
- See consultation plan in appendices
- 5.9 In addition, a detailed communications plan has been developed to promote the formal consultation as widely as possible. This will include:
- Use of Council's website, social media, and press releases
 - Internal and external promotion through publications such as Town & Country and Forest Views
 - Targeted emails to key contacts and organisations that represent various cohorts.
- 5.10 Once consultation is complete and the responses analysed, the proposed changes to the allocations policy will be finalised and presented to Executive for approval, in Spring 2024.
- 5.11 The 'go live' date for the new policy is proposed for Summer 2024 to allow for testing and transition from the current policy, including any required changes to housing IT systems.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Government guidance [Allocation of accommodation: guidance for local authorities - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/allocation-of-accommodation-guidance-for-local-authorities) states that all Housing authorities must have an allocation scheme for determining priorities, and for defining the procedures to be followed in allocating housing accommodation; and they must allocate in accordance with that scheme.
- 6.2 When an alteration is made to a scheme reflecting a major change of policy, an authority must ensure within a reasonable time that those likely to be affected by the change have the effect brought to their attention, taking such steps as the housing authority considers reasonable.
- 6.3 Before adopting an allocation scheme, or altering a scheme to reflect a major change of policy, authorities must:
- send a copy of the draft scheme, or proposed alteration, to every private registered provider with which they have nomination arrangements, and
 - ensure they have a reasonable opportunity to comment on the proposals

Financial Advice

- 6.2 The main financial impact associated with the introduction of a new housing allocations policy is the cost of making changes to the housing needs IT system. This is provided through a contract with Abritas and the cost of the changes are not yet known. The option of moving to a new provider will also be explored if this proves to be simpler and more cost effective.

Other Consultation Responses

- 6.3 As detailed in the report, a consultation plan will be developed to engage stakeholders, partners, Members, key service areas within the Council, applicants, and residents.

Equalities Impact Assessment

- 6.4 In developing the new Allocations Policy, the council must have due regard for advancing equality and assess the impact of the proposed policies on groups included within the protected characteristics set out in the Public Sector Equality Duty. An initial equalities impact assessment has been undertaken to assess the impact on groups with protected characteristics, including race, disability, age, gender and so on.
- 6.5 The initial findings are that the adoption of the bedroom standard will impact more on households aged 25 to 44 years, female headed households, and women in maternity, as these groups are over-represented among households with two or more dependent children. The proposed exclusion of non-dependent household members from housing applications is likely to impact more on ethnic or religious groups where extended households that include non-dependent adults are more common. However, it is considered that the proposals are justified as they will ensure that overcrowded households with dependent children who are most likely to suffer negative impacts on their health, welfare and education, will be prioritised for rehousing. Mitigations will be included in the policy to take account of the circumstances of some households, such as those with a disabled member or where there are care needs.

Strategic Risk Management Issues

- 6.6 Managing the number of homeless households placed in temporary accommodation is an ongoing risk for the Council. The new policy will retain the ability to make direct lets to homeless households to alleviate pressures in temporary accommodation, where necessary.

Climate Change Implications

- 6.7 The recommendations in Section 2 above are not expected to have any impact on emissions of CO₂.

Health & Wellbeing Considerations

- 6.7 Access to good quality housing is recognised to be one of the key protective factors in maintaining health and well-being. The Housing Allocations Policy will support the Health and Wellbeing Strategy, by increasing rehousing opportunities for overcrowded households living in unsatisfactory conditions, which negatively impact on the health, welfare and education impacts of such families, and supporting more vulnerable households, including young people and those with poorer health, including mental health, to access suitable independent accommodation.

Background Papers

Draft Housing Allocations Policy
Equalities Impact Assessment
Consultation Plan

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