

To: Executive

Date: 23 April 2024

Development of a New Housing Allocations Policy for Bracknell Forest Executive Director of People

1 Purpose of Report

- 1.1 Proposed changes to the housing allocation policy were presented to Executive in November 2023, along with a draft of the new policy and the rationale for the proposed changes. Executive gave its approval to launch a period of public consultation to enable residents, service providers and local organisations to give their views on the key proposals.
- 1.2 This report summarises the outcome of the consultation on the proposed changes, which are set out in more detail in the consultation report. Executive is asked to consider the consultation report and the recommendations in this report, and to approve the new housing allocation policy attached to this report.

2 Recommendations

2.1 Executive is asked to:

- (i) Consider the outcome of the consultation on proposed changes to the Council's Housing Allocation Policy.**
- (ii) Approve the proposed changes set out in this report and the new Housing Allocations Policy appended to this report**
- (iii) Delegate to the Executive Director of People, in consultation with the Executive Member for Adult Services, Health and Housing, the authority to make minor revisions to the Housing Allocation Policy, including changes required in future statutory guidance, as considered necessary to give effect to the operation of the Policy.**

3 Reasons for Recommendations

- 3.1 The current housing allocation policy is over seven years old. A new policy is required 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 A report was presented to Executive in November 2023 setting out the proposed changes to the current housing allocation policy. At that meeting Executive gave approval to commence consultation with a wide range of stakeholders to obtain their comments and feedback on the proposals.
- 3.3 This report summarises the consultation responses for each of the main proposed changes. These are set out in more detail in the attached consultation report. The proposed new housing allocation policy, which incorporates the changes, is also appended to this report. Its approval by Executive will enable the policy to be adopted as Council 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- 4.1 The current policy is out of date and no longer reflects the housing needs of the residents of Bracknell Forest and those seeking housing assistance in the borough and so the option of doing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. The council's current housing allocation policy was drafted in 2016 with a minor update in 2021.
- 5.2 The housing service is committed to developing a new housing allocation policy to effectively manage the housing needs of the local area. Given the limited stock of social housing available for allocation, it is important to ensure that the policy prioritises those in greatest housing need.
- 5.3 The key objectives in revising the policy, as set out in the report to Executive in November 2023, were to:
- Manage demand and reduce waiting times for larger homes.
 - Support work to prevent and reduce homelessness.
 - Ensure the policy takes account of statutory guidance.
 - Recognise and give appropriate priority to key groups in housing need.
 - Reduce complexity and unfairness in the current policy.
- 5.4 Stakeholder consultation on changes to the housing allocation policy was undertaken between December 2023 and January 2024. It focused on seven proposed changes to the policy and included the following elements:
- An online survey which ran for 8 weeks between 4 December 2023 and 31 January 2024.
 - A number of consultation sessions held separately with Councillors, Registered Providers and the Bracknell Forest Homeless Forum (comprising a range of local voluntary and public sector agencies).
 - Meetings/presentations with internal & external stakeholders at their request.

Consultation outcomes

- 5.5 A total of 318 people completed the online survey. The vast majority were housing register applicants (76%) and local residents (19%). In addition, nearly 40 people attended the workshops held for councillors, voluntary and public organisations and housing providers.
- 5.6 A detailed consultation report has been produced which presents the responses to each of the seven main proposals, a summary of the comments made for each, and officers' responses to the points raised. The consultation report is appended to this report.

Recommendations

Proposal 1. Adoption of the bedroom standard

- 5.7 There was strong support for this proposal with 65% of survey respondents in agreement and broad support in the consultation sessions. It is recommended therefore that the proposal is adopted.

- 5.8 The policy wording will make clear that exceptions may apply in individual cases. It is not proposed to set out a list of standard exceptions as each household's circumstances will be different. Instead, the policy will consider individual cases where there are specific circumstances and make an assessment of the need for an extra bedroom based on the supporting evidence.
- 5.9 In response to other feedback, the policy will give a high priority to people wishing to downsize where they are occupying a larger property. Officers are working on a separate strategy to support under-occupying households to move.

Proposal 2. Non-dependent adult children

- 5.10 45% of respondents agreed with the proposal to exclude non-dependent adult children from assessments of need and 32% did not. The remainder were undecided. There was strong support for the proposal in the consultation sessions.
- 5.11 Some respondents were concerned that young people would be forced to move out of the family home. This is not the case. The proposal is that adult, non-dependent, children will no longer be included when assessing a household's need for a move to a larger property.
- 5.12 It is recommended that the proposal is adopted. This will ensure that the limited supply of larger homes available to let are prioritised for overcrowded households with dependent children, who have fewer options than those with older adult children.
- 5.13 The policy wording will consider household members over the age of 21 who have always lived as part of the household, and are not able to live independently. An additional bedroom requirement may be considered, subject to a formal assessment undertaken by a relevant professional.
- 5.14 The policy also allows non-dependent children in overcrowded households to make an application for rehousing in their own name. The waiting time for a one bedroom property is currently significantly shorter than for larger family homes which are in short supply. Outside of the housing register, the Council will continue to work with other providers to ensure that accommodation and support are available to young people and to provide advice on the Council's website.

Proposal 3. Reducing the residency requirement

- 5.15 A majority of respondents (55%) agreed with the proposal to reduce the residency requirement to qualify for the housing register from 4 years to 2 years. There was support for the proposal in the consultation sessions.
- 5.16 It is recommended that the proposal is adopted. The policy will include a list of exemptions from the proposed two-year residency requirement.
- 5.17 The proposed change will help to ensure that the Housing Allocations Policy works alongside the Homeless Reduction Act 2017. The Council is actively trying to prevent people from being made homeless so that they can get an offer of social housing. The potential increase in applications to the housing register resulting from the change is preferred if it helps to reduce homelessness applications.
- 5.18 This proposal is in line with Government guidance issued in 2013 which states that a reasonable period of residency would be at least two years. As noted in section 6 below, the Government is consulting on a social housing allocations and its recommendation is that a minimum two-year residency requirement is adopted by local authorities.
- 5.19 Existing applicants who meet the current four-year residency requirement and are already on the housing register will keep their effective date of registration. As

applicants in the same band are prioritised in date order, they will retain an advantage in bidding for properties over newer applicants.

- 5.20 With the change to a two-year residency requirement, all new applicants will still have to have an assessed housing need under the new policy and must be able to demonstrate and provide evidence of a connection to the area.

Proposal 4. Introduction of an income cap

- 5.21 There was strong support for the proposal to introduce an income cap, with 54% of respondents in agreement and remaining responses split between disagree (24%) and don't know (22%).
- 5.22 It is recommended that the proposed income caps are adopted at the levels proposed. Providing a range of caps based on property size is a fairer approach than using a single figure, as it recognises the increased costs for larger households needing a bigger property.
- 5.23 Whilst it is recognised that cost of living pressures affects many households, and that those with a relatively high income may be constrained in their ability to afford private accommodation, it is considered right to prioritise those on lower incomes with the least housing options.
- 5.24 The proposed income caps have been set at a level that is 4 times the relevant local housing allowance for the household size (i.e. the maximum amount of housing benefit or Universal Credit housing costs that a household would receive). It is considered that in most cases a household on this income could access housing in the private sector.
- 5.25 The policy allows for exceptions to be considered on a case by case basis, where there are specific circumstances indicating that a household cannot afford market accommodation.
- 5.26 The policy wording will make clear what income is counted, including earnings and benefits, and which financial resources are excluded, and how the caps will be increased over time in line with inflation.

Proposal 5. Ending additional priority for working households

- 5.27 The survey results showed that 38% of respondents agreed with the proposal to remove the additional priority given to working households above non-working households, compared to 44% that disagreed. In the consultation sessions there was broad support for the proposal.
- 5.28 The survey responses suggest that there was some confusion about the proposed change as many of those objecting thought it would result in working households losing their existing priority, based on their assessed housing need. In fact, it is proposed only to end the additional priority that is currently given to working households, which gives them an advantage over non-working households in bidding for properties.
- 5.29 An important consideration here is that case law exists which suggests that policies giving an additional advantage to working households above non-working households with a similar level of assessed need may breach equalities legislation. This is likely to be the case if they disadvantage protected groups, including people with a disability, women unable to work due to childcare responsibilities and older people no longer or unable to work.
- 5.30 For these reasons, a recommendation to remove the additional priority given to working households is proposed.

Proposal 6. Removal of cumulative preference

- 5.31 41% of survey respondents agreed with the proposal to end the cumulative preference rule which gives additional priority to those with 3 or more band reasons and 24% disagreed. The high number of 'don't know' responses (36%) is indicative of the complexity of this policy which is not well understood. This was also evident in the consultation sessions.
- 5.32 It is recommended that the proposal to end cumulative preference is adopted. This will remove complexity and simplify the policy through a single assessment of need.
- 5.33 Complex needs and circumstances will be fully evaluated under the new policy, without the need for the current cumulative preference rule. A composite assessment of each household's housing situation will take place and multiple needs will be considered as part of this. This will result in a single decision to award a particular band, rather than allowing separate categories of need to be added together to potentially lift a household into a higher band.

Proposal 7. Removal of additional priority after 6 years

- 5.34 Survey respondents were split almost evenly between those that agreed (41%) and those that disagreed (43%) with the proposal to end the additional priority awarded after six years, with 16% replying 'don't know'. There was qualified support for the proposal in the consultation sessions subject to clarification on some points.
- 5.35 There was a common misunderstanding of the proposal as many thought that it would mean applicants losing their existing priority after six years. This is not the case and households will continue to have the same level of priority and occupy the same band after six years.
- 5.36 One of the key aims of the proposal is to simplify the policy so that an applicant's band and waiting time are the sole factors in determining need, without applying additional criteria or policies to alter this.
- 5.37 The current policy, which gives an automatic additional priority to households after six years on the housing register, mainly benefits households with a low housing need. They are moved into a higher band, alongside those with a higher assessed need, which can increase waiting times for households already in that band.
- 5.38 For these reasons, a recommendation to remove the additional priority given after six years is proposed.

Other changes to the policy

- 5.39 In addition to the above recommendations, a number of other changes to the policy were set out in the report to Executive in November 2023 including:
- Ensuring that particular groups are recognised and given appropriate priority in the banding system, including care leavers, armed forces personnel and their families, foster carers and those needing to move from supported and safe accommodation.
 - Ensuring that households seeking to downsize from large family social or affordable rented homes receive a high priority for rehousing.
 - Giving high priority to families with dependent children living in the most overcrowded homes who cannot resolve their housing need in other ways.
 - Introducing an additional 5th band to allow the Council to comply with the statutory code of guidance by allowing those in a 'reasonable preference' group, whose actions may have disqualified them from the housing register, to remain on the housing register.

- 5.40 These changes have been included in the new housing allocation policy attached to this report.

Implementation of the policy

- 5.41 Subject to approval, work on implementing the new policy will commence from May 2024 onwards. This will involve updating the IT housing management system to incorporate the changes and re-assessing all applicants under the new policy.
- 5.42 Existing applicants will be contacted prior to the new policy being implemented, asking them to reapply using their existing application number (if possible) within a 2 month window. This process will not affect the advertising and letting of properties on a weekly basis via the Council's choice-based lettings scheme, BFC Mychoice.
- 5.43 New applications received during this window will not be processed at the time, as the reassessment of current applicants will be prioritised. However, new applicants will not suffer any detriment as they will retain their date of application. Exceptions can be made for urgent, exceptional cases where required.
- 5.44 Officers estimate approximately 300 existing applicants will either no longer qualify for rehousing or will have reduced priority as a result of the policy change. An equalities impact assessment has been undertaken to consider the impact of the proposed changes.

Government Consultation on Proposed Changes to Statutory Guidance

- 5.45 On the 30 January 2024, the Government launched a consultation on proposed changes to statutory guidance for housing allocation schemes [Consultation on reforms to social housing allocations - GOV.UK \(www.gov.uk\)](#). This was one day prior to Bracknell Forest Council's public consultation due to end.
- 5.46 The Government's intention is to provide greater consistency across the country by mandating new national qualification criteria and policies. They include a local connection period of at least two years and a fixed income threshold. These are currently matters for each local authority to decide on and are areas that have been consulted on and included within the proposed changes to the Housing Allocation Policy. Although our proposals in these areas are broadly aligned to the Government's proposals, the Council will be required to adopt new national eligibility policies if introduced.
- 5.47 Other areas on which the Government is consulting are new qualification and eligibility requirements for applicants, including a UK connection, anti-social behaviour, and terrorism test. Also proposed are new provisions to deal with applicants that have engaged in repeated anti-social behaviour (a three strikes and you're out policy), terrorist activity and fraudulent declarations. As above, if the Government's proposals in these areas are adopted, the Council will be required to include these within its own policy.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Government guidance [Allocation of accommodation: guidance for local authorities - Guidance - GOV.UK \(www.gov.uk\)](#) 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

- 6.4 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 change has been set at £15,000 and was agreed in the Budget report in January

Other Consultation Responses

- 6.5 As detailed in the report, detailed public consultation has been undertaken with stakeholders, partners, councillors, key service areas within the Council, applicants, and residents.

Equalities Impact Assessment

- 6.6 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.
- 6.7 It is recognised that some of the proposals, such as the adoption of the bedroom standard and exclusion of non-dependent household members from housing applications, are likely to impact more on certain groups, including those with a protected characteristic, as these groups are over-represented among households on the housing register. 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. There are mitigations included in the policy to take account of the circumstances of some households, e.g. where there is a disabled member or care needs.
- 6.8 One of the proposed changes to the policy to end the additional priority given to working households above non-working households, will have a positive impact on groups such as disabled people, people with caring responsibilities and people unable to work policy and will ensure that equality objectives are supported.

Strategic Risk Management Issues

- 6.9 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

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

Health & Wellbeing Considerations

- 6.11 Access to good quality housing is recognised to be one of the key protective factors in maintaining health and well-being. The Housing Allocation 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 Allocation Policy
Equalities Impact Assessment
Consultation Report

Contact for further information

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