

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Housing Services Committee

Date: 04 February 2021

Reporting officer: Lee Georgiou, Service Manager (Housing Options)

Subject: Housing Allocations Scheme Review

Purpose and summary of report:

This report outlines the final version of the Council's Housing Allocations Scheme as discussed and agreed by the Housing Services Committee in November 2020. It summarises the responses received following a 20 week public consultation period.

The revised scheme provides a greater degree of clarity than the current scheme whilst also ensuring that those with the greatest housing need are assisted in order of defined priorities.

These proposed changes will ensure that the Council's Housing Allocations Scheme meets the requirements of current legislation, guidance and good practice to provide a clear and comprehensive scheme which describes how the Council will assess and prioritise the demand from applicants for limited social housing within the Borough.

Recommendations:

1. For Members to approve the revised Housing Allocation Scheme to be implemented on 05 April 2021.

1. Background

- 1.1 Gravesham Borough Council is required by Part VI of the Housing Act 1996 to publish a Housing Allocations Scheme to determine the basis for which social housing will be allocated both for its own housing stock and for Registered Providers (Housing Associations) properties to which Gravesham Borough Council has nomination rights.
- 1.2 Allocation Schemes are governed by Part VI the Housing Act 1996 and underpinned by Statutory Guidance.
- 1.3 The Housing Act 1996 requires that reasonable preference is shown to several groups of applicants, including:
 - 1.3.1 Applicants living in overcrowded, insanitary or unsuitable accommodation
 - 1.3.2 Applicants found to be homeless under Part 7 of the Act,

- 1.3.3 Applicants with a medical or welfare related need to move and,
- 1.3.4 Applicants who need to live in a specific area to avoid hardship.
- 1.4 Local Authorities do have discretion to set other local priorities operating below the level of reasonable preference and can determine how applicants with similar needs are prioritised.

2. Current Position

- 2.1 The Council's existing Housing Allocations Scheme was introduced in 2014 to reflect the new legislation at that time relating to welfare reforms and the Localism Act 2011. There have been significant changes to legislation over the past six years and it essential that our policy is updated to reflect these changes.
- 2.2 At its meeting on 12 February 2020, the Housing Services Cabinet Committee agreed in principle to a series of proposed changes to the Council's existing Housing Allocations Scheme as time had proved that the existing policy was not as effective as it could be and that those changes should form part of a wider public consultation. It was also recognised that a review would help strengthen the council's commitment to continue to help those in greatest need of housing as well as making the best use of the limited housing stock that becomes available within the Borough.
- 2.3 Although there have been a number of minor changes to the scheme as part of the review, the following changes were subject to public consultation:
 - 2.3.1 A change to the definition of local connection to increase the qualifying length of residence or employment in the Borough from 2 years to 3 years.
 - 2.3.2 A change to 'refusal sanctions' so that all applicants will be suspended from the housing register for 12 months if they refuse a suitable offer.
 - 2.3.3 A change to the definition of Band D priority to include just those applicants needing sheltered housing and removing those with no identified housing need.
 - 2.3.4 An increase in the priority awarded to certain homeless households with a specific need or requirement for social housing in the Borough of Gravesham.
 - 2.3.5 An increase in priority for current and former armed services personnel and their families who suffer serious injury or die in service.
 - 2.3.6 An increase in the priority awarded to tenants looking to downsize to a property with one less bedroom than their current home from Band B to Band A to maximise their chances of securing a transfer and freeing up larger homes for families.
 - 2.3.7 The introduction of a Housing Allocations Panel.
- 2.4 The internal and external consultation on these proposals ran for a 20 week period and closed on 25 October 2020. Over 20 organisations were emailed directly and asked to comment on the proposed changes.

- 2.5 These organisations included all of our Registered Provider partners with housing stock in the Borough, various teams within Kent County Council Social Services including occupational therapy, older persons physical disability, community mental health, learning disability and early help, Porchlight, NWK Mind, Imago and Look Ahead. In addition to this, the consultation was available on the Council's website for members of the public to view and comment.
- 2.6 A draft of the proposed updated scheme was presented to the Housing Services Cabinet Meeting on 16 November 2020, to enable Members to provide further feedback and comments.
- 2.7 Since this time, the Service Manager (Housing Options) has worked with Legal, senior managers and colleagues within the organisation to refine some sections of the policy, and added additional context where it may be needed to ensure clarity and ease of use. The substantial changes since the previous committee meeting include:
 - 2.7.1 Updated the Eligibility section of the Allocation Scheme to reflect the changes brought about as a result of the UK leaving the EU on 1st January 2021. See paragraph 4.2.
 - 2.7.2 Change in terminology to disqualify applicants from the housing register for a period of 12 months following refusals of suitable accommodation, as opposed to suspending them. See paragraphs 4.3- 4.5.
 - 2.7.3 Included travellers as an exception to the Local Connection rules to enable them to qualify to be included on the housing register, a recognition of the transient lifestyle.

3. Consultation Responses

- 3.1 Despite an extended consultation period, only three responses were received, two from our Registered Provider partners and one from a local community group. Overall the responses agreed with all the principles of the proposed changes as set out in Section 2.3 of this report, however, there were some concerns about the impact on certain individual cohorts which have been detailed below:
 - 3.1.1 It was suggested that those who receive an offer of accommodation following an auto-bid on a property should not be penalised for refusing offers, and;
 - 3.1.2 One respondent did not agree that applicants should be suspended for a 12 month period following the refusal of an offer, as the offer made might not be suitable for their needs.
- 3.2 Officers have considered both these points and how the issues can be mitigated either within the policy or through an administration process to address the concerns raised by the respondents and to ensure no one is disadvantaged as a result.
- 3.3 With regards to the first point in 3.1.1 this has been considered and to mitigate the risk of an applicant being penalised for refusing the offer of accommodation by way of an auto-bid being placed, applicants will have the ability to de-select certain property types and property locations when setting up an auto-bid account. This will significantly reduce the likelihood of a property being offered and refused due to being in undesirable location or unsuitable property type.

- 3.4 Taking in to account the point made in 3.1.2, officers will only seek to sanction applicants for refusing an offer of accommodation that they are satisfied meets the needs of the applicants and their household. At 8.2 of the scheme, it sets what will be considered when determining whether an offer is suitable. It includes but is not limited to the size, medical and welfare needs of the households, and the risk of domestic abuse or other violence.
- 3.5 A copy of the final Housing Allocations Scheme can be found in Appendix 2.

4. Recommendations

- 4.1 A significant amount of work has been undertaken in revising the Councils Housing Allocations Scheme including internal and external consultations to ensure it will allow the allocation of social housing to those most in need in a fair and transparent way and therefore recommend that the Housing Services Committee approve the revised Housing Allocation Scheme to enable implementation from 5 April 2021.

5. BACKGROUND PAPERS

- 5.1 12 February 2020 - Housing Services Committee Report, Allocations Policy Review
- 5.2 16 November 2020 – Housing Service Committee Report, Housing Allocation Scheme.

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
Legal	<p>S.167 (1) Housing Act 1996 states “Every local housing authority shall have a scheme (their “allocation scheme”) for determining priorities and as to the procedure to be followed, in allocating housing accommodation.</p> <p>For this purpose, “scheme” includes all aspects of the allocation process, including the persons or descriptions of persons by whom decisions are to be taken</p>
Finance and Value for Money	<p>Work done to ensure the development of a robust Housing Allocations Scheme will enable Gravesham Borough Council to avoid costly legal challenges or compensation awards by the Ombudsman.</p>
Risk Assessment	<p>It is a statutory requirement for a local authority to have an allocations policy, and for that scheme to be lawful, it must comply with all associated legislation and codes of guidance.</p> <p>Failure to have a lawful scheme will lead to legal challenges that the authority would not be in a position to defend.</p> <p>In addition to any legal challenges that might be presented, challenges may also come from the Housing Ombudsman, and the Local Government Ombudsman are empowered to award damages to those applicants where it is satisfied that maladministration has taken place.</p>
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner’s Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? n/a</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk. n/a</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. Any risks will be addressed within the specific EqIA prior to implementation.</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Corporate Plan	<p>In line with the objectives of the Corporate Plan 2019-24 corporate objective 1 - People, the Housing Allocations Policy will help ensure the commitment to provide a proactive, supportive and financially efficient housing service: high quality tenant management experienced through a service making full use of its assets.</p>

Climate Change	n/a
Crime and Disorder	The Policy will contribute to addressing crime and disorder by providing a scheme which recognises need in the allocation of its housing stock
Digital and website implications	The revised policy will be published on the council's website
Safeguarding children and vulnerable adults	Provision of homes allocated via the Allocations will ensure the safeguarding of children and vulnerable adults.