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## **Economy and Growth Committee**

**12 March 2024**

### **Cheshire East Common Allocations Policy Review**

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**Report of: Peter Skates – Acting Executive Director – Place,  
Director of Growth and Enterprise**

**Report Reference No: EG/23/23-24**

**Ward(s) Affected: All Wards**

#### **Purpose of Report**

- 1 It is a statutory requirement under the Housing Act 1996 – Part VI for Councils, irrespective of whether they are stock holding or not to have an allocations policy in place which outlines how social housing located within their authority will be allocated.
- 2 The Cheshire East Common Allocations Policy was approved in 2018 and subsequent approvals have been given to make minor amendments to bring the policy in line with legislation. Good practice denotes that policies should be reviewed on a regular basis to ensure that they are still addressing housing need.
- 3 In July 2023, proposed changes to the existing Cheshire East Common Allocations Policy were presented to the Economy and Growth Committee who resolved to:
  - note the proposed amendments to the Cheshire East Common Allocations Policy.
  - authorise officers to publicly consult on the revised draft policy for a period of 12 weeks.
  - note the final version of the revised policy following consultation will be brought back to the Economy and Growth Committee for approval to adopt.

- 4 This report outlines the outcome of the public consultation and presents the amended Cheshire East Common Allocations Policy for approval.
- 5 The review contributes towards the Council's Corporate plans aim to be Fair - to reduce inequalities, promote fairness and opportunity for all and support our most vulnerable.

## RECOMMENDATIONS

The Growth and Economy Committee is recommended to:

1. Note the outcome of the Public Consultation Appendix One
2. To approve the revised Cheshire East Common Allocations Policy – Appendix Two.
3. Delegate authority to make any future minor amendments or legislation changes to the policy to the Director of Growth and Enterprise in consultation with the Chair of the Economy and Growth Committee.

## Background

- 6 The way in which social housing is allocated is key to creating strong, prosperous, sustainable communities. Cheshire East Council is committed to being an open and enabling organisation ensuring that we listen, learn, and respond to our residents, promoting opportunities for a two-way conversation.
- 7 Social housing in the borough is a very limited resource and demand significantly outstrips supply with approximately 1,400 social rented properties becoming available each financial year to meet the housing needs of over 10,000 applicants registered, over 2,000 of which are in the highest priority bandings. It is therefore imperative that the Policy can adequately balance the availability of the resource with the needs that people have for social housing. The Policy will drive customer expectations and reflect the Council's and Registered Housing Providers' priorities.
- 8 To avoid placing households in bed and breakfast accommodation or emergency accommodation, it is essential that the Council has a range of accommodation options available to be able to discharge its duties under the Homeless Reduction Act 2017. Quick access to social housing to prevent and alleviate homelessness will enable the authority to minimise the number of individuals and families placed in expensive temporary accommodation.

- 9 A full review of the Common Allocations Policy was undertaken in 2023, with permission being sought from the Economy and Growth Committee to consult on proposed changes.
- 10 A 12-week period of consultation on the proposed changes was undertaken from 1st September to 30th November 2023 which involved engagement with a number of stakeholders as outlined with the consultation section of this report. The changes to the Policy which were consulted on are outlined below along with the rationale for the changes and also the result of the consultation. Full consultation details are contained within appendix one.
- 11 Outcome of the consultation:

- (a) The allocation of accommodation of houses to families with children under 16 - Presently the policy gives priority for houses to households with children under 16, this is aligned with Public Health Guidance indicating that young children benefit from access to a garden and outside space. Families with children are also eligible for flats but this priority means that children will not miss out on a 2-bedroom house to an older household type. However, larger families with older children are staying at home for longer and we are struggling at times to accommodate them as there are often very few 3-bedroom flats and maisonettes available. By increasing the age for priority to houses this may lessen the delay for these households.

Consultation response: 74.66% agree 14.86% disagree.

Recommendation: To adopt this change and amend the Policy to permit households with older children to be given a priority for houses.

- (b) New Build criteria – Currently the policy gives priority on first let to workers with a local connection, which then cascades to non-workers with a local connection and finally workers no local connection and non- workers, no local connection. This is coming under increasing scrutiny and challenge from those who are not in work for a number of reasons including caring responsibilities and disability. The recommendation is to revise this criterion to ensure that new build developments retain a balance in the community by continuing to give options to working households but not to exclude households with disabilities, caring responsibilities or that work voluntarily.

Consultation response: 69.83% agree 20.34% disagree.

Recommendation: To adopt this change with some additional criteria added; the inclusion of armed forces personnel and those enrolled in full time education. The consultation also recommended a change to the name of this criteria to “Working Plus,” this has been incorporated in the revised policy.

- (c) Homeless band C+ - The current approach to awarding priority to households with a lack of secure tenure requires a refined definition.

Consultation response: 44.41% agree 17.29% disagree. There was a low response rate to this question, and in the additional feedback didn't bring much in the way of clarity. A clear approach to this assessment may improve understanding in the future.

Recommendation: To adopt the changes and amend the policy to reflect an improved definition of how applicants meet the band C+ assessment.

- (d) Urgent Housing need – A very small change to the wording of this area of the policy to reference the broader definition of Domestic Abuse rather than specifically just Domestic Violence.

Consultation response: 87.46% agree 3.38% disagree.

Recommendation: To adopt this change and to also include the revised definition of domestic abuse from the Domestic Abuse Act 2021 in the policy, for clarity.

- (e) Overcrowding – The policy assessments for bedroom eligibility is based on eligibility to Child Benefit, there is a need to be clear in the policy that this is the assessment criteria. This will align assessments with that of the Department of Work and Pensions and the Housing Benefit Team.

Consultation response: 70.27% agree 7.1% disagree.

Recommendation: To adopt this change, including some clarity on the approach to survivors of domestic abuse and applicants above the earnings threshold.

- (f) Welfare – Qualification for priority under this criterion is based on applicants who are experiencing anti-social behaviour, financial hardship, or poor property condition. Partners would like to add the capacity to look at domestic abuse and access to care and support from family members to these assessments.

Consultation response: 77.71% agree 8.44% disagree.

Recommendation: To adopt the change, the consultation showed significant support for increasing the priority for applicants affected by these issues.

- (g) Local Connection – The policy presently has a broad category termed as “any other significant reason” for a connection to Cheshire East alongside the more prescribed residency/ work and family categories. This is open to interpretation and is an area often challenged in reviews, appeals and complaints. To define this category more carefully will give clarity, reduce complaints, and lessen demand from outside of the borough.

Consultation response: 87.12% agree 6.1% disagree.

Recommendation: To adopt changes that explain that significant reasons will be defined by reasons for needing to be in Cheshire East rather than reasons for needing to leave their current borough.

- (h) Property size for allocations – Siblings of the same sex become eligible for their own bedroom at 16, this creates an automatic priority for a much larger home. By permitting the allocation of a room to siblings of the same sex up to any age would lessen the increasing demand for larger properties.

Consultation response: 67.91% agree 22.3% disagree.

Recommendation: To adopt this change with an upper age limit of 21, to follow statutory guidance adults over 21 should receive an allocation of their own room.

- (i) Transfers in social housing – Social housing in Cheshire East is a very limited resource and demand significantly outstrips supply. It is essential that best use is made of housing stock. By making it clear that a recent history of anti-social behaviour will limit a tenant's right to be re-housed, it will reinforce the strength in communities.

Consultation response: 82.37% agreed 5.08% disagreed.

Recommendation: To adopt this change.

## **Consultation and Engagement**

- 12 Consultation took place between 1st September and 30th November 2023, a period of 12 weeks. A reminder was circulated at the beginning of November requesting those that hadn't already responded to do so by the deadline.

- 13 In addition to the general public, a wide range of organisations were consulted on the draft proposals including:
- (a) Adult and Children's Services
  - (b) Local Registered Housing Providers who were contacted personally with an invitation to respond.
  - (c) Health
  - (d) Communities
  - (e) Supported accommodation providers.
  - (f) Local homelessness charities and support groups
  - (g) Housing Benefits
  - (h) Department of work and pensions
  - (i) Voluntary and 3<sup>rd</sup> sector organisations representing:
    - Veterans
    - People with lived experience of disability
    - Cheshire's Gypsy and Traveller community
    - Black and Asian Minority Ethnic community
    - Domestic abuse survivors
- 14 The consultation took place through a number of mechanisms including:
- (a) Online questionnaire
  - (b) Internal and external briefing sessions

and it was promoted through social media channels, press release, and direct communications with our existing customers. The online consultation had 300 responses. A detailed summary of the consultation is available and attached to this report – Appendix One.

## **Reasons for Recommendations**

- 15 It is a statutory requirement that Councils have an Allocations Policy in place under Part VI of the Housing Act 1996. The Policy needs to reflect changes in legislation and Government guidance as well as local requirements.

- 16 It is important that the Policy is regularly reviewed to ensure that it remains fit for purpose and continues to ensure that the limited resource of social housing is allocated fairly, in line with legislation and with local and national priorities.

### **Other Options Considered**

- 17 The only other option is to retain the existing policy; however, this could leave the Council liable to challenge.

1. Do nothing, retaining the existing policy.

<b>Option</b>	<b>Impact</b>	<b>Risk</b>
Do nothing	Customer dissatisfaction and complaints continue to rise in relation the areas of change identified.	Media attention due to the perceived discrimination against people who are not in work.

### **Implications and Comments**

#### *Monitoring Officer/Legal*

- 18 Under Part VI of the Housing Act 1996 it is a statutory requirement that every Local Housing Authority in England has an allocation scheme for determining a reasonable preference criterion to be employed in allocating housing accommodation. Allocations must be made in accordance with the scheme.
- 19 The scheme must include a statement of the Authority's policy on offering people who are to be allocated housing accommodation—
- (a) a choice of housing accommodation; or
  - (b) the opportunity to express preferences about the housing accommodation to be allocated to them.
- 20 Before adopting an allocation scheme, or altering a scheme to reflect a major change of policy the Act requires the Local Housing Authority to:
- (a) Send a copy of the draft scheme, or proposed alteration, to every Private Registered Provider of social housing and registered social landlord with which they have nomination arrangements, and
  - (b) Afford them a reasonable opportunity to comment on the proposals.
- 21 The Localism Act 2011 gives Local Housing Authorities the freedom to manage their housing waiting list better by giving them the power to

determine which applicants do or do not qualify for social housing. Local Housing Authorities are able to operate a more focused list which better reflects local circumstances and can be understood more readily by local people.

- 22 Whilst the Act gives the Council more freedom it is still a requirement to maintain the protection provided by the statutory reasonable preference criteria to ensure that priority for social housing goes to those in the greatest housing need.
- 23 Whilst there is no specific requirement on a Council to publicly consult before adopting an allocations policy, apart from with Private Registered Providers of social housing and Registered Social Landlord, case law has established that a duty to consult can be implied where the decision being taken is so important or its impact will be of such significance that basic fairness dictates that consultation is appropriate.
- 24 Under the provisions of Part VI of the Housing Act 1996 a Housing Authority has discretion to determine who qualifies to be allocated housing accommodation under its allocations policy, subject to some statutory requirements that certain classes of people automatically qualify, such as members of the armed forces. Similarly, subject to statutory requirements on preference, the housing authority has discretion on who should have preference under their allocations policy. Given this discretion, the housing authority in framing its policy must do so in a way that is both reasonable and does not discriminate against those with a protected characteristic under the Equality Act 2010. There is also a positive duty under S.149 of the Equality Act 2010 to promote equality of opportunity between those who have, and those who do not have, a protected characteristic, meaning any policy on allocation should not disadvantage those with a protected characteristic.
- 25 The amendments to the policy do not on the face of it appear to be either unreasonable or discriminatory. The requirements to give those who qualify for a reasonable preference under the Housing Act 1996 remains, and the bulk of amendments are to clarify and better define terms used in the policy. Where there is a potential for conflict with the requirements of the Equality Act 2010 for those with a protected characteristic such as disability, gender reassignment or age, the policy is clear that reasonable adjustments to the published policy will be made where necessary to avoid either direct or indirect discrimination occurring and to advance equality of opportunity.



### *Section 151 Officer/Finance*

- 26 If there are any changes which will be required, which will require changes to the ICT system these will also be covered by Cheshire Homechoice budget
- 27 The proposals will not have any implications for the Council's approved budget/Medium Term Financial Strategy (MTFS).

### *Policy*

- 28 The Common Allocations Policy contributes towards the vision of the Corporate Plan 2021-2025 to be an open, fair, and green Council and help to deliver the priority to be a Council which empowers and cares about people.

### *Equality, Diversity and Inclusion*

- 29 An Equality Impact Assessment has been completed the outcome of which was that 300 online responses were received. Overall, responses were in support of the changes, with some additional content needed focusing on physical disability, and mental health.

### *Human Resources*

- 30 There are no HR implications.

### *Risk Management*

- 31 By publicly consulting on the draft policy, the Council negates the risk of implementing a strategic direction that does not properly reflect the range of needs and views within the Borough, ensuring it is representative.

### *Rural Communities*

- 32 There are no additional implications for rural communities. The rural/community connection criteria is proposed to stay the same as there has been very few issues in relation to this aspect of the policy. There are often protracted waiting times for rural properties as they are very limited, but local residents retain a high priority for these properties.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 33 None of the changes will impact on Care Leavers directly. The allocation of houses being extended to children under 18 from 16 will increase and improve opportunities for families with older children and perhaps negate the exclusion of older sibling from the family home.

34 Children's Services were consulted on the overall changes to the policy.

### *Public Health*

35 Housing is a key social determinant for a person's mental and physical health. The proposals within this report to review and consult on the Cheshire East Common Allocations Policy will help the Council continue to meet its responsibility to ensure that residents have access to affordable, appropriate housing, and to reduce the use of temporary accommodation where possible. This is likely to have a positive overall impact on the health and wellbeing of Cheshire East residents, particularly less affluent households.

### *Climate Change*

36 The Council has committed to becoming carbon neutral by 2025 and to encourage all businesses, residents, and organisations in Cheshire East to reduce their carbon footprint. Whilst it is not the aim or remit of the Common Allocations Policy to address these issues specifically, the policy will assist households who are homeless or facing homelessness to access suitable accommodation options and maintain their health and wellbeing throughout.

Access to Information	
Contact Officer:	Nic Abbott  Housing Options and Homelessness Manager <a href="mailto:Nic.abbott@cheshireeast.gov.uk">Nic.abbott@cheshireeast.gov.uk</a>  Karen Carsberg  Head of Housing <a href="mailto:Karen.carsberg@cheshireeast.gov.uk">Karen.carsberg@cheshireeast.gov.uk</a>
Appendices:	N/A
Background Papers:	Existing Common Allocations Policy