

## **Economy and Growth Committee**

**11 July 2023**

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

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**Report of: Peter Skates – Acting Executive Director - Place**

**Report Reference No: EG/04/23-24**

**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 in order to ensure that they are still addressing housing need.
- 3 This report outlines a number of proposed changes to the existing allocations policy and outlines the rationale for the changes. It seeks approval to carry out a public consultation exercise on these changes and provides a proposed timeframe for completion.
- 4 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 proposed amendments to the Cheshire East Common Allocations Policy.
2. Authorise officers to publicly consult on the revised draft policy for a period of 12 weeks.
3. To note the final version of the revised policy following consultation will be brought back to the Economy and Growth Committee for approval to adopt.

### **Background**

- 5 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.
- 6 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 banding. It is therefore imperative that the Policy is able to adequately balance the availability of the resource with the needs that people have for rehousing into social housing. The Policy will drive customer expectations and also reflect the Council's and Registered Housing Providers' priorities.
- 7 To avoid placing households in bed and breakfast accommodation or emergency accommodation, it is imperative 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.
- 8 The last full review of the Common Allocations Policy was undertaken in 2018, with minor amendments being approved in subsequent years to bring the policy in line with legislation.
- 9 Over the last few months, housing staff have been informally consulting with partners in relation to the existing policy and areas of improvement.

Staff have also reflected on comments, compliments, and complaints about the Policy, as well as information received via MP's letters.

- 10 The areas of the Policy requiring change are outlined below along with the rationale for the changes. Full details are contained within the appendix. These changes will then be subject to full public consultation and following analysis of the responses and careful consideration a final updated draft Policy will be presented to Economy and Growth Committee for final approval and adoption.
- 11 Proposed areas for 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.
  - (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.
  - (c) Homeless band C+ - The current approach to awarding priority to households with a lack of secure tenure requires a refined definition.
  - (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.
  - (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.

- (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.
- (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 and reduce complaints and lessen demand from outside of the 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 and Engagement**

- 12 Determination of the allocation of social housing is complex in nature and impacts on a wide range of services including Adults/Children’s services, health authorities, statutory agencies as well as third and voluntary sector partners and is a deeply emotive and fundamental issue that has wide implications across individuals, families, and communities. As such, it is vital that affected individuals and agencies have the opportunity to comment on any relevant strategic direction, to ensure that the full range of opinions, experiences, and knowledge are incorporated. 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.
- 13 In addition to the general public, a wide range of organisations will be consulted on the draft proposals including but not exclusively:
  - (a) Adult and Children’s Services
  - (b) Local Registered Housing Providers
  - (c) Health
  - (d) Communities
  - (e) Supported accommodation providers
  - (f) Local homelessness charities and support groups
  - (g) Housing Benefits
  - (h) Department of work and pensions
- 14 We are proposing to commence consultation on 25th July 2023 for a period of 12 weeks, ending on 10<sup>th</sup> October 2023.

- 15 The consultation will take place through a number of mechanisms including:
- (a) Online questionnaire
  - (b) Internal and external briefing sessions
- And it will be promoted through social media channels, press release and direct communications with our existing customers.

### Reasons for Recommendations

- 16 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.
- 17 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

- 18 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.

Option	Impact	Risk
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*

- 19 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 criteria to be employed in allocating housing accommodation. Allocations must be made in accordance with the scheme.
- 20 The scheme must include a statement o 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.
- 21 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.
- 22 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.
- 23 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.
- 24 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.

#### *Section 151 Officer/Finance*

- 25 The development and consultation of the policy will be undertaken within the existing Cheshire Homechoice approved budget.
- 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 will contribute 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.

The Cheshire East Council Housing Strategy 2018-23 details a number of key priorities for the Council's Housing service. One of these priorities focuses on 'Preventing Homelessness' under the remit of 'Health, wellbeing and quality of life'. The Common Allocations Policy seeks to set out how social housing will be allocated to those most in need of housing, especially those at risk of homelessness.

### *Equality, Diversity and Inclusion*

29 An Equality Impact Assessment is currently being completed.

### *Human Resources*

30 There are no HR implications, the resources required to undertake this work are already in place.

### *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 will be consulted on the overall changes to the policy.

### *Public Health*

35 Housing 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 continues 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.

<b>Access to Information</b>	
Contact Officer:	David Fenton  David.fenton@cheshireeast.gov.uk
Appendices:	Homechoice Policy Review 2023
Background Papers:	Existing Common Allocations Policy