

Cabinet

Date of Meeting: 10 July 2018

Report Title: Cheshire East Council Common Allocations Policy Review

Portfolio Holder: Cllr Ainsley Arnold - Portfolio Holder for Housing, Planning and Regeneration.

Senior Officer: Frank Jordan – Executive Director - Place

1. Report Summary

- 1.1. Cheshire East Council currently has a Common Allocations Policy in place which was approved on the 31st March 2015 and sets out how social housing will be allocated across the authority in accordance with Part VI of the Housing Act 1996.
- 1.2. In February 2018, permission was granted to consult on proposed changes to the Common Allocations Policy. This was due to a number of factors including:
 - 1.2.1. New duties brought about by the Homeless Reduction Act 2017.
 - 1.2.2. Case law updates and Central Government guidance.
 - 1.2.3. Reflective review of comments, complaints and compliments and feedback from a recent Peer Review.
- 1.3. The way in which social housing is allocated is key to creating strong, prosperous, sustainable communities. Cheshire East Council is committed to putting residents at the heart of what we do and working to develop even better outcomes for our residents and access to decent, affordable accommodation is at the forefront of this.
- 1.4. Following consultation on the proposed changes, this report includes a summary of the feedback (Appendix one) and outlines the recommended changes to the Common Allocations Policy (Appendix two) and seeks approval of the revised policy (Appendix three).

2. Recommendations

2.1. That Cabinet:

- 2.1.1. Approves the revised Cheshire East Council Common Allocations Policy (Appendix three)
- 2.1.2. Delegates authority to the Executive Director of Place in consultation with the Portfolio Holder for Housing, Planning and Regeneration to make any future revisions to the Common Allocations Policy following changes in legislation and Government guidance.

3. Reasons for Recommendations

- 3.1. It is a statutory requirement that Local Authorities 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.
- 3.2. 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.

4. Other Options Considered

- 4.1. There were no alternative options considered, as failure to update the policy in line with changes in legislation will leave the Council open to challenge.

5. Background

- 5.1. In February 2018, a report was presented to the Portfolio Holder for Housing, Planning and Regeneration, which outlined a number of proposed changes to the current Cheshire East Council Common Allocations Policy that had previously been approved by Cabinet in 2015.
- 5.2. The report outlined that a review of the existing policy had identified areas that required changes to ensure that our policy is in line with legislation and local requirements. Approval was given to carry out a consultation exercise on the proposed changes.
- 5.3. Consultation took place for a six-week period from 5th March 2018 to 10th April 2018. The consultation exercise asked residents and stakeholders to say if they agreed or disagreed with the following proposed changes and to comment as appropriate:

- Tenants of social landlords cannot register for a move within the first 12 months of their tenancy unless they can evidence an urgent need to move or significant risk of harm.
- Proposed banding for those receiving assistance for homelessness.
- Proposed banding for armed forces personnel.
- Proposed banding for households in social housing wishing to downsize.
- Proposed banding for people living in supported accommodation
- If a Household is overcrowded in excess of the bedroom standard or overcrowded as defined in Part 10 of the Housing Act 1985, they will be placed in Band C+ if they do not have long term security of tenure as opposed to Band C.
- Where an applicant's current accommodation is having an adverse effect on a diagnosed medical condition of any member of the household who intends to move, applicants will be placed in Band C+ if they have no security of tenure as opposed to Band C.
- Where an applicant's current accommodation is having an impact on the welfare of household members, applicants will be placed in Band C+ if they have no security of tenure as opposed to Band C .
- Changes to the definition of having a local connection.
- Removal of the assessment criteria for pregnant women over 20 weeks in term of overcrowding. Pregnant women will only be considered for an additional room for baby after baby is born.
- Additional policy regarding re-lets in multiple unit blocks of flats or maisonettes - will be allocated on a 50-50 basis 50% to singles over 25, couples and families in employment 50% to applicants in the highest priority band.

5.4 Following the close of the consultation period, 18 responses were received. The majority, 62% were received from Cheshire East Council residents. 11% were from members of a voluntary or community organisations and 27% Cheshire East Council officers, and Registered Housing Providers.

5.5 Following consultation, the responses were presented to the Cheshire Homechoice Board. The Board comprises of representatives from Cheshire East Council, Peaks and Plains, Guinness Trust and Plus Dane Group and all comply with the Common Allocations Policy when allocating social housing. Whilst Cheshire East Council is responsible for the administration of the policy, partners have to be in agreement to the proposed changes.

5.6 Appendix 1 provides a summary of the feedback and the responses prepared by the Cheshire Homechoice Board.

6. Implications of the Recommendations

6.1. Policy Implications

6.1.1. Housing is intrinsically connected to a range of strategic priorities emanating from national directives, Cheshire East Council's strategic, and service initiatives including the Local Plan Core Strategy, Cheshire East Council's Business Plan, Homelessness Strategy and the Housing Strategy.

6.1.2. Cheshire East Council relies very heavily on Registered Providers to deliver and maintain good quality social housing to meet the diverse housing needs of our communities. We need to ensure that they have the capacity and ability to deliver this through their structures and maintain sustainable communities.

6.2. Legal Implications

6.2.1. Under Part VI of the Housing Act 1996 it is a statutory requirement that a Council has an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation; and allocations must be made in accordance with that scheme.

6.2.2. The Act requires authorities, before adopting an allocation scheme, or altering a scheme to reflect a major change of policy, to:

6.2.2.1. Send a copy of the draft scheme, or proposed alteration, to every Private Registered Provider with which they have nomination arrangements, and

6.2.2.2. Ensure they have a reasonable opportunity to comment on the proposals.

6.2.2.3. The Localism Act 2011 gives Councils the freedoms to enable them to manage their housing waiting list better by giving them the power to determine which applicants do or do not qualify for an allocation of social housing. Councils are able to operate a more focused list which better reflects local circumstances and can be understood more readily by local people.

6.2.2.4. 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.

6.2.3. Whilst there is no specific requirement on a Council to consult before adopting an allocations policy, 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. Therefore, a decision was taken to carry out a wider consultation exercise.

6.3. Finance Implications

6.3.1. The proposed policy changes can be implemented within the current available budget.

6.3.2. Changes to the banding system and the priorities awarded will require amendments to the ICT system. There is a £5,000 allowance for ICT amendments in the Homechoice budget, which is estimated, will cover the costs, however Councils have been allocated grant funding for ICT provision in relation to the implementation of the Homelessness Reduction Act (£9,000) and therefore if these costs exceed the allocated budget then there is some contingency funding, which can be drawn upon.

6.4. Equality Implications

6.4.1. An Equality Impact Assessment has been completed. [Common Allocations Policy - Equality Impact Assessment](#)

6.4.2. The Council is committed to ensuring equality and the promotion of diversity and will seek to ensure that applicants are not discriminated against on the basis of race, ethnic origin, culture, religion, gender, sexual orientation, age or disability. The Allocations Policy is subject to an Equality Impact Assessment (Appendix four) and regular monitoring will be undertaken to ensure its fair implementation.

6.4.3. Human Rights Implications - Cheshire East considers that the provisions of this Housing Allocations Scheme comply with the provisions of the Human Rights Act 1998 and the European Convention on Human Rights

6.5. Human Resources Implications

6.5.1. There are no HR implications for Cheshire East Council.

6.6. Risk Management Implications

6.6.1. In order to ensure that Cheshire East Council do not face legal challenge it is important to ensure that all partners sign up and adhere to the Common Allocations Policy and do not operate additional policies in tandem. By consulting with partners and agreeing the proposed changes, then this mitigates against the risk of partners having to operate additional policies to meet their own business needs.

6.7. Rural Communities Implications

6.7.1. For most of the suggested policy, changes that are outlined report there is limited or no impact on Rural Communities specifically.

6.8. Implications for Children & Young People

6.8.1. Concerns were highlighted by Children's Services in relation to the access to social housing for young people leaving care. The primary issue being: those young people whom are impacted by the reduced priority assessment by virtue of a history of rent arrears or anti-social behaviour. The assessments that relate to this concern are outside of the scope of the Policy and can be actioned more quickly through the partnership agreements and procedures with our Registered Providers. By addressing the issue in this way, it is hoped that the Council can negotiate a more positive outcome for our young people.

6.9. Public Health Implications

6.9.1. The provision of decent accommodation can have significant health benefits for residents. Poor housing can affect a person's mental and physical health. We need to ensure that residents have access to affordable, appropriate housing and reduce the use of temporary accommodation where possible.

7. Ward Members Affected

7.1. All wards

8. Consultation & Engagement

8.1. Invitations went out via emails, web notifications and a press release to stakeholders and residents to express their views on the proposed changes to the policy. Comments were collated via an on line survey. Consultation

took place over a six-week period from 5th March 2018 to 10th April 2018. Appendix one provides a summary of the feedback and responses.

9. Access to Information

- 9.1. Appendix one – summary of consultation feedback and responses
- Appendix two – summary of the proposed changes to the policy
- Appendix three – Revised Cheshire East Council Common Allocations Policy

10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officer:

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