

CABINET

15 October 2003

AMENDMENTS TO THE SCHEME OF HOUSING ALLOCATION

REPORT OF THE DIRECTOR OF HEALTH AND HOUSING

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RECENT REFERENCES:

SS04 – Homelessness Act 2002 - Allocations – Informal Member/Officer Working Party; 6 March 2003.

EXECUTIVE SUMMARY:

This report outlines the changes considered necessary to comply with the statutory requirements set down in the Homelessness Act 2002 regarding the allocation of the City Council's housing stock and its nominations to Housing Associations. It also summarises the scope of consultation that has taken place, and includes at Appendix A in draft form the proposed revised Scheme of Allocation.

RECOMMENDATIONS:

- 1        That the amended Scheme of Allocation reflecting the requirements of the Homelessness Act 2002 be adopted
- 2        That a virement of £20,000 as described in paragraph 7.2 be approved to fund the costs of revising current systems to comply with the revised Scheme of Allocation.

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#### DETAIL:

##### 1. Introduction

- 1.1 The Homelessness Act 2002 made several changes to the requirements placed on local authorities in how they can allocate their housing stock. The requirements also apply to nominations made to other Social Housing providers, most notably Housing Associations.
- 1.2 The statutory changes do not apply to the way in which Housing Associations allocate their own stock.

##### 2. The Main Changes

- 2.1 The key changes which will affect the Council and the social housing landlords to which the Council have nomination rights are;-
  - a) The definition of allocation in the Housing Act 1996 is extended to include applicants registered on the local authority's transfer register. For the first time Local Authorities are required to assess such applicants within the same 'reasonable preference' categories set down in the legislation for those seeking access to social housing.
  - b) The duty on local authorities to maintain a housing register is abolished.
  - c) Exclusion policies for e.g. not allowing access to the register because an applicant has no local connection, become a thing of the past. Mechanisms are provided in the legislation to exclude applicants who have been guilty of unacceptable behaviour that would make them unsuitable tenants. Such behaviour might be serious enough to entitle the local authority to obtain an outright possession order had they been existing tenants. Certain groups of applicants not meeting specified immigration criteria are also excluded.
  - d) Applicants must be informed of their right to information on allocation schemes free of charge, together with assistance in making an application if they are unable to do so without such assistance.
  - e) The 'reasonable preference' categories set down in the HA1996 are replaced. The new 'reasonable preference' categories must be recognised and assessed in the Council's Scheme of Allocation. The legislation also provides a mechanism allowing Authorities to afford some applicants a lesser preference.
  - f) Allocation schemes must include a statement of the authority's policy on offering people choice and the opportunity to express preference about what will be allocated to them.

### 3. The Implications for Winchester

- 3.1 Winchester City Council together with its Housing Association partners currently operate an agreed Scheme of Allocation that applies to general needs applicants wishing to gain access into social housing. Assessment within the scheme operates on a points basis and reflects the 'reasonable preference' categories set down in the Housing Act 1996 together with other statutory requirements and Council housing policy/practice developed over the years.
- 3.2 In order to comply with the new legislative requirements and retain as much as possible of the current scheme, thus minimising as far as possible the impact on those already registered, changes /additions were necessary to the elements attracting points. To reflect existing council policy and keep within the new requirements, it was necessary to award points for elements previously not included. An example of this is the provision in the existing scheme that applicants either live or have full time employment in the Winchester district. The 2002 Act prohibits such blanket prohibitions and therefore in order to give recognition to those with a local connection this has been included in the proposed scheme as an element attracting points. In the meantime applications without local connections are being recorded for assessment once the new scheme has been adopted.
- 3.3 The most notable implication for Winchester is the inclusion in the 2002 Act of transfers within the definition of allocations thus bringing them within the 'reasonable preference' requirements of the legislation for the purposes of assessing/prioritising applicants. The City Council currently operates its transfer scheme primarily on a date order basis. Priorities operate within the date order system on medical grounds and also give recognition to families with young children living in flats.
- 3.4 As stated above the Council is now required to assess its transfer applicants in a similar way to those applying for access to social housing. The 'reasonable preference' categories set down in the legislation must be applied to Local Authority transfer schemes. This has the advantage of providing a more transparent scheme but does diminish flexibility in the allocation process i.e. like for like moves, creating a chain of vacancies thus assisting several applicants rather than just one will become difficult to achieve.
- 3.5 Changes to comply with the requirements of the Housing Act 2002 have been made and the draft scheme can be found attached to this report as Appendix A.

### 4. Consultation

- 4.1 When a Local Authority makes any major changes to its Scheme of Allocation it is required to consult with all those housing associations with which it enjoys nomination rights. The draft scheme at Appendix A has therefore been circulated to all Housing Associations with whom the Council has nomination rights, inviting feedback. The scheme has also been presented to the Informal Member/Officer working party, which includes representatives from the Joint Housing Partnership, TACT and the Supported Housing Panel. Again feedback was invited. In addition to this the scheme was presented to both morning and evening TACT groups for discussion and feedback and referred to the Council's City Secretary and Solicitor's Department for observations and comment.

### 5. TACT Comments

- 5.1 Diane Cooper, Housing Needs Manager made a presentation of the principles of this paper at the TACT meeting on the 16 July 2003. TACT members were thankful of the opportunity to receive explanations and raise concerns and queries. It was meaningful consultation to have TACT input at the drafting phase of the paper.

- 5.2 Above all TACT members considered the Scheme of Allocations most complicated overall and expressed a wish for more plain English and less jargon to be included in the final draft.
- 5.3 Tenants and potential tenants will be reassured by regulations, which are transparent, meaningful and understandable.

#### OTHER CONSIDERATIONS:

##### 6. CORPORATE STRATEGY (RELEVANCE TO):

- 6.1 To promote a healthier, safer and more caring community

##### 7. RESOURCE IMPLICATIONS:

- 7.1 The required changes will result in application forms/letters/leaflets being redrafted, designed and printed. All applicants will need to be sent the new forms for completion and reassessment, and notified of the changes, and of their new position on the relevant housing transfer and waiting list registers. Changes will also be required to both IT and manual records. There are insufficient resources in house to facilitate this work and it will be necessary to engage temporary/agency staff for a fixed period of time. It is essential that the works are completed as soon as possible in order to bring the City Council in line with statutory obligations. It is estimated that the works could be completed with the engagement of temporary/agency staff over a 3-month period at a cost of approximate cost of £20,000.
- 7.2 As the Joint Housing Register and Transfer Register are funded through the Housing Revenue Account (HRA), it is recommended that the additional £20,000 be met from a virement from HRA Sheltered Salaries. Vacancy management savings in the first six months of this year will be reported to the Housing Performance Committee on 27 October and the 2003/04 budget revised accordingly. These savings will more than cover the £20,000 and therefore will not affect projections for year-end balances.

#### BACKGROUND DOCUMENTS:

Working papers and reports held in the offices of the Director of Health and Housing

#### APPENDICES:

Appendix A: Draft Scheme of Allocation.