

10 October 2012	ITEM 5
Housing Overview & Scrutiny Committee	
Thurrock Council Housing Allocation Scheme	
Portfolio Holder: Cllr Val Morris-Cook	
Wards and communities affected: All	Key Decision: Key
Accountable Head of Service: Linda Sinclair, Interim Head of Housing	
Accountable Director: Barbara Brownlee, Director of Housing	
PUBLIC	
<p>Purpose of Report:</p> <p>This report informs the Housing Overview & Scrutiny Committee of the proposed changes to Thurrock Council's Housing Allocations Scheme. It also provides the findings and recommendations from the Task & Finish Panel which was set up to review what the Council should expect to achieve from the new proposed Allocation Scheme.</p> <p>The new Allocation Scheme sets out how the Council will allocate its own housing stock and that of Registered Providers in the borough, with which the Council has nomination agreements.</p> <p>To maximise the use of the current stock, this report proposes a range of incentives to encourage tenants to downsize.</p>	

EXECUTIVE SUMMARY

The Council's Housing Allocations scheme determines how social housing, within the borough is allocated. It is illegal to allocate outside of the scheme. The current scheme, which was adopted in 2005, is now out-dated and does not reflect current public opinion or legislation.

The proposed scheme takes advantage of new powers given to Local Authorities to determine how they will allocate their properties and how they can discharge their homeless duty into the private rented sector.

1. RECOMMENDATION:

Housing Overview & Scrutiny Committee:

- 1.1 **To approve the vision for the Housing Allocation Scheme as set out in 3.6.**
- 1.2 **To note the implementation timeline as set out in Section 5.**
- 1.3 **To consider and recommend a Downsizing Scheme to Cabinet as set out in section 7.**
- 1.4 **To approve and recommend the adoption of Thurrock Council's Housing Allocations Scheme to Cabinet, subject to any amendments which shall be delegated to the Director of Housing in consultation with the Portfolio Member for Housing as set out in 11.1 Appendix A.**
- 1.5 **To consider the report and the recommendations from the Task & Finish Panel that was set up to look into the Allocation Scheme as set out in 11.3 Appendix C.**
- 1.6 **Officers to provide an annual report to the Housing Overview & Scrutiny Committee on the operation and effect of the Allocation Scheme.**

2. INTRODUCTION AND BACKGROUND

- 2.1 Thurrock Council owns just over 10,300 residential properties and has nominations rights to around another 1,000 Registered Provider properties. Currently a Choice Based Letting scheme is used to advertise properties so that waiting applicants can bid for a property of their choosing. Applicants are prioritised by means of a banding system – Gold, Silver and Bronze.
- 2.2 There are approximately 5,000 applicants who are entitled to bid for properties – around half of which are current tenants who wish to move to alternative accommodation. Both existing tenants and new applicants bid for the same properties.
- 2.3 A Local Housing Authority must publish an allocations scheme, which sets out how it will allocate the properties and who will be prioritised. Thurrock Council's current allocations scheme was adopted in 2005 and is problematic in that it does not reflect changes introduced by legislation nor public opinion.
- 2.4 There are certain groups of people who must be prioritised by any allocations scheme (these are found in the Housing Act 1996) and include groups such as the homeless, those with overcrowding and those with medical, social or welfare needs.
- 2.5 The Localism Act 2011 provides that such groups must still be prioritised but more flexibility is available to the Local Housing Authority to determine who

else should be housed. For example, only those with a local connection to the borough.

- 2.6 The Act and subsequent statutory instruments also recognise the specific needs of former members of the Armed Forces and those fostering or adopting children.
- 2.7 The Department for Communities and Local Government is expecting all local housing authorities to review their schemes in light of the new legislation. There are already indications that other local authorities are intending to introduce stricter criteria and therefore, should Thurrock Council choose not to tighten up its qualification criteria, we are likely to attract be open to picking up applicants from London and other neighbouring boroughs.

3. ISSUES AND/OR OPTIONS

- 3.1 There is no legal requirement for a Local Housing Authority to review its Allocation Scheme. However, a Local Housing Authority could be challenged if its scheme does not reflect current legislation.
- 3.2 The current Scheme was adopted in 2005 and is written in the light of changes introduced under the Homelessness Act 2002. The Localism Act 2011 and the recently issued Code of Guidance have superseded this legislation and make it possible for Councils to determine exactly which groups of people they wish to house.
- 3.3 This presents an opportunity for Thurrock Council to ensure that social housing is allocated to those in genuine need, to incentivise residents to work and to subsequently achieve more sustainable housing communities.
- 3.4 Neighbouring Local Authorities are currently updating their schemes and to date, most have indicated that they will exclude those without local connection. A failure to update Thurrock's Allocations Scheme could leave the Council open to accommodating applicants with no local connection, who have been refused access to housing in surrounding boroughs.
- 3.5 The Task & Finish (T&F) Panel explored what the Council should expect to achieve from the new proposed Allocation Scheme.
- 3.6 They also proposed a vision for the Allocation Scheme that sets out its purpose.

To provide access to accommodation that is responsive to the needs of local people in a fair, consistent and transparent way

4. KEY CHANGES TO THE ALLOCATION SCHEME

4.1 Officers are proposing to introduce some significant changes and the proposed Scheme incorporates the main of the recommendations from the Allocations Task & Finish Panel. These are set out below.

4.1.1 The waiting list will be closed. This means the waiting list will no longer be open to everyone – only those who meet certain criteria would be eligible. The criteria include a local connection test, financial assessment and a behaviour assessment.

All applicants will now have to meet the following criteria before they will be eligible –

- Immigration criteria – This is quite complicated but basically excludes those who are subject to immigration control, unless they have been given leave to remain in the UK.
- Financial criteria – Applicants with assets and/or household income above certain levels will be excluded. Levels vary according to the age group and household makeup. For example, pensioners will be entitled to higher asset levels than non-pensioners. Funds awarded as part of a compensation payment for injuries sustained in HM Forces will not be included; neither will the disability living allowance.
- Local connection criteria – Only applicants with a local connection to the borough will be entitled to join. These are exceptions for special reasons such as those needing to move to the borough to escape domestic abuse. Local connection is established through residence of the last 5 years, family connection or employment. Members of the armed forces, who have been unable to establish a local connection due to the transient nature of their work, will not have to establish a local connection.
- Behaviour criteria – *We are awaiting legal advice on the criteria that can be used.*

4.1.2 25% of all properties will be available for current tenants wishing to transfer, but who have no housing need/priority.

In the past transfer applicants waiting to move from flats and maisonettes needed to compete with new applicants to the Council. Where those new applicants had a priority they would always take priority over existing tenants. This meant that only a few of the Council's existing tenants were able to move into houses.

The Council wants to reward good tenants. By ensuring that 25% of all properties are allocated to existing transferring tenants with no priority, they stand a much higher chance of being re-housed. Also, because this list will be solely based on waiting time, tenants will be able to better predict when they will be able to move.

- 4.1.3 The other 75% of properties will be available for both non-Council tenants and Council tenants with a housing need/priority.

The Council still has to fulfil its statutory duty to house those who fall into the priority categories, e.g. homeless, overcrowded and with medical or social needs to move. This includes transferring applicants who have an urgent need to move.

Officers analysed current lettings and feel that 75% is sufficient, but this will need to be reviewed annually.

- 4.1.4 15% of all properties (in both categories above) will only be for working households or households, who are making a significant contribution in their community – this does not include housing for the elderly.

The Council wants to encourage people to work and under the new legislation we can offer an incentive to working households. We also recognise that not everyone can work, but if they are showing a commitment to their community by carrying out sustained community work then this will also be recognised.

- 4.1.5 There will be an extra priority for former members of the armed forces who already have a housing need/priority.

As part of our commitment to the Veterans Charter, where an applicant has a priority need to move (i.e. they have been awarded a priority banding) we will recognise an extra priority for their service in the armed forces.

This provision meets new statutory requirements.

In addition to the new legal requirements, there will be former members of the Armed Forces who do not have a housing need/priority. If they register an application within one year of leaving the Forces and meet all the normal eligibility criteria, officers recommend that they are entitled to have their eligibility date, backdated by the number of years in which they have served in the Forces, up to a maximum of ten years.

The normal financial test will apply. But where financial compensation has been received due to injury sustained on active service, that element will be disregarded from any financial qualification.

- 4.1.6 The number of bands will be increased from three to five.

Currently there are only three bands and this does not sufficiently allow enough flexibility to recognise the wide varying needs of applicants. Expanding the bands will allow greater differentiation between priorities. For example, the current system allows one band for overcrowding, yet there may be a vast difference in the level of overcrowding between two households. The extra bands will allow two levels of overcrowding – one

for a household who is only one-bedroom short and a higher band for those who are two or more bedrooms short.

- 4.1.7 Management moves will be achieved through the direct offer of an alternative property rather than bidding for properties advertised.

This is now a statutory requirement under the new legislation.

- 4.1.8 Properties with adaptations will only be available to applicants needing those adaptations – even where there is no one on the waiting list or if this means allowing an under-occupation of the property.

Currently, adapted properties may be given to a household with no need of the adaptation if there is no-one else waiting for the property. Under the new scheme properties with a high level of adaptation, e.g. a stair lift, ramp and adapted bathroom can be advertised only for applicants needing those adaptations. If there is no-one on the list requiring a property of that size, but there is a household needing the adaptations possibly one bedroom less, then the property could be offered to them – subject of course to ensuring the household are aware of any benefit implications.

This will ensure better use of adapted properties and save money on future adaptations.

- 4.1.9 Current tenants will receive a higher priority for down-sizing. The more bedrooms relinquished, the higher the priority.

Applicants moving from a 3 or 4 bedroom property with only a 1 bedroom need will now be able to bid for a 2 bedroom flat or bungalow.

This priority will assist the Council in moving people out of properties that are too large for them, thereby freeing them up for families. Experience has shown that often a couple living alone in a 3 or 4 bedroom property would be willing to move to a 2 bedroom property but would not consider a 1-bedroom.

- 4.1.10 Officers have proposed an incentive scheme to encourage further down-sizing and this is set out in section 8.

- 4.1.11 Currently the Council uses an outdated mode of measuring overcrowding which measures the actual space available in the property against the number of people living there. Living areas (such as lounge and kitchen) can be included in the calculation. In future overcrowding will be measured using the bedroom standard rather than the outdated “Statutory overcrowding” standard.

The “Bedroom Standard” measurement works out how many bedrooms are required for the particular household and awards a priority where there are insufficient. By using the Bedroom Standard, the new scheme brings the bedroom entitlement in line with Housing Benefit rules. This will also

provide more clarity to applicants, who will only be able to bid for a determined number of bedrooms.

4.1.12 Priority will be awarded to prospective fosterers or adopters subject to a recommendation from Social Care colleagues.

This is a statutory requirement under the new legislation and discussions have taken place with Children's Services to determine how best to carry this out.

The Council wants to encourage fostering and adoption arrangements and, where the only difficulty is housing, then we need to be able to allow a priority move to a larger property.

However, we need also to ensure that arrangements are of a permanent nature and therefore, we will be working very closely with the Children's Services to ensure this is the case before a priority is awarded.

4.1.13 The homeless duty, accepted under part VII Housing Act 1996, will be discharged into the private sector in most cases.

Currently, most households, where the Council accepts a homeless duty, will have that duty discharged by an offer of social housing. This has led to the widely held misconception that you need to be homeless in order to achieve a Council property and subsequently the largest reason for homelessness in Thurrock is parental exclusion. Other waiting applicants complain that homeless applicants simply "jump the queue".

However, the duty could equally be met by offering a private rented property. The new legislation allows the Council to discharge the homeless duty into a private rented property, subject to a high standard regarding suitability. The applicants would then continue on the waiting list in line with other applicants.

There will always be households for whom this is not a suitable option, e.g. where there is a disabled family member, and in such cases the duty will continue to be discharged into Council accommodation.

The Council is looking to use the new legislation and will consider this option for all homeless applicants in future.

This new process is very dependent on suitable private accommodation being available and will require a focus around improving the private housing sector standards and working with landlords. The landlord accreditation scheme will be key to this work.

The housing department has already started restructuring its Housing Needs team to enable more officers to work with private landlords and is in the process of setting up a new social lettings agency.

- 4.2 The recommendations will proceed to Cabinet in November 2012 and it is envisaged that the scheme will be implemented at the beginning of March 2013.

Issues

- 4.3 The proposal to set the local connection at 5 years will impact on homeless households with less than five years residency in Thurrock. They will have to remain in temporary accommodation, unless the homeless duty, accepted under part VII Housing Act 1996, can be discharged into the private sector.
- 4.4 Officers are developing the policy and are, through the restructure of the current team, placing the emphasis to increase the number of good quality private rented accommodation.
- 4.5 The split of letting 25/75% will be monitored annually to ensure that it is balanced fairly between meeting housing needs and enabling current tenants to move.
- 4.6 The 15% of accommodation earmarked for working households and those making a significant contribution, supports the economic regeneration priority of the Council.

5. CONSULTATION

- 5.1 The consultation process started in September 2010, when Thurrock Choice Homes held six consultative sessions with various groups, agencies, services, tenants groups and members of the public. Participants were given the opportunity to express their opinion on how the Council should meet the competing needs of applicants. The process also included a training seminar on social housing for professionals.
- 5.2 Further public consultation was held between December 2011 and February 2012, involving professional agencies, advocacy groups, tenants, members of the public, Members and officers.
- 5.3 There is a legal requirement to consult with Registered Providers (RPs) in the borough and this was achieved during the consultation period.
- 5.4 A Task and Finish Panel of cross-party members and officers was set up at the end of the consultation period and met on five occasions to consider what the Council should expect to achieve from the new proposed scheme.

6. TASK & FINISH PANEL

- 6.1 The recommendation from that group is that the new Scheme is adopted. The Panel have made a number of recommendations which have been incorporated into the previous sections of the report:

- 6.1.1 For the housing register to be closed.
- 6.1.2 That the Allocation Scheme delivers a more focused waiting list which better reflects local residents needs and is better understood by:
 - i. Setting clear eligibility criteria;
 - ii. Reserving a proportion of properties for transfer applicants to ensure that they have an equal or greater chance of being allocated a property compared to new applicants;
 - iii. Providing financial incentives to encourage under-occupying tenants to downsize;
 - iv. Reserving a proportion of properties for working households to ensure that they have an equal or greater chance of being allocated a property compared to non-working applicants;
 - v. Giving appropriate additional priority to ex service men and women in accordance with the principles laid down in the Council's Veterans Charter; and
 - vi. Providing an annual report on lettings outcomes to Overview & Scrutiny.
- 6.1.3 A new Allocation Scheme embodying the principles contained in the report as set out in Appendix C section 6, to be recommended to Cabinet.
- 6.1.4 That the report in Appendix C is provided alongside the report to Cabinet on the new Allocation Scheme.
- 6.1.5 To adopt the vision as set out in 3.6 for the Allocation Scheme
- 6.2 Alongside the allocation of council housing, the panel also looked at issues that impact on the Allocation Scheme and have made additional recommendations:
 - 6.2.1 That the Council develops a range of home ownership and part-ownership options to encourage those households, who can afford it, to buy their own property.
 - 6.2.2 That the type of tenancies offered in the future should be based on the circumstances of the household. Shorter term tenancies should be used where it is reasonable to expect that there may be a change in the household's circumstances in future.
 - 6.2.3 That the Council's new build programme should have a mixed offer that includes rented and home ownership/part-ownership options.
 - 6.2.4 Cabinet delegates to officers development of a down-sizing incentive scheme.

7. IMPLEMENTATION

- 7.1 If adopted, the new scheme would be implemented from 1st March 2013.
- 7.2 In order to reassess the 2,500 (approx) current waiting applicants, all applications with no priority banding would be cancelled on 1st February 2013. (This does not apply to transferring tenants).
- 7.3 A new on-line application form will be implemented, which will allow applicants to reapply and obtain an instant answer regarding their eligibility. Vulnerable applicants will be assisted with the process and there will be a statutory right of appeal.
- 7.4 During the period from 1st February to 21st February, only transfer applicants or those with a current priority band will be able to bid for properties. Assessment of priorities will still continue.
- 7.5 Where there is no priority identified, new applicants, and those who have re-registered, will remain deferred until the new policy start date on 1st March. The first bidding cycle using the new policy will commence on Thursday 28th February.
- 7.6 Applicants who have re-registered will be awarded their old application date so that no previously accumulated waiting time is lost.
- 7.7 It is envisaged that the bidding system will be closed for one week between 21st and 28th February to allow changes to the IT system.
- 7.8 Briefing sessions for staff and other agencies will take place throughout December.

8. BEDROOM INCENTIVE SCHEME

- 8.1 The department estimates that that there could be up to 2,000 households under occupying and living in Council accommodation. But only a small number have formally indicated that they wish to downsize to smaller properties. They have been identified through three different routes:
- Customer Profiling: This was undertaken last year and, during the process, around 400 tenants indicated that they would be willing to consider downsizing to a smaller property.
 - HomeSwapper: The Council is currently signed up to a mutual exchange scheme called HomeSwapper. This is a national internet based scheme which allows tenants to advertise their properties across the UK in order to find a partner to swap with.

864 Thurrock Council tenants are currently signed up to the scheme, of which 112 are under-occupying their property. Of these, 9 are under occupying by two or more rooms.

Moves facilitated via HomeSwapper cost £52.45 per swap.

- Housing Transfer List: There are currently 111 applicants looking to downsize. These applicants have been awarded a gold priority banding, i.e. highest priority.

8.2 In the year 2010/11 – 45 applicants transferred to smaller accommodation via this route.

8.3 In April 2013 changes to Housing Benefit will be introduced. This means tenants, who are under-occupying Council properties and claiming housing benefit, will no longer be eligible for the full rent, even if they are entitled to full Housing Benefit.

The changes will apply to new and existing social housing tenants, but only those of working age, i.e. the changes will not affect pensioners.

Under the new size criteria being introduced, claimants will be assessed to determine the size of accommodation that they are deemed to reasonably need. Those assessed as under-occupying will have their benefit entitlement reduced by a percentage:

- 14% for one extra bedroom
- 25% for two or more extra bedrooms.

8.4 The Council cannot move people out of their homes even when they are too large for their assessed needs, unless certain criteria apply. However, in order to meet the increasing need for larger properties we need to be incentivising such moves so that tenants are willing to downsize.

8.5 A number of options are available for doing this:

8.5.1. Option One

The Council could provide some financial incentive to tenants – currently we offer no incentives other than a priority banding.

Other local authorities offer a sum of money – for example neighbouring Brentwood Council offers tenants £1,000 for every bedroom they give up. This is paid as a lump sum, upon completion of the transfer to a smaller property.

Where an applicant has rent arrears, it could be agreed that the sum is used to pay off the arrears. Usually a tenant would not be able to transfer whilst they have arrears, but this option allows more flexibility.

The sum could even be paid if an applicant moves into the private sector and gives up a larger Council property.

Alternatively applicants could be offered a rent free period – for example a rent free period of 6 months would cost the Council £2,536.

8.5.2. Option two

In the recent public consultation on the new Allocations Scheme, every session included discussion on down-sizing, and it was generally agreed that many people do not want to move because they cannot face the physical process of packing up and making arrangements etc. One solution is to offer an assistance scheme.

This would be particularly useful to elderly or vulnerable applicants. A dedicated officer would make all the arrangements for moving, including setting up and paying for packing and removals, changing utilities, postal redirection, relocating washing machines/dishwashers and arranging small jobs such as setting up pictures and shelves etc. through a handyman service. A redecoration service could also be arranged through the void process, so that incoming tenants could choose the paint colours for rooms or wallpaper.

Hotel accommodation might be considered for a couple of days, so that the tenant moved out of one home and straight into another that was all set up, two days later.

Obviously the costs involved in this option would vary depending on the particular circumstances, but the highest cost would be in terms of officer time.

8.5.3. Option Three

The consultation also identified that many people would be willing to downsize but would still want to keep one extra bedroom spare – so that family could stay over or couples could have a bedroom each.

Current tenants transferring can only move to a property that meets their assessed household needs. Therefore, a couple would only be offered a one bedroom property unless they had medical needs for two bedrooms.

This issue has been addressed in the new Allocations Scheme where couples will be able to downsize to a two-bedroom flat or bungalow even where they only need one bedroom. This does not apply to houses because of the high number of families waiting for 2 bedroom houses.

The new Allocations Scheme continues to give the highest priority banding to tenants wishing to down-size by 2 or more bedrooms and a lower priority banding to those down-sizing by one bedroom.

8.5.4. Option Four

The Council could take a more proactive approach to encouraging mutual exchanges; other local authorities have already been leading on this.

Islington Council has recently set up a scheme whereby they advertise the properties of tenants who are under-occupying to overcrowded tenants, who can then register an interest in the property. An officer carries out appropriate checks and suggests potential swaps to the under-occupying tenant who then chooses which they would like to consider further. The advantage of such a scheme is that it enables older and more vulnerable tenants to consider mutual exchange without the worry of inappropriate people contacting them direct.

Oldham Council has recently set up a chain of lettings – similar to a chain in property sales. The chain involved 4 different landlords and six households including two that were under-occupying. This takes away the need to find exact swap partners, i.e. it is often difficult to find two people who like each others property, whereas a mixture of properties can be more achievable.

Thurrock Council has itself facilitated a mutual exchange involving six tenancies in 2008, which relied on tenants finding their own swapping partners. More frequently, swaps have taken place involving four tenancies.

Increased partnership working with local Registered Providers would maximise the numbers of tenants available for swapping.

8.6 Recommendations

Due to the financial implication of options 1 and 3, it is proposed that a budget is agreed annually. It is therefore recommended that the Council adopt a package of options to encourage tenants to downsize as follows:

- 8.6.1 To offer a financial incentive in the form of either £1,000 per bedroom given up **or** 6 months rent free period to down-sizing tenants who release three beds or more properties.
- 8.6.2 Officers to set the budget annually.
- 8.6.3 To offer an assisted moving service to tenants who would prefer this option.
- 8.6.4 Take a more proactive approach to encouraging mutual exchange whereby we would advertise the properties of tenants who are under-occupying to overcrowded tenants.

9. IMPACT ON CORPORATE POLICIES, PRIORITIES AND PERFORMANCE AND COMMUNITY IMPACT

The adoption of the new scheme complements the following Council's priorities:

- Priority 4:** Providing and commissioning high quality and accessible services that meet, wherever possible, individual needs.

Priority 5: Building pride, respect and responsibility in Thurrock's communities and its residents.

10. IMPLICATIONS

10.1 Financial

Implications verified by: **Michael Jones**
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There will be some financial implication with regards to implementation of the scheme in relation to an upgrade of IT equipment and systems. The costs have been identified and will be contained within the existing budget allocation for the housing department. In the mid-long term, these could produce financial efficiencies within the services

There will also be a financial impact for implementing the incentive scheme for under-occupation. Finance will do additional work once further information is made available.

10.2 Legal

Implications verified by: **Alison Stuart Principal Housing and Regeneration Solicitor**
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Each local Housing authority must establish an Allocation Scheme of determining priorities between qualifying persons and for the procedure to be followed. As long as schemes comply with S166a (3) of the Housing Act 1996 and other statutory responsibilities, then legal challenge is reduced. Statutory guidance on the allocation of social housing was introduced by the Government and confirms the legal position that giving greater priority to working households and those with a stronger local connection are both legal provided the statutory reasonable preference categories are also maintained. The Localism Act 2011 gives Local Authorities the freedom to end open Housing Registers by determining which classes of persons are to be qualifying or non-qualifying. Under the Act, an Allocations Policy may be framed with a greater emphasis on local priorities.

10.3 Diversity and Equality

Implications verified by: **Samson DeAlyn**
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The Council is under a statutory duty under the Equality Act 2010. This means that the Council should give due regard to the equality implications of any

policy changes. This report should be read in conjunction with the impact assessment conducted (attached). This indicates a range of equality issues which should be taken into consideration when making any policy decision.

Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental.

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11. CONCLUSION

11.1 Housing Overview & Scrutiny Committee recommend the adoption of the new Housing Allocations Scheme and the implementation timescale to Cabinet.

12. APPENDICES TO THIS REPORT:

12.1 Appendix A – Allocation Scheme – Proposed Changes and Impact Report.

12.2 Appendix B – Equality Impact Assessment for Thurrock Council’s draft Allocation Scheme.

12.3 Appendix C – Allocations Scheme Task and Finish Panel Report.

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