

<b>18 December 2018</b>		<b>ITEM: 9</b>
<b>Housing Overview and Scrutiny</b>		
<b>Housing Allocations Policy Review 2018</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key	
<b>Report of:</b> Ryan Farmer – Housing Strategy and Quality Manager		
<b>Accountable Assistant Director:</b> Carol Hinvest – Assistant Director of Housing		
<b>Accountable Director:</b> Roger Harris – Corporate Director, Adults, Housing and Health		
<b>This report is Public</b>		

## **Executive Summary**

The purpose of this report is threefold. Firstly, it outlines the reasons why local authorities are required to have an up-to-date Allocations Policy.

Secondly, the report goes into further detail to explain findings from recent consultation activity which was undertaken to seek views on the current Allocations Policy from tenants, residents and other stakeholders.

Lastly, this report sets out a number of suggested changes and matters for consideration relating to the current Housing Allocations Policy to ensure that the document adapts and reflects the ever-changing Housing landscape, both locally and nationally.

### **1. Recommendation(s)**

#### **1.1. Scrutiny is asked to comment on:**

**3.1.7 – Local Connection – Matters for Consideration**

**3.2.3 – Financial Qualification – Matters for Consideration**

**3.3.4 – Banding and Lists – Matters for Consideration**

**3.4.6 – Key Workers and Working Households – Matters for Consideration**

**3.5.12 – Applications, Bidding and Offers – Matters for Consideration**

## **2. Introduction and Background**

- 2.1. Thurrock Council has a legal obligation to allocate properties in line with a Housing Allocations Scheme formally adopted by the council and the scheme has to comply with current legislation, regulation and case law. The current scheme was implemented in 2013 after the enactment of the Localism Act 2011, which gave increased powers to determine local priorities when defining how properties should be allocated.

Since 2013 the Policy and procedure have been reviewed each year and minor amendments made. A further overarching review is now required due to a number of developments including new legislation, new regulation and new case law.

- 2.2. These developments include:

- Case law around the powers given in the Localism Act 2011 and Equalities Act 2010
- New legislation has been implemented which directly affects our Allocations Policy and Procedure - including the Housing & Planning Act 2016 and the Homelessness Reduction Act 2017 which came into force on 1<sup>st</sup> April 2018
- The numbers on the Housing Register increased by approximately one-third between 2013 and 2018
- The supply of social housing available to rent is diminishing through Right to Buy, decreasing mobility within the council's own stock and limited new development of affordable housing by Housing Association partners.

- 2.3. In Thurrock, as with most boroughs, the demand for housing exceeds availability. There are increasing numbers of people in Thurrock who are in need of a home and many more existing tenants with a priority need to move.

With a limited amount of properties available through the Council and increasing house prices in the private and owner-occupied sectors, the reality is that many households face long waits for suitable and affordable settled accommodation that is fit for purpose. The shortage in the supply of affordable homes is becoming an acute problem across the region and these pressures are expected to intensify over future years to come.

As a result, the current Housing Allocation Scheme has to be revised to ensure local people with the highest need for settled accommodation in Thurrock can have their needs met.

- 2.4. To ensure key housing policies are reflective of the Council's current housing pressures and allow a mechanism for change, the Allocations Scheme has been reviewed to:

- Prevent unrealistic expectations for households and ensure an informed understanding of stock availability, eligibility and waiting times for settled accommodation
- Make best use of the housing stock available to the council
- Operate within legal and regulatory frameworks for the allocation of social housing.
- Enable fair access to housing where clear, transparent and fairly applied guidelines are available in policy and procedure for all stakeholders to easily understand.
- Ensure homes are suitable for household needs and occupation.

2.5. The law requires that where amendments to the allocations scheme would result in major changes which affect a large number of people, then consultation should be undertaken with those likely to be affected. The first round of consultation finished on 17 October 2018 and feedback was provided by 576 respondents, including tenants, residents, Registered Providers in the area and other stakeholders such as the Clinical Commissioning Group (CCG), NHS Trusts and other officers of the Council. This consultation sought views on the current Allocations Policy in general and along a number of key themes.

Further details of the consultation activity which has been carried out to date and are planned for the future are included in the consultation section of this report.

2.6. Below is a snapshot of the current Housing Register which is comprised two lists, known as the 'Housing Waiting List' (comprising of Bands 1 to 5) and the 'Transfer List'.

Band	Number of applicants	%	
One	3	0.03%	Bands 1 to 3 represent less than 7.1% of overall Housing Register
Two	135	1.48%	
Three	505	5.53%	
Four	4217	46.14%	
Five	2707	29.62%	
Transfer List	1573	17.21%	
<b>Total</b>	<b>9140</b>		

2.7. Those placed in Band 1 are considered to have the highest priority to be rehoused. This includes those who are experiencing violence or threats of

violence, including domestic and sexual abuse, as well as the Council's tenants whose properties require demolition or major refurbishment where the tenant would no longer be able to remain at the property.

- 2.8. Applicants awarded a Band 2 priority include those with an urgent medical or care need to be rehoused, tenants who are under-occupying by more than one bedroom or succeeding to an under-occupied tenancy,
- 2.9. Those awarded a Band 3 priority include homeless applicants who are owed a homeless duty, those who have a medical or care need to move, those moving on from care or supported housing, those who are overcrowded by two or more bedrooms and those who are under-occupying by one bedroom.
- 2.10. The Band 4 priority is awarded to applicants who are not adequately housed, but do not meet any of the other priority criteria. It is also awarded to applicants which are adequately housed with a valid notice to quit and non-statutory homeless applicants
- 2.11. Lastly, applicants placed in Band 5 in the 'Housing Waiting List' are considered to be adequately housed and have no priority need to be re-accommodated.
- 2.12. The 'Transfer List' is specifically for current Council and Registered Provider tenants in the borough with no priority need but who wish to move to a different property.

### **3. Issues, Options and Analysis of Options**

#### **3.1. Local Connection**

3.1.1. Under the current Allocations Policy, applicants must first meet the local connection criteria through one of the following qualifying classes:

- Residence – Qualifying applicants must currently live in the borough and have done so for at least the past 5 years.

Members of the armed forces (including former service personnel making an application within 5 years of discharge) are not to be disqualified on residence grounds if they do not meet the 5-year residency rule.

Where an applicant's residence in the borough is not by choice, for example through a period of detention or hospitalisation, or where the applicant has been housed in temporary accommodation in the borough by another Local Authority, this period of time cannot be counted as residence for the purposes of local connection.

- Employment – Qualifying applicants (not household members) must work in the borough for a minimum of 16 hours per week and have done so for at least the past 5 years, and this employment must be of a permanent nature.

Where an applicant loses employment they will no longer qualify. However, if further employment is gained within the borough within the next 12 months the application can be reinstated with no loss of accrued waiting time.

- Family – Qualifying applicants must have a family member who currently lives in the borough and who has done so for at least the past 5 years. “Family member” means mother, father, grandmother, grandfather, son, daughter, grandson, granddaughter, brother or sister.

3.1.2. The following table shows a breakdown of the local connection types of current ‘Housing Waiting List’ applicants

<b>Local Connection Type</b>	<b>% of applicants</b>
Residence, Employment and Family	13.47%
Residence and Employment	2.06%
Residence and Family	60.15%
Employment and Family	0.06%
Residence only	22.07%
Employment only	0.14%
Family only	2.06%

As evidenced in the above table, 95.69% of the current ‘Housing Waiting List’ applicants have lived in the borough more 5 years or more, meaning that there are only 3.31% of applicants whose local connection is not derived through living in the borough.

3.1.3. There is also a ‘special reason’ category which can be used with discretion which allows applicants to qualify for a local connection where they do not meet any of the above criteria but have an urgent need to move to the borough.

3.1.4. In the recent consultation, 31.16% of respondents felt that the Council should amend its local connection criteria. Of these:

- 56.57% felt that the Council should either keep or increase the number of years required to establish a local connection
- 60.92% felt that the Council should change the family connection to only include those with parents, siblings or children living in Thurrock
- 59.32% felt that the Council should no longer award a local connection to where the only qualifying criteria is employment in the borough

### 3.1.5. Family local connection

Based on information in the above table, 2.06% of applicants currently on the 'Housing Waiting List' have been awarded a local connection only based on 5 years' continuous residence in the borough by a family member.

The below table shows a breakdown of applicants whose only local connection is family, by family member.

Family member	% of applicants
Mother	27.7%
Father	10.1%
Sister	18.2%
Brother	10.1%
Child	22.3%
Grandparent	9.5%
Grandchild	2.0%

Further analysis has been undertaken in line with the responses from the consultation activity which suggests that a local connection should no longer be awarded to those who would only qualify as a result of having grandparents or grandchildren in the borough.

Almost two-thirds of those currently on the 'Housing Waiting List' with a local connection only through grandparents or grandchildren have been placed in Band 5 as there is no evidenced housing need. The remaining applicants have been awarded a Band 4 priority as they are deemed not to be adequately housed.

Analysis of allocations policies of 33 other Local Authorities across Essex, Kent and London indicates that 18 do not offer any local connection based on family.

### 3.1.6. Employment local connection

Based on the information presented in section 3.1.2 above, 0.14% of applicants currently on the 'Housing Waiting List' have been awarded a local connection only based on 5 years' continuous employment in the borough.

There is a fairly even split between these applicants; around half have been awarded a Band 4 priority as they are deemed not to be adequately housed, and the remaining applicants been placed in Band 5 as there is no evidenced housing need.

Analysis of allocations policies of 33 other Local Authorities across Essex, Kent and London indicates that 17 do not offer any local connection based on employment.

### **3.1.7. Local Connection – Matters for Consideration**

Housing Overview and Scrutiny Committee are asked to consider the following changes to the Housing Allocations Policy:

- The length of time required to establish a local connection is increased from 5 years to 6 years. This has been determined based on growing levels of demand and ensures that those with the greatest connection to the borough have the opportunity to qualify for the 'Housing Waiting List'.

This change would mean that once the new policy takes effect (anticipated to be 1 April 2019) no further applications will be accepted where the length of time for a local connection is less than 6 years. This change would also be applied retrospectively for active applications with at a date determined in the final policy (anticipated to be 1 April 2020), however it is expected that all applicants on the Housing Register at this point will already meet the new length of time criteria which is being considered.

- The family local connection is amended only to include parents, siblings, children and those who have previously acquired parental responsibility for the applicant
- Local connection is no longer awarded for employment in the borough

### **3.2. Financial Qualification**

- 3.2.1. In order for an applicant to qualify for the 'Housing Waiting List' they must not have savings, assets or an annual income above the set caps. Applicants with savings, assets or an annual income above these levels will be expected to meet their own housing needs. The thresholds are set at different levels and are dependent on the type and size of housing that the applicant needs. They are related to the costs of renting and purchasing a suitable property.

There are different levels for General Needs properties as well as Sheltered Housing and Extra Care Housing. This report specifically looks at updating the financial caps for General Needs accommodation.

- 3.2.2. Threshold levels are reviewed each year using a set methodology and are dependent on the affordability of private rented or purchased accommodation within the borough. The current thresholds were set when the current policy was implemented in April 2016.

Since the time that the current thresholds were set, property purchase prices have increased by approximately 16.7%, whereas the cost to rent a one-bedroom property has increased by around 41.5%.

### 3.2.3. Financial Qualification – Matters for Consideration

In order to qualify for the ‘Housing Waiting List’ and then to be offered a property at the point of successfully bidding on a property, the savings, assets or annual income for the application must be below the financial threshold. The current and suggested financial thresholds are below:

Property size – according to household make-up	Current Maximum Net Income	Suggested New Maximum Net Income
Single Person	£23,000	£24,000
1 Bedroom (couple)	£25,000	£26,000
2 Bedrooms (Single/couple plus children)	£35,000	£37,000
3 Bedrooms (Single/couple plus children)	£41,000	£47,000
4 Bedrooms (Single/couple plus children)	£59,000	£60,000

There is a greater increase in the suggested financial threshold for three-bedroom properties compared to the other property sizes due to higher property purchase costs.

Housing Overview and Scrutiny Committee are asked to consider the above table and new income threshold. It is suggested that these thresholds would be applied to any active or future applications, until such time that the thresholds are reviewed again.

### 3.3. Banding and Lists

- 3.3.1. Some local authorities only allow applicants with a housing need to join their Housing Register. This approach maintains the register at a level which more accurately identifies housing need, however it could be argued that it encourages the chasing of priority bands.

Currently, people who have some housing need are placed in bands 1- 4, with Band 1 being the highest priority. Band 5 is for people who are adequately housed, meaning that they have no housing need.

Thurrock Council tenants who wish to transfer to alternative accommodation but who have no housing need are on a separate list known as the Transfer List and 25% of properties are specifically allocated to this group of

applicants. Council tenants who have a housing need are moved on to the 'Housing Waiting List' with the appropriate priority band.

- 3.3.2. Through the recent consultation activity, respondents were asked if the Council should remove Band 5 from the 'Housing Waiting List'. Feedback indicated that 69.54% of respondents felt that Band 5 should remain, compared to 30.46% which felt that Band 5 should be removed.
- 3.3.3. The purpose of an Allocations Policy is to set out the way in which the Council allocates its housing stock. The demand for social housing far outstrips supply in the borough, and through the Allocations Policy the Council prioritises those with the greatest need for offers of accommodation. The Council has a statutory duty to prioritise certain groups of people but also has discretionary powers to meet the needs of other priority groups.

#### 3.3.4. **Banding and Lists – Matters for Consideration**

Applicants with no identified housing need but which meet the qualifying criteria are currently allowed to join the list as a Band 5 applicant. Whilst the chances of an applicant in Band 5 of the 'Housing Waiting List' being offered accommodation are low, Housing Overview and Scrutiny Committee are asked to consider and comment on a change to the Housing Allocations Policy which would removal Band 5 in order to appropriately manage demand and ensure that those with the greatest priority are offered suitable accommodation.

If this change were to be implemented it would mean that when the new policy takes effect (anticipated to be 1 April 2019) no further applications would be accepted into Band 5. This change would also be applied retrospectively, so any applicants with active applications in Band 5 at a date determined in the final policy (anticipated to be 1 April 2020) would also have their application cancelled.

### 3.4. **Key Workers and Working Households**

#### 3.4.1. **Key Worker Local Connection**

The Council and NHS have difficulty recruiting to certain key worker roles in the borough. Examples of key worker roles include, but are not limited to:

- Medical professionals, such as GPs and nurses
- Physiotherapists
- Occupational Therapists
- Social Workers
  
- Teachers

Key workers may be moving to the borough for the first time to start work, and as such may not meet any of the current qualifying criteria for a local connection.

- 3.4.2. Respondents to the consultation were asked if there should be an amendment to the local connection rules for newly-qualified and junior frontline key workers who are moving to the borough to take up a job in Thurrock, or at Basildon and Thurrock University Hospital.

Feedback from those who responded indicates that 53.06% believe that the Council should amend its local connection rules to allow for key workers to join the 'Housing Waiting List' if they do not qualify under the other local connection criteria, with 26.04% respondents overall who felt that key workers should also be awarded a priority.

### 3.4.3. **Working Households**

The current Allocations Policy sets aside up to 15% of available properties for applicants where a member of the household is working. The Council recognises that some households have no family members who can work, for example due to age or disability, so consideration is also given to applicants who have shown a contribution to the community through formal voluntary work or caring for someone else.

- 3.4.4. To be eligible, a household must have members who combined have either been in permanent employment or involved in voluntary work for at least the past 12 months and for at least 16 hours per week.
- 3.4.5. Within the recent consultation, stakeholders were asked if they thought that the Council should continue to set aside a percentage of properties for working households/community contribution and if the percentage of reserved properties should be changed.

Feedback shows that 77.17% of respondents felt that properties should continue to be set aside for working households/community contribution, and 53.30% of all respondents felt that the percentage of reserved properties should be increased.

### 3.4.6. **Key Workers and Working Households – Matters for Consideration**

Housing Overview and Scrutiny Committee are asked to consider the following changes to the Housing Allocations Policy:

- The Council amends its local connection criteria to allow permanent newly qualified and junior front-line key workers in Thurrock or at Basildon and Thurrock University Hospital to join the 'Housing Waiting List'
- The Council increases the percentage of properties reserved for working households/community contributions from 15% to 20%

## 3.5. **Applications, bidding and offers**

### 3.5.1. **Annual Review and Bidding Activity**

Records show that there is a high percentage of inactive applications, including those within higher priority bands. In most cases those who do not place bids will not be offered a property, however applicants may retain their priority banding when it is no longer required.

- 3.5.2. In the recent consultation, respondents were asked if the Council should implement an annual review of applications to ensure that any awarded priority banding remains appropriate. The majority of those who responded to this question (89.56%) believe that the Council should review applications on an annual basis to review priority bandings.
- 3.5.3. Housing Waiting List and Transfer List applicants are eligible to place up to two bids each week on available properties which they are interested in, however 65% of active applicants did not place any bids between December 2017 and November 2018.

Priority Band/List	% of currently active applications with at least one bid placed between Dec 2017 – Nov 2018	% of currently active applications with no bids placed between Dec 2017 – Nov 2018
Band 1	0%	100%
Band 2	36.30%	63.70%
Band 3	53.66%	46.34%
Band 4	38.16%	61.84%
Band 5	26.01%	73.99%
Transfer List	21.68%	78.32%
<b>Overall</b>	<b>34.80%</b>	<b>62.20%</b>

- 3.5.4. As part of the consultation activity, respondents were asked if the Council should remove applicants if they fail to place any bids within a set period of time, and if so, what that time period should be. 49.91% of those who responded felt that the Council should cancel any inactive applications, and 40.63% of all respondents suggested that the Council should cancel them after 12 months.

#### 3.5.5. Refusal Reduction

The Council's current Allocations Policy allows applicants to refuse a property offer if a successful bid has been placed or a direct offer is made. Where an applicant has been awarded a priority banding and refuses a property offer which is reasonable and suitable, the priority banding may be removed.

- 3.5.6. All applicants in Bands 4 and 5 are able to refuse three reasonable property offers, after which time their application will be cancelled. An unreasonable ground for refusal can include, but is not limited to, the applicant not wanting to move yet, or not wanting to move to the particular area having viewed the property.
- 3.5.7. Property refusals on unreasonable grounds can lead to extended periods of time where a property remains vacant, increasing the amount of lost rent, and also require a significant amount of officer time through extending the shortlisting and viewing process. It also leads to a greater waiting period for whichever applicant does want to move into the property.
- 3.5.8. Within the recent consultation, stakeholders were asked if the Council should reduce the number of unreasonable property refusals available to those in Band 5 before their application is cancelled. 50.09% of respondents agreed that the number of refusals should be reduced, and the majority of those felt that it should be reduced from 3 to 2.
- 3.5.9. This proposal, if accepted, is anticipated to come into effect for all affected applicants Band 4 and Band 5 applicants from 1 April 2019. If the proposal to remove Band 5 from the 'Housing Waiting List' is agreed, the number of unreasonable refusals to Band 5 applicants will be reduced from 3 to 2 for the 12 month period between April 2019 and April 2020, at which point the application would then be cancelled.

#### **3.5.10. Local Lettings Plans**

The current allocations policy makes allowances for local lettings plans. A local lettings plan allows priority for properties in a certain area, to specific groups outside of the usual reasonable preference groups. For example, where there is a village environment with low numbers of social housing, priority can be awarded to people with a local connection to that village, or where people are moved out of an area for redevelopment, a local lettings plan would give those people priority to move back to the area once the redevelopment is completed.

- 3.5.11. The current policy states that any local lettings plan will be agreed via the Housing Overview & Scrutiny committee. This will be removed to make it an officer decision in consultation with the Portfolio Holder.

#### **3.5.12. Applications, Bidding and Offers – Matters for Consideration**

Housing Overview and Scrutiny Committee are asked to consider the following changes to the Housing Allocations Policy:

- The introduction of annual applications reviews based on the application anniversary date to ensure that all applicants remain eligible to be on the Housing Register and that any awarded priority is still appropriate

- An amendment to stipulate that applications which have been inactive with no bids placed for more than 12 months will be cancelled, however the Council would be able to use its discretion in exceptional circumstances to allow inactive applications to remain
- A reduction in the number of unreasonable property refusals available to applicants in Bands 4 and 5 from 3 refusals to 2.
- An amends to state that local lettings plans would be set out and decided by officers, in consultation with ward and other relevant members.

#### **4. Reasons for Recommendation**

- 4.1. The matters for consideration which have been included throughout this report have been suggested so that the Council's Housing Register can more accurately reflect the level of housing need in the borough, ensuring that those with the greatest need continue to be prioritised.
- 4.2. Through the analysis of the current Housing Register it can be seen that the overwhelming majority of applicants are Thurrock residents and qualify with a local connection as a result. With an oversubscribed list where demand is far greater than supply, and after comparing the approaches taken by other local authorities, it appears appropriate for the Council to condense its own local connection qualification criteria.
- 4.3. Introducing annual checks of eligibility and need would not only ensure that those with the greatest need are housed first, but would also reduce the likelihood of applicants remaining on the Housing Register if they no longer qualify. Furthermore, carrying out these regular reviews could also reduce the length of time taken between a property shortlist being drawn up and the subsequent offer to the successful applicant which would improve the experience for the applicant and reducing void loss.
- 4.4. The suggested increased percentage of properties reserved for working households/community contribution would directly address a number of responses within the recent consultation which indicated that more should be done to help those who work or support others within their community.
- 4.5. Introducing an amendment to the local connection criteria for key workers would contribute towards the aspiration of attracting this particular group of much-needed professionals to the borough.
- 4.6. The tables in Appendix B outline the number of live applications which could be affected by the changes proposed within this report. The first table is broken down by list, banding, and reason for removal from the Housing Register, whereas the second table provides further detail into the specific reasons for the award of a priority band.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1. The first round of consultation ran between 19 September and 17 October 2018. Feedback was provided by 576 respondents, including tenants, residents, registered providers in the area and other stakeholders such as Clinical Commissioning Group (CCG), NHS Trusts and other officers of the Council. This consultation sought views on the current Allocations Policy in general and along a number of key themes.
  - 5.2. The consultation comprised of the following elements:
    - Sending direct correspondence on the proposed changes for whom the policy would affect
    - An online survey designed to seek general views on a number of themes in the current policy
    - Responding and collating feedback submitted via the online survey
  - 5.3. A further round of consultation took place between 14 November 2018 and 11 December 2018 where stakeholders are asked to comment on the specific proposals included in this report. The consultation includes:
    - Briefings to key stakeholders on proposed policy change
    - A further online survey designed to seek detailed views on the specified proposed changes to the policy
    - Face to face interview appointments for local residents for whom the online survey is inaccessible to ensure consultation material could be easily understood for all
  - 5.4. In order to communicate the content of the policies and provide different methods for people to feedback, different communication techniques were used. The Council actively promoted, advertised and distributed news of the housing policy consultation through:
    - Council website pages publicising links to the online survey consultation
    - Social media (Council twitter, Facebook pages)
    - Council Staff intranet
    - Consultation details sent direct to all applicants on housing register
    - Briefings for interested parties including council staff, Councillors, housing association staff, voluntary and community organisations.
  - 5.5. This report is being presented to the Housing Overview & Scrutiny Committee on 18 December 2018 to seek views and feedback on suggestions and matters for consideration as outlined.
- 6. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Thurrock Council – Housing Allocations Scheme – April 2016

## **Implications**

### **7.1 Financial**

Implications verified by: **Julie Curtis**  
**Housing Accountant**

The proposed changes as set out in this report aim to reduce the length of time taken to re-let void properties, which should in turn reduce the amount of rent lost while properties are vacant. The reduction of property offer refusals and introduction of annual eligibility checks will lead to fewer shortlists and viewings per property, meaning that officer time can be spent more productively, rent can be collected sooner and ensures that applicants which are eligible and have a genuine desire to move to a particular property are able to do so.

### **7.2 Legal**

Implications verified by: **Simon Scrowther**  
**Litigation Lawyer**

The allocation of housing by local housing authorities is regulated by Part 6 of the Housing Act 1996 (HA 1996). A local housing authority (LHA) must comply with the provisions of Part 6 when allocating housing accommodation (section 159(1), HA 1996). However, subject to this compliance, authorities may otherwise allocate housing in any manner they consider appropriate (section 159(7), HA 1996).

Section 166A(1) of the HA 1996 provides that every LHA must have an allocation scheme for determining priorities between qualifying persons. In formulating or amending its allocation scheme, a LHA must have regard to its current homelessness strategy under section 1 of the Homelessness Act 2002. An allocation scheme may be framed to give additional preference to particular descriptions of people (section 166A(5), HA 1996). However, a LHA must not allocate housing accommodation except in accordance with its allocation scheme (section 166A(1), HA 1996).

As a result of changes made by the LA 2011, with effect from 18 June 2012, LHAs have been able to decide who “qualifies” for an allocation. Accommodation can therefore only be allocated to someone who qualifies under those local criteria (section 160ZA(6), HA 1996). Who qualifies is largely a matter for the LHA (section 160ZA(7), HA 1996). The Secretary of State does however have the power to prescribe classes of persons who are, or are not, to be treated as qualifying persons (section 160ZA(8), HA 1996).

Where changes are to be made to an allocation scheme it is a requirement to consult with those affected by the changes (s105 HA 1985), including Registered Providers.

### 7.3 **Diversity and Equality**

Implications verified by: **Rebecca Price**  
**Community Development Officer**

Consultation activity has already taken place in the process of setting out the proposals included within this report, and it has been identified that further activity is outlined to seek views on the specific changes set out in this paper.

An equality impact assessment will be carried out to determine the impact of any changes.

### 7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

Not applicable

### 8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

### 9. **Appendices to the report**

- Appendix A - Housing Allocations Policy Review – Consultation 1 October 2018 (*Copies of the report can be found in the Members area and will be tabled on the night*)
- Appendix B - Affected Applications Analysis

### **Report Author:**

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Business Improvement - Housing