

Report to Stronger Communities Select Committee

Date of meeting: 21 September 2021



Portfolio: Housing Services

Subject: Review of the Housing Allocations Policy

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Recommendations/Decisions Required:

1. To note the outcome of the stage 1 initial consultation on the review of the Allocations Policy, which is due for renewal in April 2022; and
2. To consider and give in principle approval to take the proposed major changes to the Allocations Policy 2022 – 2027 recommended within this report to stage 2 consultation between October 2021 and December 2021.

Report:

1. As a Local Housing Authority Epping Forest District Council has a statutory duty to publish a Housing Allocations Policy for determining priorities - and the procedure to be followed - when selecting a household to be offered the tenancy of Council owned accommodation, or to be nominated for an offer of housing from another registered provider with stock in the district.
2. The current Housing Allocations Policy was published in 2018 and offers choice-based lettings for most applicants on the housing register. Qualifying eligible applicants are placed in one of three bands A, B or C depending on their assessed need. The applicants' bands and registration dates are used to prioritise expressions of interest, or 'bids' for vacant properties that are advertised on a weekly basis. The purpose of a choice based letting scheme is to enable applicants to exercise some degree of choice as to where they live (albeit entirely limited by supply and demand).
3. Under the current scheme some households are unable to bid for properties that are advertised and receive a direct offer of accommodation. These households include but are not limited to:
 - homeless single people and families to whom the Council has accepted a main housing duty under part 7 of the Housing Act 1996
 - existing social housing tenants who qualify for a priority transfer
 - applicants living in supported housing
4. The Social Housing Annual Lettings Report 2020 –2021 highlights that the demand for affordable rented housing in Epping Forest District continues to outweigh the supply of suitable accommodation.
5. The private rented sector is becoming increasingly unaffordable for many low to middle

income families and single people who would have previously been able to secure their own accommodation without approaching the Council for help. This is largely in keeping with the national trend. Covid 19 has brought into sharp focus the need for key workers to ensure the local economy and local services continue to function. Many key workers have families with young children or are single people, often on low incomes, at the start of their career or are returning to work and need affordable local housing to sustain employment and deliver essential services.

6. Studies have consistently found that housing, health, wellbeing and life-chances are inextricably linked. A comprehensive, fair, transparent and flexible allocations policy enables the Council to manage expectations, make the best use of current housing stock and plan for future housing supply across all tenures to meet the needs and aspirations of its current and future residents.

7. The full review of the Housing Allocations Policy began in May 2021 along with simultaneous reviews of the Tenancy Policy, the Homelessness and Rough Sleeping Strategy and the overarching Housing Strategy which are all due for renewal in 2022.

8. A series of consultation events took place between July 2021 and August 2021 including bitesize briefing sessions with Members of the Council, residents, professional partners, other statutory services and staff, desktop research by in-house technical experts, statistical analysis of national and local data and an on-line survey which closed on 30 August 2021.

9. The review has highlighted the following evidence-based issues and opportunities and proposed recommendations for inclusion in the Housing Allocations Policy 2022- 2027

Defining the Priority Bands

At present there are three priority bands. Band A band B and band C.

Recommendation 1

It is recommended that stakeholders are consulted on the proposal to attribute a clearly identifiable needs level to each band and review the criteria for each band in accordance with the following guiding principles:

Band A Emergency Need – Band A will be awarded where an imminent move to alternative suitable accommodation is required to mitigate a serious and immediate risk to an applicant's life or a serious and immediate risk of a lifechanging detrimental effect on their mental or physical wellbeing or that of a member of their household.

The applicant will usually be offered a direct allocation as soon as something suitable becomes available, although the applicant can still bid for accommodation should an appropriate property be advertised in advance of the direct allocation.

It is anticipated that very few households will be awarded Band A, and those who do will have their applications reviewed most frequently to ensure this band is only reserved for emergencies and does not become silted.

Band B Urgent Need – Band B will be awarded where an applicant is living in unsuitable accommodation that is having or is likely to have a detrimental and long-term impact on their mental or physical wellbeing or that of a member of their household, and there are insufficient grounds to warrant an emergency move ahead of other applicants with an urgent need to move. Or where it is in the Council's interest to move the household.

The applicant will usually be expected to secure an offer by bidding for advertised properties. Automated bidding or a direct allocation may be made if the applicant fails to bid and/or secure an offer within a given timescale.

Band C Moderate Need – Band C will be awarded where an applicant is living in undesirable accommodation, but they do not have an urgent need to move.

The applicant will be expected to pursue an offer by bidding for advertised properties and advised to maximise their limited prospects of securing an offer by considering the widest possible choice of suitable properties.

Priority Date

Point 18.5 At present when applicants bid for advertised properties the household in the highest band who has been on the housing register the longest will be considered first regardless of how long they have been in that priority band. This means that they will be housed ahead of other households that may have been waiting in the higher band (due to having a with a greater need to move) for longer.

Recommendation 2

It is recommended that stakeholders are consulted on the proposal to prioritise bids for accommodation based on the applicant's band and then in the date order that they joined that band, rather than the date they joined the Housing Register.

Medical Categories

Appendix 1 Page 17 of the current scheme details the approach to determining medical priority. At present there are two categories 'urgent medical need' which places an applicant in band A or 'moderate medical need' which places an applicant in band C.

These two categories do not account for those households with serious and/or progressive long-term medical conditions that are being exacerbated by their living conditions or would improve or stabilise by moving to more suitable accommodation, but do not require emergency rehousing.

Recommendation 3

It is recommended that stakeholders are consulted on the proposal to have three medical categories that accord with the three priority bands. i.e. band A - emergency medical need, band B - urgent medical need, band C - moderate medical need.

Domestic Abuse

The Domestic Abuse Act 2021 places a duty on the Local Authority to provide support to victims and children in safe accommodation and award all eligible homeless victims of domestic abuse a priority need for housing.

Recommendation 4

It is recommended that stakeholders are consulted on the proposal to incorporate the requirements of the Domestic Abuse Act 2021 into the Housing Allocations Scheme; to provide support to victims and children in safe accommodation, and to award all eligible homeless victims of domestic abuse a priority band for housing.

Homeless Households

Where the Council has accepted a duty to provide settled accommodation to a homeless household under part 7 of the Housing Act 1996 it is required to give reasonable preference to their application for housing.

Appendix 4 point 1.2 of the current scheme sets out the policy for housing homeless applicants. However; it is silent on the reasonable preference that the Council gives to homeless households and this cohort is not listed under any of the priority bands. They receive a direct offer of accommodation and cannot currently bid for properties that are advertised. This may encourage the applicant to remain dependant on the council rather than be pro-active and maximise the opportunity to move out of temporary accommodation.

Recommendation 5

It is recommended that stakeholders are consulted on the proposal to award priority band B to homeless households that the Council has accepted a duty to rehouse under part 7 of the

Housing Act 1996.

Recommendation 6

It is further recommended that stakeholders are consulted on the proposal to afford homeless households the opportunity to bid for suitable properties in accordance with their priority banding, on the understanding that they will be made a direct offer to enable the Council to discharge its duty if they fail to bid or secure an offer via choice based lettings within a reasonable timescale.

Under-occupation

Point 18.9 of the current scheme addresses the refusal policy for under-occupation. If a household is living in a Council property that has more bedrooms than they need they can join the housing register in priority band A and bid for smaller accommodation as it becomes available. If the applicant successfully bids for then refuses an offer on four occasions they are automatically suspended and are prevented from bidding for any further properties for 12 months.

This penalty may well be counterproductive as it is in the Council's interest to promote and support downsizing, and reasonable to expect a tenant who is downsizing through choice to be selective about where they decide to move to.

Recommendation 7

It is recommended that stakeholders are consulted on the proposal to remove the penalty of suspending an under occupier from bidding if they refuse 4 offers and replace this with a discretionary decision to suspend an applicant who repeatedly bids for then refuses a property where it is evident that they have no intention of moving.

Households that are under occupying family sized accommodation can only bid for properties that are the right size and type for their assessed need, regardless of the number of bedrooms they are giving up. This policy could also be counter-productive as it may discourage under-occupiers of larger properties (for example a 4-bedroom parlour house which rarely become available) from downsizing if they would like to move to a smaller property but want to retain a spare bedroom for relatives or visitors to stay overnight.

Recommendation 8

It is recommended that stakeholders are consulted on the proposal to allow under-occupiers wishing to downsize from a house to a flat where they are giving up one or more bedrooms, to be considered for a flat with a spare bedroom (i.e. a couple or single person can move from a 3-bed house to a 2-bed flat or a 1-bed flat) with or without a garden.

Under-occupiers wishing to downsize from a 4-bed house who are giving up 2 or more bedrooms can be considered for a flat or a house with a spare bedroom with or without a garden (i.e. a couple or single person can move from a 4-bed house to a 2-bed house or flat or a 1-bed house or flat) with or without a garden.

Serious Unacceptable Behaviour including Rent Arrears

Point 14.12 of the current scheme stipulates that "any person or member of their household who within the past 7 years has been guilty of serious unacceptable behaviour...that would give sufficient grounds to issue possession proceedings if they were a secure, assured or fixed term tenant" will not qualify.

The 7-year rule at point 14.12 of the current policy also applies to serious rent arrears (including housing benefit and court cost arrears).

The 7 year rule does not take account of the cause of the arrears, which may have been an isolated incident, and/or through no fault of the individual and/or has since been resolved, and may be counterproductive relative to the negative consequences of preventing a household in need access to the housing register.

This measure is now subject to challenge as it has largely been superseded by recent legislation to protect vulnerable individuals from homelessness. Examples include but are not limited to the recognition of economic abuse as defined in the Domestic Abuse Act 2021; and mental or physical ill health, redundancy and addiction which could potentially trigger a Mental Health Crisis Breathing Space or Standard Breathing Space introduced by the Debt Respite Scheme Regulations 2020.

Recommendation 8

It is recommended that stakeholders are consulted on the proposal to replace the 7-year rule for all unacceptable behaviour with a prescribed risk-based approach to determining whether a history of unacceptable behaviour is serious enough to warrant exclusion from the Housing Register. This will look at patterns and severity of behaviour, cause and effect, recent history and support mechanisms that the applicant has to prevent reoccurrence.

Allocation of Accommodation – rent arrears in excess of 4 weeks rent

18.4 of the current policy stipulates that an offer of accommodation will not be made to any home seeker who has rent arrears in excess of 4 weeks rent. This can be counter-productive if the household has particular needs and they lose the opportunity to secure a property that rarely becomes available, particularly if the applicant has a payment plan in place that is being maintained

Recommendation 9

It is recommended that stakeholders are consulted on replacing the blanket 4-week arrears rule with a discretionary prescribed risk based approach to determine whether an offer can be made to an applicant with rent arrears based on the cause of the arrears, and repayment plan.

Local Lettings Plans and Key Worker Housing

The Housing Act 1996 enables Housing Authorities to agree local plans to allocate particular accommodation to people of a particular description which may differ from the overall allocations policy.

This is specifically to promote mixed communities and address crime hot-spots, economic regeneration and local skills shortages an example may be prioritising medical staff, blue light emergency officers or teachers on low incomes for affordable housing that is close to a new or understaffed medical centres, police, ambulance or fire stations or schools, or not allocating properties to vulnerable applicants in areas where there is a significant risk of being targeted by drug dealers seeking to take over their flat to supply drugs, otherwise known as Cuckooing.

Recommendation 9

It is recommended that stakeholders are consulted on the proposal to include the use of local lettings plans where appropriate to do so in accordance with the requirements of the Housing Act 1996.

Priority Transfers and Management Transfers

Appendix 3 to the current scheme introduces the umbrella term “Priority Transfers” to capture a range of unrelated reasons that a household may need to move from one Council property to another. Grounds include medical need, disability, antisocial behaviour, hate crime major repairs and demolition although there is limited detail about the offer policy that applies to each ground (i.e. like-for like, direct offer or bidding, single or multiple offers etc) and the policy is silent on transfers due to social overcrowding.

Recommendation 10

It is recommended that stakeholders are consulted on the proposal to replace Appendix 3 Priority Transfers with relevant sections in the main body of the Allocations Scheme that define the offer policies for management transfers, temporary or permanent decants, overcrowding and welfare grounds (as well as medical grounds which have already been addressed earlier in the report).

Pre- Transfer Property Inspections and Recharge Policy

The current scheme is silent on pre-transfer inspections to evaluate the condition of the property, and recharge policy for properties that are left in an unsuitable condition

Recommendation 11

It is recommended that stakeholders are consulted on the proposal to introduce 'ready to go' inspections for tenants who are pursuing a transfer, to ensure they leave the property in a suitable condition, and to have the ability to suspend applicants from bidding until they bring their property up to the required standard.

It is further recommended for anyone who does leave a property in a poor condition (for example it was fine during the 'ready to go' inspection but damage has been done since) to be recharged for the cost of bringing the property back up to a standard that is suitable to relet it.

Reason for decision: To enable EFDC to progress to stage 2 of the consultation exercise, thereby fulfilling its statutory obligation to consult prescribed stakeholders on any major change to the Allocations Scheme and the associated policies and strategies; before presenting the outcome of the reviews and respective recommendations to Cabinet for consideration and approval in Spring 2022.

Consultation undertaken:

Invitations to participate in live bitesize briefings or view pre-recorded briefings and complete an online survey were sent to:

- Council tenants and leaseholders
- Partner agencies and community groups with an interest in housing in the district
- Private registered providers of social housing in the district
- District, borough and city councils in the county
- EFDC staff
- Members of the Council
- Clerks of parish and town councils to forward to their respective elected members.

The survey and associated information was also published on the Council website and the intranet.

The generic survey ensured every participant was asked the same set of questions. At the time of writing this report 71 participants completed the survey. The results of the survey have been analysed and will be reproduced as a report for circulation and publication as part of the review.

Resource implications: None

Legal and Governance Implications: None

Safer, Cleaner, Greener Implications: None

Background Papers:

Allocation of accommodation: guidance for local housing authorities in England 2012
Epping Forest District Council Housing Allocations Policy 2018-2022

Social Housing Lettings Annual Report 2020-2021

The Big 4 Initial Consultation – Findings (Draft) September 2021

Risk Management: N/A

Equality: An indicative Impact Assessment is being maintained and updated as the review progresses to conclusion.