

# Taunton Deane Borough Council

## Tenant Services Management Board –19 March 2012

Consultation: Allocation of accommodation - guidance for local housing authorities in England.

A consultation response from the Homefinder Somerset Partnership.

### **Report of Stephen Boland – Housing Services Lead**

(This matter is the responsibility of Executive Councillor Jean Adkins)

#### **1.0 Executive Summary**

This report aims to inform the Tenant Services Management Board of the Homefinder Somerset Partnership's joint response to the Communities and Local Government's consultation - Allocation of accommodation: guidance for local housing authorities in England. The deadline for responses is the 30<sup>th</sup> March 2012 and the government will take into account responses when finalising new guidance and taking forward the regulations.

#### **2.0 Introduction**

The consultation is aimed primarily at local authorities and seeks views on the content of new guidance proposals. The new guidance is on the allocation of social housing; and improved access to social housing for former and serving armed forces personnel. The full consultation document can be obtained by visiting the Communities and Local Government website:

[www.communities.gov.uk/publications/housing/allocationofaccommodation](http://www.communities.gov.uk/publications/housing/allocationofaccommodation)

#### **3.0 Homefinder Somerset Partnership's response.**

The Homefinder Somerset Partnership was established in 2008 to deliver choice based lettings across the whole of Somerset using a single housing register and a common allocations policy. The five local authority partners with over 18,500 active applicants on the housing register, and over 40 registered providers have consistently and successfully worked together to deliver a choice based lettings scheme that provides applicants with more choice and makes best use of the social housing stock available within the county.

The Partnership spent considerable time in 2010/11 reviewing the existing allocation policy and IT system. It is against this backdrop of a mature partnership, operating effectively that a joint response from the Homefinder Somerset Partnership to the consultation document is made.

Please refer to Appendix 1 for a list of the consultation questions and the Homefinder Somerset Partnership's responses.

### 3.0 Recommendation

Tenant Services Management Board is asked to note the contents of this report.

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## Appendix 1

### **1. Does your allocation scheme/transfer policy already provide for social tenants who are under-occupying to be given priority?**

Our existing Homefinder Somerset Allocations Policy provides priority for those tenants that are under-occupying as follows:

*“Section 6.12 - Gold band under- occupation*

*“The applicant is a tenant of a Homefinder Somerset partner who resides within the Homefinder Somerset area and under-occupies their existing property and is looking to move to a smaller, more suitable property. Note: Where a tenant lives in specialist two-bedroom property this may not apply. Applicants will only be able to benefit from this banding once when applying to the register unless there is a subsequent change in their circumstances.”*

In addition sections 5.1 and 5.2 of our existing policy set out our approach to transfers.

*“5.1. All existing tenants of the partners have the right to apply for a transfer, subject to any restrictions that apply to their tenancy. Tenants' housing needs will be assessed and placed in the relevant band on the register together with all other applicants.*

*“5.2. Some advertised properties will be labelled giving preference to transfer applicants to ensure that each landlord makes the best use of their housing stock.”*

We believe that this provides sufficient priority for tenants who are under occupying. As at 31.12.11 47% of gold band applicants were in gold band for under-occupation. They also represent 18% of all lets to gold band applicants (or 7% of total lets).

### **2. Do you intend to revise your allocation scheme in order to make it easier for under-occupying social tenants to downsize to more appropriately sized accommodation?**

We do not envisage making any amendments to the existing allocations scheme. Based on evidence of the outcomes achieved, we believe it already provides the flexibility needed to allow landlords to address under occupation and transfer issues within their stock.

Mutual Exchange is also available and further development in this area within the current scheme will enable tenants to exercise choice as more flexible opportunities to move become available.

### **3. If so, what changes will you be considering?**

As above – the Homefinder Somerset partnership has been in place for some time now and provides us with a tried and tested mechanism through which landlords and strategic housing authorities can discuss and address allocation policy issues in the light of actual outcomes. Many of the issues raised within this consultation document have been discussed by the partnership as part of its review mechanism.

**4. Do you agree that members of the Armed Forces and former Service personnel should not be disqualified on residency grounds?**

Our current Homefinder Somerset allocations policy doesn't disqualify any particular groups of individuals and service personnel are placed on an equal footing to civilian applicants when joining the Homefinder Somerset register and are assessed against the same banding criteria as other applicants.

Our existing Homefinder Somerset Allocations Policy provides at section 22.4 that the Local Connection requirements apply to service personnel and state that service personnel based and living in Somerset are considered to have a local connection for the purposes of the policy.

Local connection requirements are not applied to all properties available to let and these properties are let based on need and priority as applied through the banding system in place.

**Is 5 years from the date of discharge an appropriate time limit for this restriction?**

We don't currently feel that a time limit is required for restricting the local connection that service personnel may have with a specific area. The Homefinder Somerset partnership monitors the outcomes of the CBL scheme and this may, in the future, highlight a need to change our current allocations policy in this regard. If we were to consider restricting access to the register we would consider 5 years to be an arbitrary period and we would look to introduce a time limit based on local conditions and the evidence from our own scheme.

**If not, what would be a more appropriate period?**

See response above.

**5. Does the draft guidance provide sufficient clarity on how to implement the new power for housing authorities to set their own allocations qualification criteria?**

The draft guidance whilst setting out the new powers that housing authorities have does not provide sufficient guidance on how they should be implemented.

**If not, in what areas would more guidance be useful?**

Additional clarity is required on prioritising 'good behaviour' and helping to define what that might be. In addition we feel that the guidance should explicitly require an Equality Analysis [note this replaces EIAs as of 6<sup>th</sup> April 2011 with the implementation of the Equality Act single equality duty] to be undertaken on the impacts of any proposed changes.

The Homefinder Somerset CBL scheme has been very successful to date and is based upon an open register. We would see the introduction of closed or restricted waiting lists as a backward step for our sub regional scheme. We can foresee the relevant housing authority spending more time on advising applicants they cannot go onto the waiting list and there would also be a huge amount of work in reviewing current applicants and removing them from the waiting list should this happen. Closed or restricted waiting lists also ignores the arguments in favour of building mixed and stable communities by including those with little or no need to be allocated and live alongside those with greater need and, potentially, more social issues. The context also ignores the freedom of Housing Associations to allow allocations independent of Local Authority nominations. At the moment we operate a single register which encompasses applicants who may be rehoused by Housing Associations outside of any formal nominations. Given the success of our existing sub regional scheme we would not anticipate using the new flexibilities.

**6. Do you agree that the bedroom standard is an appropriate measure of overcrowding for the purpose of according reasonable preference? If not, what measure do you consider would be more appropriate?**

Our current Homefinder Somerset Allocations Policy sets out our bedroom allowance criteria at section 13.1

*"Additional adults (defined as being 16 years of age or older) living permanently in a household may require an extra bedroom but may share if of the same gender.*

*"A maximum of two people can share a bedroom. Children who are over 7 and of different genders will require their own room."*

We don't believe that the bedroom standard is an appropriate standard for us to use as it doesn't necessarily meet the needs of our local circumstances. We would prefer a less prescriptive approach whereby local circumstances and evidence of local needs drives the bedroom allowance within the allocations policy.

**7. Should this guidance provide advice on how to define 'severe overcrowding' for the purpose of according additional preference? (See paragraph 4.18 below.) If so, would an appropriate measure be two bedrooms or more short of the bedroom standard?**

We would agree that the guidance should provide further clarity on the definition of severe overcrowding. We would agree that lacking two bedrooms would be a good measure, whichever method of determining the number of bedrooms required is adopted. In particular we would like the CLG to clarify the conflict between the 'bedroom standard' and the assessment of overcrowding under the Housing Health & Safety Rating System which includes the 'space standard'.

**8. How does your allocation scheme currently define 'overcrowding' for allocation purposes? Does it, for example, use the bedroom standard, the statutory overcrowding standards in Part 10 of the Housing Act 1985, or another definition? If the last of these, please provide brief details.**

Our current Homefinder Somerset Allocations Policy sets out at Section 13.1. the bedroom allowances that we apply in Somerset.

*"Applicants will be able to express an interest for selected properties which match the needs of their household. Household members living together as a couple will be assessed as requiring 1 bedroom unless there are exceptional circumstances. Additional adults (defined as being 16 years of age or older) living permanently in a household may require an extra bedroom but may share if of the same gender.*

*"A maximum of two people can share a bedroom. Children who are over 7 and of different genders will require their own room.*

*"The maximum bedroom allowance will be based on all household members over 7 years of age requiring their own room. Some partner landlords may exercise their own discretion with regard to the number of bedrooms a household requires for the best use of their stock.*

***"Gold Band***

*"Applicants who lack 2 or more bedrooms, or have been confirmed as overcrowded (defined as a category 1 hazard and/or Statutory overcrowded) by a Local Authority officer, UNLESS evidence exists that proves the overcrowding is deliberate. Where an applicant is sharing facilities please also see Silver band Lodger/Shared Accommodation.*

***"Silver Band***

*"Applicants who lack one bedroom in their current home."*

In particular we would like the CLG to clarify the conflict between the 'bedroom standard' and the Housing Health & Safety Rating System overcrowding standard which is based on the LACORS guidance issued in 2011 and which informed the Homefinder standard [as above.

We feel our current standard meets local needs at present but we are considering the impact of welfare benefit changes on the affordability of properties for Housing Benefit claimants in terms of possible changes to our bedroom allowance.

Further clarity is needed on the confusion between the bedroom standard and the Housing Health & Safety Rating System. If the bedroom standard is regulated then we would urge the CLG to consider the practical implications of the conflict with the HHSRS and the consequential impact on workloads for Environmental Health staff in verifying overcrowding for applicants.

**9. We propose to regulate to require housing authorities to frame their allocation scheme to provide for former Service personnel with urgent housing needs to be given additional preference for social housing. Do you agree with this proposal?**

We strongly agree that additional preference should be given to those applicants in urgent housing need but we would not necessarily single out Service personnel for this additional preference.

We believe that our existing Homefinder Somerset allocations policy would pick up any vulnerability of Service personnel and as such places Service personnel on an equal footing with civilians applying to join the housing register.

**10. Does your allocation scheme already make use of the flexibilities within the allocation legislation to provide for those who have served in the Armed Forces to be given greater priority for social housing? If so, how does your scheme provide for this?**

We believe that the existing Homefinder Somerset provides landlords with the flexibility to have local lettings policies that could target properties to specific groups where local circumstances require this (e.g. a new development on ex MOD land or Service children attending local schools).

The onus would still remain on the Housing Authority to show that the practical outcome of the local lettings policy does not disadvantage other reasonable preference groups.

**11. If not, do you intend to take advantage of the flexibilities in the allocation legislation to provide for former members of the Armed Forces to be given greater priority for social housing? If so, what changes might you be considering?**

If we feel, as a partnership, that if changes are required in order to meet local demand we would address this via local lettings policies and possible quota arrangements for the allocation of properties to Service personnel.

**12. Does your allocation scheme already provide for some priority to be given to people who are in work, seeking work, or otherwise contributing to the community? If so, how does your scheme provide for this?**

Our current allocations scheme does not provide for priority to be given to the groups mentioned. Landlords occasionally use local lettings policies that target such groups in order to create balanced communities and have some local examples of where this has been used successfully to turn around an estate in conjunction with other local measures. However within our existing policy:

*“Silver band – need to move for work (current or secured for future)”*

*We also have an advert label for preference to be given to applicants that have completed a Tenant Accreditation scheme.*



**13. If not, do you intend to revise your allocation scheme in light of the guidance in paragraphs 4.36 and 4.37? If so, what changes might you be considering?**

We have no intention to amend our allocation scheme at present but would seek to keep this under review. We have completed a review of the policy and that review did not raise this issue from either applicants or members when consulted. As a partnership we believe that this may be best approached by allowing landlords to offer incentives for specific properties.

**14. Are there other ways in which housing authorities can frame their allocation scheme to meet the needs of prospective adopters and foster carers?**

We do not agree with the adoption of quota arrangements to address this issue as this would detract from the overall transparency of our CBL scheme. It is also at odds with welfare benefits reforms and could place applicants in the position of being in a property that they cannot afford until a foster child or adoptee is placed with them.

We may look to grant additional bedrooms on the basis of approval for foster parents / adoption – but this too could impact on transparency for the overall scheme.

We would comment that to date this hasn't been raised as an issue by our partners or by social services.

**15. Does the draft guidance provide sufficient clarity on the extent of flexibilities available to housing authorities when framing their allocation scheme?**

We feel that the guidance does not currently provide sufficient guidance or clarity on rent arrears or ASB and bad behaviour issues.

In addition the guidance around Service personnel is too prescriptive and doesn't allow us to take account of local circumstances. The same is true of the requirement to use the bedroom standard when there are still conflicts with the HHSRS, The guidance should more firmly and explicitly state the need to meet the requirements of the Equalities Act when considering any changes to existing allocations schemes

We believe the guidance misses the opportunity to reaffirm the CLG's commitment to CBL schemes (which places a responsibility on the applicant to actively seek and make realistic choices in the light of limited supply) and in particular sub regional partnerships which offer applicants increased mobility and a high degree of transparency and reduce the opportunity for fraudulent allocations by landlord staff.