

Bath & North East Somerset Council		
DECISION MAKER:	Cllr Liz Richardson Cabinet Member for Homes and Planning	
DECISION DATE:	On or after 28th May 2016	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2858
TITLE:	Housing Allocation Scheme Revisions	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Homeseach Allocation Scheme 2016		

1 THE ISSUE

1.1 The way social housing is allocated is an important part of creating communities where people choose to live and are able to prosper. The current scheme was approved November 2012 and we are now proposing a number of minor amendments to bring it in line with subsequent statutory changes and to improve implementation in partnership with registered housing providers¹.

2 RECOMMENDATION

The Cabinet Member agrees that:

2.1 The amended Allocation Scheme, attached in Appendix 1, is formally adopted.

¹ Also known as Housing Associations
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3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The proposed scheme changes are not anticipated to impact resource requirements and are therefore to be managed within existing budgets.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Local Housing Authorities (LHA) are required by s.166A(1) Part 6 of the 1996 Housing Act to have an allocation scheme for determining priorities, and for defining the procedures to be followed in allocating housing accommodation; and they must allocate in accordance with that scheme (s.166A(14)). All aspects of the allocation process must be covered in the scheme, including the people by whom decisions are taken.
- 4.2 All LHAs must have an allocation scheme, regardless of whether they own housing stock. When framing or modifying their scheme, authorities must have regard to their current tenancy and homelessness strategies.
- 4.3 The Bath and North East Somerset Council Tenancy Strategy and Homelessness Strategy set out guidance to registered housing providers (RPs) about tenancy types and permitted flexibilities and about the prevention of homelessness and supply of emergency and supported housing. The proposed modifications can be implemented without any significant impact on these strategies.
- 4.4 The core objective of this scheme is to ensure that households who are unable to compete on the open market are provided with suitable and appropriate housing. An equalities impact assessment has been completed and no adverse impacts were identified.

5 THE REPORT

- 5.1 The Bath and North East Somerset Council Allocation Scheme, called Homesearch, was adopted in 2006 and modified in 2012. The scheme operates in partnership with 22 RPs who manage 95% of all the social housing stock in the district. Depending upon the landlord between 75% and 100% of their properties are allocated through the Homesearch scheme. Around 650-700 properties are successfully allocated through the scheme every year.
- 5.2 When a property becomes vacant it is advertised and households can express an interest in any property which meets their needs. The household in the highest of three groups is then nominated to that property. If two households in the same group express an interest then the household who has been in that Group for the longest time period secures the property. The system is relatively simple and transparency is enhanced by publishing the group and time on list details of the successful applicant. There are some specific conditions relating to local rural connection which applies to social housing properties in villages of less than 3,000 residents. In these cases households who can demonstrate a local connection to the village are prioritised above other applicants.
- 5.3 The proposed modifications to the scheme are required because of subsequent regulatory changes and to make minor administration improvements agreed with RPs.

5.4 The new insertions and modifications will clarify policy and procedure by the introduction on minor text amendments and will introduce new policy and guidance on the points as set out in the table below:

Page	Change	Reason
7	'Pay to Stay' for affordable rented homes.	Proposed legislative changes, which will allow RPs to charge market rate for high earners, will result in potential conflict between statute and s106 planning agreements. The change is a pragmatic response to address this issue, ensuring that market rates can be temporarily applied but that rents revert to affordable rents on relet in accordance with s106 agreement.
10	Transfer of existing social tenants seeking to move to B&NES from another local authority district in England	Modification to allow implementation of new regulations, the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967). The new regulations have changed an employment definition that establishes a local connection: existing social tenants seeking to transfer from another local authority district in England who: <ul style="list-style-type: none"> • have reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and • need to move because the tenant works in the district, or need to move to take up an offer of work
33	Restricting the number of bids per (weekly) cycle to a maximum of 3 per applicant	A few applicants, often those at the top end of the lists, have been making an excessive number of bids each week creating a significant administrative burden for the RPs and distorting the property bidding lists. This restriction encourages applicants to make more considered choices and speed up relet process.
39	New housing development lettings criteria	Provides ability to agree local lettings policies for new housing developments comprising of nine or more units in order to create balanced and sustainable communities on first let.
43	Shared ownership eligibility, qualification and priority criteria	New statutory guidance for RPs and potential purchasers of shared ownership units delivered through s106 without government subsidy. (reference to new Appendix 3)
44	Direct property allocation 'Selecting a property directly for an applicant'	Revision of existing point allowing the direct allocation to an applicant assisted through national Government Initiatives to include the National Witness Protection Scheme or through other national Government Initiatives.
44	Definition and allocation of hard to let properties and allocation of hard to let	Allows the direct allocation of a hard to let property. In particular this point can be used by RPS to allocate hard to let sheltered housing to

	sheltered housing	people who are eligible for sheltered housing but do not have a local connection but who want to move to B&NES.
45	Non retention of household waiting time for a non-dependent making their own new application	Priority can depend on 'waiting time' and when a family separates both parties may retain the effective joining date provided the applications are continuous. Insertion of a text amendment to clarify that this does not apply to dependents ie young people who make a new application when they want to leave the family home.

6 RATIONALE

6.1 The Council is required to adopt and publish a housing allocations policy which articulates how social housing is allocated. The modifications will ensure that housing allocations continue to create balanced communities where people choose to live, make the best use of the housing stock, prioritise those in greatest need and adopt new flexibilities in line with changes to housing regulations.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

8.2 Our partner housing association development, marketing and allocations teams have been consulted on the proposed changes.

8.3 Legal advice from Kelvin Rutledge QC was sought regarding the allocation of hard to let sheltered housing. The barrister's recommendations were adopted in the change.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Sue Wordsworth, Team Manager (Housing Strategy and Performance). Tel 01225 396050
Background papers	<i>None</i>
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