

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

17th FEBRUARY 2011

REPORT OF CORPORATE MANAGEMENT TEAM

CABINET DECISION

Housing & Community Safety - Lead Cabinet Member – Councillor Steven Nelson

REVIEW OF CHOICE BASED ALLOCATIONS POLICY

1. Summary

Stockton-on-Tees Borough Council is a member of the Compass Scheme. This is a sub regional Choice Based Lettings (CBL) scheme, which operates social housing lettings throughout the Tees Valley.

In addition to Stockton Borough Council, the Compass partnership is comprised of:

- a) Tristar Homes
- b) Erimus Housing
- c) Middlesbrough Council
- d) Hartlepool Borough Council
- e) Housing Hartlepool
- f) Redcar & Cleveland Borough Council
- g) Coast & Country
- h) Darlington Borough Council

The partnership developed and agreed a common allocations policy which has been in operation since July 2009 and an agreement was made to review the policy after 6 months to ensure that it was relevant in respect of Government guidance and legislation and fit for purpose in respect of delivery and meeting objectives. A sub-regional task group was formed to carry out this review, and a programme developed for reviewing all sections of the policy.

The proposed amendments to the policy were subject to extensive consultation with a wide range of stakeholders and the responses and comments received influenced the final proposals.

2. Recommendations

1. Members approve the proposed amendments to the choice based allocations policy to be introduced from 1st April 2011.

3. Reasons for the Recommendations/Decision(s)

To ensure the sub-regional choice based allocations policy is fit for purpose and relevant.

4. Members' Interests (the text below is fixed and should not be altered by the author, however, extensive guidance on the **Members' Code** of conduct is available to officers if required)

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

**NOT FOR PUBLICATION BY VIRTUE OF
PARAGRAPH(S) ? OF SCHEDULE 12A
LOCAL GOVERNMENT ACT 1972**

AGENDA ITEM

REPORT TO CABINET

17th FEBRUARY 2011

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

REVIEW OF THE COUNCIL'S CHOICE BASED LETTINGS POLICY

SUMMARY

Stockton-on-Tees Borough Council is a member of the Compass Scheme. This is a sub regional Choice Based Lettings (CBL) scheme, which operates social housing lettings throughout the Tees Valley.

In addition to Stockton Borough Council, the Compass partnership is comprised of:

- a) Tristar Homes
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The partnership developed and agreed a common allocations policy which has been in operation since July 2009 and an agreement was made to review the policy after 6 months to ensure that it was relevant in respect of Government guidance and legislation and fit for purpose in respect of delivery and meeting objectives. A sub-regional task group was formed to carry out this review, and a programme developed for reviewing all sections of the policy.

The proposed amendments to the policy were subject to extensive consultation with a wide range of stakeholders and the responses and comments received influenced the final proposals.

RECOMMENDATIONS

1. Members approve the proposed amendments to the choice based allocations policy to be introduced from 1st April 2011.

DETAIL

1. The common sub regional lettings policy for the allocation of social housing across the Tees Valley was introduced in July 2009 and since then senior officers from each of the partner organisations have met regularly to monitor the effectiveness of the new policy; address any operational issues and develop common practices and procedures across the sub region.

2. The Compass partnership agreed to review the policy after it had been in operation for 6 months. This review has been undertaken to take account of new legislation and guidance from Government as well as responding to any areas of concern that have arisen in respect of practical implementation.
3. The proposed policy amendments are detailed in the table below. These have been subject to extensive consultation with a range of stakeholders across the sub region and the consultation responses are provided at paragraphs 4 to 11. A more detailed report on the consultation process and feedback responses is attached at Appendix 1.

Proposed policy amendments

Policy Area	Proposed Amendment
Cumulative Need	Case law recently clarified that 'cumulative need' is not now an essential component for a local authority allocation scheme; cumulative need is defined as compounded multiple housing needs, e.g. where an applicant might be homeless, and might also have a physical disability.
Band 1+	Presently, Band 1+, the highest priority band, is awarded to all household members who are being decanted from regeneration areas, and ranks above all other bands giving an overriding priority for re-housing. The policy review suggested that a fairer system would be for priority band 1+ to be awarded only once per household, to the main householder.
Local connection	Local connection is defined as having an attachment, such as living, working or having close family, in a particular area. The review suggested that the criteria be refined and aligned with homelessness legislation, i.e. that a local connection is established where an applicant has lived in the local authority area for 6 out of the past 12 months or 3 out of the past 5 years, instead of the current 5 years in any previous period.
Persons leaving the Armed Forces	Guidance upon the Housing & Regeneration Act 2008 recommended that any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability, including mental health issues as well as physical issues, sustained as a result of service in the Armed Forces should be given a high priority banding. The review proposed this category be added to Band 1. Further guidance also clarified that, for those leaving the Armed Forces, local connection should also be awarded where an applicant has resided in a local authority area as a result of a former posting in the area while serving in the Armed Forces, in addition to the criteria mentioned at paragraph 7.
Local Lettings Policy	Statutory guidance for local authorities in England on social housing allocations allowed registered social landlords to implement local lettings policies where this is in the interests of achieving sustainable communities. Examples of this might include dealing with concentrations of anti-social behaviour, and/ or creating mixed communities by setting aside a proportion of vacancies for applicants who are in employment.
Property of the Week	The review proposed that the current 'property of the week' feature, which allocates hard to let properties on a first come, first served basis, be removed as the ICT system cannot accommodate this.

Consultation and Outcomes

4. Following the policy review, consultation was carried out with a wide range of stakeholders to inform the final content of the updated policy. The responses and comments received were then combined, and the amendments that were agreed to be included in the revised policy were based on the majority vote for each.
5. Of those who provided feedback to the consultation, 81% of people preferred to dispense with 'cumulative need' and use a date order system for ranking within each band instead.
6. The consultation established that 72% agreed that Band 1+, should only apply to the main householder, and not other household members. However If other household member wanted to submit separate housing applications to the main householder, they would be assessed and awarded a priority on based on their circumstances. Examination of the potential impact of this change has highlighted that of households affected by regeneration schemes, only a handful have chosen to live in separate accommodation when they have been re-housed, and that it is unlikely that demolition activities would be adversely affected.
7. The consultation also established that 82% agreed with the refinement of the local connection criteria to apply only to people who have been living in the area for 6 out of the past 12 months or 3 out of the past 5 years.
8. Feedback to the consultation found that 85% agreed that applicants who require re-housing due to serious injury, medical condition or disability sustained as a result of service in the Armed Forces should be awarded Band 1 priority.
9. Stakeholder feedback showed strong agreement for enabling the ability to implement Local Lettings Policies on certain estates to tackle identified issues such as anti-social behaviour.
10. There was strong agreement also for the 'property of the week' feature to be removed from the policy, as it cannot be facilitated by the current IT system.
11. A number of social housing reform measures have been proposed by the Government, in the recent Communities & Local Government consultation paper, "Local decisions: a fairer future for social housing". A number of key changes are proposed to allocations' frameworks, to ensure they are aligned with local priorities. These include:
 - i. the introduction of fixed term tenancies for new housing association tenants, although certain tenants may be offered longer or tenancies on existing terms if they are transferring;
 - ii. for tenants whose fixed term tenancies are due to end, assistance may be given to enable them to access either private rented or low cost home ownership accommodation;
 - iii. empty properties that are brought back into use may be leased by housing associations and offered as social housing tenancies;
 - iv. applicants to whom a homelessness duty is accepted may be offered short term fixed tenancies within the private rented sector; and,
 - v. social housing waiting lists may be limited only to those who have an urgent or high need for re-housing.

Conclusion

12. It is likely that a future policy review needs to be undertaken to consider the reforms that are agreed following consultation, and how they will be implemented at a local level within the policy framework.

FINANCIAL IMPLICATIONS

13. Amendments to the policy will require the IT system to be upgraded. These costs are not excessive and will be shared between all Compass partners.

LEGAL IMPLICATIONS

14. The policy amendments will ensure that the Council is meeting new legislative and statutory guidance.

RISK ASSESSMENT

15. This review of the allocations policy is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

16. The report supports all strands within the Sustainable Community Strategy

EQUALITIES IMPACT ASSESSMENT

17. The choice based lettings policy is monitored on an ongoing basis to ensure equality and identify and respond to any areas of under representation

CONSULTATION INCLUDING WARD/COUNCILLORS

18. All Ward Councillors have been consulted as part of the extensive consultation exercise across the Tees Valley.

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Education related No

Background Papers

Tees Valley Common Allocations Policy;
Tees Valley Sub Regional CBL Consultation Report;
Allocations of Accommodation: Choice Based Lettings, 2006;
Fair & flexible; statutory guidance on social housing allocations for local authorities in England.
Housing & Regeneration Act 2008.

Ward(s) and Ward Councillors:

All

Property

None