



Meeting: Council

Date: 27 February 2014

Wards Affected: All

Report Title: Review of Torbay's Allocation Policy

Is the decision a key decision? Yes

When does the decision need to be implemented? Between 1 April and 1 Sept

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1. Purpose and Introduction

- 1.1 The Localism Act 2011 introduced changes in relation to both homelessness and allocations, which mean local authorities, are no longer required to keep an open housing register, but, are able to restrict access to their register for social housing. In Torbay we have an average of only 350 – 370 homes available for re-let per year. At least a third of these are Sheltered homes for those aged 55 and over.
- 1.2 The Act enables housing authorities to better manage their housing waiting list by giving them the power to determine which applicants do or do not qualify for an allocation of social housing. Authorities will be able to operate a more focused list which better reflects local circumstances and can be understood more readily by local people. It will also be easier for authorities to manage unrealistic expectations by excluding people who have little or no prospect of being allocated accommodation
- 1.3 In Torbay we are seeing an increasing demand in the use of emergency/temporary accommodation and high cost adult and children's social care intervention services provided by the authority. This combined with the need to achieve significant budget savings, has led the Mayor, Executive Lead and members to request a further review of the Allocations Policy to ensure that we are providing the best opportunities for local residents and making the most appropriate use of our social housing stock. Our approach should reflect local circumstances that are understood by local people.
- 1.4 Recent Statutory Guidance published December 2013 by Department for Communities and Local Government
<https://www.gov.uk/government/publications/allocation-of-accommodation-guidance-for-local-housing-authorities-in-england>

2. Proposed Decision

2.1 That the Devon Home Choice Policy be amended in Torbay from 1st April 2014 as follows:

1. Band E applicants will be removed from the register and only those applicants in Bands A-D will be eligible for social housing in Torbay
2. Applicants who have not bid for 12 months, or turned down three reasonable offers will be removed from the register. This will be applied as of 1st April 2014.
3. A 5 year residency test will be applied as part of the qualification criteria, requiring the applicant (or member of the applicant's household) to have lived within Torbay for 5 years.

In addition other qualification criteria will apply to ensure that applicants who are not currently resident in the district/area but who can demonstrate a strong association to the local area will be able to qualify (e.g. through family association or employment).

This is defined as;

Need to work in Devon. The Local Government Association guidelines define this as employment other than of a casual nature. For the purposes of this policy this will be defined as having had permanent work with a minimum of a 16 hour contract per week for the previous 6 months, and without a break in the period of employment for more than three months.

Have family connections in Devon. The Local Government Association guidelines define this as immediate family members (parents, siblings and nondependent children) who have themselves lived in the area for five years.

To ensure we maintain the protection provided by the statutory reasonable preference criteria and the statutory guidance. **Exceptions to the 5 year residency test will be:**

- Existing Social housing tenants, in Devon. (to promote downsizing)
- Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- People who are assessed as being within the reasonable preference categories – Bands A , B , Emergency and High Housing Need, as per the DHC Policy. (This includes those fleeing violence and Statutorily Homeless)
- Applicants requiring Sheltered Housing (represents 1/3 rd of all annual lets)

4. The allocation policy is amended to enable the Council to prioritise working households in areas of high unemployed households and where there is an evidenced need, via a local lettings plan.
5. The Allocation Policy is amended to state the Council can introduce a Annual Lettings Plan (this will be informed by the monitoring of location, types and length of tenancies over a 12 month period and Transfers)

3. Reason for Decision

- 3.1 To ensure a Housing Options approach to better manage the waiting list and expectations for access to Social Housing in Torbay which is in very limited supply.
- 3.2 A strong and pro-active housing options approach brings several benefits: people are offered support to access the housing solution which best meets their needs (which might be private rented housing, low cost home ownership or help to stay put); expectations about accessing social housing are properly managed; and social housing is focused on those who need it most. A lower waiting list can also be a by-product.
- 3.3 To ensure that social housing in Torbay goes to people who genuinely need and deserve them.
- 3.4 To create more balanced and sustainable communities that are less benefit dependent.

Supporting Information

4. Position

- 4.1 The recommendations have taken account of the current guidance as follows:

Summary of the statutory guidance

- 1.1 *The guidance encourages local authorities, in deciding who qualifies for social housing, to prioritise applicants who can demonstrate a close association with their local area by adopting a residency requirement as part of their qualification criteria. The Government believes that a reasonable period of residency would be at least two years (e.g. that only households who had lived in that area for at least 2 years could join the housing register).*
- 1.2 *For areas like Devon where local authorities share a common allocation policy with their neighbours, the guidance states that local authorities may wish to adopt a broader residency test which would be met if an applicant lives in any of the partners' districts (e.g. the whole of Devon rather than an individual district). It is suggested in the guidance that such an approach might be particularly appropriate where an established housing market area spans a number of local authority districts, and could therefore help promote labour mobility within a wider geographical area.*
- 1.3 *Alongside a residency requirement, the guidance suggests that local authorities may want to adopt other qualification criteria to ensure that applicants who are not currently resident in the district/ area but who can still demonstrate a strong*

association to the local area are able to qualify (e.g. through family association or employment).

- 1.4 *The guidance makes it clear that local authorities cannot apply a local connection test to prevent members of the armed forces (who have served within the last 5 years) or their bereaved partners from joining the housing register.*
- 1.5 *The guidance also suggests that local authorities may wish to consider whether there should be other exceptions to any residency/ local connection requirement. A number of examples are provided:*
- *People who need to move away from another area, to escape violence or harm*
 - *Those who need to return, such as homeless families and care leavers whom the authority have housed outside their district, and*
 - *Those who need support to rehabilitate and integrate back into the community.*
- 1.6 *In addition, the guidance states that there may be sound policy reasons not to apply a residency test to existing social tenants seeking to move between local authorities, as it may help tenants to downsize. It is worth noting that the Government use the guidance to highlight their intention to introduce a Right to Move for social tenants seeking to move to take up a job or be closer to their work, whether within the local authority district or across local authority boundaries (which will go out for consultation in spring 2014).*

4.2 Torbay's register data that has informed the recommendations

As of October 2013, there were a total of **3101** households on the Torbay Housing Register. It has been proposed that those in band E, i.e. clients assessed as having no housing needs, and those who have not bid for a home within 12 months are removed from the register.

554 households across bands A to D have never bid, or not bid within the year and there are **1519** on band E. However, 755 people in band E have also not bid.

The consequence of applying this new criteria will be that a total of **2073** households will be removed from the Housing Register, with 1028 remaining, approximately one third of the original total.

The table overleaf shows the over 55's currently on the register (this data has been used to identify those applicants requiring sheltered housing.)

Banding	1 bed need	2 bed need	Total
A	1	0	1
B	97	11	108
C	88	15	103
D	98	4	102
E	341	6	347
Total	625	36	661

Devon Home Choice Policy v3.5 1.10.2013

<http://www.devonhomechoice.com/NovaWeb/Infrastructure/ViewLibraryDocument.aspx?ObjectID=2052>

4.3 **For further detailed analysis of those applicants most affected by the recommendations** - Refer to Appendix 1 Analysis of Households affected

5. Possibilities and Options

5.1 Torbay is the first Local Authority within Devon to introduce a Residency Test; the Devon Home Choice Management board may take a view that this is too great a local flexibility for the Common agreement/ policy in place between all partners and request Torbay to leave the Partnership Arrangement. Torbay would then be required to fund and provide its own allocations Policy and system/ process.

6. Fair Decision Making

6.1 All applicants in Band E were contacted by letter and a further random selection of 300 applicants across Bands A – D. Partners were contacted and the online questionnaire publicised on the website. Only a total of 48 responses were received, following a 6 week consultation period. The consultation results show that there is public support to implement the majority of changes suggested to the allocation policy. Changes to the recommendations have been made to take account of specific concerns.

6.2 The main implications of each proposal can be summarised as follows:

Proposal	Implications	Mitigation
Removing Band E from the Register	Only those with an established housing need in terms of the policy would be able to register for social housing. There were 1,519	All applicants to be contacted and offered advice and assistance on other housing options including registering with South West homes

	households on the register as of 1 October 2013 with no housing need.	/private rented accommodation/shared equity.
Removing applicants who have not bid for 12 months, or turned down three reasonable offers. This will be applied as of 1 st April 2014.	For some assessed housing need a suitable property may not be available within a 12 month period. It is common practice for people purchasing homes to view multiple homes without penalty, so why should applicants be treated any differently.	Any applicant has the right to a review of the decision to remove them from the register. This gives a realistic message about the limited choice, available within the Social housing stock in Torbay.
A 5 year residency test will be applied as part of the qualification criteria	The Torbay register is no longer an open register, and people who do not meet the new qualifying criteria will be restricted from joining the Register	The additional qualifying criteria and exceptions proposed will enable a range of people to register to meet the types of lets available. It will also ensure that the LA is able to support movement within the stock and keep to a minimum the use of Temporary Accommodation.
Introduction of a Annual Lettings Plan	If felt desirable, the Lettings Plan for new developments and identified specific areas can be used to achieve a distribution of the most desirable properties across the priority bands (thereby ensuring that there is an appropriate movement of households across the Housing Register and a sustainable mix of household incomes). In addition, the Lettings Plan can set an agreed target for lettings to transfer cases to ensure that there is appropriate movement within the stock	

6.3 Please refer to Appendix 2 Consultation feedback summary report

7. Public Services (Social Value) Act 2012

7.1 Not applicable

8. Risks

8.1 Torbay Council does not own any properties; it can only use its Allocation Policy for lettings to properties where a nomination right exists. The level of nominations will be

different for each Registered Provider , the changes proposed will restrict applicants from across Devon registering in Torbay, whereas many of the Registered Providers have properties across Devon and they may take the view that they no longer wish to be part of Devon Home Choice as not all applicants on the Devon Home choice register will be able to bid for Torbay properties, and they may consider running a separate register for those properties that fall outside of any nomination agreements. If this happens there is a potential cost for Torbay to provide a system for allocations via our own policy. This cost is currently covered by the Landlords within Devon Home choice at a cost of £30 per property advertised for let.

- 8.2 With the implementation of the Benefit cap and Bedroom tax, early indications from the Registered Providers and the Housing Options Service show an increase in stock turn over and void times, together with an increased demand for smaller 1/ 2 Bed properties. We will need to monitor this data on an annual basis with our partners (Annual Lettings plan) to inform any specific future lettings plans and development requirements.

Appendices

- Appendix 1 Analysis of the Housing register (affected Households)
- Appendix 2. Consultation feedback summary
- Appendix 3 Equality Impact Assessment