

---

**Meeting:** Social Care, Health and Housing Overview and Scrutiny Committee

**Date:** 12<sup>th</sup> May 2014

**Subject:** Housing Allocations Policy

**Report of:** Cllr Carole Hegley, Executive Member for Social Care, Health and Housing

**Summary:** The report proposes that the Council adopt the proposed Housing Allocations Policy to ensure that social housing in Central Bedfordshire is allocated on a fair and transparent basis.

---

**Advising Officer:** Julie Ogley, Director of Social Care, Health and Housing

**Contact Officer:** Tony Keaveney – Assistant Director Housing Services

**Public/Exempt:** Public

**Wards Affected:** All

**Function of:** Council

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

The Housing Allocations Policy supports the following Council priorities :

- Enhancing Central Bedfordshire – creating jobs, managing growth, protecting our countryside and enabling businesses to grow.
- Promote health and wellbeing and protecting the vulnerable.
- Value for money – freezing council tax.

### **Financial:**

1. The cost of implementing the changes proposed by the Housing Allocations Policy are incorporated within the approved revenue budget.
2. It is anticipated that a restricted register and an online application process will provide greater value for money, enabling resources to be moved from processing applications to assisting people into successful and sustainable tenancies. There are General Fund efficiency savings which have been identified within the Council's efficiency programme.

### **Legal:**

3. The Council has a statutory duty to have a Housing Allocations Policy and to ensure that social housing is allocated in accordance with this policy.

4. Historically, the allocation of social housing is an area of service provision which is contested, where there is significant case law to which officers and policy makers must have regard. The Localism Act has essentially created new freedoms for local authorities, enabling local authorities to determine the basis on which to allocate social housing in a way that is much less prescribed in legal terms, than has been previously. Currently, the new freedoms are untested in law.

There is a statutory Code of Guidance, to which officers have had close regard in developing the Housing Allocations Policy. Also, legal advice has been obtained, to consider the Policy from the perspective of changes introduced by the Localism Act 2011 to the Housing Act 1996 and under the Equality Act 2010. The Allocations Policy is being drafted to comply with relevant legislation. The main legal implications relate to the equalities implications and these are considered within this report, including the mitigations and actions necessary to ensure the Council is fulfilling its Duty to promote Equality.

5. There is risk of legal challenge in all areas of service provision and in particular in those areas where the resource is scarce and priority is being determined between competing needs. The Allocations Policy has been developed with mitigations to reduce the risk of legal challenge, whilst also exploiting to the fullest extent, the new freedoms afforded by the Localism Act. For example, the proposal to prioritise working people over non working people is an area that could legally be challenged. Yet a main aim of the Policy is to incentivise employment.

#### **Risk Management:**

6. The Housing Allocations Policy helps to mitigate the following risks:
  - Failure to deliver the Council's priorities, Medium Term Plan, and the Housing Strategy 2011-15
  - Failure to make adequate provision for the accommodation needs of older people in Central Bedfordshire.

#### **Staffing (including Trades Unions):**

7. Not Applicable

#### **Equalities/Human Rights:**

8. Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. National and local research indicates that there is a shortage of appropriate and affordable housing for older people. The approval of the Allocations Policy will play an important role in helping to improve outcomes for CBC tenants and members of the community in housing need. The policy includes a number of positive provisions for vulnerable groups.

9. A full Equalities Impact Assessment has been completed and is provided at Appendix 3. The assessment has highlighted some potential adverse impacts relating to the employment and residency criteria. These issues are considered in further detail in the main body of the report along with some proposed mitigating actions.
10. The policy will be closely monitored during the early stages of implementation to check that the process is operating as fairly as possible, and that no individuals are being indirectly discriminated against. Consideration has been given to the legal implications of the key issues identified through the EIA .

#### **Public Health**

11. Good housing has a positive impact on public health and education.

#### **Community Safety:**

12. The Allocations Policy proposes that individuals who would make unsuitable tenants based on former evidenced behaviour are not eligible to join the Housing Register, which will enhance the safety, security and well being of the community.

#### **Sustainability:**

13. The Allocations Policy contributes to creating sustainable communities. In particular, the Housing Allocations Policy seeks to more clearly define the social purpose of the social housing system, locally. Specifically, the Policy aims to incentivise employment to support local communities and also promotes the best use of stock, as a means to ensure that local housing need is being met. The Policy provides a safety net to vulnerable people and introduces new local connection criteria, which should result in more accommodation being available to people currently living in or connected with Central Bedfordshire. Significantly, the Allocations Policy does not include cross border mobility as a main feature of the Allocations Scheme, which is a significant break with the scheme that was introduced in 2009. The changes proposed, when taken all together, will contribute significantly towards the sustainability of local communities.

#### **Procurement:**

14. Not applicable.

#### **RECOMMENDATION(S):**

##### **Committee is asked to:**

1. **Consider the feedback received as a result of the public consultation on the draft Housing Allocations Policy, having regard to the key aims of the proposed Housing Allocations Policy.**
2. **Consider the Housing Allocations Policy (appendix 1), with particular regard to the Council's duty to promote Equality and provide comment to the Executive.**

## **BACKGROUND**

15. The Council has embarked upon an ambitious programme of housing reform, driven largely through the opportunities presented by the Localism Act 2011. Following Member seminars held in August 2012, June 2013 and subsequently, the work of a member Task and Finish group, a local Housing Green paper was developed, setting out the direction of travel and broad aims. The local Green paper's vision for Housing in Central Bedfordshire includes: Social mobility will be supported with a range of products which will open up home ownership and 'affordable' renting to a greater number of households, helping people onto the 'housing ladder'.

The local housing market will offer a good choice of locations, property and tenure types to older people.

- Well-managed, good quality social housing will be used to provide a strong safety net to those who are vulnerable.
  - Social housing will be allocated fairly, and used to support people's working lives.
  - Social landlords will support their tenants to make the most of their tenancy as a springboard into work and financial stability.
16. The Localism Act 2011 introduced changes in legislation which gives Local Housing Authorities greater freedom and flexibility in determining who can apply for social housing. The Housing Allocations Policy governs who can apply to join the housing register, the size of the property for which a person can apply and the priority given to housing applications. The Council has a statutory duty to ensure that social housing is allocated in accordance with the Council's Allocations Policy. The allocation of social housing is administered through a Choice Based Lettings Scheme.
17. The development of a new fit for purpose Allocations Policy is a key step within the scope of the local Housing Green paper. The proposals that have emerged have fully exploited the new freedoms associated with the Localism Act. The Housing Allocations Policy prescribes how a resource (circa 1000 social lettings per annum) should be used. The policy determines who should benefit from those lettings. Therefore, the Housing Allocations Policy is defining of the "social purpose" of the local social housing resource. The Housing Service undertook an evidence based review of the current Policy, which resulted in a number of significant proposals. The following data influenced the development of the new policy
- During the year years 2011-14, there were circa 2,956 social lettings in Central Bedfordshire, consistently around 1000 lettings per annum. This is a relatively good supply of accommodation and the average waiting time, for those households who are re-housed is typically 35 to 40 weeks. The local system is not under stress.
  - In early 2013, at least 20% of CBC's general needs housing stock was under occupied by one bedroom or more. This has been reducing due mainly to welfare reform and moves/transfers that the Council has enabled. However, the indication is a resource that is not being fully utilised.
  - There are around 3000 households on the housing register, but a relatively small proportion are actively bidding for available properties. Inevitably, 'bidding activity' is related to what properties are available locally
  - 70% of new social housing tenants in the CBC area are not in work or economically active. The figure is noticeably higher in the south of Central

Bedfordshire, than the north.

- On average 49 new applications for Housing are received each week, but only a relatively small proportion of these applicants are in 'housing need' or likely to be re-housed
- Across Central Bedfordshire, it is estimated that at least 1500 older persons households living in social housing are under occupying their home
- 18. The Localism Act gives Councils the freedom to not register applications from households who have no housing need. The new policy proposes that applicants who do not fall into one of the reasonable preference groups (that essentially define what constitutes "housing need") are not registered for rehousing. The reasons for this approach are:
  - Registering applicants with no housing need raises expectations
  - Applicants on the housing register continue to make contact with the council, even though they are told to explore other housing options. This increases the workload of the service
  - There is an on-going cost to managing the housing register in terms of customer contact and re-registration. By removing those households who are not in housing need, the cost of managing the Register will be reduced. This has been factored into planned efficiency savings.

18. In making this change, the Council is able to focus on using the supply of social housing in meeting the needs of people to whom the Council has a statutory responsibility and is required to give reasonable preference. Cross border mobility was a main feature of the Allocations Scheme introduced in 2009, in an approach developed jointly with Luton Borough and Bedford Borough Councils. In developing the new Policy, consideration was given to whether that feature of the existing scheme had benefited Central Bedfordshire residents and achieved its policy aim, which was to promote social mobility. The review of the Policy demonstrated there was no discernible benefit and for this reason, it is not proposed to include cross border mobility as a main feature of the Allocations Policy. Instead, specific criteria have been introduced to strengthen the requirement for a local connection to Central Bedfordshire, so as to make best use of the social housing resource, to benefit residents of Central Bedfordshire who are in housing need.

## **WHOLE SYSTEM CHANGE**

19. Central Bedfordshire is an area of significant housing need. Currently, there are circa 3,300 households on the register. Of these, approximately 45% of households registered have no housing need (because they are currently living in suitable accommodation), although clearly they have a wish to move.

Those registered as being in high/urgent housing need is typically around 6% of the Housing Register, currently 198 households. The remaining 49% of registered households are in housing need, to varying extent, including low, medium and relatively high needs. While those in the higher bands have a reasonable chance of being housed, many of those in the lower bands are unlikely to be ever be re-housed.

The effective operation of the social housing system locally is a key consideration, for the Council and Housing Association partners. The proposed changes will introduce essentially a hybrid system that plays to the strengths of a Choice Based Lettings (CBL) system and also the benefits of direct intervention (i.e. Transfers and direct lets). Currently, the local system is strongly weighted to being solely a CBL scheme, which has advantages around transparency and customer access. But

CBL is disadvantaged in that “only one need is met” (by a let), whereas transfers can create “chains of moves”, thereby meeting multiple needs. The evolution of the Allocations Scheme will take time, to be guided by an Annual Lettings Plan (ALP). This is described at page 7 and 49 of the Housing Allocations Policy.

- i. 20. The Annual Lettings Plan will be used to determine how the predictable resource of lettings (approximately 1000 per annum) will be used. The purpose of the ALP is to “make best use of stock”. It is envisaged that approximately 2/3rds of lets will continue to be let through CBL, whilst about 1/3<sup>rd</sup> of lets will be used on the basis of direct lets, transfers and quota. During 2013/14, the use of direct lettings have been an important approach that has enabled the Housing Service to respond effectively to welfare reform, by enabling households to move to accommodation they are able to afford. The ALP will stipulate quota to be used to meet specified needs, for example children leaving care, or mental health needs, or to support Foster Carers.

## **AIMS OF THE POLICY**

21. The draft Allocations Policy aims to be simple, transparent and fair in its application, and to make the best use of social housing provision. The key objectives of the draft Allocations Policy are to:

- I. Help applicants in housing need to find suitable housing.
- II. Provide housing applicants in Central Bedfordshire with a fair and transparent system.
- III. Provide an incentive for applicants to seek employment.
- IV. Create a simpler system – by reducing the number of bands used to distinguish or differentiate need. Date order of application will determine the priority of those households in housing need, except for those with an urgent need to move.
- V. Make efficient and best use of social housing stock in the area.
- VI. Encourage applicants to take a measured and long-term view on housing options and to take responsibility for planning their own housing provision.
- VII. Supporting older people to live close to established networks

22. More specifically the policy seeks to achieve the following outcomes:

- Encouraging applicants who are out of work to seek employment.
- Balancing reasonable preference with local priorities.
- Providing support for low paid workers in the private sector.
- Practical help for those threatened with homelessness.
- Supporting households who work locally.
- Offering choice.

23. In strategic terms, the rationale for change is to ensure that the available resource (circa 100 lets pa) does have a social purpose, within a social housing system and that best use is made of that resource. More fundamentally (as far as can be achieved), that customers do benefit from the provision of a home at relatively low cost to improve their life chances, mainly through help to access to employment.

24. The Localism Act 2011 introduced new freedoms and flexibilities in a number of areas including the allocation of social housing. A new statutory code of guidance has also been issued. Councils can now choose to restrict the waiting list for social housing if they so wish and can define local priorities for social housing as long as ‘reasonable preference’ is given to those set out in the new section 166A of the Housing Act 1996 as inserted by the Localism Act 2011. These are:

- Applicants who are homeless including those who are intentionally homeless and

- not in priority need
  - Applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
  - Applicants who need to move on medical or welfare grounds, including grounds relating to disability
  - Applicants who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others).
25. The Localism Act gives the freedom to not register applications from households who have no housing need. The new policy proposes that applicants who do not fall into one of the reasonable preference groups are not registered for rehousing. Currently, this would be circa 1500 households. The reasons for this approach are:
- Applicants with no housing need stand very little chance of being re-housed and to register them on the list creates a false expectation of social housing being available to them.
  - Social housing is a scarce resource and should only be available to those in housing need.
  - Restricting access to the list provides clarity of the role of social housing within Central Bedfordshire; it changes the expectation that social housing is available to those without a housing need and at the same time protects the most vulnerable in the borough.
  - There is a significant workload in managing and administering a waiting list; reducing the size of the list to include only those most in need of housing, would reduce costs and enable resources to be targeted to provide assistance to those not in housing need to secure an alternative housing solution.
26. In taking the approach outlined above, the Council is able to focus on using the supply of social housing in meeting the needs of people to whom the Council is required to give reasonable preference, alongside meeting local priorities.
27. There are a number of significant changes within the draft Allocations Policy in relation to who qualifies to join the housing register, priority given within the register and a reduction in the number of bands. These key changes are summarised below.
1. People with no housing need will no longer be eligible to join the housing register.
  2. People without a local connection will no longer be eligible to join the housing register. A local connection is defined as having lived continuously in Central Bedfordshire for three years, or being employed in Central Bedfordshire for six months.
  3. People with an income sufficient to buy their own home or rent a home privately will no longer be eligible to join the housing register.
  4. People with assets over £23,250 will no longer be eligible to join the housing register.
  5. The banding system will comprise of two bands: one for very urgent housing needs, and one for all other applicants. This is a reduction from the current position of four bands.
  6. Working households are prioritised for properties over non-working households.
  7. People who are considered to be unsuitable tenants are not eligible to join the housing register. Unsuitable tenants may include people who have a

poor tenancy history, those who have rent arrears, and those who have been violent, abusive or threatening in their behaviour.

8. Low paid workers living in privately rented accommodation will be considered to be in housing need and eligible to join the housing register.
9. Introduction of an Older Person's Housing Register for applicants over the age of 50.
10. Older people living in close proximity to a property being advertised, that is designated as being for the use of older people, will have priority for the property over a person who has the same level of need. The proposal is that this feature should apply within 2 miles of an advertised property.
11. Introduction of quotas for certain needs groups these will be determined as part of the Annual Lettings Plan.

## **OPERATIONAL CHANGES**

- 28 The Housing Service intends to introduce online housing applications (to the Housing Register) and will no longer process paper based application forms. The critical tool for this will be a self assessment tool that will assess a home seekers eligibility for inclusion on the register based on information submitted by the customer.
- 29 In accordance with recent indirect discrimination case law relating to on-line submissions, vulnerable applicants will be assisted to complete this assessment. If a home seeker does not attract reasonable preference, he or she will be diverted via the self assessment tool to an interactive housing options calculator which will identify the most realistic and suitable housing option for that household based on real time information provided by the customer.
- 30 In developing an approach to on line self assessment and on line registration package, the Housing Service will introduce a means to capture information about where households prefer to live and what type of properties they want to live in. This information will be used to plan for the development of new affordable housing in locations where people want to and can afford to live.
- 31 It is intended that the changes introduced by this Policy will use Council resources more effectively and efficiently, by moving staff resources from processing to meaningfully helping customers into successful and sustainable tenancies. This efficiency saving is established within the Council's efficiency programme, now being reflected in a comprehensive restructure of the Housing Service, that has created a Housing Solutions team, as an amalgamated Housing Needs/Private Sector service.

## **CONSULTATION**

- 32 Extensive consultation was undertaken in the development of the proposed Allocations Policy, with applicants, tenants, stakeholders and staff. A number of workshops were held, which included a stakeholder workshop; a series of staff focus groups; and face-to-face consultation with people living in temporary accommodation, and attendees of job clubs. Alongside this a detailed written consultation exercise was undertaken.
- 33 The formal consultation was managed via a formal consultation document. This document was available in paper format: downloadable from the Council's website, and obtainable by telephoning or writing to the Council. This process was managed by the Customer Engagement and Partnerships team.
- 34 Households currently in bands C and D on the existing Housing Register; who are



likely to be impacted by the proposed changes; were written to as part of the consultation. They were notified of the proposed changes and invited to respond to the consultation.

35 Alongside applicants, Stakeholders, Partners, Central Bedfordshire Council employees and Elected Members were informed of the consultation. Awareness of the consultation was raised through the use of social media and press releases.

36 In response to the written consultation 102 individuals responded, this equates to a return rate of 6.8%. Of these respondents; 25% were housing register applicants; 16% were Housing Association tenants; 6% were from Town or Parish Councils; 10% were professionals; 16% were recorded as other and 17% did not include this information. 29% of respondents were male and 67% female, 45% were aged over 55 years and 19% stated that they had a disability.

37 The key findings from the written consultation are summarised below, the full response to the Consultation can be found in appendix 2.

#### I. Housing Needs

57% of respondents agreed that people with no housing need should be stopped from joining the housing register. Those that did not agree (39%) cited issues in relation to affordability and that the draft policy fails to consider all circumstances.

#### II. Local Connection

67% of respondents agreed with the proposal that only people who had lived continuously in Central Bedfordshire for three years should be allowed to join the register, whilst 30% were opposed to the proposal. Feedback included that three years was too long a period and that individual circumstances should be considered including reasons such as fleeing domestic abuse and moving closer to an elderly relative.

60% of respondents who agreed with the local connection proposal felt that three years was the right period of time in which to establish a local connection. Of the respondents who did not agree with the three-year proposal, half of them felt that five years was a more appropriate length of time.

67% of respondents agreed with the proposal that a Local Connection could be established by having been employed in Central Bedfordshire for six months.

#### III. Affordability

70% of respondents agreed with the proposal that people with sufficient income to buy their own home or to rent privately should not be able to join the register. Of those 75% considered the income thresholds to be fair.

59% of respondents agreed with the proposal that households with savings or assets over £23,250 should not be able to join the register.

#### IV. Banding

61% of respondents agreed with the proposal to move to two bands: one for very urgent housing need cases; and one for all other applicants. For those that did not agree concern was expressed that this system may be too restrictive,

and that the second band would be a very large group with varying levels of housing need.

#### V. Employment Priority

66% of respondents agreed with the proposal that working households are prioritised over non-working households. Concern from individuals who did not support this proposal included the difficulty in accessing employment in the current economic climate.

#### VI. Unsuitable Tenants

80% of respondents agreed with the proposal to exclude unsuitable tenants from the housing register. Of those that did not agree with this proposal concerns were raised about where excluded people would go.

#### VII. Low Paid Workers

85% of respondents agreed with the proposal that low paid workers living in privately rented accommodation should be allowed to join the register.

#### VIII. Older Persons Accommodation

12% of respondents agreed that older people with no demonstrable housing need should be able to bid for vacant older people's accommodation where these properties attract no interest/bids. 85% of respondents did not answer this question.

38. Consultation feedback from the workshops and focus groups included:
- Support for restricting the Housing Register to those households in housing need.
  - Overall support for a simplified banding system.
  - Overall support for the quota system.
  - Concern about the ability to allocate social housing stock if the register is restricted.
  - Concern that debt that has arisen due to bedroom subsidy would be held against applicants.
  - Concern regarding the lack of employment opportunities and support to access work.
  - Concern about the ability to access an online only system for vulnerable households.
39. The views of each specific group are detailed below:
- I. Stakeholder Workshop, including Registered Providers. Support for the Policy was expressed especially in relation to the aims around employment, and resources and a simpler more transparent system. Concern was raised in relation to online access.
  - II. Child Poverty Group held on 10<sup>th</sup> September 2013. Support for the principles of the policy were expressed, with some concern articulated in relation to barriers in accessing employment and addressing debt.
  - III. STAG Tenant Engagement Group held on 28<sup>th</sup> August 2013, attended by 24 residents. Support for the exclusion section and income section was given, but some concern expressed in relation to employment opportunities.
  - IV. Way Forward Panel attended by 5 members and Council Employees.

Suggested including voluntary work within the employment section and expressed support for excluding bad behaviour and the priority given to ex-service personnel.

- V. Focus group with Bedford Court Residents attended by 8 residents. A range of views were expressed, with overall support for the new Policy.
  - VI. Face to face consultation with attendees at job clubs
  - VII. Series of workshops with Housing Service staff
40. In light of the consultation responses, the Council has drafted a proposed Housing Allocations policy which fully exploits the new freedoms of the Localism Act, yet also responds to the feedback received from consultation. Whilst there are no fundamental changes to the proposed Policy as a result of consultation, the contribution from local residents and stakeholders has been valuable.

There are many comments that will directly inform the implementation plan and be incorporated within Operating Procedures. In addition, many of the comments have helped to resolved potential problems, or have influenced the Policy in many, many small ways, all of them helpful to ensure that the Policy, when implemented in the autumn of 2014, achieves its key aims. In particular, the comments received will inform the Communications Plan being developed and should ensure that the changes to customer pathway, as well the significant changes that are likely in terms of customer expectation, can be managed effectively. The Policy does introduce significant changes, which should not be under-estimated in terms of –

- The Policy itself, e.g. prioritising people in work over those who are not working
- On line assessment/registration, with support in place for vulnerable people
- Moving to a hybrid system, that combines both Choice Based Lettings approach and a significant proportion of direct lettings, through an Annual Lettings Plan
- Significant changes to the customer pathway and changes also, in terms of customer expectations

## **EQUALITIES IMPLICATIONS**

41. A full Equality Analysis has been carried out for this policy, and can be found in appendix 3. The draft policy includes a number of positive provisions for vulnerable groups for example in relation to disability, domestic violence, carers, looked after children, foster carers, helping people escape the bedroom tax, helping low paid workers who may have families and be living in poverty.
42. The Council may choose to make a percentage of annual lets available to certain groups of applicants, via quota schemes. Where this is the case, these will be set out in an Annual Lettings Plan. Groups likely to be subject to a quota include:
- Clients with mental health issues, but ready to move on from supported housing schemes
  - Clients with learning disabilities, but ready to move on from supported housing schemes
  - Others to be identified as part of consultation with partner agencies

## **Employment**

43. The EIA has highlighted a number of issues in relation to employment. Encouraging housing applicants that are out of work, to seek work is a key aim of the Allocations Scheme.
44. To facilitate this, applicants who are working will be given priority for vacancies above applicants who are not working. Applicants who are not in work, will be given advice and practical assistance in finding work from the housing options team and by other key agencies in order to give them better prospects of re-housing via the Housing Register.
45. The findings of the Hills Review have highlighted that the employment rates of those living in social housing with particular disadvantages or with multiple disadvantages are substantially lower than those of people with similar disadvantages but living in other tenures. The Hills Review also highlighted evidence that current allocations policies can create concentrations of poverty, which can have a detrimental impact on both community cohesion and sustainability; as such it is a legitimate aim of the Council to provide an incentive for applicants to seek employment.
46. Recognising the barriers that people, such as disabled people, single parents and families with young children, and some people from black and minority ethnic (BME) communities can experience in finding work, the Council's Economic Growth, Skills and Regeneration Team has oversight of a variety of initiatives designed to help people find employment. These initiatives are set out in the All Age Skills Strategy. The Child Poverty Strategy also includes initiatives designed to help people access employment. Housing officers could have a key role to play in helping residents access these opportunities.
47. Legal advice received is that in addition to assessing the effect on persons with protected characteristics, the Council should also record successes of the various access to employment schemes with regard to person's with protected characteristics.
48. The introduction of the employment incentive does not mean that non working people will be unable to access housing. It is estimated that the impact will be that average wait times (for those people in housing need, likely to be re-housed) might increase from 40 weeks, for non working people – to a maximum of 60 weeks, whilst employed people are likely to average a wait of 20-25 weeks. However, this is difficult to predict because no one really knows how people will behave in relation to the new Policy – i.e. how they will bid for available properties. It is foreseeable that working people will, in the main, choose to pick the better properties, in preferred locations. Any number of scenarios can be speculated upon, the important point being to monitor the impact of the Policy, having regard to evidence.
49. The EIA recommends that further consideration is given to the provisions which may have an adverse impact on groups of people that find it much harder to access employment, as this could potentially amount to indirect discrimination. As a result of the EIA the policy extends the employment priority to people who are undertaking training or volunteering. Disabled applicants under retirement age who have been assessed as eligible for Support Element of the Employment Support Allowance due to their permanent disability which prevents them from participating in work related activities, will receive the employment priority.

## **Local Connection**

- 50 Consideration has also been given to the impact of the local connection criteria and whether residency requirements have the potential to indirectly discriminate against BME Groups. The Council's proposed policy defines a person having a "Local Connection" if they must have lived continuously in the Central Bedfordshire area for 3 years at the time of registration and need to remain resident in the area to preserve that registration, or be in contracted employment in the area and have been for a period of at least 6 years. The policy lists exceptions to this. The Code of Guidance recommends that a local connection is established after a minimum period of two years residency. Legal advice received is that there is a risk that the exceptions provided in the policy do not go far enough and that a court might rule that the requirement will have a discriminatory effect
- 51 77% of existing applicants for social housing are White British compared to 89.7 % of the Central Bedfordshire population. This indicates that BME groups currently have good access to the housing register. It is not currently known how this ratio may change under the revised policy but respondents to the consultation have not indicated a concern that BME groups will be unfairly excluded.
- 52 The qualifying criteria that is being proposed relates to three years residency or six months employment. There are also a number of exceptions to the residency criteria. The Council has been advised to include a further exception to cover and extend to persons able to demonstrate strong connection to CBC's area by reference to strong family association – whether by residence or employment and to also include a special circumstances exception which could be referred to the Housing Needs panel for consideration and decision.
- 53 The policy will be closely monitored during the early stages of operation to ensure that the process is operating as fairly as possible, and that no individuals are being indirectly discriminated against. Full legal advice in relation to the equalities issues identified above is available on request.

## **IMPLEMENTATION**

54. The new policy is anticipated to be operational during the Autumn 2014 and there are several issues that are to be resolved, to ensure a successful implementation. A detailed implementation plan (including Communication Plan) will be agreed by partners following adoption of the Policy. An Allocations Policy Implementation group has been established, consisting of representatives from Aragon Housing Association and Housing Service staff. Throughout the development of this Policy this group has worked to identify implementation issues and mitigations. The consultation process has identified many potential issues, which are being resolved. The challenge will be to implement significant change in Policy, concurrent with technological change and changes to the customer pathway and expectations. It is likely that the implementation of change will be a phased, incremental approach.
55. There will also be an internal Procedure Guide, which will be agreed by all the partners and will guide officers in the operation of the Policy.
56. An initial review of the impact of the new Policy should take place 6 months after it becomes fully operational and the Social Care, Health and Housing Scrutiny and Overview Committee will be informed of the outcome of this review.

## **PARTICULAR AREAS FOR THE COMMITTEE TO CONSIDER**

57. There are a number of particular areas of debate which Overview and Scrutiny are asked to reflect on, in order to make recommendations to Executive.
58. The draft Allocations Policy proposes to reduce the Housing Register to two bands, and to restrict the Housing Register to applicants who are in housing need. Applicants with no housing need will not be able to join the Housing Register. The rationale for this approach is detailed in paragraph 25. Households in no housing need will, however, be able to bid for hard to let properties advertised on the 'Available Now' page. The Allocations Policy working group felt that this approach targeted the scarce resource of social housing to those in housing need, whilst at the same time ensuring that the risk of long term void properties was minimised. The Committee are asked to consider this approach.
59. In order to ensure that local homes are available to local people the draft Allocations Policy proposes to only enable households with a local connection to Central Bedfordshire to join the Housing Register. A local connection is defined as having lived continuously in Central Bedfordshire for three years, or being employed in Central Bedfordshire for six months. The outcome of the consultation, whilst in support of this principle, highlighted a range of views as to whether these timescales were too long or short. Having sought a legal opinion, the Council has been advised to include a further exception to cover and extend to persons able to demonstrate a strong connection to the Central Bedfordshire area by reference to strong family association. The Committee is asked to consider these timescales and whether they are of an appropriate length in which to establish a local connection.
60. Encouraging housing applicants that are out of work, to seek work is a key aim of the proposed Policy. To facilitate this, applicants who are working will be given priority for vacancies above applicants who are not working. Applicants who are not in work, will be given advice and practical assistance in finding work from the housing options team and by other key agencies in order to give them better prospects of re-housing via the Housing Register
61. In the National Housing Strategy published in Autumn 2011, the government recommended local authorities to consider giving additional priority for social housing to working households. The Policy aims to support working households and to support wider corporate priorities in terms of the growth of the economy and sustaining employment. Through the consultation process concern was expressed in relation to the difficulty in accessing employment within the current economic climate. The policy proposes that support is provided to households wishing to seek employment and the Council has been advised to monitor the success rates of this support. The Committee is asked to consider this part of the policy.
62. The Social Care Health and Housing Overview and Scrutiny Committee are asked to consider the points outlined above and to make recommendations to Executive. Specifically, the Committee is asked to consider the feedback received as a result of the public consultation on the draft Housing Allocations Policy, having regard to the key aims of the proposed Housing Allocations Policy and the Council's Duty to promote Equality.

## **Appendices:**

Appendix 1 – Housing Allocations Policy

Appendix 2 – Response received during the public consultation.

Appendix 3 – Equality Impact Assessment