

Committee: Housing Board

Agenda Item

Date: 30 June 2015

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Title: Allocations Policy

**Author: Judith Snares – Housing Needs and
Landlord Services Manager Ext 671**

Item for information
only

Summary

1. This report outlines proposed amendments required to the council's Allocations Policy following a change in government policy in relation to social housing tenants having a right to move for reasons of employment.
2. In addition to the proposed amendments to reflect this statutory guidance some further amendments have been proposed to offer clarification on the eligibility criteria and the allocation of properties on rural exception site.

Recommendations

3. That the Housing Board agrees amendments to the Allocations Policy and recommends the adoption of the amended policy to Cabinet.

Financial Implications

4. None

Background Papers

5. None

Published Papers

6. Providing social housing for local people. Statutory Guidance on social housing allocations for local authorities – DCLG December 2013
7. Uttlesford District Council's Allocations Policy
8. The Allocation of Housing (Qualification Criteria for Right to Move) Regulations 2015

Impact

- 9.

| | |
|----------------------------|---|
| Communication/Consultation | Consultation has taken place with members , the public and partners |
| Community Safety | N/A |

| | |
|---------------------------------|--|
| Equalities | The policy has been equality impact assessed |
| Health and Safety | N/A |
| Human Rights/Legal Implications | The new government statutory instrument is mandatory |
| Sustainability | N/A |
| Ward-specific impacts | All wards |
| Workforce/Workplace | N/A |

Situation

1. The Allocations Policy sets out who is eligible to apply for social rented housing in the district, how people apply for such housing and how applications are assessed and awarded priority. The policy was last amended in December 2014 but needs further revision to take account of recent statutory guidance. It has also been reviewed in response to lessons learnt from the first 6 months, including clarification on the eligibility criteria and the allocation of properties on rural exception sites.
2. Following the issue of a new statutory instrument by the government it is necessary to incorporate The Right to Move into the Allocations Policy (See Appendix 3 of the Allocations Scheme). The Right to Move requires the council to remove the local connection criteria from tenants of social housing who live outside of the district but who need to move to Uttlesford either to take up a definite offer of employment or to be able to maintain their existing employment.
3. The new regulation also requires that additional preference be given to such applicants. It is proposed that applicants meeting the strict Right to Move criteria are placed in one Band higher than their housing need. The council is able to restrict the numbers assisted by this regulation to no more than 1% of annual allocations and this has been incorporated into the policy change.
4. Following this new regulation we have also re-considered the council's current eligibility criteria regarding living outside of the district but working within the district as set out in para 5.2.1 iii of the policy.
5. It is proposed to amend the policy to avoid a situation that means that if you live and work in the district you qualify for housing after 3 years but if you live outside of the district but work in Uttlesford you can qualify for housing after 2 years. This criterion, agreed after the previous consultation, was seen as a way of making employment sustainable by allowing an applicant to live nearer their employment. It can however seem unfair to those already working and living within Uttlesford.
6. Two possible remedies are proposed for this. One is that the qualification period for residence and employment within the district are equalised at 3 years or the second option being that employment whether inside or outside of the district means that you qualify to go on the register after 2 years.

7. This second option can be seen as penalising those who are unable to work for whatever reason and ‘rewarding work’ as such was not a principle that was supported when the original consultation process happened, as it was thought that it could be seen as ‘discriminatory’.
8. Following legal guidance it is also necessary to add into the allocations policy the wording on rural exception allocations that has previously sat within Section 106 agreements.
9. The wording for this change has been agreed between the main provider of rural exception site schemes, Hastoe Housing Association and the council’s legal officers (See Appendix 2 of the Allocations Scheme).
10. This amendment to the policy will ensure that rural exception sites can continue to be allocated to those meeting specific rural parish connections
11. The only other amendment to the policy is clarification around the wording of 8.2.4 as to when tenants of flats will be considered for priority for houses of a similar size. When the policy was consulted on it was concurred that tenants who had lived in a flat for more than 2 years and had conducted their current tenancy in a satisfactory manner would have a higher priority. However this wording was omitted in the policy.

Risk Analysis

12.

| Risk | Likelihood | Impact | Mitigating actions |
|--|---|--|--|
| That rural exception site allocations will not be lawful if the detail of how they are allocated does not sit within the Allocation Policy | 3 Significant risk if the amendment is not made | 2 Some Risk. There is a risk of legal challenge on rural exception allocations | By amending the Allocations Policy the allocation of rural exception site properties will be clearly defined and meet all legal requirements |

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.