

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING PANEL
REPORT OF DIRECTOR (HOUSING AND COMMUNITY)
18 SEPTEMBER 2017

HOUSING ALLOCATION POLICY REVIEW

1 Executive Summary

- 1.1 The Council's Housing Allocation Policy sets out the rules for the Council's Housing Needs Register (HNR) and how priority is awarded to households, based on their housing need. The HNR is a list of all applicants looking for affordable, rented and low cost home ownership accommodation in the Welwyn Hatfield Borough. This reflects issues such as overcrowding, health problems and homelessness.
- 1.2 The Council works in partnership with four other Hertfordshire councils (St Albans, Hertsmere, Watford and Three Rivers) to provide a Choice Based Letting (CBL) system, whereby applicants registered on this Council's Housing Needs Register place 'bids' for vacant properties that meet their needs.
- 1.3 The Housing Allocation Policy was reviewed in 2012 in response to changes brought about by the Localism Act 2011, which gave councils greater freedom in the way in which they operate their HNR. After broad consultation, the revised policy was approved by full Council in January 2013.
- 1.4 After a period of review, a report was brought to members in January 2015, setting out proposals for further minor changes to the current Housing Allocations Policy; these were approved for wider public consultation and adopted in October 2015.
- 1.5 The Housing and Planning Act 2016 came into force on 12 May 2016 and introduced numerous changes to housing law and planning law, mainly intended to promote homeownership and boost levels of housebuilding in England. A key element of this was the introduction of a Pay to Stay policy for council tenants.
- 1.6 As a result of this policy, a review of the Council's Housing Allocation Scheme commenced. Whilst the government later amended the Pay to Stay policy, the review was already underway and it was agreed to continue with this as other proposed changes were put forward for consideration.
- 1.7 A report was brought to this panel on 19 April 2017 setting out the proposals for further changes to the current Housing Allocations Policy; they were approved for wider consultation.

- 1.8 The consultation began on 8th May and closed 12 weeks later on 31st July. An email survey was sent to all applicants who we hold email addresses for, all of whom are currently registered on the Housing Needs Register. For those applicants without an email address, a paper copy of the survey was sent by post. We emailed the survey to partner agencies for their comments as well as a link to the survey being added onto the Herts Choice Homes website and finally a 'pop up' was included on the Welwyn Hatfield Borough Council website.

2 Recommendation(s)

- 2.1 Members recommend the proposed changes, as set out in Paragraph 8.5 of this report.

Implications

3 Financial Implication(s)

- 3.1 There are no direct financial implications arising from this report.

4 Link to Corporate Priorities

- 4.1 I confirm that the subject of this report is linked to the Council's Corporate Priority, Meet the Borough's housing needs, and specifically to the achievement of the priority - Making Best Use of our Housing Stock – set out in the council's Housing and Homelessness Strategy 2013 – 2018.
- 4.2 The Under Occupation and Overcrowding Strategy 2015-2018 and the Tenancy Strategy 2013, which both aim to ensure the most effective use of the borough's housing stock, are linked to the Housing Allocation Policy.

5 Legal Implication(s)

- 5.1 Under s.169 of the Housing Act 1996 ('the 1996 Act') Housing Authorities are required to have regard to this section in exercising their functions under Part 6 of the 1996 Act ('Part 6'). Local Authorities are required to devise housing allocations schemes which give "reasonable preference" to certain categories of applicants.
- 5.2 The Localism Act 2011 introduced significant amendments to Part 6, the main objectives being to enable 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.
- 5.3 Housing Authorities must publish a summary of their allocation scheme and when an alteration is made reflecting a major change of policy, an authority must ensure within a reasonable time that those likely to be affected by the change have the effect brought to their attention.

6 Climate Change Implication(s)

- 6.1 There are no Climate Change implications arising directly from this report.

7 Risk Management Implications

- 7.1 The risks related to this proposal are:
- 7.2 Legal and Reputational – It is important to review key policies on a regular basis to ensure that they remain legally compliant and that the impact of policies is consistent with the aims and objectives. The recommendations in this report do not include change required by government regulation.

8 Explanation

- 8.1 The Council's Housing Allocation Policy sets out the rules relating to who can apply to join the Council's HNR and how housing register applications will be managed and prioritised. The HNR includes both existing tenants (transfer applicants) and people who don't currently live in social housing (home seekers). The current scheme has been in place since January 2015 after revisions made to the previous policy which dated back to May 2013.
- 8.2 Housing applicants are placed into bands, depending on their level of priority, resulting from an assessment of their individual circumstances. There are five bands (A to E) with 'A' being for applicants who have the greatest priority and 'D' being for those applicants who have the lowest. Band E is reserved for those with no local connection and/or recognised housing need who are over the age of 60 and are applying for sheltered accommodation.
- 8.3 All the proposed changes aim to ensure that there is greater fairness and transparency in the way in which priority is awarded. In some areas, the proposals seek to better manage expectations of applicants, where the current policy may be raising expectations that cannot be met.
- 8.4 Even though the introduction of Pay to Stay is no longer compulsory, the review gave us the opportunity to consider the way in which we assess applicants' (both new and transferring tenants) financial circumstances. We want to ensure that social housing is allocated to those in the greatest need. If an applicant or tenant has sufficient resources to find alternative housing options, they will not be given priority for allocation of social housing. Whilst there was a procedure in place for assessing this, the teams have reviewed this to ensure that it is sufficiently robust.
- 8.5 A report was brought to Cabinet Housing and Planning Panel on 19 April 2017 which set out the proposed changes and the reasons for these. For ease of reference these are summarised in the Paragraph below and the full proposal in Appendix A.
- a) To no longer allow older home owners on the HNR unless in financial hardship or other exceptional circumstances would warrant this
 - b) To amend the local connection criteria, so that a person establishes a local connection via employment in the district if they have had that employment for up to a minimum of five years
 - c) To not award any priority or bedroom eligibility as a result of a pregnancy, but defer awarding additional priority until the baby is born and birth certificate received

- d) Applicants who have access to children are currently able to bid for 2 bed properties above the 3rd floor, remove this option as it does not result in an allocation
- e) To remove the current priority awarded where someone is living in unsanitary conditions, however to commit to an assessment of homelessness if someone is living in very poor circumstances or their home is potentially insanitary and award any associated priority based on this assessment
- f) To not allow those with current or former tenant arrears on the HNR unless exceptional circumstances exist. If there is a tenancy breach for a current tenant, they should not be allowed to join the HNR (we do have a policy whereby people who are in arrears solely due to the spare room subsidy may be able to move, where they agree to repay that debt as a condition of their new tenancy)
- g) To give tenants living in properties that are to be decommissioned (that is changed from sheltered to general needs usage) the same priority as those moving from general needs housing to sheltered accommodation

8.6 Members approved the recommendation in that report to consult on these changes and the consultation questions, results of the consultation and our response to queries raised are set out in detail at Appendix B.

8.7 The common themes emerging from the consultation were around people's concerns about affordability, appropriately recognising medical needs, ensuring priority is given to women who have twins and/or babies with identified medical needs, help for people experiencing relationship breakdown and concern around the ageing population and there not being enough sheltered accommodation.

8.7 The majority of respondents were in favour of the proposed changes and on that basis we are recommending that the Housing Allocation Policy is revised in line with this.

8.8 In terms of the proposal to extend the length of time applicants have to work in the borough before they can acquire a local connection, the preferred option (48% respondents) was extending this to five years. We recommend the Housing Allocation Policy is amended in line with this.

9 Equality and Diversity

9.1 An Equality Impact Assessment has been carried out. There is a negative impact on age, due to the change proposed to remove older owner occupiers from the HNR. However this will be mitigated by advice about other available housing options and where there is financial hardship and/or exceptional circumstances, applicants will still be able to apply to join the HNR. On this basis it is considered reasonable to make the changes proposed.

9.2 There will be a positive impact on people who are older as a result of the proposal to provide additional priority to tenants who occupy decommissioned properties.

- 9.3 There is a negative impact on people who are pregnant, as it is proposed that the additional priority awarded at the point at which they are six (6) month's pregnant will be removed. However overall it is considered reasonable to prioritise those who have children already, above those who are pregnant and therefore it is considered that this is a justifiable change.
- 9.4 The proposal to prevent applicants who are in breach of their tenancy to join the HNR could have a negative impact on people with a disability, as they may be more likely to have issues in managing their tenancy. However this is mitigated by the pro-active approach to supporting people who are finding it hard to sustain their tenancy due to a disability, including tenancy support and signposting to other support services.

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Date: 1 September 2017

Appendix A - Proposed Amendments to the Housing Allocation Policy

Appendix B – Method and results of the consultation

Appendix A

Proposed Amendments to the Housing Allocation Policy

Aspect of Policy	Current	Proposal	Reasoning	Comments	Stats Available
a) Home Owners accepted onto the HNR	Home Owners over 60 + are accepted onto the HNR in Band E and can bid	No longer allow home owners on the HNR unless in financial hardship	Property prices in this area are high and most will have the financial resource to source other accommodation	12 current or former home owners housed into sheltered accommodation in 2016	Band E Lets Jan-Dec 16
b) Local connection	Employed in the Borough for 12 months (16 hrs. pw on permanent contract)	Extend period of employment up to a minimum of five years	Applicants quite often have no other connection to this area and due to their circumstances, may be highly placed on the HNR	Include as part of consultation whether the period of employment should be for 3, 5 or 7 years	Local connection through work only
c) Consideration of Maternity Certificate (MATB1)	Priority given once MATB1 received for both priority (for example overcrowding) and eligibility for size of property – for example eligibility for a two bedroom, rather than one.	Do not award any priority or bedroom eligibility until baby is born and birth certificate is received	Currently this means priority is given before the baby is born and can mean pregnant women are housed before those with children already born.		This priority currently comes into place once the woman is more than six month's pregnant. If the proposed change is made, it is not be applied in retrospect to anyone who has already been awarded additional priority.
d) Contact with children	Those with contact with children are able to queue for 2 beds above the 3 rd floor	Remove	This policy was put in place when the levels of housing need were less pressing than currently. Therefore, on occasions, higher level flats were less in demand. This is never the case now and the policy raises expectations and never results in an allocation	Off those let, none went to applicants without children	2 beds 3 rd floor

Aspect of Policy	Current	Proposal	Reasoning	Comments	Stats Available
e) Living in unsanitary conditions	If awarded applicants are placed in Band A	Remove as this is ambiguous. Cases like this are so rare and we would refer them to the Private Sector Team for a full assessment of the property. If property uninhabitable, they would be homeless and would be referred to the Housing Advice Team	If condition of property is that bad, can be dealt with through homeless legislation if Temporary Accommodation is needed. If improvements needed, this can be done working with the Private Sector Team.	Only 3 applicants have been placed in this category in 2016	Band A Lets
f) Tenants in breach of their tenancy conditions	Are able to register on HNR and bid. Those with rent arrears are placed in Pending but once arrears are cleared they have an early date in band	Do not allow those with current or former arrears on HNR. If tenancy breach for a current tenant, they should not be allowed to join HNR rather than be in Pending	Once arrears are cleared, the applicant has a significant advantage, based on the length of time they have been on the list, we want to establish a fairer system which better rewards tenants who are maintaining their rent payments	Agreement from Housing Management and Housing Needs	None
g) Decommissioning of Sheltered Housing accommodation where demand is low for this type of accommodation	Not done	Give tenants living in properties that will be decommissioned the same priority as those moving from General Needs to sheltered	To assist in making the rehousing process quicker		

Appendix B

Method	Numbers Consulted	Number of Responses	Percentage
Email to applicants	1932	418	22%
Postal Survey	196	49	25%
Email to partner agencies	31	7	23%
Web link on HCH website	Unknown	65	
Website pop up on Welhat website	Unknown	28	

The results of the consultation are as follows:

Proposal 1:

To no longer accept home owners onto the Housing Needs Register unless they are in financial hardship.

Do you agree with this proposal?

Yes	72.84%
No	17.99%
No opinion	9.17%
Total number of respondents	567

Proposal 2:

Increase the length of time someone needs to be employed in the Borough to gain a local connection and qualify to join the Housing Needs Register

Do you agree with this proposal?

Yes	70.83%
No	19.75%
No opinion	9.42%
Total number of respondents	552

Proposal 2A:

Do you think the limit should be set at three, five or seven years?

Three years	28.23%
Five years	48.02%
Seven years	23.75%
Total number of respondents	379

Proposal 3:

Do not award bedroom eligibility or priority until a child's birth certificate is received

Do you agree with this proposal?

Yes	62.87%
No	23.35%
No opinion	13.79%
Total number of respondents	544

Proposal 4:

No longer allow applicants with access to children to queue for two bedroom family accommodation above the 3rd floor

Do you agree with this proposal?

Yes	62.62%
No	13.64%
No opinion	23.74%
Total number of respondents	535

Proposal 5:

To remove the priority given to applicants who are living in unsanitary conditions

Do you agree with this proposal?

Yes	65.60%
No	19.09%
No opinion	15.31%
Total number of respondents	529

Proposal 6:

Do not allow current tenants who owe us rent or other charges or have breached their tenancy to register on the Housing Needs Register and bid for alternative accommodation

Do you agree with this proposal?

Yes	80.27%
No	12.52%
No opinion	7.21%
Total number of respondents	527

Proposal 7:

Do not allow former tenants who owe us rent or other charges to register on the Housing Needs Register and bid for alternative accommodation

Do you agree with this proposal?

Yes	80.08%
No	11.88%
No opinion	8.05%
Total number of respondents	522

Proposal 8:

We will give high priority (Band B) to council and housing association tenants who live in a sheltered property which is being decommissioned and who express a wish to move.

Yes	73.99%
No	10.79%
No opinion	15.22%
Total number of respondents	519

Summary of Comments Received

Q1. Do you agree that we should not accept home owners onto the Housing Needs Register (HNR)?

Over 100 comments were received from applicants on this question. The main themes were around:

- Affordability and who will assess if someone is in financial hardship.
- A lot of respondents were surprised to hear that this is the current policy.
- Change of circumstances such as relationship breakdown should be considered
- Those with specific medical needs who need a particular type of property should be looked at individually

How we can address these concerns:

We have Senior Officer Panel (SOP) which meets on a fortnightly basis. Part of the remit of SOP is to consider cases which are considered to have exceptional circumstances to see if they can be accepted onto the HNR. The type of cases highlighted above could be considered in this way following an assessment by the Housing Needs Team around the affordability of their property.

Q2A. Do you agree that we should extend the length of time someone has to work in the Borough in order for them to be considered to have a local connection?

Just over 80 comments were received on this question with the main concerns being:

- How can those unable to work due to disability/ill health gain a local connection in the Borough?
- Concerns for applicants who need to move due to fear of violence
- Difficulty for those seeking employment due to lack of jobs available
- Misunderstanding around the other local connection rules such as residency and family connection

How we can address these concerns:

There was a recent case in St Albans where the applicant appealed the decision to not allow them to join the waiting list due to no local connection. The applicant was disabled and unable to work. At the time, we considered if we could be challenged in a similar case. However, as SOP consider exceptional circumstances, it was felt we had provision for this type of case.

If applicants need to move due to fear of violence, they are likely to be dealt with under the homeless legislation which has different local connection rules and in fact, those fleeing violence, can approach any area.

We run one Job Fair a year in July in partnership with Hatfield Job Centre and Youth Connexions. We also run weekly Digital Drop in's in both WGC and Hatfield where people can come and job search. We also offer training courses to help people get jobs. We will provide more detailed information to applicants about local connection rules.

Q2B. Do you think the limit should be set at three, five or seven years or should the current policy should be maintained (12 months)?

Over 40 comments were received for this question with the main concerns being:

- Should there be different rules for those in professions such as nursing?
- Length of time it can take for a person to be able to claim citizenship and should we bring the rules in line with this?

How we can address these concerns:

Other organisations that operate locally (Affinity Sutton, Origin Housing) operate Key worker schemes in this area that applicants can be referred into.

Q3. Do you agree that additional bedroom priority should not be awarded until we receive a copy of the child's birth certificate?

Almost 80 comments were made regarding this proposal. Common themes were:

- Those having multiple births
- Those pregnant with babies with identified medical needs
- Could the priority be backdated to the date of the child's birth rather than the date we receive the birth certificate
- The impact on a new family (mother in particular) of moving with a young baby
- Could this increase the length of time people have to live in temporary accommodation?

How we can address these concerns:

As with all applications we deal with, cases of multiple births or those with identified medical needs can be considered on a case by case basis through Senior Officer Panel. The possible impact on those in temporary accommodation will need to be considered.

However, through the homeless legislation, someone is considered in priority need before the MATB1 is received.

Q4. Do you agree with the proposal to no longer applicants with access to children to queue for two bed accommodation above the third floor?

Over 70 comments were received from respondents with the main themes being:

- There should be a time limit on single people waiting
- The ideal of children having access to a garden
- The difficulty of young children climbing stairs

How we can address these concerns:

With the introduction on the Homeless Reduction Act, the work we do with applicants to prevent their homelessness will become more pro-active. We constantly need to consider and educate applicants on all options available to them such as private rented accommodation as unfortunately the numbers waiting for social housing in Welwyn Hatfield, outweighs the accommodation available.

Q5. Priority Band awarded for applicants living in Unsanitary Conditions

Just over 50 comments were made concerning this proposal with the main concerns being around:

- Landlords having the responsibility to ensure a property is of good standard
- What would happen if the 'unsanitary conditions' were caused by the lifestyle/behaviour of the applicant
- The risk of retaliatory evictions if a tenant complains about the condition of their property

How we can address these concerns:

Try to increase the number of landlords signed up to PAL (Welwyn Hatfield and University of Hertfordshire landlord and property accreditation scheme).

If a tenant has caused the poor conditions, it is likely they would be in breach of their tenancy and be served with a notice to leave the property by their landlord.

The Housing Needs Team work with tenants who are being harassed by their landlord or threatened with illegal or retaliatory eviction.

Q6. Should Current tenants in breach of their tenancy, be allowed to join the Housing Needs Register (HNR)?

70 respondents commented on this proposal. Areas of concern were:

- Those who are in arrears as their current property is unaffordable
- Look at tenants situation individually
- Those in debt due to illness and the need they may have to move to more suitable accommodation

How we can address these concerns:

We are able to refer both tenants and applicants to Citizens Advice for assistance with debts.

Our Specialist Housing Management Team and Home Mover Officer work with tenants looking to move to smaller more affordable accommodation.

As with all cases, any exceptional circumstances can be considered by Senior Officer Panel.

Q7. Should former tenants who owe us rent or other charges, be able to join the Housing Needs Register (HNR)?

- Those in debt due to illness and the need they may have to move to more suitable accommodation
- Fully consider the reasons for the debt and the efforts made by the tenant to repay them

How we can address these concerns:

We are able to refer both tenants and applicants to Citizens Advice for assistance with debts.

As with all cases, any exceptional circumstances can be considered by Senior Officer Panel.

Q8. Should tenants living in properties that are due to be decommissioned, be given Band B priority?

Just over 30 comments were received on this proposal with the main points being:

- Concern around the ageing population and there being enough sheltered accommodation for them in the future
- The impact on residents living in blocks due to be decommissioned

How we can address these concerns:

We recognise we have an ageing population and need to meet the differing needs by offering a range of housing options and support service. We have high number of sheltered housing units with the stock, we are the biggest provider within the county and we are seeking to ensure we have a balance of stock available to our customer, to meet our customers need both for general and sheltered housing

Tenants living in blocks affected by decommissioning would have close contact with their Neighbourhood Housing Officer (NHO). The NHO would assist them in applying to move and bidding on suitable properties should they need it and if they want to move as this will be their choice.