

Report for: Cabinet 6 March 2018

Title: Housing Allocations Policy Update

Report authorised by: Helen Fisher, Interim Strategic Director of Regeneration, Planning and Development

Lead Officer: Alan Benson - Head of Housing Strategy & Commissioning

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key

1. Describe the issue under consideration

1.1 This report outlines the updates required for the Housing Allocations Policy to be compliant with the new Homelessness Reduction Act, which comes into effect in April 2018.

2. Cabinet Member Introduction

- 2.1 Homelessness is a blight on communities and individuals, with significant human and financial costs. It is a problem that affects Haringey particularly severely; with the second highest level of homelessness in the country and growing numbers of rough sleepers. The new Homelessness Strategy sets out our broad strategic vision, objectives and the overarching principles that inform our approach to addressing homelessness in Haringey, as well as summarising the harms and costs to people and communities caused by homelessness and rough sleeping.
- 2.2 These minor amendments to the Allocations Policy are required to ensure that the Council's policies are fully compliant with the new Homelessness Reduction Act and support the delivery of aims set out in the new Homelessness Strategy.

3. Recommendations

It is recommended that Cabinet:

- 3.1 Approves the minor amendments to the Housing Allocations Policy 2015 set out in Appendix 1, to ensure that Reasonable Preference is extended to those who are at the Prevention and Relief stages of an application, as required by the the Homelessness Reduction Act.

4. Reasons for decision

- 4.1 The recommendation in 3.1 is because minor changes to the Housing Allocations Policy are required to ensure that it is compliant with the Homelessness Reduction Act.

5. Alternative options considered

- 5.1 Not to make any amendments to the Housing Allocations Policy. It could be argued that the extension of the Reasonable Preference category under the Homelessness Reduction Act is implicit in the existing wording. However, the amendments proposed make it clear that the Council is fully compliant with the new Homelessness Reduction Act.

6. Background information

- 6.1 The current Housing Allocations Policy was created in 2015 and was last updated by the Cabinet in April 2017. While the Homelessness Reduction Act 2017 does not make any direct changes to the categories of reasonable preference set out in the Housing Act 1996, it does extend the duty owed to those threatened with homelessness, who are in turn entitled to reasonable preference. To clarify the position, the following amendments to the Housing Allocations Policy are proposed (additions are underlined, deletions are struck through)

- 6.2 In Section 14, under the Band C criteria:

- 6.2.1. Amend Category 3 to read:

“Applicants who are homeless or threatened with homelessness but either have not yet had a priority need assessment or have been assessed by the council within the previous 12 months as having no right to rehousing under the homelessness legislation because they are not in priority need.”

- 6.2.2. Amend category 4 to read:

“Applicants who are homeless or threatened with homelessness but have been assessed within the previous 12 months by the council as having no right to rehousing under the homelessness legislation because they are considered to have become homeless intentionally, and have not been resident in settled accommodation.”

- 6.2.3. Renumber existing categories 5-9 to 6-10

- 6.2.4. Add new category 5 reading:

“Applicants who are threatened with homelessness, have been assessed by the council as being owed the duty arising under s195(2) of the Housing Act 1996 (‘the prevention duty’), and the council have not brought that duty to an end””

- 6.3 The proposed changes are marked in the Housing Allocations Policy 2015 (as updated by Cabinet in 2017) and provided at Appendix 1.

7. Contribution to strategic outcomes

- 7.1 This initiative supports the objectives of Priority 5 in the Corporate Plan – Creating homes where people choose to live and are able to thrive. In particular, the Corporate Plan notes, *“We will provide realistic and achievable options for people to find housing or alternative housing.”*
- 7.2 The Allocations Policy supports the delivery of Objective 2 of Haringey’s Housing Strategy 2017-2022 Objective 2 – Improve support and help to prevent homelessness. In particular the amendment delivers on the following stated aim:
- Allocate council tenancies and intermediate tenures in accordance with fair and transparent criteria, both at the commencement and when reviewing the expiry of a fixed term council tenancy

8. Statutory Officers comments

Finance comments

- 8.1 Any financial implications arising from the Homelessness Reduction Act will be reported to Members alongside the established budget monitoring and performance monitoring reports.

Procurement comments

- 8.2 Strategic Procurement notes the contents of this report and the associated documents. Strategic Procurement will provide the required support to assist the council in the delivery of this policy.

Legal comments

- 8.3 The Homelessness Reduction Act 2017 (“the new Act”) imposes upon local housing authorities new “assessment” “prevention” and “relief” duties to those whom the authority is satisfied are eligible and either homeless or threatened with homelessness within 56 days. These duties require authorities to:
- provide personalised written housing assessments including agreed plans setting out the steps that the authority considers it and the applicant should reasonably take to secure accommodation for the applicant (“assessment”)
 - take reasonable steps to help an applicant threatened with homelessness to secure that their accommodation does not cease to be available (“prevention”)
 - take reasonable steps to secure that suitable accommodation becomes available (for at least 6 months) to a homeless applicant (“relief”)
- 8.4 These new duties apply to all those homeless or threatened with homelessness, irrespective of whether they have a priority need; and apply in addition to the existing duties to those who are in priority need.
- 8.5 The new Act also places a duty upon specified public authorities (to be specified by statutory instrument, but expected to include a range including the armed forces, hospitals, prisons and other institutions) to refer those whom they believe

may be homeless or threatened with homelessness, and who agree to be referred, to the local housing authority of the applicant's choice. The draft Code of Guidance issued by the MHCLG recommends that local housing authorities set up procedures to deal with these referrals, including establishing protocols with likely local referrers.

- 8.6 The Council is required by Housing Act 1996 s166A to have a scheme for determining priorities and as to the procedure to be followed in allocating housing accommodation, and to allocate accommodation according to that scheme. The scheme applies (s159) to (i) selection to be a secure or introductory tenancies in its own stock (ii) nomination to be a secure or introductory tenant of another provider's stock and (iii) nomination to an assured tenancy of stock held by a private registered provider or a registered social landlord.
- 8.7 In framing its Scheme, the Council must have regard to its own Homelessness and Tenancy Strategies and to the London Housing Strategy (s166A(12)). The Council must also (s166A) give reasonable preference to certain categories of persons on the Register – in particular those found to be homeless within Part VII of the Housing Act 1996 – and additional preference to others.
- 8.8 Before making a major alteration to its Scheme, the Council is required (s166A(13)) to send a copy of the proposed alteration to every private registered provider and registered social landlord with whom they have nomination arrangements and give them a reasonable opportunity to comment on the proposals. The proposed amendments are not considered to require this procedure.
- 8.9 While there is no statutory requirement to do so, the Council adheres to best practice in consulting its residents on significant changes to its Allocations Scheme, and residents have a legitimate expectation that the Council will continue to do so. The changes proposed are not considered a major alteration so as to require consultation.
- 8.10 The legislative changes driving the proposed changes are outlined in the body of the report.
- 8.11 Cabinet should conscientiously have regard to the outcome of the various consultations carried out, and to the Equalities Impact Assessment annexed.

Equality comments

- 8.12 The council has a public sector equality duty under the Equality Act (2010) to have due regard to; tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation); advance equality of opportunity between people who share those protected characteristics and people who do not; and foster good relations between people who share those characteristics and people who do not.
- 8.13 The potential impact of this minor amendment to the policy has been assessed as part of the overall EQIA of the Homelessness Strategy.

9. Use of Appendices

Appendix 1 Draft amended Housing Allocations Policy 2015 as amended in 2017 (*with HRA compliant revisions marked in underlined italics*)

10. Local Government (Access to Information) Act 1985

Background papers:

Corporate Plan 2015-2018

http://www.haringey.gov.uk/sites/haringeygovuk/files/corporate_plan_2015-18.pdf

Housing Allocations Policy 2015 (as amended 1 May 2017)

http://www.haringey.gov.uk/sites/haringeygovuk/files/haringeys_housing_allocations_policy_2015_amended_1_may_2017_v2.pdf

Housing Strategy 2017-2022

http://www.haringey.gov.uk/sites/haringeygovuk/files/housing_strategy_2017-2022.pdf

Homelessness Strategy 2012-14

http://www.haringey.gov.uk/sites/haringeygovuk/files/homelessness_strategy_2012-14.pdf

Overview and Scrutiny Panel report February 2017 “*Consultation on Four Policies to Meet Housing Need*”

<http://www.minutes.haringey.gov.uk/jelListDocuments.aspx?CIId=128&MIId=8066&Ver=4>