



Mayor and Cabinet

Introduction of a new Housing Allocation Policy

Date: 6 October 2021

Key decision: Yes.

Class: Part 1

Ward(s) affected: All

Contributors: Fenella Beckman, Director of Housing Services

Outline and recommendations

Mayor and Cabinet are asked to approve the implementation of the Allocations Policy at Appendix 1.

Mayor and Cabinet are asked to delegate authority to the Executive Director for Housing, Regeneration and Public Realm to agree the date on which the new policy will take effect.

Timeline of engagement and decision-making

11 November 2020	Proposed changes presented to Mayor and Cabinet, with recommendations to consult
18 November 2020	Proposed changes presented to Housing Select Committee
27 November 2020 – 14 March 2021	Public consultation
7 June 2021	Consultation report presented to Housing Select Committee
16 September 2021	Draft policy presented to Housing Select Committee

1. Summary

- 1.1. This report provides a summary of the process that has been followed to date including the consultation, responses to the consultation and how this has informed drafting of the policy.
- 1.2. It also contains a summary of the key changes that are proposed to the policy.
- 1.3. The proposed Allocations Policy is included as Appendix 1.

2. Recommendations

- 2.1. Mayor and Cabinet are asked to approve the implementation of the Allocations Policy at Appendix 1.
- 2.2. Mayor and Cabinet are asked to delegate authority to the Executive Director for Housing, Regeneration and Public Realm to agree the date on which the new policy will take effect.

3. Policy Context

- 3.1. Section 166a of the Housing Act 1996 requires local housing authorities to have a policy in place for determining priorities and procedures to be followed in allocating housing.
- 3.2. The Allocation Policy must set out the Council's policies relating to the allocation of social housing and the procedures and processes used by officers to implement those policies.
- 3.3. Priority for accommodation must be given to the groups who fall within the statutory reasonable preference categories, namely:
 - 3.3.1. people who are homeless (within the meaning of Part 7 of the Housing Act 1996)
 - 3.3.2. people who are owed a duty by a local housing authority
 - 3.3.3. people occupying insanitary or overcrowded housing, or otherwise living in unsatisfactory housing conditions
 - 3.3.4. people who need to move on medical or welfare grounds
 - 3.3.5. people who need to move to a particular locality in the district of the authority, where

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failure to meet that need would cause hardship (to themselves or to others) .

- 3.4. The latest Allocation Policy was published in April 2017.
- 3.5. The contents of this report are consistent with the Council's policy framework. It supports the achievements of the Corporate Strategy objectives:
 - 3.5.1. Tackling the housing crisis – Everyone has a decent home that is secure and affordable.
- 3.6. The contents of this report support the achievement of the following Housing Strategy 2020-26 objectives:
 - 3.6.1. Preventing Homelessness and meeting housing need.
- 3.7. The contents of this report also support the achievement of the following Homelessness Strategy 2020-22 objectives:
 - 3.7.1. Support people to access a stable and secure home.

4. Background

- 4.1. The Allocation Policy was reviewed extensively in 2012, in response to the Localism Act 2011 and the Code of Guidance on Allocations June 2012.
- 4.2. In 2017 further changes were made in response to increasing demand for social housing and rising homelessness levels and the Allocation Policy was supplemented by an Annual Lettings Plan. Over time it has become clear that amendments to the allocations policy are needed to ensure that it reflects current priorities, and to ensure that applicants with most acute need are prioritised.
- 4.3. There are now over 10,000 households on the housing register. It would take over nine years to provide social homes to everyone on the housing register if the number of available homes stays the same, and if no more households are added to the register. It is therefore likely that many of those on our register will never move into social housing.
- 4.4. Over recent years, the number of social housing properties available for letting has been steadily decreasing and on average we let around 1000 properties. In 20/21 financial year we achieved 791 social housing lets, the lowest number of lets in Lewisham ever (most likely as a result of less moves taking place during the Covid-19 pandemic).
- 4.5. The lack of supply is also exacerbating the level of need in the borough. Increasing numbers of households are in need of larger family homes for instance, however the number of larger houses available is very small. As at August 2021 there were 336 families in need of a five-bedroom property and only seven of this size were let in the previous two financial years. The below table illustrates this, and the lets vs need for other house sizes over the last two financial years:

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Bedroom	Let in 19/20	Let in 20/21*	Number on the register in housing need as at August 21
1 bedroom	624	414	1876
2 bedroom	305	246	3613
3 bedroom	171	112	3259
4 bedroom	27	13	1001
5 bedroom	1	6	336

**There may be small undercount due to some administration processes still being completed when producing this report, from lets that took place towards the end of the FY 20/21*

- 4.6. Over the past years, there has been a significant rise in the number of homeless households who require temporary accommodation. As of August 2021 2,600 households are in temporary accommodation arranged by the Council, an increase of 736 compared to March 2017, and an increase of 1,511 compared to when the allocations policy was last reviewed in full in 2012. TA cost the council £2.1m in 2020/21.
- 4.7. In light of the above, further analysis was undertaken in 2020 and a number of changes to the Allocation Policy were proposed. These changes aimed to ensure that the housing allocation scheme more accurately reflects the rehousing priorities for the borough.
- 4.8. Based on the current housing landscape, and demand in Lewisham, the priorities for the Allocations Policy are:
- Reducing the number of homeless households who are living in unsuitable and costly temporary accommodation;
 - Reducing under occupation and severe overcrowding ;
 - Supporting independent move-on for single vulnerable households who are currently housed in supported and semi-independent accommodation;
 - Supporting those who are fleeing violence
 - Supporting the regeneration of designated housing estates.
 - Delivering on our corporate responsibilities, including in our role as a corporate parent and in relation to members of the armed forces who are in housing need.
- 4.9. The report presented to Mayor and Cabinet in November 2020 sought approval for a 12 week public consultation on the proposed changes to the Allocations Policy, to consult on:
- 4.9.1. *changes to the banding structure*
- 4.9.2. *changes to band allocation for several primary rehousing reasons*
- 4.9.3. *introducing a new 'smart letting' approach to maximise the number of properties available to let*
- 4.9.4. *reducing the 'three offer' rule to 'two offer' rule*
- 4.9.5. *updating the bidding process*
- 4.9.6. *reviewing how large properties are let*
- 4.9.7. *delegating powers*

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- 4.10. Approval was given and a public consultation has taken place. A detailed summary of the consultation was presented to Housing Select Committee on 7th June 2021.¹ The consultation and the comments from Housing Select Committee have been reviewed in detail and used to inform the proposed Allocations Policy set out in Appendix 1.

5. Consultation summary

- 5.1. The full consultation report is available at Appendix 2. Key details are summarised in this section.
- 5.2. The proposals were drafted as a set of questions for the purpose of consultation and are outlined below:
- Do you agree that we should consider placing rehousing reasons in priority bands as outlined in Table 1?
 - Do you agree that we should consider introducing a new 'overcrowded by three bed' group?
 - Do you agree that we should consider introducing a new 'homeless with additional need priority' group?
 - Do you agree that we should consider changing how you bid for properties, so that you can bid for multiple properties each week?
 - Do you agree that we should reduce the 'Three Offer' rule to a 'Two Offer' rule for eligible groups?
 - To increase the number of lettings available, do you agree that we should consider operating a 'Smart Lettings' system?
 - Do you agree that we should not include adult children for the new 'overcrowded by three band'?
 - Do you agree that we should consider moving 'overcrowded by one bed' to a new Band 4 priority group?
- 5.3. A public consultation on the proposed changes to the councils Allocations scheme was launched on the 27th November 2020 to run for 12 weeks until the 14th February 2021.
- 5.4. In responses to representations that were made by some respondents, and recognising the ongoing impact of COVID-19, the council extended the deadline for responses until the 14th March 2021.
- 5.5. The consultation was hosted on Lewisham's website using the online consultation portal Citizen Space. A dedicated council inbox was also made available for respondents should they wish to make direct representations or to provide additional commentary to their consultation response.
- 5.6. The consultation was promoted widely including:
- **Online/Social Media:** Promotions via the Lewisham Council website including an alert banner at the top of all Housing pages, Twitter promotion, and notifications published on the Homesearch page;
 - **Direct Communication:** Two texts sent directly to residents in Hostels and a text to all residents in Temporary Accommodation, an email to all residents at Lewisham Homes, direct contact with TMOs, email to all residents on the housing register, individual consultation sessions with residents in supported housing;
 - **Partner engagement:** Contact with all major RPs in Lewisham, request that

¹ <https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CIId=135&MIId=6517&Ver=4>

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RPs publicise with their residents and online, engagement with representative groups and forums across Lewisham;

- **Internal Council Communication:** Included in the Chief Executive Briefing, Yammer posts published, Email tag-lines promoting the survey, direct contact with key internal partners and an intranet feature;

- **Focus Groups:** Two focus groups were held, targeted particularly towards underrepresented groups, and promoted via representative partner agencies;

- **Meetings:** Attendance at the Homelessness forum, session with RPs, and two public meetings advertised through partner agencies, and held with interested parties.

- 5.7. Paper consultations and translations in other languages were available upon request. Those whose first language was not English and wanted to input their views were able to send an email with their details and their chosen language, following which contact was made to collect their views in their desired language. This was communicated to residents throughout the consultation and was translated into a number of languages on the front page of the online consultation.
- 5.8. Respondents who emailed the inbox directly were invited to complete the online survey and were advised that their comments would be considered in the consultation response.

6. Summary of findings

Response rate and demographics of respondents

- 6.1. Over 1,000 residents participated with the consultation either through the completion of the online survey, attending a focus group session or providing their comments via a dedicated email inbox.
- 6.2. 942 residents responded through the online survey of which 804 (85%) were Lewisham residents.
- 6.3. Full detail of who responded to the consultation can be found in section 5 of the consultation report at Appendix 2. A high level summary is below.
 - 6.3.1. Over 50% of all respondents are either currently in social housing or are in temporary accommodation.
 - 6.3.2. A substantial majority of all respondents (69.7%) are female.
 - 6.3.3. Respondents from a wide range of ethnicities completed the questionnaire. 39% of all respondents were black and 31.2% were white.
 - 6.3.4. Over 16% of respondents have a disability.
 - 6.3.5. Almost 70% of respondents identified as straight or heterosexual.
 - 6.3.6. More respondents identified as Christian than any other religion or belief, with 45.9% of all respondents identifying as such.
 - 6.3.7. 0.7% of all respondents stated that their gender identity was different to the gender they were assigned at birth.
 - 6.3.8. Over 5% (50) respondents were either pregnant at the time of completing the survey or had been pregnant within the last 6 months.
 - 6.3.9. Almost 17% of respondents have caring responsibilities.

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Responses to the questions: qualitative data

6.4. Over 50% of all respondents agreed with the following questions:

- Do you agree that we should consider placing rehousing reasons in priority bands as outlined in Table 1?
 - Do you agree that we should consider introducing a new 'overcrowded by three bed' group?
 - Do you agree that we should consider introducing a new 'homeless with additional need priority' group?
 - Do you agree that we should consider changing how you bid for properties, so that you can bid for multiple properties each week?
 - Do you agree that we should reduce the 'Three Offer' rule to a 'Two Offer' rule for eligible groups?
- To increase the number of lettings available, do you agree that we should consider operating a 'Smart Lettings' system?

6.5. More residents disagreed than agreed with the following proposals:

- Do you agree that we should not include adult children for the new 'overcrowded by three band'?
- Do you agree that we should consider moving 'overcrowded by one bed' to a new Band 4 priority group?

6.6. The following proposals had 60%+ in agreement: Smart Lettings; Homelessness with additional priority; and multiple bids.

6.7. The following proposals had agreement between 50% and 60%: new o/c by 3 bed rehousing reason; and two offer rule.

6.8. The following proposals had agreement between 30% and 40%: Creating a new band 4; not including adult children for the new 'overcrowded by three band.'

6.9. A full overview of the responses broken down by respondent demographics can be found in the full consultation response.

Responses to the questions: qualitative/free text data

6.10. There were 2,228 written responses to the proposals that the council included in the consultation. Some of the recurring themes that arose across the proposals are captured in the below bullet points:

- 6.10.1. Consideration should be given to those who have been waiting for social housing the longest;
- 6.10.2. Consideration should be given to prioritising those with multiple rehousing reasons;
- 6.10.3. Written responses were broadly supportive of practical initiatives to improve the bidding process however stressed a demand that the policy be clearer;
- 6.10.4. Many respondents advocated for the prioritisation of families where there were physical or mental health needs;
- 6.10.5. A number of written responses advocated against the proposed change to introduce a new band 4, due to the negative impact that this change would have on those households who are overcrowded.

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7. Proposed new allocations policy

- 7.1. The outcome of the consultation has now been considered in detail, and further analysis conducted of the potential impact of the proposed changes including a detailed Equalities Analysis Assessment attached as Appendix 3.
- 7.2. Following this review a number of changes are now proposed. These can be summarised broadly into major changes which affect large numbers of applicants and/or represent a substantive change in how the allocations scheme operates, and minor changes which include items such as changing phrasing, updating job titles, reflecting case law and statute and similar. The below section also highlights those proposed changes that were consulted upon and are not being progressed, and the rationale behind this decision.
- 7.3. Having considered a wide range of possible options and reviewed all the information available, the council is confident that the proposed policy is the right approach for Lewisham. The proposed policy ensures that those households in the most need will be prioritised for social housing, whilst introducing measures to increase the number of homes available in general and mitigating against the impact of proposed changes on certain groups.
- 7.4. A summary of the substantive changes that have been made to the policy is available in Appendix 4.

Major changes that are being included

- 7.5. All questions included in the public consultation related to proposed major changes to the policy which would either affect large numbers of households or would represent a substantive change in the operation of the policy. The below changes are all included in the newly proposed Allocations Policy.
- 7.6. **Changing the banding:** This change covers the introduction of a new:
 - 7.6.1. 'Overcrowded by 3 bed' rehousing reason placed in Band 2,
 - 7.6.2. 'Overcrowded by 2 bed' being placed in Band 3 and
 - 7.6.3. 'Overcrowded by 1 bed' being placed in Band 4.
 - 7.6.4. 'Homeless with additional need' rehousing reason placed into Band 2, with Homeless households not meeting this criteria remaining in Band 3.
- 7.7. These changes reflect the council's intention to ensure that those with the most pressing need are prioritised for accommodation, including those who are most chronically overcrowded and homeless households that have additional need.
- 7.8. 52% of respondents to the consultation agreed with the proposed changes to the banding structure and 32% did not agree. Some of the comments provided by respondents focussed on the potential impact on overcrowded households but also on the positives of an approach that considered need in addition to rehousing reason.
- 7.9. The council recognises these concerns regarding overcrowding and it is proposed that the new allocations policy includes these changes with some caveat to help mitigate the impact for the 'Overcrowded by 2 bed' and 'Overcrowded by 1 bed' categories which is discussed in paras 5.18-5.20.
- 7.10. **Introduction of an 'Overcrowded by 3 bed' rehousing reason:** This change allows for households that are overcrowded by 3 bedrooms according to the bedroom standard to be assessed as such and placed into Band 2.
- 7.11. Analysis conducted by officers highlighted that there was a significant cohort of households within the current 'Overcrowded by 2 bed or more' rehousing reason that in fact were very severely overcrowded. The inclusion of this change reflects the councils

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focus on tackling the most severe overcrowding by ensuring this group have a high priority.

- 7.12. 58% of respondents to the consultation agreed with this change and 30% did not agree. Some of the comments provided by respondents to this proposal concerned the potential impact on other overcrowded households who would be moved down as a consequence, or suggested that this cohort should be placed into band 1.
- 7.13. The council recognises some of the concerns raised around the impact on other overcrowded households which is discussed further in paras 5.18-5.20. The council do not feel it appropriate that this group be placed into Band 1, as this is the band reserved for households who are experiencing an emergency situation and need to move urgently or those who are vacating a property that can be used for someone with a pressing need.
- 7.14. It is proposed that the new allocations policy includes a new rehousing category of 'Overcrowded by 3 bed or more' which will be placed into Band 2.
- 7.15. **Moving Overcrowded by 1 bed households into a new Band 4:** This change would mean that all households assessed as 'Overcrowded by 1 bed' according to the bedroom need calculation the council use would be placed into a new Band 4 on the Housing Register.
- 7.16. 47% of respondents to the consultation did not agree with this change and 38% did agree with it. Some of the additional text provided by respondents to this proposal reflected that it would mean many households who have been waiting on the housing register for some time would wait longer still, and noted that overcrowding to any extent is a challenge for households. Respondents expressed concerns regarding the impact this would have on the wellbeing of residents and many suggested the council should consider an alternative approach.
- 7.17. Having reviewed the comments made and considered alternatives, the council is proposing an amendment to this measure. This amendment reflects on the need for consistency with the broad approach set out in the consultation whilst also reflecting extensively on those issues raised throughout our engagement with residents and other stakeholders.
- 7.18. To mitigate against the impact of moving Overcrowding by 1 bed into a new band 4 the council proposes an additional consideration of whether the household is statutorily overcrowded in addition to being overcrowded by the bedroom need calculation the council use. The council would also include households that are statutorily overcrowded but that are not overcrowded according to the bedroom standard on the housing register.
- 7.19. The proposed approach means that overcrowded households meeting the following criteria would be placed in bands as per the table below.

Criteria Met	Band
Overcrowded by 3 beds or more	2
Overcrowded by 2 beds & statutorily overcrowded	2
Overcrowded by 2 beds & not statutorily overcrowded	3
Overcrowded by 1 bed & statutorily overcrowded	3
Overcrowded by 1 bed & not statutorily overcrowded	4
Statutorily overcrowded but not overcrowded using the bedroom standard	4

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- 7.20. The council is satisfied that this strikes the balance between ensuring that the Allocations policy prioritises those groups that are most in need whilst reflecting on the concerns raised by respondents.
- 7.21. **Creation of a Homeless with additional need rehousing reason:** This proposal would introduce a 'Homeless with additional need' rehousing reason and place those households meeting the criteria into Band 2. Homeless households who did not meet the criteria establishing additional need would be remain in Band 3.
- 7.22. The proposal to introduce this new rehousing reason reflects the pressing need that the council has to support households that are homeless into permanent accommodation. In creating a new group, the council is seeking to ensure that certain homeless households who have additional needs that substantially impact their housing experience are prioritised for social housing.
- 7.23. 66% of respondents to the consultation agreed with this change and 18% did not agree. Some of the additional text provided by respondents to this proposal suggested that some consideration of medical need would be appropriate in determining additional need, or that the council should prioritise households with multiple additional needs.
- 7.24. To determine additional need in this circumstance the council asked an additional question in the consultation. This set out a range of options that the council might reasonably deploy including using the existing Location Priority Policy, Private Rented Sector Offer (PRSO) Policy, a combination of the two or some other approach.
- 7.25. The Private Rented Sector Offer policy sets out the instances by which the council would not consider a PRSO to be appropriate. In such circumstances a household would be considered to have additional needs which mean a tenancy in the private rented sector would not be suitable.
- 7.26. The Location Priority Policy sets out the criteria by which the council would prioritise households being placed into temporary accommodation for placements that become available near the borough. Households awarded an in-borough priority are most likely to have substantial needs that require them to be accommodated in, or as close to, Lewisham as possible.
- 7.27. 57% of those who responded to the consultation questions on homelessness with additional needs believed that a combination of both policies would be most appropriate. 20% felt that the Location Priority Policy alone was most appropriate, 11% that some other approach was preferable and 6% that the PRSO policy alone was best placed to determine additional need. A further 6% did not provide an answer to the question on how best to determine additional need.
- 7.28. It is proposed that the new allocations policy includes a new rehousing category 'Homeless with additional need' which will be placed into Band 2. The households eligible for this category will be those who have the highest priority under the Location Priority Policy or have been determined to be unsuitable for a PRSO under the PRSO policy.
- 7.29. **Changing the 'Three offer rule' to a 'Two offer rule':** This proposal would mean that all groups that are presently eligible to decline three offers before their application is suspended would only be able to decline two offers in future.
- 7.30. This proposal reflects on the scale of demand and the need to ensure that properties are let as soon as they are ready. Where applicants reject offers this causes a delay in letting the property as it means it must go through the advertisement and shortlisting process again. In reducing the number of offers that applicants are entitled to, the council is looking to facilitate the more prompt letting of homes, and to encourage residents to only bid for properties they are willing to live in.

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- 7.31. The council recognises that sometimes applicants reject offers for valid reasons that they were not aware of at the time of bidding. The policy has provision for such applicants and these will not be amended.
- 7.32. 54% of respondents to the consultation agreed with this proposal and 32% did not agree. Some of the additional text provided by respondents to this proposal include a concern that the residents may be unfairly penalised if a property is found to be unsuitable, reflecting on the choice that is on offer and the scarcity of social housing more generally and the need to ensure prompt letting.
- 7.33. It is proposed that the council amends the policy so that all priority rehousing reasons that presently permit three offers are permitted two offers in future.
- 7.34. **The introduction of 'Smart Lettings'**: This proposal seeks to ring-fence up to 20% of properties per annum to households that are in social housing. The resultant void would then be prioritised for a household that is living in temporary accommodation or the private sector.
- 7.35. This proposal sought to address the substantial decline that the council has seen in the number of social lets available in recent years. By prioritising a number of properties for those already in social housing, the council is able to create churn, with the properties that are vacated becoming available for other households in housing need. This churn leads to additional properties becoming available for those in need and is an effective way of increasing the number of social lets available to those on the housing register.
- 7.36. 64% of respondents to the consultation agreed with this proposal and 15% did not. Some of the additional text provided by respondents to this proposal dwelt on the additional priority that was already being given to those in social housing in the first instance, or the possibility that this might be used to increase the number of larger homes that might be available.
- 7.37. It is proposed that the council includes a commitment to 'Smart Lettings' in the new Allocations Policy, and also include those identified to move on from Supported Housing amongst those prioritised for the subsequent voids, due to the considerable pressures faced by this service.

Major changes that are not being included

- 7.38. All of the questions included in the public consultation were based on proposed major changes to the policy affecting large numbers or representing a substantive change in the operation of the policy. The proposals set out below are not being included in the new Allocations Policy for the reasons set out below.
- 7.39. **Excluding non-dependents over 21 from the 'Overcrowded by 3 bed' rehousing reason**: This change would mean that the council would not include non-dependent household members over the age of 21 when assessing whether someone would be eligible for the 'Overcrowded by 3 bed' rehousing reason.
- 7.40. 49% of respondents to the consultation did not agree with this change and 35% did agree with it. Some of the additional text provided by respondents to this proposal reflected on the lack of alternative accommodation for those that would be excluded under this approach, and also noted that these were still household members and it could have a considerable knock-on impact.
- 7.41. Having reviewed the responses from the consultation and considered the potential impact of this proposal against its merits, the council is not proposing that this approach is pursued. As such it is not included within the updated policy.
- 7.42. **Allowing multiple bids per week**: The system is presently configured to only permit one bid per applicant per week. This proposal would allow applicants to bid for a number of properties per week should they wish.

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- 7.43. This proposal sought to increase the choice available to residents on the housing register. It has been noted that residents would often like to bid for more than one property per week but are restricted from doing so by the current policy.
- 7.44. 91% of respondents to the consultation agreed with this change and 4% did not agree. A wide range of free text comments reflected on the additional choice this would give to residents, although there were also comments noting that any actual process would need to be clear and fair.
- 7.45. Having entered into dialogue with the system provider it is clear that this solution cannot be implemented at this time. As such, the policy will continue to allow one bid per applicant per week as it presently does.
- 7.46. The council remains committed to working with the system provider and housing providers to achieve this aim and will continue to explore this with a view to future implementation should it become possible.

Minor changes

- 7.47. In addition to the major changes detailed above, the council is proposing a number of minor changes. These are summarised below and set out in detail at Appendix 3.
- 7.48. These changes include changing the parts of the policy where job titles or schemes have changed or no longer exist, as well as changes such as removing rehousing reasons that have been subsumed into another category.
- 7.49. They also include amendments to ensure compliance with statutory requirements or recent case law that affects the provision of the service, and to improve transparency with regards to the operation of some parts of the Allocations Policy such as the Emergency Housing Panel.
- 7.50. Some minor changes may have been made in addition to those listed in the Appendix but where these had no material impact on the content they have not been recorded.

8. Implementation

- 8.1. To ensure that the policy is implemented as efficiently as possible, officers are working closely with colleagues and partners on the establishment and delivery of an implementation programme.
- 8.2. This work is being conducted against a background of a service-wide restructure in the Housing Services directorate, as well as the recent implementation of a new integrated housing system and the ongoing impact of the pandemic on service demand and delivery.
- 8.3. To ensure that intensive preparation can be concluded before the policy is implemented, Mayor and Cabinet will be asked to delegate authority to determine the commencement date to the Executive Director for Housing, Regeneration and Public Realm, in consultation with the Cabinet Member for Housing.
- 8.4. Amendments to the allocations system will be required to bring the new policy into effect. This includes amendment to the bands, additional fields to allow for new data to be captured and changes to the primary rehousing reason and band for many applicants.
- 8.5. Officers will develop a comprehensive communications plan to inform housing register applicants about changes to the housing register. This will explain why changes have been made and set out how to make representations should they believe the change to be incorrect.
- 8.6. Staff and partners have been engaged throughout this process. Detailed briefings will be provided to officers on the new approach, and training will be provided to ensure a

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smooth transfer.

- 8.7. The implementation plan will include the development of new protocols concerning the assessment of statutory overcrowding to ensure this is properly assessed and accounted for.

9. Next Steps

- 9.1. These changes represent a substantive change in the way that the Council allocates social housing. It is critical that this policy works for our residents and delivers against its objectives.
- 9.2. The proposed Allocations Policy uses the Location Priority Policy and PRSO Policy in determining the band that homeless households will be placed into. The council has committed to a review of these policies and will bring these forward to Mayor and cabinet for approval before the new Allocations Policy takes effect.
- 9.3. Officers will continue to closely monitor the policy after its implementation. This will allow any issues that arise to be addressed promptly. Officers will also continue to monitor allocations to ensure that the policy is delivering against its objectives. An annual outturn report will be presented to Housing Select Committee for scrutiny.

10. Financial implications

- 10.1. As has been previously narrated and outlined in this report, the current housing issues experienced both nationally and in the borough are putting severe pressure on the council's housing allocations and budgets. There are significant costs associated with housing generally, including managing the allocations service, managing the provision of council housing and providing services to those experiencing homelessness or the threat of homelessness.
- 10.2. All of these are affected over time by the demand for housing. The allocations policy is the means by which that demand is allocated to existing properties. As such, changes to the plan do not have direct financial implications.
- 10.3. The changes to the allocations policy set out in the report are expected to assist in managing those pressures and assist in officers making the best use of the resources available to them.

11. Legal implications

- 11.1. The allocation of housing by local housing authorities is regulated by Part 6 of the Housing Act 1996 (HA 1996). A local housing authority (LHA) must comply with the provisions of Part 6 when allocating housing accommodation (section 159(1), HA 1996). However, subject to this compliance, authorities may otherwise allocate housing in any manner they consider appropriate
- 11.2. Section 166A (1) of the HA 1996 provides that every LHA must have an allocation scheme for determining priorities between qualifying persons and as to the procedure to be followed
- 11.3. Section 166A (2) through to (14) sets out which sets out the procedure to be followed when allocating housing accommodation
- 11.4. Section 166A (13) Before adopting an allocation scheme or making an alteration to their scheme reflecting a major change of policy, a local housing authority must
 - (a). send a copy of the draft scheme, or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have nomination arrangements [s159(4)] , and

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- (b). afford those persons a reasonable opportunity to comment on the proposals
- 11.5. The Localism Act 2011 received royal assent on 15th November 2011. The 2011 Act introduces a number of significant amendments to Part 6 of the 1996 Act. Of particular relevance here are the following provisions: Section 160ZA replaces s.160A in relation to allocations by housing authorities. Social housing may only be allocated to 'qualifying persons' and housing authorities are given the power to determine what classes of persons are or are not qualified to be allocated housing (s.160ZA(6) and (7)).
- 11.6. The statutory guidance on social housing allocations is entitled "Allocation of accommodation: Guidance for Local Authorities in England and was revised in June 2012 Authorities are obliged to have regard to this guidance when devising and implementing their schemes.
- 11.7. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.8. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 11.9. The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 11.10. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010
- 11.11. Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- 11.12. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty

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12. Equalities implications

- 12.1. An Equalities Analysis Assessment has been completed and is included at Appendix 3.

13. Climate change and environmental implications

- 13.1. There are no anticipated climate change and environmental implications.

14. Crime and disorder implications

- 14.1. There are no anticipated crime and disorder implications.

15. Health and wellbeing implications

- 15.1. The Allocations Policy gives preference to residents with medical need (classified in terms of Exceptional medical need, High medical need and Low medical need).
- 15.2. Those in Exceptional medical need are expected to remain at the most urgent level (Band 1) and therefore should experience no significant impact as a result of proposed changes.
- 15.3. Those in High medical need are expected to remain at the second level of need (Band 2). Changes proposed to this band have been recommended in order to ensure those in the most need are able to access social housing. Numbers within this band are expected to remain relatively stable or even decrease, therefore any impact on people with High medical need is anticipated to be positive.
- 15.4. Those in Low medical need are expected to remain at the third level of need (Band 3). Currently this cohort are grouped with households overcrowded by one bedroom. Changes proposed include overcrowded by one bedroom being moved to a new Band 4 with lower priority, thereby decreasing the size of Band 3 significantly. Therefore any impact on people in Low medical need is anticipated to be positive as the likelihood of them being awarded social housing will increase.
- 15.5. Implications for residents with disabilities have been fully explored within the Equalities Analysis Assessment.

16. Appendices

- 16.1. Appendix 1: Proposed Allocations Policy
- 16.2. Appendix 2: Consultation Report
- 16.3. Appendix 3: Equalities Analysis Assessment
- 16.4. Appendix 4: List of changes to the allocations policy

17. Background papers

- 17.1. Current 2017 Allocations policy – approved by Mayor and Cabinet in 2017.
- 17.2. Housing Allocation Policy review paper – presented to Mayor and Cabinet 11 November 2020.
- 17.3. Housing Allocation Policy Consultation Report - presented to Housing Select Committee 7 June 2021.
- 17.4. Introduction of a new Housing Allocation Policy – presented to Housing Select Committee 16 September 2021.

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18. Glossary

Term	Definition
Allocations	Term used by social landlords to describe the process of identifying properties and letting them to people, who then become their tenants.
Annual lettings plan	A plan drawn up by a social landlord covering the various groups that the landlord intends to let properties to over the year. It also sets targets and monitors procedures.
Choice-based lettings	Based on the Dutch style of advertising and letting homes, aiming to give a more customer-focused approach to the letting of social housing.
Supported Housing	Accommodation for people with specific care needs. Residents are 'supported' in their accommodation by paid staff. Tenures can cover people in various groups, such as older people, people with learning disabilities, or those with needs around addiction and homelessness services.
Under-occupation	When the tenants in a property are not fully occupying it.

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