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## **Meeting Local Housing Needs - Shropshire Affordable Housing Allocation Policy and Scheme : Amendments**

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### **Summary**

The Community Services Scrutiny Committee has carried out, through a Task and Finish Group, the annual review of the Shropshire Affordable Housing Allocation Policy and Scheme and has recommended a number of amendments to the Policy and Scheme which enhance management of the Scheme and better target affordable housing resources and meet housing needs in the County. This Report summarises the proposed amendments. Copies of the amended documents are available in the Members' Library.

### **Recommendations**

1. It is recommended that Council adopt the amendments to the Shropshire Affordable Housing Allocation Policy and Scheme

### **Background**

1. The Shropshire Affordable Housing Allocation Policy, adopted in December 2008 for the new Unitary Authority, is a key policy document which aims to assist the Council to achieve a range of strategic objectives. These include:

- Access to affordable housing for local people
- Development of sustainable communities
- Development of a sustainable rural economy
- Provision of choice and housing options for local people

The Housing Allocation Policy must also comply with statutory regulations and Government guidelines. Local authorities are required to prioritise and give 'reasonable preference' to three areas within their housing allocation policies:

- Support for those in greatest housing need
- Providing settled homes for people who have experienced homelessness
- Promoting greater equality and clearly meeting equalities duties

2. The most recent guidance - 'Fair and Flexible' Statutory Guidance On Social Housing Allocations For Local Authorities In England (2009) - clarifies the flexibilities local authorities have within the allocation legislation to meet local pressures by:

- Adopting local priorities alongside the statutory reasonable preference categories
- Taking into account other factors in prioritising applicants, including waiting time and local connection
- Operating local lettings policies

The Shropshire Affordable Housing Allocation Policy complies with statute and with Government Guidance with respect to housing allocations and choice based lettings.

However, the Policy also sets out a range of mechanisms to balance statutory requirements with local needs and communities:

- Local Lettings Policies can be implemented to meet local housing needs and balance local communities
- Planning conditions/ s106 agreements over-ride the Housing Allocation Policy with respect to new affordable housing
- Priority banding for people losing agricultural tied tenancies
- Applicants within the same needs band are allocated in date order
- There is a 25% target allocation for transfer applicants
- There is a 10% target allocation for people moving on from supported housing
- 'Sensitive lets' may be made to take account of local considerations

The Community Services Scrutiny Committee Task and Finish Group proposed that the Council should work more closely with landlords to develop effective use of the 'powers' within the Housing Allocation Policy/Scheme to more effectively meet local needs, manage neighbourhoods and achieve sustainable communities.

### **Review of the Affordable Housing Allocation Policy And Scheme**

The Community Services Scrutiny Committee Task and Finish Group reviewed the Housing Allocation Policy and Scheme, in consultation with stakeholders, paying particular attention to the extent to which the Policy and Scheme ensure local needs are balanced. A number of amendments to the policy were recommended by the Scrutiny Committee.

### **Proposed Amendments To the Policy AND Scheme**

#### **1. New Affordable Housing : Local Housing Need**

The allocation of new housing in villages and small settlements was a concern as the Policy appeared to enable people without local connection to be allocated housing. In order to prevent this from the housing side, it is proposed the existing wording of the Allocation Policy And Scheme should be tightened, as below. It was recognised however that there are two aspects to this, and it is also proposed that the wording of the Planning Conditions/ s106

Agreements should be reviewed to ensure local connection has consistent priority over housing need.

***Proposed new wording for the Allocation Policy And Scheme:  
Policy p11 / Scheme p13***

“In July 2009 the Council published Interim Planning Guidance on Affordable Housing to help increase the supply of affordable housing and meet local housing needs. Some new housing developments may be subject to special planning conditions or legal restrictions applied through Section 106 of the Town and Country Planning Act 1990 (as amended) imposing conditions on who is able to live in the accommodation (known as qualifying persons).

These conditions are particularly relevant in our more rural areas and aim to ensure that people with a Local Connection and Local Housing Need are given priority for rehousing, over and above people from the general Housing Register. This means for example that an applicant in Bronze Band who satisfies both the Local Connection and Local Housing Need criteria will have priority for rehousing in this instance over an applicant in Gold Band who does not meet these criteria

The criteria used by the Council for determining Local Connection and Local Housing Need are set out in the prevailing Interim Planning Guidance and any successor documents adopted through the Local Development Framework process.

Applicants who do not meet the Local Connection and Local Housing Need criteria will only be considered for accommodation restricted in this way after it has been made available exclusively to qualifying persons for a period of no less than three months”

## **Proposed Amendments To the Scheme**

### **2. Owner Occupiers**

At the moment applicants who are owner occupiers complete a proforma in order to calculate whether or not an applicant can afford to purchase suitable alternative accommodation on the open market. If an applicant cannot satisfy the criteria, then they are not allowed to join the housing register. This was considered to be too firm a stance and owner occupation should not be used as a reason for exclusion. It is proposed that these applicants should be allowed to register but then remain in the Bronze Band.

***Proposed additional wording for the Allocation Scheme:  
Scheme: p9***

“Owner occupiers will be banded according to their housing need. Owner occupiers who are deemed not to be in housing need can be accepted into Bronze Band. As an owner occupier you can bid for properties upon exchange of contract for the sale of your current home.”

### **3. Number of Bids Permissible Per Cycle**

There is currently no limit on the number of bids an applicant can make per cycle. This can lead to confusion for applicants and difficulties for landlords in managing the volume of multiple bids.

***Proposed additional wording for the Allocation Scheme:***  
*Scheme: p9*

“you are allowed to bid for 3 properties each cycle/week”

### **4. Serious Offenders**

Under the current Housing Allocation Policy/Scheme there is nothing to prevent an offender subject to the MAPP (Multi-Agency Public Protection) process from bidding independently for housing through choice based letting. As an applicant registered on Shropshire HomePoint Housing Register they would have a right to do so. The concern was that an offer of inappropriate housing may unknowingly be made by a social landlord.

***Proposed additional wording for the Allocation Scheme:***  
*Scheme: p12*

#### **“Serious Offenders**

Applicants who are subject to MAPP (Multi-Agency Public Protection) arrangements may register with Shropshire HomePoint. Bids will accepted when made by an acknowledged professional or advocate in consultation with and on behalf of the applicant.”

### **5. ‘Bronze Band’ Applicants**

Under the present Scheme many local single people and couples without children fall within the Bronze Band for rehousing. Although properties are let to Bronze Band applicants, concern was expressed that they may not have reasonable access to affordable housing in the County. It is proposed to introduce a target for lets to Bronze Band applicants.

***Proposed additional wording for the Allocation Scheme:***  
*Scheme: p14*

Target Allocations: add

“Bronze Band                      5%”

### **6. Tied Accommodation Coming to an End**

Under the current Scheme, the only tied tenancies coming to an end to receive Priority Banding are agricultural tenancies. Concern was expressed that the same principle should apply to any household having to leave tied accommodation, including people from the Armed Forces (currently Gold Band), to whom the Council would owe a duty under Homelessness

legislation. The aim is to prevent homelessness by giving priority at an earlier stage.

***Proposed new wording for the Allocation Scheme:***

*Scheme: p16*

**“1.3 Tied Accommodation is coming to an end – assessed duty to rehouse**

If you currently occupy tied accommodation and it is coming to an end and, following an assessment, you would be eligible for rehousing under Part VII of the Housing act 1996 (as amended by the Housing Act 2002), you will be placed in the Priority Band. You will be required to bid for suitable accommodation as outlined in 1.1 above (Homeless Band).”

**7. People With Access To Children**

Under the existing Housing Allocation Policy/Scheme, applicants with access to children are eligible for housing sufficient to accommodate these children. This can result in two family homes being provided for one ‘ex-’ family. Concern was expressed however that some parents may be unable to have access to their children unless they could demonstrate they had adequate and appropriate accommodation

***Proposed new wording for the Allocation Scheme:***

*Scheme: p18*

***Gold Band***

**“2.8 Relationship Breakdown**

If you have split from your partner and there is joint custody of children or regular overnight access to children and you do not have suitable accommodation to enable the children to stay with you, we will assess your need for alternative accommodation. Accommodation with one additional bedroom may be offered to the parent with whom the children are not habitually resident. Evidence of access arrangements will be required and a home visit may be undertaken.”

**8. Non-Priority Unintentionally Homeless Applicants**

In order to prevent homelessness, under the present Banding Scheme, non-priority unintentionally homeless applicants are placed in Silver Band. To achieve this status they must have made a homelessness application and received a homelessness decision. This is however leading to a significant increase in homeless applications from people who would ordinarily fall into Bronze Band. It is proposed to restrict this to applicants who have received a s21 Notice to end an assured shorthold tenancy and they will be placed in Gold Band.

***Proposed new wording for the Allocation Scheme:***

*Scheme: p18*

### ***Gold Band***

#### **“2.9 Assured Shorthold Tenancies : s21 Notice**

If you have an Assured Shorthold Tenancy and have received a valid s21 Notice from your landlord and the Council’s Housing Options Service is satisfied that the Council would owe a duty under Homelessness legislation, you will be placed in the Gold Band.”

## **9. Additional Proposals**

### ***Affordable Warmth : Home Energy Ratings***

The Review queried whether Home Energy Ratings could be included in the property advertisements for choice based letting. Type of heating is frequently included but there is no indication of average heating costs. Addressing fuel poverty particularly among families and vulnerable people is a priority for the Council. There was the view that applicants should have sufficient information to make an informed choice about the affordability of a property for them.

It is proposed that work is undertaken to establish how best to present information about heating and heating costs on property advertisements.

### ***Extra Care Housing***

The Review discussed the planned development of extra-care housing units across Shropshire. There is an intention to achieve balanced communities with a range of housing and care needs. This would need to inform the approach to housing allocations to these extra-care schemes. This has been fed into the Extra-Care Housing Project Team.

## **Review**

The policy and scheme will be reviewed in twelve months, which will enable the impact of these amendments to be assessed.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) .**

**Human Rights Act Appraisal**

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998.

**Environmental Appraisal**

N/A

**Risk Management Appraisal**

.N/A

**Community / Consultations Appraisal**

N/A

**Cabinet Member:**

Cllr Malcolm Price

**Local Member**

All areas

**Appendix**

None