

|                        |   |
|------------------------|---|
| <b>Cabinet Meeting</b> |   |
| <b>Meeting Date</b>    | 3 <sup>rd</sup> May 2020  |
| <b>Report Title</b>    | Housing Allocations Policy Review   |
| <b>Cabinet Member</b>  | Cllr Ben Martin, Cabinet Member for Housing   |
| <b>SMT Lead</b>        | Charlotte Hudson, Head of Housing, Economy and Community Services   |
| <b>Head of Service</b> | Charlotte Hudson, Head of Housing, Economy and Community Services   |
| <b>Lead Officer</b>    | Roxanne Sheppard / Zoe Callaway   |
| <b>Key Decision</b>    | Yes/No  |
| <b>Classification</b>  | <b>Open</b>   |
| <b>Recommendations</b> | 1. To approve the draft for consultation of the Housing Allocations Policy and agree to consult on the draft for 8 weeks. |

## **1 Purpose of Report and Executive Summary**

- 1.1 This report provides a summary of the review of the Housing Allocations Policy and seeks approval to consult on the draft Housing Allocations Policy for 8 weeks.

## **2 Background**

- 2.1 In Swale the demand for social housing is considerably greater than the number of homes available and this is only likely to increase due to the economic and social impact of the coronavirus pandemic. The Policy sets out how social housing within the borough is allocated and aims to:
- Provide a fair and transparent system to prioritise the allocation of social homes in Swale;
  - Help households in most housing need to access affordable homes;
  - Make efficient use of social homes available in the borough; and
  - Promote choice and the development of sustainable mixed communities.
- 2.2 Swale Borough Council does not own or manage any affordable rental homes but does work in close partnership with all housing associations that are integral to the delivery of this policy. All available housing association homes in Swale are advertised through Kent Home Choice.
- 2.3 The allocations policy cannot cover every eventuality and in cases where there are unique needs the Housing Options Manager has discretionary power to award priority, approve additional priority or agree to offers outside of

choice based lettings. The current policy was adopted in 2013 and needs to be updated to reflect updates to legislation, statutory guidance and local need.

2.4 To provide context to the discussion key information from 2018/19 financial year on applications and allocations is provided below, there were 1,427 applicants in housing need on the housing register at 1<sup>st</sup> April 2019, of which

- Band A 195;
- Band B 217;
- Band C 994; and
- Band D 21

2.5 For 1 April 2018 to 31 March 2019 we received 1,637 applications to the housing register. Of these:

- 788 qualified and had a housing need so were included;
- 494 either did not qualify or did not have a housing need; and
- 355 did not supply the information requested to be able to assess so were removed.

2.6 The table below summarises the properties let through the housing register during 2018/19 in relation to banding, bedroom need and location.

|              | 1 bed      |           |           | 2 bed      |           |           | 3 bed     |           |           | 4 bed    |          |          |            |
|--------------|------------|-----------|-----------|------------|-----------|-----------|-----------|-----------|-----------|----------|----------|----------|------------|
|              | Sitt       | Sheer     | Fav       | Sitt       | Sheer     | Fav       | Sitt      | Sheer     | Fav       | Sitt     | Sheer    | Fav      |            |
| Band A       | 31         | 14        | 7         | 12         | 12        | 4         | 11        | 6         | 3         | 1        | 0        | 0        | 101        |
| Band B       | 25         | 11        | 8         | 36         | 12        | 12        | 18        | 15        | 4         | 2        | 0        | 1        | 144        |
| Band C       | 28         | 15        | 10        | 11         | 5         | 1         | 7         | 1         | 4         | 2        | 0        | 1        | 85         |
| Band D       | 0          | 0         | 0         | 0          | 0         | 0         | 0         | 0         | 0         | 0        | 0        | 0        | 0          |
| <b>Total</b> | <b>84</b>  | <b>40</b> | <b>25</b> | <b>59</b>  | <b>29</b> | <b>17</b> | <b>36</b> | <b>22</b> | <b>11</b> | <b>5</b> | <b>0</b> | <b>2</b> |            |
|              | <b>149</b> |           |           | <b>105</b> |           |           | <b>69</b> |           |           | <b>7</b> |          |          | <b>330</b> |

**Table 1 – Summary of Lets 2018/19**

2.7 A review has been carried out at officer level, taking into consideration legal requirements and case law precedents that will inform the new policy. In addition to these amendments there are a range of discretionary criteria which are proposed will be set as the local policy. The current principles of the qualification criteria to join Swale's Housing Register are:

- Residence;
- affordability;
- fraud; and
- rent arrears.

2.8 The table below provides a summary of the review and proposed changes on qualification criteria within the Policy.

**Table 2 – Review of qualification criteria**

| <b>Category</b> | <b>Criteria</b>  | <b>Proposal</b>   |
|-----------------|--|---|
| Fraud           | Applicants who have been cautioned or convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation of Offenders Act 1974. Any person may re-apply once this conviction is spent.   | No change recommended   |
| Rent arrears    | Applicants who owe arrears of rent or other accommodation charges to the Council, or any social or private landlord, in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a reasonable period. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need. | No change recommended   |
| Affordability   | Applicants that have gross income or assets above a certain level will not qualify:<br><input type="checkbox"/> The gross income level is likely to be set at more than £35,000 per annum per household.<br><input type="checkbox"/> The asset level is set at more than £50,000.  | Propose a taper based on bedroom need e.g.<br>1 bedroom need £30,000,<br>2 bedroom need £40,000,<br>3 bedroom need £50,000,<br>4 bedroom need plus £60,000<br><i>These figures are approximates using market rents being 25% gross income</i> |
| Residence       | Households who have not lived within the Swale boundaries for 4 out of the last 5 years prior to the application being made. Residency in Swale must be by the applicant's own choice.   | Proposal to reduce to 2 years residence in-line with recommended guidance.  |

2.9 There are circumstances when there are exemptions to the residency requirements and instances in extending the local connection definition, these have been reviewed in the table below.

**Table 3 – Residency and Local Connection Criteria**

| <b>Category</b>             | <b>Criteria</b>  | <b>Proposal</b>  |
|-----------------------------|--|--|
| Armed forces                | We already have this exemption   | No change recommended, legal requirement   |
| Homeless accepted full duty | Applicants who are owed a homeless duty by Swale Borough Council to enable the authority to discharge its duty to rehouse them.  | Adopt as case law requirement  |
| Right to move               | Certain social housing tenants who need to move from another local authority district in England to Swale to avoid hardship who work in Swale or have a genuine offer of work in Swale. An assessment of work and hardship will be made in line with the statutory guidance. | Adopt as statutory guidance requirement  |
| Refuge accommodation        | Applicants who have fled from another local authority due to domestic abuse and are currently placed in refuge in Swale.   | Adopt as statutory guidance requirement  |
| Employment in Swale         | Applicants who are in permanent employment in Swale. Employment is defined as paid employment for 16 hours or more per week for a period of [6 months/1 year]. The actual place of work must be within the Borough not just the head or regional office.                     | Adopt as it promotes economic activity in the Borough  |
| Family support              | You need to move to the borough to give or receive essential support from a close family member and it can be demonstrated that there is a genuine need to give or receive support.  | Do not adopt. This is currently dealt with through exemptional circumstances and given the level of need already in the Borough would increase the burden. |

|                               |  |   |
|-------------------------------|--|---|
| Rural Housing Exemption Sites | A small number of properties in rural areas have a specified local connection criteria due to planning conditions. These properties will be advertised through Kent Homechoice and the advert will state what local connection is required. Applicants who meet the local connection will be considered for the rural site only. | Adopt in order to allow developments on rural exemption sites |
|-------------------------------|--|---|

2.10 In addition to reviewing the criteria for qualifying for the Housing Register, the banding criteria has also formed part of the review. The table below summarises the areas where changes are recommended.

**Table 4 – Banding review**

| <b>Criteria</b>   | <b>Banding</b>                 | <b>Proposal</b>   |
|---|--------------------------------|---|
| Homeless households owed a full homeless duty by Swale Borough Council  | Currently Band C               | Increase to Band B to reduce pressures on temporary accommodation   |
| Applicants who require substantial adaptations through a Disabled Facilities Grant                                      | Not currently a banding reason | Included in Band B - Would promote use of disabled facilities grant to adapt suitable social housing creating suitable homes for the future |
| Disabled children who have been awarded an additional bedroom but that bedroom is not available in the current property | Not currently a banding reason | Included in Band B - This would reflect the additional needs of a disabled child and the minor overcrowding                                 |
| Meets requirement for Rural exemption site but may not meet other qualification or housing need                         | Not currently a banding reason | New Band E introduced for this group who would only be considered for rural exception sites   |

### **3 Proposals**

3.1 To approve the consultation draft of the Housing Allocations Policy and agree to consult on the draft for 8 weeks.

## 4 Alternative Options

- 4.1 That the policy is not reviewed and updated, this is not recommended as the current policy is outdated and needs to take into consideration reviewed legislation, guidance and respond to the current needs of residents.

## 5 Consultation Undertaken or Proposed

- 5.1 The Policy has been reviewed by PDRC and this report is seeking approval of the draft policy in order to undertake an 8 week consultation.

## 6 Implications

| Issue                                 | Implications  |
|---------------------------------------|---|
| Corporate Plan                        | Having a suitable and robust Housing Allocations Policy in the borough supports priorities within the local plan.   |
| Financial, Resource and Property      | None identified at this stage.  |
| Legal, Statutory and Procurement      | Statutory guidance and case law has been considered as part of the review process.  |
| Crime and Disorder                    | None identified at this stage.  |
| Environment and Sustainability        | None identified at this stage.  |
| Health and Wellbeing                  | Banding criteria relating to health is discussed in the main body of the report.  |
| Risk Management and Health and Safety | None identified at this stage.  |
| Equality and Diversity                | The final Policy recommendations will be subject to a Community Impact Assessment, the consultation information will help update and inform any further equality impacts. |
| Privacy and Data Protection           | None identified at this stage.  |

## 7 Appendices

- 7.1 Appendix I – Draft Housing Allocations Policy 2020

## **8 Background Papers**

None