

<b>Cabinet Meeting</b>	
<b>Meeting Date</b>	28 <sup>th</sup> October 2020
<b>Report Title</b>	Adoption of Housing Allocations Policy 2020
<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 adopt the Housing Allocations Policy 2020.

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

- 1.1 This report provides Cabinet with a summary of the review of the Housing Allocations Policy and the responses from the 8-week consultation period.

## **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 currently 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.

**Table 1 – Summary of Lets 2018/19**

	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>

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 A public consultation was held during August and September 2020 and 93 responses were received. A summary of the consultation responses is shown in Appendix I, overall, the consensus was supportive for most of the proposed changes. Reducing the residency criteria from 4 to 2 years was the main area where it didn't receive support from the majority of the consultation response with 47.3% in support of reducing the residency in the borough. Currently the 4 in 5-year residency criteria does not align with national

guidance and does not recognise the true need in the borough. It is therefore recommended that reducing the residency criteria to 2 in 5 years should be within the new adopted policy.

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>Change</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 implemented
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 implemented
Affordability	Applicants that have gross income or assets above a certain level will not qualify: <ul style="list-style-type: none"> <li><input type="checkbox"/> The gross income level is likely to be set at more than £35,000 per annum per household.</li> <li><input type="checkbox"/> The asset level is set at more than £50,000.</li> </ul>	Change implemented Propose a taper based on bedroom need e.g. 1 bedroom need £30,000, 2 bedroom need £40,000, 3 bedroom need £50,000, 4 bedroom need plus £60,000 <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.	Change implemented Proposal to reduce to 2 years residence in-line with recommended guidance.

	Residency in Swale must be by the applicant's own choice.	
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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>Change</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.	Change implemented. 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.	Change implemented 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.	Change implemented 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.	Change implemented. 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	Change not implemented. Do not adopt. This is currently dealt with through exemptional circumstances and given the level of need already in the Borough would increase the

	support.	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.	Change implemented Adopt in order to allow developments on rural exemption sites  To also include Community Land Trusts

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	Change Implemented. 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	Change Implemented 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	Change implemented 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	Change implemented New Band E introduced for this group who would only be considered for rural exception sites

### **3 Proposals**

3.1 To adopt the Housing Allocations Policy 2020.

## 4 Alternative Options

- 4.1 That the policy is not adopted 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 an 8-week consultation was carried out. Registered providers were sent the consultation directly as a statutory consultee.

## 6 Implications

Issue	Implications
Corporate Plan	Having a suitable and robust Housing Allocations Policy in the borough supports priorities within the corporate 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	A Community Impact Assessment has been prepared and throughout the policy equality and diversity of applicants is considered.
Privacy and Data Protection	None identified at this stage.

## 7 Appendices

- 7.1 Appendix I – Consultation Response Summary  
Appendix II - Housing Allocations Policy 2020

## **8 Background Papers**

None