

Housing and Health Committee Meeting	
Meeting Date	5 th March 2024
Report Title	Consultation on Reforms to Social Housing Allocations
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing and Communities
Lead Officer	Charlotte Hudson, Head of Housing and Communities
Classification	Open
Recommendations	1. For the committee to discuss the proposal, to feed into the Councils response to the consultation.

1 Purpose of Report and Executive Summary

- 1.1 This report provides the Housing and Health Committee with details of the current consultation on proposed reforms to social housing allocations.

2 Background

- 2.1 The government launched on the 30th January 2024 a consultation seeking views on a series of reforms to how social housing is allocated in England. The proposals seek to provide greater clarity of a national minimum expectation for qualifications tests, whilst also allowing for local flexibility. They also set out how they want to make sure that all applicants and tenants' benefit from a system that rewards responsible behaviour and prioritises local households.

This consultation seeks views on the following issues:

1. The introduction of a United Kingdom (UK) connection test, to ensure that it is those with the closest connection to the UK who are eligible for a social home;
2. Mandating the following tests: local connection test, income test, false statement test, and tests for anti-social behaviour and terrorism offences;
3. The introduction of a new ground for eviction for those who are convicted of terrorism offences, and implementation of a 'three strikes and you're out' policy for anti-social behaviour.

A link to the consultation and the 40 consultation question can be found [here](#).

- 2.2 The reforms which the government is seeking views on are:

- 2.2.1 **UK connection test** – requiring people to be a British citizen, Irish citizen, Commonwealth citizen with a right of abode, or EEA or Swiss citizen with equal treatment rights in matters of housing under the Withdrawal Agreement, the EEA-EFTA Separation Agreement or the Swiss Citizens’ Rights Agreement, or otherwise to have been lawfully resident in the UK for ten years, in order to be eligible for social housing. We are consulting on an exemption for those arriving via safe and legal resettlement routes and the Ukrainian temporary visa schemes. This will allow for the allocation of more social homes to those with the strongest connection to the UK, while enabling the Government to continue to deliver its commitments to provide urgent humanitarian support.
- 2.2.2 **Local connection test** – preventing individuals from being allocated social housing if they have not had links to the local authority area for two years e.g., through residence or work. This will ensure greater consistency across the country and ensure more local people can access social housing in the area they call home where they need it, supporting people to put down roots and maintain links to family and community.
- 2.2.3 **Income test** – households earning above a maximum threshold (to be defined following responses to the consultation) would not qualify for social housing. It will not be applied to existing tenants and there will be no change to rights, tenures, the length of tenancies, or rents of existing tenants.
- 2.2.4 **Anti-social behaviour test** – disqualifying people who have unspent convictions for certain criminal anti-social behaviour offences, as well as certain civil orders, from social housing for a defined period.
- 2.2.5 **Terrorism test** – terrorist offenders with unspent convictions will not qualify for social housing unless excluding them would increase the risk to public safety.
- 2.2.6 **False statement test** – mandating a period of disqualification for those who knowingly or recklessly make false statements when applying for social housing.
- 2.3 The consultation will run for eight weeks, ending on 26 March 2024.
- 2.4 The current version of the Council’s Housing Allocations Policy can be found [here](#). The current policy already has criteria in relation to a number of these proposed tests. The table below summarises our current position. The new tests mainly cover connection to the UK for 10 years, Anti-Social Behaviour and Terrorism. Although Social Housing is a scarce and valuable resource, having strict criteria that would prohibit people from accessing social housing could have unintended consequences, if this is not replicated in other housing legislation. For example, this could mean that we have a responsibility under homeless legislation and have households in temporary accommodation that would not be able to access social housing and be unable to find suitable permanent accommodation. This could result in a longer and therefore more costly burden on the Council.

Table 1 – Summary of proposed new tests

New Test	Current Position in Swale HAP Policy
UK Connection Test	a British citizen, or a citizen of another country with the right to stay in the UK with no restrictions
Local Connection Test	Households who have not lived within the Swale boundaries for a continuous period of 2 years immediately prior to the application being made. Residency in Swale must be by the applicant's own choice and maintained throughout the application.
Income Test	Applicants that have gross income or assets above a certain level will not qualify: The gross income level is: <ul style="list-style-type: none"> • 1 bedroom need £30,000, • 2 bedroom need £40,000, • 3 bedroom need £50,000, • 4 bedroom need or more £60,000 per annum per household. The asset level is set at more than £50,000. When looking at gross income everything will be taken into account including earnings, overtime payments, benefits, child maintenance and any other relevant income. The gross income level and the asset level will be based on average private rents or the level of deposit required to buy an average priced property in the area and will be reviewed.
Anti-social behaviour test	Not covered
Terrorism test	Not covered
False statement test	If the Council determines that an applicant directly, or through a person acting on his or her behalf, has given false information or withheld any required information it may result in an

	applicant being removed and rendered Ineligible.
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3 Proposals

- 3.1 For Committee members to discuss the consultation proposals to feed into the Council's response.

4 Alternative Options

- 4.1 Not to respond to the government consultation, this is not recommended as allocation of social housing is a statutory responsibility of the Council.

5 Consultation Undertaken or Proposed

- 5.1 This report seeks the views of the Committee to feed into the Council's formal response.

6 Implications

Issue	Implications
Corporate Plan	Priority 3: Tackling deprivation and creating equal opportunities for everyone
Financial, Resource and Property	Social housing is one pathway for moving individuals out of Temporary Accommodation. The additional tests proposed could lead to this pathway being excluded and therefore the Council continuing to have to provide Temporary Accommodation for a longer period, this would have additional cost implications.
Legal, Statutory and Procurement	This consultation will inform secondary legislation that is proposed to be made under Part 6 of the Housing Act 1996. Under this, the Secretary of State may prescribe classes of persons who are eligible or ineligible for an allocation of social housing in England and may also prescribe qualification criteria that local housing authorities use to allocate social housing. The consultation will also inform new eviction grounds under the Housing Acts 1985 and 1988.
Crime and Disorder	The new tests being consulted on relates to Anti-Social Behaviour and Terrorism. These proposals have both positive benefits and negative benefits. It is proposing to safeguard valuable social housing, yet for those that need to reform could make it more difficult.
Environment and Climate/Ecological Emergency	None identified in relation to the consultation response.

Health and Wellbeing	None identified in relation to the consultation response.
Safeguarding of Children, Young People and Vulnerable Adults	None identified in relation to the consultation response.
Risk Management and Health and Safety	None identified in relation to the consultation response.
Equality and Diversity	None identified in relation to the consultation response.
Privacy and Data Protection	None identified in relation to the consultation response.

7 Appendices

None

8 Background Papers

[Consultation on reforms to social housing allocations - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Microsoft Word - Allocations policy 2020 Final \(swale.gov.uk\)](http://swale.gov.uk)