

West Northamptonshire Council Draft Housing Allocation Scheme (Detail)

**19 June 2023 – Children, Education and Housing Overview
and Scrutiny**



**West
Northamptonshire
Council**

Legal context

- Social rented housing are homes for social rent and affordable for people whose needs cannot be met by the commercial housing market.
- All local authorities are obliged to operate a scheme for the allocation of social rented housing in its area, regardless whether or not a local authority continues to own and manage housing accommodation.
- Social rented housing can only be allocated to people that have a permanent right to reside in the UK.

Legal context

- Local authorities are free to fix their own non-discriminatory qualification criteria.
- Local authorities are required to provide information to anyone interested in being allocated social rented housing and provide help to anyone who might need assistance to make an application.
- Local authorities are free to determine how much choice applicants might have in the home they are allocated.

Legal context

- The law requires some people, due to specified circumstances or characteristics, are given a priority for allocation of social rented housing, this being people who are:
 - Homeless
 - Owed a homelessness duty
 - Occupying insanitary housing, overcrowded housing or otherwise living in unsatisfactory housing conditions
 - Needing to move on medical or welfare grounds (including grounds relating to a disability)
 - Needing to move with failure to meet this need would cause hardship

Legal context

- Local authorities can determine how applicants are prioritised for an allocation of social rented housing.
- Local authorities and social landlords (i.e. housing associations) are required to cooperate with housing allocations, this can involve:
 - A nomination agreement
 - A common housing register
 - Common housing allocation policy
- The way social rented housing is allocated must reflect the priorities of a local homelessness strategy and tenancy policy.

Legal context

- The Regulator of Social Housing regulates all social landlords, including housing associations and local authorities that retain ownership of housing accommodation, either directly or via arm's-length management organisations.
- The Regulator of Social Housing expects social housing to be let in a fair, transparent and efficient way.
- The Local Government & Social Care Ombudsman and the Housing Ombudsman, both provide a free and independent service to help resolve complaints, including those relating to the allocation of social rented housing.

Local context

- West Northamptonshire Council is responsible for administering a range of public law housing functions, for the benefit of the whole community,
- Public housing law requires West Northamptonshire Council to have a housing allocation scheme.
- West Northamptonshire Council continues to own social rented, housing management of the circa 11,500 properties is carried out by Northamptonshire Partnership Homes.

Local context

- Prior to the creation of West Northamptonshire Council, three former local authorities operated separate housing allocation schemes.
- The schemes operated by Northampton Borough Council and Daventry District Council, used a choice based lettings approach to allocating social housing. South Northamptonshire District Council used a direct matching model. Each of the scheme varied in other aspects, including IT systems.
- Northampton Partnership homes administered housing allocation functions on behalf of Northampton Borough Council. Daventry District Council and South Northamptonshire District Council administered housing allocation functions in-house.

Local drivers

- A new West Northants Housing Allocation Scheme needs to be in place by first April 2024.
- The Local Government (structural changes) Regulation 2020, made provision that certain schemes and strategies which are inherited from predecessor councils, can be revised and harmonised across the unitary authority, within 36 months of a new unitary authority being established.
- Regulation includes the allocation scheme under section 1668a of the Housing Act 1996

Choice

Choice-based lettings (CBL)

- The scheme draft is proposing CBL , but with an option to allow direct allocation / nomination, in particular circumstances.

Why CBL

- CBL is recommended best practice
- CBL provides an element of choice to an applicant
- Should reduce the number of refusals, as applicant has expressed a preference for a property
- Can minimize re-let times
- Can highlight undesirable areas by low number of bids / hard-to-let properties

Proposed qualification criteria

The following are the proposed non-qualifying criteria:

Persons under 16 years of age

Persons incapable of holding a tenancy

Persons that do not meet the West Northants local connection criteria

Persons founds guilty of unacceptable or unreasonable behaviour

Persons who have housing related debt

Persons who have breached tenancy conditions

Proposed qualification criteria

Persons who are homeowners in the UK or abroad

Persons who have an income and / or savings above the financial resource limit

Persons who have no assessed housing needs

Proposed assessment of housing need

- It is proposed that the Scheme will have 4 bands (A-D)

In determining which Band to place Applicants, the following priorities will apply:

- Applicants whom the Local Authority have chosen to award an additional preference, in addition to the requirement to be afforded a reasonable preference for an allocation, will be placed in Bands A or B.
- Applicants whom statute stipulates must be afforded a reasonable preference, will be placed in B with others in C&D

Band A:

Under-occupying social rented housing by one or more bedrooms

Sudden loss of existing home as a result of a disaster

Need to move as homes is subject to a compulsory purchase order or requires major works

Releasing an adapted WNC home or Registered Provider property within the West Northants area

An applicant assessed as an urgent medical need whose condition is life threatening and / or terminal and their accommodation is a major contributory factor

Planned discharge from hospital is imminent and there is no accommodation available which is reasonable to occupy

Band A:

Victims of domestic abuse who are homeless or owed a homelessness duty and/or have been identified as high-risk victims of domestic abuse at Multi-agency Risk Assessment Conference (MARAC)

Victims of racial harassment amounting to violence or threat of violence

Victims of hate crime amounting to violence or threats of violence

Witnesses of crime, or victims of crime, who would be at high risk of intimidation amounting to violence or threats of violence

Band B:

Homeless applicants owed a S189B initial duty, who are homeless and owed the S188 interim duty to accommodate having a priority need

Homeless applicants owed a S193 duty

Homeless applicants owed a S189B relief duty, but are not owed the S188 interim accommodation duty

Homeless applicants threatened with homelessness and owed the S195 duty

An applicant who is overcrowded and requires two or more additional bedrooms

An applicant occupying insanitary housing or living in unsatisfactory housing conditions

Band B:

A Care leaver who has had a duty of care accepted under the Children's Act by the Local Authority and is ready for independent living

An applicant approved by the Local Authority as a foster carer or to adopt, who needs to move to a larger home in order to look after a child under the care of the Local Authority's children services

Applicants who are members of the Armed and Reserve forces

An applicant who are bereaved spouses and civil partners of members of the Armed forces leaving Service Family Accommodation

An applicant assessed as a High medical need or High welfare need due to detrimental effects caused by the present accommodation.

An Applicant that is subject to Multi-agency Public Protection arrangement (MAPPA)

An Applicant that needs to move on hardship grounds

Band C:

An applicant who is intentionally homeless and have a priority need for accommodation owed the S190 duty

An applicant in overcrowding due to lacking one bedroom

An applicant is separated family due to no suitable accommodation

An applicant has at least one dependant child and is living in accommodation where the facilities are shared with others

An applicant assessed as a medium welfare need due to detrimental effects caused by the present accommodation

An applicant who has been assessed for 'Right to Move' to take up a particular employment, education or training opportunity and in respect of transfer Applicants, to be closer to work

Band D:

An applicant has refused the maximum number of suitable offers and will receive reduced priority/preference for 12 months

An applicant with no housing need but establishes a local connection to a S106 or village exception site, whether the connection is to the specific village where the development is located, or within the cascading villages (as set out in relevant legal agreements)

An applicant has deliberately worsened their circumstances to gain more priority through this scheme

Any other applicant who is eligible and qualifies and not covered by any of the above priority categories

Bidding / offers and refusals

- It is proposed that properties will be advertised on a weekly cycle
- Adverts will include a description of the property, tenure, rental charge size and any adaptations, plus any specific criteria or restriction on who may bid for the property
- Applicants who do not meet the criteria for a property will not be able to bid for the vacancy
- Applicants will be required to bid for a property to be considered for a nomination and may bid for a maximum of 3 properties per week
- All Applicants regardless of band will be entitled to two refusals of a reasonable offer of accommodation; except for the following exemptions who will only receive one refusal of a reasonable offer of accommodation, after the first refusals, the 2nd offer will be through a direct match
 - i. Homeless applicants to whom the authority has accepted a S193 main duty to accommodate
 - ii. Homeless applicants to whom the authority has accepted a S188 duty to accommodate
 - iii. Applicants who are subject to MAPPAs are entitled to one reasonable offer to accommodation, this will be through a direct match

Reviews

- Part 6 of the Housing Act 1996 applicants for housing have the right to request a review of any decision made about their application (below)
- Applicants have 21 calendar days of receiving a decision to submit a review
- The LA must complete the review with 56 days
 - A decision that an applicant is not eligible to register on the Scheme due to immigration status
 - A decision that an applicant belongs to a non-qualifying group
 - A decision on an applicant's priority status, including any changes to applicant priority status
 - A decision on the type of housing an applicant can bid
 - A decision regarding the extent of an applicant's household
 - A decision on whether an allocation / nomination constitutes a final offer within the terms of the scheme

Timetable

- June 2023 – finalise draft of new housing allocation scheme
- Workshops with staff
- Meetings / workshops with Registered Providers
- Prepare for consultation
- 19 June - Children, Education and Housing O & S
- 26 June - Executive Programme Board
- 11 July 2023 – Cabinet - approval sought to start formal public consultation
- 17 July – 24 September - formal public consultation
- 14 November 2023 – Cabinet approval sought to adopt housing allocation scheme
- November onwards – work on the implementation of the new scheme in April 2024