

WEST NORTHAMPTONSHIRE COUNCIL CABINET

11 JULY 2023

CABINET MEMBER FOR HOUSING, CULTURE AND LEISURE: COUNCILLOR ADAM BROWN

Report Title	West Northamptonshire Housing Allocation Scheme – recommendations by the Children, Education and Housing Overview and Scrutiny Committee
Report Author	James Edmunds, Democratic Services Assistant Manager james.edmunds@westnorthants.gov.uk

List of Approvers

Monitoring Officer	Catherine Whitehead	26/06/2023
Chief Finance Officer (S.151)	Martin Henry	26/06/2023
Communications Lead/Head of Communications	Becky Hutson	26/06/2023

List of Appendices

None

1. Purpose of Report

- 1.1. The report presents recommendations made by the Children, Education and Housing Overview and Scrutiny Committee resulting from scrutiny of the development of a new Housing Allocation Scheme for West Northamptonshire.

2. Executive Summary

- 1.2. The Children, Education and Housing Overview and Scrutiny Committee at its meeting on 19 June 2023 carried out pre-decision scrutiny of proposals for key elements of a new Housing Allocation Scheme for West Northamptonshire. The Committee received information from, and had

discussion with the Cabinet Member for Housing, Culture and Leisure, the Housing Services Manager and the Head of Housing Strategy and Partnerships on the requirements that the Scheme would need to meet and the approaches for achieving this that were being considered.

1.3. The Committee subsequently identified various recommendations for the Cabinet to consider before it agrees the draft Housing Allocation Scheme that West Northamptonshire Council (WNC) will issue for public consultation. These recommendations are intended to strengthen the Scheme and relate to the following areas:

- Non-qualifying criteria
- Bands for assessing housing need
- Information for applicants
- Implementation of the new Scheme

3. Recommendations

3.1 It is recommended that the Cabinet:

- a) Agrees that the proposed non-qualifying criteria for the new West Northamptonshire Housing Allocation Scheme should not bar persons who have housing related debt but who are making reasonable efforts to pay it back.
- b) Agrees that the proposed non-qualifying criteria for the new West Northamptonshire Housing Allocation Scheme should deal robustly with persons who have damaged social rented housing let to them in the past.
- c) Agrees that an applicant who has at least one dependent child and is living in accommodation where the facilities are shared with others outside their own household should be placed in Band B not Band C of the proposed bands for assessing housing need within the new West Northamptonshire Housing Allocation Scheme.
- d) Agrees that the proposed bands for assessing housing need within the new West Northamptonshire Housing Allocation Scheme should include provision for an applicant who has a dependent child under 16 years old who is subject to a Child Protection Plan.
- e) Agrees that clear information regarding the affordability of properties should be made available to applicants at an early stage in the bidding process within the new West Northamptonshire Housing Allocation Scheme, ideally including an affordability calculator tool.
- f) Agrees that the go-live date for the new West Northamptonshire Housing Allocation Scheme should be scheduled for after 1 April 2024 to mitigate risks that could result from coinciding with the date when Council Tax bills are issued.

4. Reason for Recommendations

4.1 The recommendations are intended to enhance the effectiveness of the draft Housing Allocation Scheme that WNC issues for public consultation in 2023 and, ultimately, of the final Scheme that is adopted. The specific thinking behind each recommendation is set out in section 5 of the report below. The presentation of the recommendations reflects the Overview and Scrutiny function's role for the development and review of policy.

5. Report Background

- 5.1 Social rented housing provides homes for people whose needs cannot be met by the commercial housing market. All local authorities with housing responsibilities are required to operate a scheme for the allocation of social rented housing in their area. Local authorities can decide the criteria that they use to determine who is eligible for the scheme (provided that these criteria are not discriminatory). Local authorities can decide how much choice applicants have in the home they are allocated. Statutory requirements specify that people in certain circumstances must be given priority for the allocation of social rented housing: for example, a person who is homeless; who is living in insanitary, overcrowded or unsatisfactory housing conditions; or who needs to move on medical or welfare grounds. Beyond this, local authorities can decide how they will prioritise applicants. Local authorities are required to provide information to anyone interested in being allocated social rented housing and to provide assistance to make an application to anyone who may need it.
- 5.2 WNC is currently operating different housing allocation schemes inherited from the former Northampton Borough and Daventry and South Northamptonshire district councils. WNC is required to regularise this situation and adopt a common housing allocation scheme for the authority by 1 April 2024. Work to develop this new scheme is in progress. The Cabinet is due to agree a draft Housing Allocation Scheme on 11 July 2023 for public consultation during the summer, with a view to the Cabinet then agreeing the final Scheme on 14 November 2023.
- 5.3 The Children, Education and Housing Overview and Scrutiny Committee is responsible for scrutinising housing issues from May 2023. The Committee sought to carry out pre-decision scrutiny of the developing draft Housing Allocation Scheme, which it was able to do at its meeting on 19 June 2023. The meeting was attended by the Cabinet Member for Housing, Culture and Leisure, the Housing Services Manager and the Head of Housing Strategy and Partnerships. The Committee was provided with information giving an overview of the following matters:
- Statutory requirements and areas of choice for local authorities relating to housing allocation schemes
 - Local context for the development of a new West Northamptonshire Housing Allocation Scheme
 - Proposed approach on applicant choice – use of choice-based lettings with the option to allow direct allocation / nomination in particular circumstances
 - Proposed non-qualifying criteria
 - Proposed approach on assessing housing need – use of four bands (A-D) with identified criteria for placing applicants in the higher bands
 - Proposed approaches to advertising homes, for bidding by applicants and for applicants to exercise the right to request a review of decisions about an application
- 5.4 The Committee considered and provided constructive challenge on various aspects of the proposed Scheme. The Committee identified recommendations on the areas set out in this section of the report.

Proposed non-qualifying criteria

- 5.5 The Committee was advised of the criteria included in the draft Housing Allocation Scheme that would mean a person did not qualify to apply for social rented housing. The Committee questioned that one of the proposed non-qualifying criteria was persons who have housing-related debt. Committee members encouraged that the Scheme should not bar people with such debt who were making reasonable efforts to pay it back. Committee members highlighted that debt or apparent unreasonable behaviour could be connected with other difficulties that an individual was dealing with in their life. If WNC applied the non-qualifying criteria in a rigid way that did not take account of individual circumstances it could exclude people from the Scheme who most needed help. The Committee was advised that WNC would take a person-centred approach to applying the non-qualifying criteria. A person would not qualify to apply for social rented housing if they had housing-related debt and there was no evidence that they were trying to deal with it. This reflected that part of the purpose of the non-qualifying criteria was to deal with cases where a person was deliberately worsening their situation to try to increase their priority. The Scheme should support people with legitimate need.
- 5.6 A Committee member went on to urge that the proposed non-qualifying criteria should deal robustly with a tenant who irresponsibly damaged their existing home and then expected the local authority simply to provide them with another. This behaviour demonstrated a lack of respect and WNC should address it, for example, by seeking to recover the costs of repairing damage. The Committee was advised that such cases could be covered by the non-qualifying criteria relating to persons found guilty of unacceptable or unreasonable behaviour or persons who have breached tenancy conditions. The Committee agreed to recommend that the new Housing Allocation Scheme should reflect both of the issues relating to non-qualifying criteria that it had highlighted.

Proposed bands for assessing housing need

- 5.7 The Committee was given an overview of the proposed banding model that would be used to assess housing need and the criteria for placing applicants in bands A – D. The Committee questioned that an applicant with a dependent child who was living in accommodation where the facilities were shared with others would only be placed in Band C rather than being given a higher priority. The Committee sought clarification of the definition of ‘facilities’ in this context and the Cabinet Member gave the view that it might reasonably be taken to mean a bathroom or kitchen. A Committee member also raised the need to be clear about how this criteria would apply in the case of a multi-generational family sharing facilities in the same home. The Committee ultimately concluded that a dependent child sharing facilities with others outside their own household was the key factor that should be considered. The Committee further agreed that applicants in this situation should be given a higher priority than was currently proposed in the interests of children’s safety and wellbeing.
- 5.8 A Committee member emphasised that the new Housing Allocation Scheme needed to be sufficiently flexible to deal with complex family scenarios that could arise in practice. As an example, they were currently assisting a family which included two siblings of different sexes who were both subject to a Child Protection Plan. The way in which housing need was assessed should

be able to make allowances for unusual circumstances and the additional needs that could result, such as two young people not being able to share a bedroom. This could support better outcomes for young people and reduce the risk of individuals having to come into care. The Committee was advised that the additional priority given to applicants with a welfare need due to detrimental effects caused by their present accommodation would cover some cases involving unusual circumstances. WNC also needed to balance the demand for social rented housing with the available stock. However, the Committee agreed that it would be helpful for the new Housing Allocation Scheme to include a specific priority for applicants with a dependent child who was subject to a Child Protection Plan.

Provision of information for applicants

- 5.9 The Committee noted that the proposed new Housing Allocation Scheme would involve properties being advertised on a weekly cycle, on the WNC website and through a housing bulletin. Adverts would include details of a property, the tenure and rental charge and any restrictions on who could bid for it. Committee members questioned whether additional support would be available for people who might otherwise be at a disadvantage, for example, if they did not speak English well, had no access to the Internet, or were not confident dealing with forms and processes. The Committee was advised that housing officers could put in bids on behalf of applicants who needed this help, whilst the option of direct allocation / nomination could also be used when appropriate to an applicant's circumstances. Internet access was available to members of the public in libraries.
- 5.10 A Committee member referred to an example of a constituent who had successfully bid for a social rented property but had subsequently been told that they could not afford the rent after providing details of their income. It would be helpful if this financial screening could be carried out earlier so that this scenario did not occur and applicants were clear about the properties available to them in practice. The Committee was advised that the advert for an individual property should provide members of the public with all of the details necessary to make an informed choice about whether to bid for it. However, a bid should not proceed if financial assessment showed that the property would be unaffordable. The Committee encouraged that the new Housing Allocation Scheme should provide as clear as possible information about the affordability of properties to applicants. The Committee was advised that it would be difficult to give guidelines on the maximum rent that an individual could afford due to the range of factors that would have to be taken into account. However, the Cabinet Member would like to introduce an affordability calculator tool similar to those on some commercial websites.

Implementation of the new Scheme

- 5.11 The Committee was advised that WNC was required to adopt the new Housing Allocation Scheme by 1 April 2024; it did not necessarily have to launch the new Scheme on this date. A Committee member highlighted that Council Tax bills would be issued on 1 April. Launching the new Scheme on the same date could create additional risk, particularly if there were teething problems with IT systems or other processes supporting it. The Committee concluded that it could help to mitigate these risks and to manage the impact on service users if the go-live date was scheduled for slightly after 1 April.

6. Issues and Choices

- 6.1 The Cabinet is asked to consider the recommendations by the Children, Education and Housing Overview and Scrutiny Committee and to give its response to them.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 Specific recommendations set out in this report may have resources and financial implications. The Cabinet should consider these implications when producing its response to the Children, Education and Housing Overview and Scrutiny Committee as set out in paragraph 6.1 above.

7.2 Legal

- 7.2.1 Overview and Scrutiny operates within set statutory provisions, principally those deriving from the Local Government Act 2000. The role of Overview and Scrutiny is to make recommendations to the Cabinet. The Cabinet will need to reach decisions based on the usual public decision-making criteria including that members consider relevant considerations and no irrelevant considerations. The views of a relevant Overview and Scrutiny committee supported by evidence can be decided upon but Cabinet's responsibility remains to ensure that it has sufficient information to make a decision including the financial and legal implications of the specific proposals presented.

- 7.2.2 The WNC Constitution Overview and Scrutiny Procedure Rules include the following provisions relating to reports by Overview and Scrutiny committees:

6.1 *Once recommendations have been formed, an Overview and Scrutiny Committee may submit a formal report for consideration by the Cabinet (if the proposals relate to an executive function and are consistent with the existing budgetary and Policy Framework), or to the Council as appropriate (if the recommendation would require a departure from or a change to the agreed budget and Policy Framework).*

6.2 *The Council or the Cabinet shall consider the report of an Overview and Scrutiny Committee at the next available meeting. The Council or the Cabinet shall respond to that Overview and Scrutiny Committee within two months (or following the next available meeting in the case of the Council) of it being submitted.*

7.3 Risk

- 7.3.1 The recommendations set out in this report are intended to address opportunities to strengthen the proposed new Housing Allocation Scheme that were identified by the Children, Education and Housing Overview and Scrutiny Committee. In this respect the recommendations can help to mitigate the risk of the new Scheme not being as effective as possible. Recommendations relating to the assessment of housing need may have an impact on how WNC manages overall

demand on the available stock of social rented housing. The Cabinet is able to give further consideration to risks that may be connected with implementing any of the recommendations made when producing its response to the Committee.

7.4 Consultation and Communications

7.4.1 The recommendations set out in this report were informed by discussion with the relevant WNC portfolio holder and service managers, as well as by Children, Education and Housing Overview and Scrutiny Committee members' engagement with service users when carrying out their role as ward councillors.

7.5 Consideration by Overview and Scrutiny

7.5.1 The recommendations set out in in this report result from consideration of the topic area by the Children, Education and Housing Overview and Scrutiny Committee.

7.6 Climate Impact

7.6.1 None directly relating to this report.

7.7 Community Impact

7.7.1 The recommendations set out in this report are intended to have a positive impact on people applying for social rented housing in West Northamptonshire in future.

8. Background Papers

8.1 Children, Education and Housing Overview and Scrutiny Committee agenda papers – 19 June 2023