

Report Title:	Housing Allocations Policy
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Cllr Del Campo – Cabinet Member for Adults, Health and Housing
Meeting and Date:	Cabinet – 27 July 2023
Responsible Officer(s):	Andrew Durrant – Executive Director of Place Services Emma Congerton – Housing Strategy and Inclusion Manager/Alex Szantai – Housing Operations Manager
Wards affected:	All

REPORT SUMMARY

The Housing Allocations Policy sets out how The Royal Borough will prioritise applicants for allocations of social housing that become available with our Registered Provider partners. The Housing Allocations Policy has been amended to give greater priority to local people, to incorporate the transfer lists of our main Registered Providers and to change to a Choice Based Lettings system to allow greater choice to households in need of social housing. This report is to secure approval to go out to public consultation to seek views about the changes to the policy and to confirm delegated authority to adopt the final version of the policy, once updated following consultation.

The Housing Allocations Policy has recently been reviewed by Counsel and is currently being updated in accordance with the recommendations.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Delegates authority to the Executive Director of Place in consultation with the relevant Cabinet Member to take the Housing Allocations Policy through a public consultation process and to adopt the final version of the Policy.**
- ii) Delegates authority to the Executive Director of Place in consultation with the relevant Cabinet Member to approve updates to the policy prior to publishing for consultation.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
To take the Housing Allocation Policy out to public consultation, review comments and agree a final copy for adoption in autumn 2023. This is the recommended option	This will enable key stakeholders and members of the public to share their views on the proposed changes to the Housing Allocations Policy before it is adopted in the autumn.
To implement the Housing Allocations Policy without first going out to public consultation. This is not recommended	This is not recommended. Some of the changes in the Housing Allocations Policy are significant and will impact on both stakeholders and members of the public and they should be able to share their views before the final copy is adopted.
Do Nothing This is not recommended	Our current Housing Allocations Policy is not fit for purpose and does not allow us to make best use of the available housing stock within the Borough and presents a risk of legal challenge.

3. KEY IMPLICATIONS

- 3.1 The Housing Act 1996 (as amended) sets out the categories of persons who must be given reasonable preference on the local authorities Housing needs Register. The Localism Act 2011 allows for additional preference to be given, as decided by the individual local authority. The amendments to the Housing Allocations Policy allow for better choice for applicants to the register and promote best use of the available housing stock within the Borough.
- 3.2 The Royal Borough does not currently have a Temporary Allocations Policy in place. The case of *Nzolameso v Westminster City Council* [2015] WLR(D) 165, [2015] PTSR 549, [2015] UKSC 22 at the Court of Appeal, held that there is a statutory duty for local authorities to accommodate homeless households within the district, where reasonably practicable, failing which they should try to place households as close as possible to where they were previously living. Furthermore, the Court of Appeal stated that ideally each local authority should have a policy that states how temporary accommodation properties will be procured and how homeless households will be prioritised for available

units within the district. Without such a policy, The Royal Borough is at risk of legal challenge when placing homeless households, particularly out of borough.

- 3.3 There are two gypsy and traveller sites managed by agents of The Royal Borough; Abri and Housing Solutions. Whilst plots on these sites rarely become available, it is vital to have a policy which clearly states who will be prioritised for these plots to prevent unauthorised occupation of the site and to ensure fairness for those who would like to be considered for an allocation.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 It is not anticipated that there will be any financial implications to the proposed changes to the Housing Allocations Policy. Our Registered Provider partners are currently administering a separate transfer system for their tenants who need to transfer to an alternative property, and we are in discussions with them about how the resources required to administer the transfer scheme within our Housing Needs Register will be met. The remaining changes within the policy will not require any additional resource to apply.

5. LEGAL IMPLICATIONS

- 5.1 The implementation of Choice Based Lettings will reduce the risk of homeless households challenging their offer of accommodation as discharge of the s193 homelessness duty.
- 5.2 Having a Temporary Allocations Policy will reduce the risk of legal challenge when placing households out of borough, or when unable to place them in their desired location within the borough.
- 5.3 Increasing the residency requirement from 2 years to 4 years is also proposed, with the average residency criteria for Berkshire authorities being 3.5 years (see table below). If the residency requirement is raised too high, there may be a risk of legal challenge for homeless households that do not meet the residency requirement and if an exception is not made for these households, they will be left in temporary accommodation for extended periods of time. Equal consideration will need to be given to wider borough residents.

Table 2: Berkshire Residency Requirements

Local Authority	Residency requirement
RBWM	2 years, proposing 4 years
Slough	5 years
Bracknell	4 years
Wokingham	5 years
Reading	3 years
West Berkshire	2 years

5.4 Having a Gypsy and Traveller Allocations Policy will enable us to allocate available plots on our sites in a fair and transparent way, which will reduce the risk of legal challenge.

6. RISK MANAGEMENT

6.1

Table 3: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk that the Council may be subject to legal challenge currently when placing homeless households in temporary accommodation , particularly out of borough, as we do not have a policy which details how applicants are prioritised for available properties which could result in Judicial	Major 3	High	Nothing	Implementation of the policy which clearly sets out how properties are allocated to homeless households	Minor 1	Low

Review proceedings						
There is a risk of legal challenge from gypsy and traveller households who wish to reside on our sites and who are unable to secure an allocation, which could result in Judicial Review proceedings. There is a further risk that unauthorised use of the site may be harder to manage through the courts if a policy is not in place.	Moderate 2	Medium	Nothing	Implementation of the policy will allow for transparency around how plots on our sites are allocated	Minor 1	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix A.
- 7.2 There are no climate change implications arising as a result of the Housing Allocations Policy.
- 7.3 The Housing Allocations Policy will have a positive impact on residents with a housing need and will enable the best use of limited social housing stock.

8. CONSULTATION

- 8.1 The Housing Allocations Policy will go out to public consultation once external legal opinion has been received and included into the draft policy, for a period of 12 weeks. A series of consultation events will be held with relevant stakeholders to ensure the collection of quality feedback is maximised.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: The full implementation stages are set out in table 3.

Table 4: Implementation timetable

Date	Details
27 July 2023	Cabinet approves the Housing Allocations Policy going out for public consultation
7 August 2023	Housing allocations Policy out to public consultation for 12 weeks.
29 October 2023	Consultation period ends
November 2023	The Housing Allocations Policy is adopted.

10. APPENDICES

10.1 This report is supported by 1 appendix:

- Appendix A – Equality Impact Assessment

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 1 background document:

- Draft Housing Allocations Policy

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>			
Executive Leadership Team	Chief Executive, Executive Directors, s151 Officer and Deputy Monitoring Officer	20 June 2023	21 June 2023
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	N/A	
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
Samantha Wootton	Data Protection Officer	N/A	
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	29 March 2023	29 March 2023
<i>Heads of Service (where relevant)</i>			
Tracy Hendren	Head of Housing, Environmental Health & Trading Standards	20 June 2023	21 June 2023

Confirmation relevant Cabinet Member(s) consulted Cllr Del Campo	Cabinet Member for Adults, Health and Housing	Yes
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REPORT HISTORY

First submission

Report Author: Emma Congerton, Housing Strategy & Inclusion Manager, 01628 683628.
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Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk

www.rbwm.gov.uk



1. Background Information

Title of policy/strategy/plan:	Housing Allocations Policy
Service area:	Housing
Directorate:	Place Services

Provide a brief explanation of the proposal:

- What are its intended outcomes?
- Who will deliver it?
- Is it a new proposal or a change to an existing one?

To take the draft Allocations Policy out to public consultation. Our existing Housing Allocations Policy is no longer fit-for-purpose and adopting a new one will enable us to make best use of available social housing stock within the district.

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM employees?

- If No, please explain why not, including how you've considered equality issues.
- Will this proposal need a EQIA at a later stage? (for example, for a forthcoming action plan)

Yes, this proposal will impact on communities as it will change the way in which we allocate social housing, however each household will be assessed in line with the new policy and based on their individual circumstances.

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

<p>Who will be affected by this proposal? For example, users of a particular service, residents of a geographical area, staff</p>
<p>Anyone joining the Council's housing register, or already registered, will be affected by the changes in the policy. Prior to this, all residents will have the opportunity to comment on the proposed changes.</p>
<p>Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented? For example, compared to the general population do a higher proportion have disabilities?</p>
<p>No, any household with a housing need will be able to join the housing register, subject to meeting the local connection and financial resource criteria.</p>
<p>What engagement/consultation has been undertaken or planned?</p> <ul style="list-style-type: none">• How has/will equality considerations be taken into account?• Where known, what were the outcomes of this engagement?
<p>A 12-week public consultation period will take place once Cabinet have approved the Housing Allocations Policy going out to consultation and once the policy has been legally reviewed.</p>
<p>What sources of data and evidence have been used in this assessment? Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.</p>
<p>N/A</p>

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age	Applicants over the age of 55 will no longer be able to join the Housing needs Register without a local connection, as is allowed in the current Housing allocations Policy. Choice-based lettings will require applicants to go online to bid, which may be hard for some older customers.		Yes
Disability	Choice-based lettings will require applicants to go online to bid, which may be hard for some older customers.		Yes
Sex	Not applicable		
Race, ethnicity and religion	Not applicable		
Sexual orientation and gender reassignment	Not applicable		
Pregnancy and maternity	Not applicable		
Marriage and civil partnership	Not applicable		
Armed forces community	Not applicable		
Socio-economic considerations e.g. low income, poverty	The Housing allocations Policy will enable us to make better use of available social housing stock within the borough, which will benefit those on low-incomes.	Yes	
Children in care/Care leavers	Not applicable		

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it?

For example, adjustments needed to accommodate the needs of a particular group

All applications to the Housing Needs Register are assessed based on the individual needs of the household.

Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?

- For planned future actions, provide the name of the responsible individual and the target date for implementation.

Assisted bidding will be available for those who are unable to go online and place bids themselves.

How will the equality impacts identified here be monitored and reviewed in the future?

See guidance document for examples of appropriate stages to review an EQIA.

6. Sign Off

Completed by: Emma Congerton	Date: 15 February 2023
Approved by: Tracy Hendren	Date: 16th February 2023

If this version of the EQIA has been reviewed and/or updated:

Reviewed by:	Date:
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