

Report to: **Executive**
Date: **3rd June 2021**
Title: **Devon Home Choice Policy Changes**
Portfolio Area: **Homes / Cllr Hilary Bastone**

Wards Affected: **All**

Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: NA

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Recommendations:

That, with effect from 1 July 2021, the Executive agrees the policy changes to Devon Home Choice.

1. Executive summary

- 1.1. Devon Home Choice has been the joint housing register for all local authorities in Devon since 2009. To support the delivery of Devon Home Choice there is a common policy, which has a requirement to be agreed by each Local Authority and Registered Provider Partner individually.
- 1.2. As a result of public and partner consultation on a number of proposed changes this report recommends adopting these changes with effect from the 1st of July 2021. This consultation was circulated to members for reference and concluded in February 2021.
- 1.3. The pending changes are outlined in section 4 of this report. The full policy can be found at www.devonhomechoice.com

2. Background

- 2.1. It is a statutory requirement for local authorities to have allocation schemes which give "reasonable preference" to certain categories of

those in housing need. In addition, housing can only be allocated to those who are "qualifying persons", in accordance with the provisions of the Housing Act 1996.

Statutory guidance was issued in June 2012 regarding the factors which could affect eligibility and qualification. Housing authorities are required to have regard to this in exercising their functions under Part 6 of the Housing Act 1996.

Local authorities are expected to have regard to their homelessness strategies when preparing or modifying their housing allocation schemes. The partnership working of Devon Home Choice operates closely with our homelessness prevention focussed model in line with this strategy. Our Homelessness Strategy is also available to view on the council webpages.

Devon Home Choice operates a Choice Based Lettings approach to allocations. This places people in a level of priority based on their circumstances and properties are then allocated according to priority and the length of time they have been in that level of priority. Customers check the website each week and express an interest in up to 3 properties per week that meet their housing needs. This system places the customer at the centre of the process allowing them to have control over the properties they are offered.

While the joint register has a shared policy there are some localised differences. In South Hams we have retained our own allocations policy. This allows us to allocate properties in a rural location (and not covered by a section 106 agreement) to people in housing need with local connection to that parish, then cascading to the wider area. This ensures that we are able place community at the centre of our allocations approach alongside housing need.

A report on the performance of Devon Home Choice will shortly be presented to the overview and scrutiny panel.

2.2. Proposed Changes:

Proposal 1: That applicants who are lacking 2 bedrooms be allowed to bid for homes 1 bedroom larger than their current home working on the understanding that while still not ideal this could significantly improve a families circumstances, health and wellbeing.

- This proposal was agreed in respect of 4 and 5 bedroom homes only:
 - o Households with a 4 bedroom need who are currently living in homes with 2 bedrooms will be allowed to bid for homes with 3 bedrooms.
 - o Households with a 5 bedroom need who are currently living in homes with 3 bedrooms will be allowed to bid for homes with 4 bedrooms.
- Homes will still be subject to a maximum occupancy level and allocation will still be at the discretion of the landlord.

- Applicants housed in a home smaller than their calculated bedroom need will be allowed to re-apply to the register but their band and band start date would be reset.

Proposal 2: That 4 and 5 bedroom homes are advertised using the maximum number of occupants as a restriction rather than the bedroom need. This is to enable greater flexibility to meet varied applicants needs with use of housing stock.

The Local impact of Proposal 1 and 2:

In South Hams we currently have 8 households on the register who are lacking 2 bedrooms with a 4 bedroom need or above (1 x 6bed, 5 x 5 bed and 2 x 4 bed need). The waiting times vary from less than a year to over 6 years for a 5 bed property. Over the last 2 years there have been 15 4 bedroom properties advertised in South Hams, 10 of these were new builds including 8 in the Sherford scheme. There have been no 5 or 6 bedroom properties advised during the same period. By allowing applicants to bid on smaller homes it should improve the households overall health and wellbeing by reducing the level of overcrowding but to a lesser degree.

Proposal 3: That a new question is added to Section 1 (Housing need criteria), and a corresponding indicator or banding on the application to identify applicants who are interested in Rent to Buy or Build to Rent properties.

- This requires a new question to be added to the application form but **does not require any change to the policy.**

Local impact of Proposal 3:

This a procedural change allowing the applicant to flag an additional housing option, locally this could increase the awareness of different housing options.

Proposal 4: That the paragraphs in the policy relating to the use of Health and Wellbeing panels (3.19.14 and 3.19.15) be reviewed and amended in line with what is actually being done.

- Revised wording has been agreed by the Board.

Proposal 5: That paragraph 2.2.5.9 of the policy, which is under the section detailing the types of tenancies not applying under DHC is re-worded to make it clearer that applicants who currently have an introductory or probationary tenancy can apply to the register.

Local impact of proposal 4 and 5:

The purpose of these proposals is to ensure greater clarity of the meaning of the policy wording which should deliver greater consistency for officers making assessments and property allocations. The clearer the wording the less open to

interpretation the policy is. This does not constitute a significant change in the policy and therefore the impact will be minimal.

Proposal 6: That Band C for 'Children under 8 above the third floor' is not awarded in blocks of flats where improvement works have been carried out, including windows fitted with restrictors, which would mean that the flats would be suitable for households with children under 8.

- Other hazards or health risks can be considered for affected applicants.
- This will follow in line with a national approach and assist in final offers. Landlords are able to determine restrictions on the advert.
- It was agreed that this band reason should be removed from the policy. Any existing applications which have Band C for this reason only will retain their current band.
- Where required landlords should carry out person-based risk assessments.

Local impact of proposal 6:

There are no properties matching this criteria in this area therefore this policy change does not directly impact allocations made within our district.

Proposal 7: That we allow some priority for members of household left in use & occupation after death of tenant and cannot succeed tenancy.

- The proposal is agreed on the criteria that the applicant has been resident at the property for 12 months and approaches the relevant LA once Notice has been given, with an application made and the LA having confirmed that an interim duty to accommodate is triggered. Once met, the Applicant may then be awarded Band B.

Local impact of proposal 7:

This will increase the chances of applicants in this situation moving on more quickly and makes best use of the available housing stock.

Proposal 8: That the reference to Category 1 hazards in the Band B reason for severe overcrowding be amended so that it is not a blanket award of Band B

- The recommendation from the group including Environmental Health colleagues was that there should be no change to the policy of awarding Band D to Cat 1 overcrowding hazards.
- The Board agreed that the policy wording should be changed to confirm that Band B will only be awarded for Category 1 Hazards where the household is lacking 2 bedrooms.

Local impact of Proposal 8:

This changes clarifies that the applicant must be lacking 2 bedrooms to be considered for Band B, rather than the previous wording which did not specify. This is intended as clarification only and not a significant policy change so the local impact should be minimal.

3. Outcomes/outputs

- 3.1. The Executive are asked to agree the adoption of the proposed changes to the Devon Home Choice Policy.
- 3.2. The impact of the changes to the policy will be monitored by both the operational group and the Board and any significant difficulties or barriers will be reported in a further review.

4. Options available and consideration of risk

- 4.1. The changes proposed do not attach a financial implication. The cost to make and implement the changes to the software is included in the £1000 annual contribution that we already pay.
- 4.2. South Hams is a member of the Devon Home Choice partnership, and as a result the changes need to be adopted by all Local Authority and Registered Provider partners. The aim of Devon Home Choice is to offer choice for people seeking housing and the ability to move within Devon. A common scheme across Devon that is transparent, easy to understand and accessible to all to ensure fairness and consistency. The local allocations policy, cross border move audits, our Local Allocations Policy and specific S106 planning conditions ensure a priority to be in place for applicants with local connection to the area, in particular the more rural areas where there are limited amounts of social housing.

If we are unwilling to adopt these changes it is likely we would have to leave the partnership and set up our own system of allocation. As a non-stock holding authority we would likely return to a nomination arrangement with our partner landlords (currently in all but exceptional circumstances all properties are allocated through Devon Home Choice). Typically this is in-between 65%-80% of all homes available with the rest retained by the RP (and likely to remain advertised through Devon Home Choice) Our residents would be required to register on 2 schemes to ensure they were able to apply for all suitable homes. In addition to this, leaving Devon Home Choice will affect the current partnership working with specialist schemes for supported accommodation and extra care housing working through Devon Home Choice to assist some of our more vulnerable applicants. The practicalities of securing Registered Provider Buy In beyond the previously agreed nominations agreement would be unlikely due to the replication of work required and the unlikely possibility that we could offer the same value for money as Devon Home Choice due to being solely liable for the running costs.

5. Proposed Way Forward

- 5.1. That members recommend the adoption of the proposed changes to the Devon Home Choice Policy.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Housing Act 1996 as amended by the Homelessness Act 2002, and the Localism Act 2011 provides the legislative framework for the allocation of social housing. While local authorities are not legally required to provide a housing register they must provide a framework for prioritising and allocating social housing.
Financial	Y	<p>No additional funding is sought at this time.</p> <p>The total cost (which is funded through property adverts) of the software is: Year 1: £29,002 Year 2: £29,727 Year 3: £30,470</p> <p>Our only cost associated with the register is a FTE at Level 7 and a £1000 contribution which the additional funding is raised by Registered Providers paying £25 per advert to advertise their properties on the Website.</p> <p>The joint register offers an efficient and customer led approach to managing the housing register, delivering on customer service and value for money.</p>
Risk	y	Failure to provide a framework for the prioritisation of applicants and allocation of social housing would be a failure to meet statutory requirements. Failure to implement the changes proposed would require us to give notice on the contract (12 months) and establish an independent register. The cost of this would be significant as outlined above.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	The Devon Home Choice Policy is checked by an independent specialist housing barrister when any fundamental changes are made to ensure that meets all the legislative requirements. None of the

		proposed changes were considered significant enough for this to warranted on this occasion.
Safeguarding	Y	The changes made address any safeguarding impacts for each change.
Community Safety, Crime and Disorder	Y	The Devon Home Choice Policy contains detailed information about relevant offending and other relevant disorderly conduct. The decision to operate a Choice Based Lettings system is to help communities thrive by enabling people choice over where they want to live.
Health, Safety and Wellbeing	Y	The prime objective of the Devon Home Choice Policy is to assist people with securing sustainable, safe long term accommodation which is vital to improving the health and wellbeing of people living in the area.
Other implications		

Supporting Information

Appendices: Local Lettings Allocation Policy Appendix 1

Background Papers:

None