

Cabinet

3 November 2020

Dorset Council Housing Allocations Policy 2021 - 2026

For Recommendation to Council

Portfolio Holder: Cllr G Carr-Jones, Housing and Community Safety

Local Councillor(s): All Councillors

Executive Director: V Broadhurst, Interim Executive Director of People - Adults

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Report Status: Public

Recommendation: That members of the cabinet:

Endorse the recommendation of the People and Health Overview Committee on 27 October 2020 and the work of the Executive Advisory Panel and recommend to Full Council:

1. The adoption of the Housing Allocation Policy
2. Delegation of authority to the Portfolio holder for Housing and Community Safety to make minor amendments to the Policy and any amendments necessary to reflect legislative change.

Reason for Recommendation: To ensure Dorset Council has a legally compliant Housing Allocation Policy that meets the needs of the residents.

1. Executive Summary

Local authorities are required under Part 6 of the Housing Act 1996(as amended) to have a housing allocation scheme and to ensure social housing is allocated

accordingly. In accordance with the provisions in The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 Dorset Council requires a new Dorset Council Housing Allocation Policy.

This report outlines the process in drafting a new policy and asks the Cabinet to consider the draft housing allocations policy and recommend to Full Council the adoption of the Dorset Housing Allocation Policy and the delegation of authority to the Portfolio holder for Housing and Community Safety to make minor amendments to the Policy and any amendments necessary to reflect legislative change.

2. Financial Implications

None. The housing service resources required to administer the policy are not expected to be affected.

3. Climate implications

It is not anticipated that the Housing Allocations Policy will have an adverse effect on the environment or climate change.

4. Other Implications

The housing service works closely with other partners on areas of mutual interest, including homelessness, corporate parenting; safeguarding boards and case reviews. This work includes having joint approaches to learning lessons and good practice.

The Housing Allocation Policy provides a framework to ensure the allocation of social housing is consistent, inclusive and provides opportunity to consider households exceptionally where necessary.

5. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: High

Having considered the risks associated with this decision using the council's approved risk management methodology, the following High risks have been identified and proposed mitigation noted:

- Risk Category Strategic Priority - A new Dorset Council Housing Allocation Policy is required by 1 April 2022.
Mitigation - Advanced approval provides necessary mitigation to complete associated action in time.

- Risk Strategic Priority - A period of implementation is necessary to ensure all households who wish to be considered for social housing have the opportunity to register and assessments completed.
Mitigation - Housing service resources will be required to support this work and are being planned.
- Risk Strategic Priority - Housing Allocation Policy contains processes that need to be reflected in the supporting software to enable policy implementation.
Mitigation – Policy approval will inform procurement of software in progress.
- Risk Category Strategic Priority - Dorset Council residents are currently subject to variations contained in existing housing allocation policies.
Mitigation – Current policies meet legal requirements and allow for exceptional circumstances. Other variations are not mitigated.

Current Risk: Low

- Risk Category Legislation – Changes to legislation occur during the lifetime of a housing allocation policy and require minor amendments for example from the 1st of January 2021, new immigration law will come into force that will determine eligibility for housing allocations (and homeless assistance, plus welfare benefit rights). The specifics of this new immigration system have yet to be confirmed by the UK Government. Nevertheless, it is expected that future eligibility for an allocation of social active housing for BU EU nationals, will be the same as it currently is for foreign nationals from outside both the UK and the EU. MHCLG should publish advice for local authorities in due course that will help to instruct any subsequent amendments that might need to be made to the policy.
Mitigation – the draft policy includes the ability for minor amendments to be made with approval from the housing portfolio holder.

Residual Risk: Low

Having considered the risks associated with this decision using the Council's approved risk management methodology, it is the officer's opinion that there are no High risks that need to be reported.

Changes to legislation and guidance will be captured during the lifetime of the policy and during each annual review.

Note: 1 January 2021 new immigration law will come into force that will determine eligibility for housing allocations. Specifics are not yet confirmed. Ministry of Housing Communities and Local Government are expected to publish guidance in due course. Changes to the policy may be required. Mitigation – the policy includes the ability for minor amendments to be made to the policy with consent from the Housing Portfolio holder.

Annual reviews will identify any appropriate revision of the policy.

6. Equalities Impact Assessment

The housing service sought advice from the Dorset Council Equality and Diversity officer and adjusted some scenario examples provided in the policy designed to illustrate various assessment criteria on households. The policy has been considered by the Dorset Council Equality and Diversity Action Group.

The public consultation responses were analysed. Respondents with protected characteristics included age; disability; gender; race; sex; pregnancy.

Other respondents included armed forces and rural isolation.

Responses were compared to provision in the policy. Amendments were made to strengthen discretionary provisions in relation to armed forces.

Supported by engagement feedback the policy strengthens support to vulnerable people to ensure all people are able to fully participate in the scheme.

7. Appendices

Appendix 1 – Draft allocation policy

Appendix 2 – Results from public consultation

Appendix 3 – Executive Advisory Panel

Appendix 4 – Equalities Impact Assessment

8. Background

8.1 Dorset Council is required to produce a new Housing Allocations Policy in accordance with the provisions in The Bournemouth, Dorset and Poole (Structural Changes) Order 2018. Previously, the 5 district and borough authorities that formed Dorset Council applied two different housing allocation policies. The policies have some different terms, categories and management content. An example is priority banding. Former Dorset Council Partnership residents use Emergency, Gold, Silver and Bronze, compared to former East Dorset Council residents who use Bands 1 to 4. Dorset Council needs to consolidate into one policy to ensure consistent opportunity for all our residents.

8.2 The design of a new policy has involved a Member Executive Advisory Panel (EAP); made up of the following Councillors, Graham Carr-Jones; Gill Taylor; Laura Miller; Simon Gibson; Sherry Jespersen; Toni Coombs; Les Fry; Mary Penfold; Molly Rennie; Matt Hall and Shane Bartlett. The EAP have met six times and their work involved reviewing the current

policies; considering options; data analysis to capture local housing need and previous year allocations.

- 8.3 A benchmarking exercise was shared and discussed with the EAP during the process that considered other local authority housing allocation policies including:
- Bath North East Somerset Council Homeseach Allocation Scheme
 - Wiltshire Council Allocation's Policy
 - Bournemouth, Christchurch and Poole
- 8.4 In preparing the policy a wide ranging public consultation took place. This ran from 2 March 2020 to 20 July 2020 which includes an extension due to the Covid-19 pandemic. Including in a public consultation, engagement took place with;
- Housing Services
 - Registered Housing Providers
 - Internal stakeholders (Adults and Children's services)
 - Voluntary Sector (e.g. homelessness support charities)
 - Other external stakeholders.

In addition the Council engaged with the National Practitioner Support Service (NPSS) and organisation who provide housing advice services to local authorities on best practice. They have provided guidance and an independent desktop review of the draft policy during the process. They have also fed back that the public consultation undertaken by the Council was an excellent example of an inclusive consultation. Appendix 2 contains the results from the public consultation.

9. Proposed changes

- 9.1 The draft policy can be found in appendix 1 however, some of the key proposed changes in the policy are:
- Local connection criteria harmonised to 2 years or 3 out of the last 5 years.
 - Names of bands changed from colour (Gold, Silver and Bronze) or number (1 to 4) to descriptive titles (A – Exceptional Need, B - High Housing Need, C – Medium Housing Need and D – Low Housing Need).
 - New legislation and guidance incorporated – European Union (Withdrawal) Agreement 2020; Domestic Abuse bill 2020; Improving access to social housing for members of the Armed Forces.
 - Changes to banding criteria - removal of shared low cost ownership criteria; removal of increased priority for cumulative criteria; removal of

self-build criteria; addition of criteria for corporate duty and corporate parenting; removal of deliberately worsening circumstances criteria; removal of accepting an offer that does not meet need criteria; removal of community contribution criteria; removal of duty to accommodate following deliberately refusing to co-operate criteria; separating of welfare and medical criteria; addition of social tenants in adapted property no longer needed criteria; social tenant requiring adapted property criteria;

- Amended the parish appendix to only include those listed in statute.
- Amended rural lettings criteria to enable 25% to be let to households who do not meet rural letting restrictions.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.