

Appendix 3 - Dorset Council Housing Allocation Policy Feedback

As part of the review feedback from the housing service has been considered. This section explains the feedback received and any recommended actions or amendments. Feedback has been received either directly due to operational matters, from reviews, complaints, and enquiries and from work undertaken as part of the Dorset Council Homelessness and Rough Sleeping Strategy.

Complaints, Reviews and Enquiries

We maintain data related to complaints the housing service received and enquiries we have received from DC Councillors or Members of Parliament. We have reviewed this information for the period January 2022 to February 2023 and identified any changes to the housing allocation policy that are related.

Local Connection:

There have been 3 complaints about local connection and appropriate responses were provided at the time. The complaints were not upheld. We have also received 16 enquiries about local connection. On review they illustrate:

- a) Applicant stated properties in local area they lived should be prioritised for applicants in that area. The applicant stated the policy was not being followed. Applicant stated their likelihood of being successful was lessened because bidding was open to anyone in the DC area (CCF42279080).

For properties to be prioritised for applicants who in addition to meeting our local connection criteria, meet specific residential or other requirements such as connection to a parish, these requirements must be in place at the time the property is developed or be a requirement of the social landlord such as a local lettings plan. In this instance, the properties in a parish were not subject to these restrictions. Nominations would be prioritised according to reasonable preference category and effective date of application.

- b) Applicant stated the DC wide local connection criteria automatically meant their chances of successfully bidding on a larger family home was diminished (CCF456259998).

There are insufficient larger social homes for let in the area. The Dorset Council wide general local connection would allow any applicant to bid for any home and will be shortlisted for nomination according to the priority and effective date related to each applicant who places a bid. If a larger home is subject to other specific local connection requirements due to planning or social landlord requirements these will be prioritised initially to those who meet these criteria and cascaded if there are no suitable applicants until a nomination is identified. Where a larger home, not subject to additional restrictions becomes available applicants with the highest priority anywhere in the area will be shortlisted and could impact on an applicant who has a lower priority and/or later effective date as appropriate.

- c) Applicant stated her bids were not leading to a successful let because other applicants with lower housing need were being offered the property.

The property was subject to a S106 planning requirement to have a local connection to a specific parish which the applicant did not meet. On this occasion, the applicant lived in the neighbouring parish but was not successful in the bid placed because there were other applicants who met this S106 requirement. This was explained to the applicant in relation to this property.

- d) 3 member enquiries about general local connection.
- e) 9 member enquiries about specific local connection requirements (S106; developments; shortlists; local lettings plan; parish connections; and/or no local connection).
- f) 4 MP enquiries about local connection; specific sites; no local connection; and/or specific area.

Recommendation: Minor Amendment

1. Insert new text at section 31 Assessing Bids Received at S31.3 to read:

Bids placed for properties subject to S106 Town and Country Planning Act 1990, local lettings plans and/or specific social landlord requirements will be prioritised accordingly. Relevant information is included in advertisements and applicants are encouraged to note these factors.

Homeless and Rough Sleeping Strategy Feedback

This strategy is supported by an action plan and is subject to a separate review. Any actions or amendments to the Dorset Council Housing Allocation Policy identified by this work is described below:

Action 1.2.2: Identify through the housing register applicants who are not eligible for housing association accommodation due to housing association lettings policies and provide advice/prevention/relief support or signpost to other services.

This project considered a variety of elements that could affect eligibility for housing association accommodation most of which relate to operational practice or software configuration.

Rent Arrears:

Applicants who qualify and are eligible can be excluded from the housing register for 5 different reasons shown in S15 Exclusions. This section includes 'unacceptable behaviour' which includes households with rent arrears of 8 weeks or more who are not able to demonstrate an attempt to repay.

The task identified households who have rent arrears due to the limitation of housing benefit because they under occupy could be excluded from the register despite the inclusion of a Band B High Housing Need reasonable preference for this cohort and are therefore blocked by the policy from joining the register.

Social landlords ask for evidence of payment plans to repay any rent arrears or housing related debts applicants have. The period of the payment plan varies from unspecified to 3 years. Landlords will work with us on a case-by-case basis when we nominate households who have rent arrears and they are homeless or when the household is suffering from

hardship caused by affordability and/or they are under occupying social housing and impacted by housing benefit.

Our data illustrated:

65 applicants had been refused by social landlords because of their rent arrears.

12 applicants were excluded from the register due to rent arrears.

The task identified that although the housing service already provide support and advice to homeless applicants with arrears for example financial support to reduce or clear rent arrears, we can improve support for applicants to understand the impact of the landlord's requirements and to reduce the number of refusals due to rent arrears.

Our data illustrated:

9 households on the housing register with no payment plan in place, all of which are homeless.

7 households on the housing register with arrears and a payment plan in place.

Recommendation: Minor Amendment

1. Amend Section 16 Unacceptable Behaviour at S16.2 (a) to read:

'Rent arrears of 8 weeks or more or breach of tenancy obligations where no attempt is being made to repay the debt or remedy the debt by either paying the debt in full or adhering to a repayment plan, unless at the time of their application they are owed a prevention, relief or full housing duty under the homelessness legislation or are under occupying a social tenancy and arrears have accrued due to the impact of under-occupancy. Debt relating to MOD properties known as mesne profit debt which is rent arrears that starts to run when the tenancy has been terminated and the tenant still holds possession will be disregarded where a copy of the notice to vacate or Certificate of Cessation of Entitlement to Service Families Accommodation is provided. Dorset Council may contact the Ministry of Defence of Loss of Entitlement to verify mesne profit debt.'

2. Amend Section 32 Nominations at S32.2 to read:

'The social landlord will consider the applicant(s) and may ask for additional documentation. Households with rent arrears will be required to provide evidence of debt repayment plans. Social landlords' own policies vary regarding the length of time repayment plans will be accepted. Plans of less than 6 months are unlikely to be considered. The social landlord may liaise with the housing service and consider various factors including:

Anti-social Behaviour:

The policy restricts households with a history of anti-social behaviour (ASB) within the last 2 years at from joining the register at Section 16.1 'Unacceptable Behaviour'.

S16.3 provides a mechanism for considering each ASB case individually when reaching a decision to refuse registration and says that 'all reasonable and relevant factors will be considered before making any decision'.

The data illustrated:

4 households owed a homeless relief duty with ASB.

4 households owed a homeless main duty with ASB.

The Homeless and Rough Sleeping task 1.2.2 identified social landlord's own lettings policies vary about how long they require since the last incident and range typically from 2 to 3 years.

Case-by-case liaison with social landlords at nomination stage is carried out.

Current support for applicants and internal processes to monitor and manage households best, are in place and routinely examined to provide improvement or respond to specific needs.

Feedback

Since the current policy has been implemented, we have received feedback from housing service operatives. We have included this in the review:

S10 Eligible Applicants – providing information.

This section describes the information applicants must provide to evidence that they are eligible and qualify to join the housing register. It also includes time limits and support available to complete this.

Feedback suggests that some vulnerable households including those who are homeless, rough sleeping or victims of domestic abuse can have difficulties in meeting these requirements even with the help of support workers and have requested a relaxation of evidence required for these cohorts.

The council must be robust in preventing fraudulent applications to obtain social housing. Personal identification is a requirement for many services people use and the policy includes a range of possible sources that are accepted.

The policy must ensure procedures for accessing social housing are robust and balance our commitment that the scheme will be accessible, responsive, and sensitive to the diverse needs of individuals.

The review identified resources are in place to support households who are vulnerable and unable to initially provide the required documentary evidence and does not recommend a change to relax these requirements.

S13 Local Connection criteria

Applicants are required to meet ONE of the 5 local connection criteria. As such, households who have lived in the area for less than 2 years but who meet requirements detailed in a S106 Town and Country Planning Act 1990 or other local letting plan can still access the housing register.

The policy is currently silent on the restriction for these households to place bids in the area affected by the S106 and should be amended to provide clarity for this cohort.

Recommendation: Minor Amendment

1. Insert new section at S13.3 to read:

'Applicants accessing the register via local connection, location requirements relating to S106 Town and Country Planning Act 1990 are limited to bidding on properties within that development only.'

S16 Unacceptable Behaviour

The Service Manager for Housing Solutions identified the policy does not adequately describe how applicants subject to Multi-Agency Public Protection Arrangements (MAPPA) can access the register. These applicants are not required to meet the local connection criteria and except for MAPPA, would be excluded by the unacceptable behaviours category.

The council is a duty to co-operate agency for Multi-Agency Public Protection Arrangements (MAPPA) and these households must be able to access the register. For clarity the policy should be amended to reflect this process.

Recommendation: Minor Amendment

1. Insert new section at S16.4 to read:

'The following exceptions apply:

- a) High risk offenders with an offending history will always require an appropriate risk assessment in the first instance, which will take MAPPA (Multi-Agency Public Protection Arrangements) guidance into account where appropriate. They will only be considered for the waiting list once a multi-agency risk assessment is carried out to consider what type of accommodation is appropriate.'

2. Rename current Section 16.4 to Section 16.5

S17 – Financial resource limit.

Currently the financial limit is £60,000 gross including income, savings, investments and/or capital. There are exceptions to the limit.

Feedback suggests the level of the financial resource limit is high and could be reduced.

Our data illustrated in June 2023 there have been 8 households not eligible due to the financial resource limit. There are a further 53 applications in the process of being assessed who have indicated they are homeowners and depending on their circumstances could have in excess of the financial resource limit or be older people whose financial resources are excluded.

We benchmarked neighbouring council housing allocation policies again and identified:

Bournemouth: Case by case assessment. Households are ineligible if the income amounts to more than 6 times local housing allowance (LHA) at the time (disregarding attendance allowance and disability living allowance); households are ineligible when their capital, savings and equity is assessed as sufficient to resolve their housing need within the local housing market based on the size and composition of their household.

Somerset: Applicants with savings over £16,000, or sufficient equity or savings, or gross income of more than 5 times the relevant LHA are eligible but placed in the lowest band because they will be deemed able to meet their own housing needs. Payments of attendance allowance, disability living allowance and personal independence payments are disregarded for this purpose. These thresholds do not apply in various situations including

victims of domestic abuse, overriding medical or support need, applying for sheltered accommodation, an existing social tenant with a right to move, existing social tenant that needs to be decanted, applicants with mobility needs but declined a disabled facilities grant.

Wiltshire: applicants with sufficient resources from income, assets, savings, and investments to meet their own housing needs on the open market in an area appropriate for them to live are ineligible. Applicants who require extra care or supported housing, have received a lump sum for compensation in respect of an injury or disability or need to care for another in a parish who would suffer detriment otherwise and they cannot find suitable accommodation in that parish or within reasonable travelling will be able to join the register. Capital disposed of within the 12 months prior to making an application may be included in the assessment.

The Dorset Council area the LHA rates (including a calculation to illustrate how much 5 x the annual LHA rate per annum would be) are:

LHA Rates Dorset						
BMRA (Broad Market Rental Area)	1 Bed	per annum x 5	2 Bed	per annum x 5	3 Bed	per annum x 5
Bournemouth	114.23	29,699.80	144.34	37,528.40	175.54	45,640.40
Dorset	102.81	26,730.60	129.81	33,750.60	150.58	39,150.80

Other linked factors to consider include the impact on households and on homeless households.

Factor 1: Employee with gross income of £45K and no pensionable contribution on average will have an annual net income of £34.5K which equates to £2,800 monthly approximately.

Factor 2: Average private rental for Dorset (April 2023) £1,400 per month. Most homes for private rent fall between £1,000 and £2,000 per month.

Factor 3: Households failing to secure private rented homes or other solutions will approach the council for homeless assistance. There has been a 17.25% increase in homeless approaches in 22/23 compared to 21/22. This peaked at 37% increase in some months.

Factor 4: There are currently there are over 4000 live housing register applications. Any reduction in financial limits may mean some households who have been accepted become ineligible.

Factor 5: The housing benefit regulations have a lower capital limit of £6,000 and an upper capital limit of £16,000. This means if applicants have less than £6,000, they should be able to claim full housing benefit. If applicants have between £6,000 and £16,000, they will qualify, and any award depends on the household makeup.

Factor 6: LHA rates are set at 2020 and not currently planned for review. The recent rental market increases result in a widening gap between LHA and actual rent charged.

Recommendation: Planned work

1. No change to current level of £60,000 gross (including income, savings, and investments) due to the current cost of living crisis and local private rented market conditions.

2. Investigate methods to increase data intelligence relating to topic and include in next formal review.

S19 Deliberately worsening circumstances

Where there is evidence, an applicant has deliberately worsened their circumstances so they can join the housing register or qualify for a higher band, their application will be refused for a period of 12 months unless a homeless duty has been accepted by the council. There have been 2 households who were refused for this reason.

Currently, the policy does not refer to deprivation of capital or include examples. Adding this information would provide clearer guidelines to applicants and housing colleagues.

Recommendation: Minor Amendment

1. Amend S17.2 to read –

‘This can include disposals for nil (for example, transfer of ownership) or below market value such as selling a property within the last 12 months that is affordable and suitable for the applicant’s needs to be able to join the housing register or qualify for higher bands on the register.’

2. Amend S19.2 to read:

‘If an applicant deliberately worsens their circumstances so they can join the housing register or qualify for a higher band and there is evidence of this, their application will be refused for a period of 12 months unless a homeless duty has been accepted by Dorset Council.

For an applicant to have deliberately worsened their circumstances where accommodation has been left, there must be evidence that it would have been reasonable for the applicant to have remained in that accommodation and that the accommodation would have continued to be available to her/him. Examples of deliberately worsening of circumstances include (but are not limited to) are:

- a) deliberate moving from an assured/assured shorthold tenancy to insecure, overcrowded accommodation with family or friends within the last 12 months to qualify for higher band.
- b) moving family member(s), friend (s) and/or any other household into the current home, within the last 12 months where there is no need, including cases where this conflicts with agreements with any landlord.’

S21 Other Factors Explained

This section explains the council will consider other factors that may affect an applicant’s qualification or assessment and is followed by section 22 to section 26 describing these factors.

S25 Disrepair

The policy provides a reasonable preference for applicants with a housing need that relates to housing conditions in each band.

Section 25 'Disrepair' explains the level of property disrepair falls into each band and is assessed by the council using a nationally prescribed risk assessment called the Housing Health and Safety Rating System (HHSRS) and that there are two categories.

Feedback indicates households do not understand elements of this including the notification of their landlord and the role of the Housing Standards Team (HST).

Applicants may benefit from additional guidance about this subject.

Recommendation: Minor Amendment

1. At section 25 Disrepair insert new section at S25.4 to read:

'If disrepair is an element of the applicants housing register application:

- a) applicants are expected to have attempted to resolve the matters with the property owner first.
- b) if attempts to resolve the matters with the property owner are unsuccessful, an internal referral can be made by the Housing Register Team to the Housing Standards Team who can offer the occupant advice or an enforcement service.
- c) if the applicants' home has structural health and safety deficiencies for which the HST can take action to resolve, then in the first instance and with the applicant's agreement, the HST would contact the landlord, normally in writing, to raise the deficiencies and try to get them resolved.
- d) if this is unsuccessful, and the applicants' home has deficiencies for which the HST can take action to resolve, then an inspection maybe carried out of their home with a view to identifying any serious health and safety deficiencies and enforcing the repairs on the landlord. This may involve the service of a legal notice on the landlord.
- e) The Housing Register Team will be notified of the outcome of this inspection which may or may not affect your banding.

Appendix 3 – Explanatory Notes

Band A - Exceptional Housing Need that takes priority over other applications.

Example 1 refers to 'Dorset Home Choice partner', this is an error and should read 'Dorset Council'.

Recommendation: Minor Amendment

1. Amend Example 1 Appendix 3 – Exceptional Housing Need that takes priority over other applications to read 'Dorset Council'.

Band B – Under-occupying social housing

Currently households who already live in social housing but are now under-occupying and wish to move to a smaller home are assessed with a high housing need. Applicants can bid for properties that meet their assessed need.

In practice the service has seen that some households are only willing to downsize in part. Because these applicants are only able to bid on homes that meet their actual housing need, they are reluctant to do so. It is suggested these households would be more likely to release a larger home if they are able to retain at least one extra bedroom.

Changing this approach could mean larger family homes may be more easily released for those who meet this need. Larger homes are in short supply; however, it is possible that social landlords would not support this approach and would not accept these nominations. In addition, households could move and remain on the housing register because they continue to under-occupy.

The data illustrates:

Band B Under-occupying social housing	No.
Applications	176
Housed	27
Active	131

Recommendation: Further Investigation

1. Carry out a study to determine the likely impact and effectiveness of proposed change.

Band C – Homeless Households

Currently the policy has omitted to list homeless households where the Authority has owed a S193 duty but has subsequently discharged duty for whatever reason in this description. To provide clarity and accuracy feedback has been received to amend the text.

Recommendation: Minor Amendment

1. Amend the first paragraph to read:
‘People who are homeless including those who have not chosen to make an application for homelessness assistance (within the meaning of Part 7 of the Housing Act 1996 (as amended)). This will include households who are deemed to be intentionally homeless or considered not to be in priority need by Dorset Council, as well as those where the Authority has owed a s193 duty but has subsequently discharged that duty for whatever reason.’

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