

## TRAFFORD COUNCIL

**Report to:** Executive  
**Date:** 29<sup>th</sup> October 2018  
**Report for:** Decision  
**Report of:** Executive Member for Housing and Communities

### Report Title

**Trafford Housing Allocations Policy 2018**

### Summary

Trafford Council's Housing Allocation Policy was last reviewed in March 2013 and due to the changes to homelessness legislation through the new Homelessness Reduction Act 2017 (HRA), a revised Allocations Policy is proposed

The Housing Allocation Policy explains the rules, criteria and procedure that determine how the Council will nominate households to social and affordable rented Registered Provider (RP) properties in the borough. Housing Options Service Trafford (HOST), who provides homelessness and housing advice on behalf of the Council, administer this policy. However the Council is responsible for producing the Policy and ensuring its implementation.

The Allocation Policy works alongside the Nominations Agreement. The Nomination Agreement provides the nomination rights to a percentage of the RP properties in the Borough. Trafford Council is no longer a housing provider and it is therefore vital that a Nominations Agreement is in place to enable people on the Council's Housing Register an opportunity to be re-housed fairly through the use of the Allocations Policy.

### Recommendation(s)

It is recommended that the Executive approves the Trafford Housing Allocations Policy 2018 for publication.

Contact person for access to background papers and further information:

Name: Caroline Abbott (Housing Strategy & Growth Manager) – Ext 4667

Appendix One: Trafford Housing Allocations Policy 2018

Appendix Two: RP Event (17<sup>th</sup> April 2018) – You Said We Did Report

Appendix Three: Allocations Policy Consultation Report

Background Papers: None

*Implications:*

Relationship to Policy Framework/Corporate Priorities	The Housing Allocations Policy meets the Council's Corporate Objectives of: <ul style="list-style-type: none"> <li>• Safe Place to Live</li> <li>• Services Focused on the Most Vulnerable People</li> </ul>
Relationship to GM Policy or Strategy Framework	The Trafford Housing Allocations Policy adheres to a Legal Framework outlined in Part 6 of the 1996 Housing Act. The Policy is for Trafford residents only. Each authority in GM will have their own Policy specific for their locality.
Financial	The Policy and HOST contract will be managed within existing budgeted resources.
Legal Implications:	The Council has duties in respect of homelessness. As the Council has no housing stock it must make alternative arrangements to be able to comply with those duties.
Equality/Diversity Implications	None as a consequence of this report.
Sustainability Implications	None as a consequence of this report.
Resource Implications e.g. Staffing / ICT / Assets	None as a consequence of this report.
Risk Management Implications	None as a consequence of this report.
Health & Wellbeing Implications	None as a consequence of this report.
Health and Safety Implications	None as a consequence of this report.

**1.0 Introduction**

1.1 Trafford Council's Housing Allocation Policy was last reviewed in March 2013 and due to the changes to homelessness legislation through the new Homelessness Reduction Act 2017 (HRA), a revised Allocations Policy is proposed (see Appendix 1).

- 1.2 The HRA came into force on 3<sup>rd</sup> April 2018 and the new Act amends Part 7 of the Housing Act 1996 which provides local authorities' statutory duties when dealing with homelessness. The HRA amends and introduces a number of new duties, including:
- A duty to provide information and advice to all.
  - A duty to formulate a Personal Housing Plan (PHP) for those applicants who are homeless or threatened with homelessness within 56 days.
  - A duty to prevent homelessness within 56 days – 'Prevention Duty'.
  - A duty to relieve an applicants' homelessness by helping them secure accommodation that would be available for them to occupy for a period of at least 6 months, within 56 days –'Relief Duty'.
- 1.3 The Housing Allocation Policy explains the rules, criteria and procedure that determine how the Council will nominate households to social and affordable rented Registered Provider (RP) properties in the borough. Housing Options Service Trafford (HOST), which provides homelessness and housing advice on behalf of the Council, administer this Policy. However, the Council is responsible for producing the Policy and ensuring its implementation.
- 1.4 The Policy must adhere to a Legal Framework outlined in Part 6 of the 1996 Housing Act, an element of which mandates that certain groups of applicants must be given 'reasonable preference' in determining who is allocated properties. This already applies to people who are homeless and some who face losing their accommodation within 28 days, but the HRA extends this preference to all applicants who are threatened with homelessness within 56 days.
- 1.5 Reasonable preference applies to the following applicants:
- Homeless people owed a full duty under part VII of the Housing Act 1996.
  - Homeless individuals (not owed a full duty under the above Act).
  - Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
  - Applicants who need to move on medical or welfare grounds or grounds of disability.
  - Those who need to move to a particular locality in the district where failure to meet that need would cause hardship (to themselves or others).
- 1.6 The Allocation Policy works alongside the Nominations Agreement. The Nomination Agreement provides the nomination rights to a percentage of the RP properties in the borough. Trafford Council is no longer a housing provider and it is therefore vital that a Nominations Agreement is in place to enable people on the Council's Housing Register an opportunity to be re-housed fairly through the use of the Allocations Policy.

## **2.0 Proposed changes to the Allocations Policy**

2.1 The proposed Allocations Policy includes the following key amendments:

- (i) Applicants who have been assessed as statutory homelessness are moved from Band 2 to Band 1.
- (ii) Homelessness applicants who are owed the 56 day Relief Duty in accordance with The Homelessness Reduction Act 2017 are placed into Band 2.
- (iii) Homelessness applicants who are owed the 56 day Prevention Duty, in accordance with The Homelessness Reduction Act 2017, are placed into Band 3. Applicants will be moved to Band 2 after 28 days provided they have complied with all aspects of the Personal Housing Plan.
- (iv) Exceptional Circumstances Award is being limited to 12 months, currently there is no limit to this award. This new rule will stop people sitting on their award waiting for the 'perfect' property to be advertised. Should a person be awarded exceptional need to move the Council would assume that this need is urgent and therefore would have taken place within 12 months.
- (v) 'Three offer rule' across all Bands - applications will be cancelled upon refusal of three suitable offers of accommodation, unless there is a valid reason, which will be addressed at a review/appeal process. Currently applicants are able to refuse offers and continue to wait on the register for an indefinite time. This new rule will stop people sitting on the Housing Register waiting until the 'perfect' property to be advertised. It will save officer time at HOST and within the RPs who make an offer which is then withdrawn/ refused by the applicant.
- (vi) Tenants of Registered Providers under occupying by 2 or more bedrooms will be reduced from Band 1 to Band 2 and tenants of Registered Providers under occupying by 1 bedroom will be reduced from Band 2 to Band 3. These categories were introduced to assist with government changes in Housing Benefit awards when tenants were under occupying. The Council believes that tenants who needed to move will have done so. Any tenants who find themselves in this situation will be awarded the Prevention Duty and receive help via the HRA. This change will allow those remaining in Band 1 more available properties and thus facilitating speedier move on from supported accommodation as well as less time in temporary accommodation for those owed a main homelessness duty.

2.2 No changes are being made to Bands 4 and 5 as the applicants in these Bands are not affected by the changes enacted by the HRA.

2.3 The Policy uses a Banding system to allocate properties fairly and to those in most need, this system has remained unchanged. A summary of these bandings is detailed below:

<b>Trafford Banding System</b>
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<b>Band 1:</b> Urgent housing need and owed 'reasonable preference'.
<b>Band 2:</b> Need to move and owed 'reasonable preference'.
<b>Band 3:</b> Applicants who do not meet the criteria for Band 1 and 2 but fall into the 'reasonable preference' category.
<b>Band 4:</b> Applicants not assessed as being owed 'reasonable preference' but who meet the Trafford Positive Community Criteria (working/volunteering in the borough or have a local connection).
<b>Band 5:</b> Applicants who would have been owed 'reasonable preference' but have been awarded reduced preference (rent arrears, ASB etc.), applicants with no recognisable housing need and those with no priority.

### **3.0 Impact of the proposed amendments**

- 3.1 Initial analysis of the Housing Register has been undertaken to determine how the proposed changes will affect the number of applicants within each Band.
- 3.2 The Council is proposing these changes as detailed in section 2 to ensure that statutory homeless applicants are given greater priority (from Band 2 to 1) and that the new duties in line with HRA (Prevention and Relief) are included within the Allocations Policy.
- 3.3 The worse affected applicants will be those under occupying as these applicants will have a reduction in their Band. Currently there are 33 applicants under occupying by two or more bedrooms in Band 1 who will move to Band 2, and 78 applicants who are under occupying by one bedroom who will move from Band 2 to Band 3.
- 3.4 The proposed changes will see an overall increase of 69 applicants within Band 1 with the number of statutory homeless applicants moving from Band 2 to Band 1 and those under-occupying by two or more bedrooms moving from Band 1 to Band 2. It is anticipated that the number of statutory homeless applicants will decrease overall due to the changes imposed within the HRA and the two additional duties (Prevention and Relief) that will provide officers more time to prevent or relieve an applicant's homelessness prior to the main homelessness duty (statutory homeless) coming into play.
- 3.5 The proposed changes will see a decrease of 173 applicants in Band 2, however it is anticipated that there will be a large number of applicants within the Relief and Prevention after 28 days category once the Allocations Policy has been agreed and the new band criteria is in place.

- 3.6 The proposed changes will see an increase of 26 applicants in Band 3, however the new Prevention Duty criteria will now be included within this Band and the age criteria has been reduced from 60 to 55 therefore there will in an overall increase in the number of applicants within this Band once the Allocations Policy has been agreed.

#### **4.0 Consultation**

- 4.1 An event was held on 17<sup>th</sup> April 2018 with RPs operating in the borough (see Appendix 2). The event was an opportunity for RPs to provide initial feedback on the proposed amendments to the Allocations Policy. Overall, the RPs who attended welcomed the changes proposed in line with HRA. Comments were received during the workshop sessions and some amendments to the Draft Policy wording were made.
- 4.2 Following this a formal consultation with residents, tenants, Registered Providers and key stakeholders took place for 6 weeks from 13<sup>th</sup> August and 21<sup>st</sup> September 2018 on the proposed amendments. An on-line questionnaire was available on the Council's website and an email was sent to all those applicants on the Council's Housing Register along with weekly publicity on Facebook and Twitter to raise awareness about the consultation and encourage individuals to complete the on-line survey. Thirty –two responses to the survey were received and summary of these are contained in Appendix 3.
- 4.3 The amendments detailed in Section 2 formed part of the consultation apart from (v) which was originally set on the basis of a 'one offer rule' across all bands. Following a review of the consultation responses and a re-assessment, this has been revised to a 'three offer rule' to allow for more flexibility and choice for applicants while reducing the time they have to spend on the Housing Register waiting for accommodation. Currently applicants are able to refuse offers and continue to wait on the Register for an indefinite time. This refusal limit of three will stop people sitting on the Register waiting until the 'perfect' property is advertised and will also save officer time at HOST and within the RPs. No other amendments to the Policy have been made following the consultation exercise.

#### **5.0 Wider Corporate Linkages**

- 5.1 The Trafford Housing Allocation Policy meets the Corporate Objectives of 'Safe Place' to 'Live and Services Focused on the Most Vulnerable People'. The Policy is also complimentary to, and will play a key part in, delivering the Trafford Vision 2031 which sets a long term vision for the future where "Nobody is held back, nobody is left behind."

## 6.0 Other Options

6.1 Another option is not to adopt the revised Policy which has been amended in line with changes to Homelessness Legislation. The Policy needs to be revised in line with the Homelessness Reduction Act 2017 to take into account the additional duties (Prevention and Relief). Without these amendments the Council is in breach of not adhering to its statutory homelessness duty.

## 7.0 Reasons for Recommendation

7.1 It is recommended that the Executive approves the revised Trafford Housing Allocations Policy 2018, which takes into account the changes enacted by the Homelessness Reduction Act, to ensure that the rules, criteria and procedures that determine how households are nominated to social and affordable rented RP properties in the borough is provided.

**Key Decision:** Yes

**If Key Decision, has 28-day notice been given?** Yes

**Finance Officer Clearance** ...PC.....

**Legal Officer Clearance** ...TR...

**CORPORATE DIRECTOR'S SIGNATURE**



To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.