

REPORT TO: Executive Member for Housing
REPORT BY: Head of Community Housing
REPORT WRITTEN BY: Ivan Western, Housing Options Manager
SUBJECT: Housing Allocation Policy
DATE: 5th February 2008

1. Purpose of the report

- 1.1 In November the Executive member for Housing considered a report suggesting changes to the council housing allocation policy.
- 1.2 These changes have now been incorporated into a policy document for which the Executive member's approval is required.

2. Recommendations

- 2.1 The Executive Member for Housing is recommended to endorse the Housing Allocation Policy as attached at appendix one.

3. Background

- 3.1 Most of the reasons for adopting a new housing allocation policy were outlined in previous reports to the Executive in May and November 2007. However it is worth briefly re-stating the key objectives which we have been trying to meet.
- 3.2 First and foremost our objective has been to create a system, which is fair to applicants, which applicants themselves can understand, and is based on meeting the needs of households with the greatest housing needs.
- 3.3 At the same time we have adopted a more realistic approach to the way we deal with applicants; one which is based, from the outset, on understanding applicants' needs and providing a clear indication of whether we are likely to be able to help them move to alternative council or housing association accommodation.
- 3.4 Unfortunately in many cases the answer to this question is 'no'. In such cases no one's interest is served by continuing to maintain large numbers of housing applications from households who have no prospect of ever being rehoused.
- 3.5 For this reason, and with previous Executive approval, several thousand applicants have now been advised that we are not likely to be able to rehouse them and that their applications are to be cancelled. Whereas the Portsmouth Housing Register stood well above 10,000 at the start of 2007, it now stands at a little over 5,000.
- 3.6 A significant part of the rationale behind the new scheme is to achieve a more realistic balance between supply and demand, which allows applicants to make informed choices and enables staff to give applicants a clearer picture of how long they can expect to wait.

4. Consultation

- 4.1 Local authorities are required to consult with registered social landlords concerning their housing allocation policy. All our partner RSLs have been informed of the changes we intend to make and offered an opportunity to attend a consultation meeting.
- 4.2 Similar arrangements have been offered to voluntary organisations such as the Housing Advice Centre who see large numbers of badly accommodated households.
- 4.3 Separate arrangements have also been made with Havant Borough Council which involve the Executive member attending a meeting of the borough council's Environment and Community Scrutiny Board.

5. **City Solicitor's Comments**

The City Solicitor is satisfied that it is within the Council's powers to approve the recommendations as set out.

Signed Alan Cufley, Head of Community Housing
Approval to the recommendation(s)

The recommendation(s) set out above were
approved/ approved as amended/ deferred/ rejected
by the Executive member for Housing on 5th February 2008

1. Introduction

- 1.1. There is a huge demand for affordable rented homes in Portsmouth. The purpose of the allocation scheme is to define a consistent framework, which can be used to allocate the limited number of vacancies that are available. The guiding principle is to make sure that homes are allocated fairly and efficiently, taking into account applicants' individual needs and expressed preferences.
- 1.2. The scheme applies to lettings of Portsmouth City Council housing and to lettings of homes owned by registered social landlords (RSLs) in Portsmouth for which the council has nomination rights. In practice, this means most RSL homes. It does not include exchanges arranged between existing council or RSL tenants.
- 1.3. The scheme is based on four key principles. These are:
 - ✓ To give priority to applicants with the greatest housing need
 - ✓ To make best use of all the available social housing stock
 - ✓ To enable applicants to make informed choices about their options
 - ✓ To process applications fairly and confidentially, taking appropriate steps to avoid discriminating on grounds of ethnicity, religion, gender, sexual orientation, employment or marital status.

2. Eligibility

- 2.1. The allocation scheme is based on the assessment of applicants' housing needs. Requests for housing will be assessed first for their eligibility for the scheme.
- 2.2. To be eligible, an applicant must be over the age of 18¹ and living in housing need. This means that applications will not be registered from households who are 'adequately housed'. The criteria, which we use to assess what constitutes adequate sizes of accommodation for different household sizes, are set out in section 6.
- 2.3. Applicants will be deemed to be in housing need if the accommodation they occupy is unsuitable for them. This could include applicants who need to move on grounds of health or safety or who require more accessible accommodation because of their limited mobility.
- 2.4. There are some exceptions to 2.2 and 2.3 where, in order to make best use of the social housing stock, existing council and housing association tenants will be eligible for the scheme. This mainly involves circumstances in which by moving, tenants will be giving up accommodation that is in especially high demand.
- 2.5. Existing council and RSL tenants who are adequately housed and ineligible for the scheme may still register interest in exchanges and will be provided with details of potential exchange partners.

¹ In exceptional circumstances applicants may be extended to applicants aged 16 or 17

- 2.6. Applicants for whom the council has accepted a duty under the homelessness legislation will automatically be eligible for the scheme, though this does not necessarily infer that they will be offered a council or RSL tenancy.

3. Categories of applicant who are ineligible for the scheme

- 3.1. Certain categories of applicant are excluded from being allocated social housing tenancies by law. These restrictions relate primarily to persons who have limited rights to remain in the United Kingdom and are subject to frequent legal changes. It is not practical to define precisely all the circumstances in which these restrictions apply. Applicants who are in doubt about this should seek detailed advice from Housing Options.
- 3.2. Applicants who are guilty of unacceptable behaviour in previous accommodation will also be ineligible for the allocation scheme. Unacceptable behaviour is defined as behaviour which, if the person was a secure tenant, would constitute sufficient grounds for them to have been evicted.
- 3.3. Applicants who are deemed to have sufficient means to secure adequate housing themselves may also be excluded from the allocation scheme. This may apply where:
- Applicants who have a legal or financial interest in a property which can be sold to resolve their housing need.
 - Applicants have sufficient income or savings which it would be reasonable for them to use to meet their housing need.
- 3.4. Applicants deemed ineligible for the scheme will be notified of the grounds of this in writing and have the right to seek a review.

4. How applications are assessed

- 4.1. Requests to be considered through the allocation scheme should be made to Housing Options at the Civic Offices. Requests may be made in person, by telephone or by e-mail. There is no application form to complete.
- 4.2. Housing Options staff will arrange a confidential discussion with anyone who wants to apply for social housing. The purpose of this will be to understand individuals' housing needs and to determine whether it would be appropriate to register their application under the allocation scheme. This will take into account their eligibility as described in 2 and the likelihood of their being offered suitable housing through the allocation scheme.
- 4.3. The purpose of Housing Options interviews is to explore a wider range of alternatives than simply social rented housing. The overwhelming demand for affordable housing in Portsmouth means that, for many applicants the prospects of being allocated a social housing tenancy are unrealistic. We aim to provide applicants with clear and accurate information on their prospects of being allocated a tenancy. This includes advising applicants clearly when there is little or no chance of their being allocated a tenancy.
- 4.4. As a general rule the council aims to avoid registering applications from households who stand very little or even no chance of being rehoused. Applicants who have very specific preferences, which are not based on housing need and cannot reasonably be met based on the supply of lettings available, may be advised that their applications cannot proceed.

- 4.5. Applications under the scheme will be assessed using the criteria for the banding scheme. The assessment will be based on the suitability of the applicant's current accommodation and specific needs that they have. It will reflect any relevant additional information provided by the applicant or from other agencies on the applicant's behalf.
- 4.6. Applicants need may be re-assessed from time to time or as a result of a change of circumstances, this may result in applicants moving from one band to another.
- 4.7. Applications may not be prioritised in circumstances where an applicant is deemed to have deliberately worsened their housing circumstances in order to increase their priority within the allocation scheme. This could apply in circumstances where an applicant gives up settled accommodation in order to move into less settled or overcrowded accommodation.

5. The banding scheme

- 5.1. Applicants housing needs will be fully assessed according to the criteria set out in the banding scheme (Appendix One). Applicants who are eligible to be considered for housing and deemed to have a current housing need will be placed within one of the four bands listed below. Applicants who are deemed not to be in housing need will not be accorded any priority within the scheme and cannot be considered for housing.
- 5.2. Band one is for applicants where exceptional circumstances have been identified. This could involve life-threatening situations, where an applicant has an over-riding priority on medical or social grounds. It could also apply to transfers for existing council or RSL tenants who, by moving, will release homes for which there is an exceptional need.
- 5.3. Band two is for those applicants with an urgent need to move, and have been assessed as high priority.
- 5.4. Band three is for applicants who have a significant housing need, and have been assessed as medium priority.
- 5.5. Band four is for applicants who have an identified housing need and have been assessed as having a low priority.

6. Allocation of vacant properties

- 6.1. Properties available for letting within the scheme will be offered to the applicant with the highest priority for each specific property. This means looking first at applicants in band one, then band two, then band three and so on. Relative priority between applicants in the same band will be determined in date order, by the length of time applications have been within that band.
- 6.2. Applicants can only be selected for property types that they have included in their application. The scheme is designed to enable applicants to exercise choice within the options that are available. Applicants will be asked to indicate the types of property they wish to be considered for in terms of their location, property type, floor level and type of landlord (council or RSL). Properties for letting will be classified according to these criteria in order to produce a list of suitable applicants who require that specific property type.
- 6.3. The number of bedrooms a household requires will be determined according to standard indicated in the table below. The same standards will be used to determine overcrowding for the purposes of the banding scheme. Individual assessments will be required for households comprising more than two adults or for others which do not fit within this template.

- 6.4. Some types of property are designated for specific categories of applicant. The principal examples of this are listed in paragraphs 6.5 – 6.7
- 6.5. Designated sheltered housing schemes have age restrictions which apply to tenants and members of their households. Homes that have been purpose built, adapted or are considered accessible by people with mobility needs will be let in consultation with a specialist occupational therapist.
- 6.6. Houses will only be allocated to families with children below the age of 16.
- 6.7. Many flats and maisonettes have restrictions on the ownership of dogs and other pets. This will affect rehousing for applicants who have pets which they wish to keep.

Household make up	No. of bedrooms
Single person	1 bedroom or bedsit
Single pregnant woman	1 or 2 bedroom
Couple	1 bedroom
Single parent or couple with one child	2 bedrooms
Single parent or couple with two children of same sex	2or 3 bedrooms
Single parent or couple with two children of opposite sex (if both children under 5 then can be considered for 2 bed)	3 bedrooms
Single parent or couple with three children	3 bedrooms
Single parent or couple with four children	3 or 4 bedrooms
Single parent or couple with five children	4 bedrooms
Single parent or couple with more than five children	4/5 bedrooms

7. The offer process

- 7.1. Applicants who have been selected for an offer of accommodation through the scheme will be contacted and invited to view the property they have been offered before deciding whether they wish to accept the tenancy. At this point applicants will have an opportunity to discuss any specific repairs that they feel are required.
- 7.2. Applicants have a choice as to whether to accept or refuse the property they have been offered. Where properties are refused Housing Options will contact the applicant in order to discuss the reasons for this. If, as a result of several successive refusals, it is considered that the scheme cannot meet an applicant's individual requirements, an application may be cancelled.
- 7.3. Applicants who are being rehoused pursuant to a duty under the homelessness legislation will be advised that a refusal of suitable housing may result in the council's duty to them being brought to an end. This will result in the termination of temporary accommodation where this is being provided.

8. Circumstances in which allocations may be deferred or withheld

- 8.1. There are some circumstances in which offers of housing may be deferred or withheld, irrespective of applicants' priority under the scheme. These are listed in paragraphs 8.2 – 8.4.
- 8.2. Applicants will not normally be eligible for the offer of a tenancy through the scheme if
 - They have rent arrears owing to a current or previous landlord

- They are in breach of their tenancy conditions or have failed to maintain their existing home to a satisfactory standard.
- 8.3. Applicants whose previous conduct suggests that they pose a risk of anti-social or criminal behaviour may be restricted from receiving offers of accommodation through the scheme. Such restrictions may apply to specific accommodation or in general. Applicants will be notified as and when restrictions are being applied.
- 8.4. Rehousing of some applicants with an offending background may be subject to Multi Agency Public Protection Agreements (MAPPA). In such circumstances housing allocation arrangements will be based on appropriate risk assessment criteria and agreed with the relevant agencies concerned.

9. The role of the Priority Housing Panel

- 9.1. It is not possible for the banding scheme to adequately reflect every possible combination of housing needs. The purpose of the Priority Housing Panel is to assess and make recommendations in relation to exceptional cases which do not fit easily within the banding scheme.
- 9.2. The panel will be drawn from managers within Housing Options as well as officers nominated by the Head of Safeguarding and the Primary Care Trust.
- 9.3. The Panel will decide the appropriate degree of priority to be given to cases which are referred to it.

10. The role of supported housing panels

- 10.1. Several supported housing panels have been established to provide a more co-ordinated approach to housing for people with care and support needs. Areas of support covered include vulnerable families, mental health, single homelessness, learning disabilities and young people.
- 10.2. The banding scheme provides the means for panels to prioritise specific applicants who are ready to move from supported housing to more independent accommodation. To facilitate this a quota system is in operation, which enables the panels to put forward applicants for direct nominations each year.
- 10.3. Separate arrangements have been agreed with the Head of Safeguarding to prioritise the needs of foster parents and young people leaving care. Applicants within these groups will be nominated by the Head of Safeguarding, subject to a pre-agreed quota of tenancies.

11. New developments

- 11.1. Special lettings arrangements may be applied for new developments or where a large number of homes are being let in one location, for example as a result of a major refurbishment.
- 11.2. Such 'community lettings policies' will follow the general principles of the allocation scheme but may incorporate variations in order to create a more balanced community.
- 11.3. Community lettings policies will only apply to first lettings and details of such policies will be published on the council's web site.

12. Under-occupation: releasing desirable properties

- 12.1. The banding scheme provides for priority to be given to existing social housing tenants who, by moving, will be giving up desirable properties which are in especially short supply. In general, this will apply to applicants giving up disabled persons units (DPUs), houses and ground floor accommodation with two bedrooms or more.
- 12.2. Under-occupation status will only be agreed for transfers which make a *net contribution* to the social housing supply. Very broadly this means that there must be less demand for the property being allocated than the applicant's existing home.
- 12.3. A detailed explanation of this is provided in a separately in the Council's Under Occupation Policy.

13. Confidentiality and access to information

- 13.1. The council will take reasonable steps to verify information provided by applicants in support of their application. This may include undertaking a home visit and making enquiries of third parties such as health professionals or previous landlords.
- 13.2. The council will retain information provided by applicants securely and confidentially.
- 13.3. Applicants may request a copy of information held by the council on their application. This may not include information provided by third parties.
- 13.4. The council will share relevant information with housing association partners pursuant to an offer of rehousing.
- 13.5. Applicants who give false or misleading information may have their application rejected or their tenancy terminated. In some cases this may also result in a criminal prosecution.

14. Annual review of the allocation scheme

- 14.1. The allocation scheme will be reviewed annually. Where appropriate, recommendations will be made to the Executive Member for Housing to authorise changes to the scheme.
- 14.2. This version is based on a report approved by the Executive Member for Housing on 5th February 2008.

15. Review of decisions

- 15.1. Applicants have the right to ask for a review of decisions regarding their application. This includes decisions in relation to:
 - Exclusion from the allocation scheme (section 2)
 - Housing needs assessment (sections 3 &4)
 - Ineligibility for an offer of housing (section 7)
 - Decisions made by the Priority Housing Panel (section 9)
- 15.2. Reviews will be conducted by a senior officer not involved in the original decision and the result of this will be notified in writing. This will also outline applicants' legal rights and the time scales for taking any further action.

Appendix One

The Banding Scheme

BAND ONE

This band is for applicants where exceptional circumstances have been identified, this would involve life-threatening situations, where there is an over-riding priority on medical or social grounds, and in circumstances where it is necessary to enable someone to move to release a very desirable property.

- (a) Applicants awaiting accessible or sheltered housing before they can be discharged from hospital.
- (b) Applicants whose household includes someone who has been assessed by the Council's occupational therapist as having an exceptional need to move into an accessible property.
- (c) Applicants whose household includes someone with a life-threatening medical condition, which is directly linked to unsuitable housing conditions.
- (d) City Council and Registered Social Landlord (RSL) tenants who wish to move from disabled persons or mobility units which they no longer require.
- (e) Any case agreed by the Priority Housing Panel to have an exceptional need to move. The panel will review the priority given to cases on a regular basis and in some circumstances may restrict the priority to certain property types and areas.
- (f) Applicants whose household includes someone with a medical condition, which is directly linked to unsuitable housing conditions, and has been given a high priority medical assessment and is also living in a seriously overcrowded situation, i.e. lacking 3+ bedrooms or lacking 2 bedrooms with inadequate facilities.

BAND TWO

This Band is for those applicants with an urgent need to move, and have been assessed as high priority.

- (a) Tenants who need to move because their home is about to be demolished, redeveloped or subject to major works.²
- (b) Portsmouth City Council tenants and RSL tenants within the city for whom management transfers have been approved. Such cases will be reviewed on a regular basis and priority may be restricted to certain property types and floor levels.
- (c) Current or former employees of Portsmouth City Council who have been given notice to vacate accommodation let as a service tenancy in circumstances where the council has a contractual obligation to re-house them.
- (d) Vulnerable applicants who are ready to move on to independent living and who have been given priority by a Supported Housing Panel.
- (e) Applicants who have been assessed by the council's occupational therapist (OT) as having an urgent need to move to an accessible property.
- (f) Tenants of 3, 4 or 5 bedroom council or RSL houses who wish to move to a smaller property giving up 2 bedrooms or more and who qualify for priority within the under-occupation scheme.
- (g) Applicants living in Portsmouth City Council properties who are entitled to succeed to a tenancy under the council's succession policy.
- (h) Applicants who are accepted as homeless under the homelessness legislation where no other housing option is available.³

² In both (a) and (h) applicants may be moved from band two to band one subject to restrictions on the type and location of properties for which they are considered

³ See 2 above.

- (i) Applicants who are accepted under the homelessness legislation and placed in either short-stay accommodation or accommodation that is not of an adequate size to meet immediate needs, and a duty is still owed.
- (j) Applicants recommended by the Head of Safeguarding who wish to foster or adopt children and whose current accommodation is not large enough.
- (k) Applicants who are care leavers and have been recommended for housing by the Head of Safeguarding.
- (l) Applicants living in seriously overcrowded accommodation where they lack *either* three or more bedrooms *or* they lack two bedrooms and have inadequate facilities.⁴
- (m) Applicants whose household includes someone with a medical condition, which is directly linked to unsuitable housing conditions who have been given a high priority medical assessment.
- (n) Applicants whose household includes someone with a medical condition, which is directly linked to unsuitable housing conditions, who has been given a medium priority medical assessment and whose current accommodation is inadequate, lacking either two bedrooms or lacking one bedroom and having inadequate facilities.⁵

BAND THREE

This band is for applicants who have an identified housing need, and have been assessed as medium priority.

- (a) Applicants whose household includes someone who has been assessed by the Council's occupational therapist as needing to move to an accessible property.
- (b) Applicants living in overcrowded accommodation where they lack *either* two bedrooms *or* they lack one bedroom and have inadequate facilities.⁶
- (c) Applicants whose household includes someone with a medical condition, which is directly linked to unsuitable housing conditions, and has been given a medium priority medical assessment.
- (d) Tenants of council or RSL properties who wish to move to a smaller property and who qualify for priority within the under-occupation scheme.

BAND FOUR

This band is for applicants who have an identified housing need and have been assessed as having a low priority.

- (a) Applicants living in overcrowded accommodation where they lack one bedroom.
- (b) Applicants living in accommodation with inadequate facilities.⁷
- (c) Applicants whose household includes anyone with a medical condition, which is directly linked to unsuitable housing conditions, who has been given a low priority medical assessment.
- (d) Applicants over the age of 60 who wish to move to category one sheltered housing but who are currently adequately housed. Priority may be restricted to certain areas and property types.

⁴ Inadequate facilities means accommodation which lacks a kitchen, bathroom or toilet, or where such facilities are shared with non related occupiers who are not part of the applicant's household.

⁵ See 4 above

⁶ See 4 above

⁷ See 4 above