

Title of meeting: Cabinet Member for Housing

Date of meeting: 29th January 2019

Subject: Housing Allocations Scheme

Report by: James Hill, Director of Housing, Neighbourhood and Building Services

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1.To present the refresh of the council's policy for allocating social housing in Portsmouth.

2. Recommendations

- 2.1.To accept the new Housing Allocation Scheme.
- 2.2.To delegate authority to the Director for Housing, Neighbourhood and Building Services to agree any future minor amendments to the scheme. This will be reported to councillors through the Member Information Service and added to the published scheme documents.

3. Background

- 3.1.The 1996 Housing Act, Part 6, requires all housing authorities to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating social housing and they must allocate in accordance with that scheme.
- 3.2.In framing their allocation scheme, housing authorities must ensure that priority for social housing goes to those in the greatest need. This includes people who are homeless or threatened with homelessness and a prevention duty, relief duty or main duty is owed; those who need to move on welfare, hardship or medical grounds; or people living in unsatisfactory housing.
- 3.3.The allocation scheme must also give additional preference to serving or former members of the Armed Forces who have an urgent housing need in line with legislation.
- 3.4.There is also a requirement to ensure that any qualification criteria does not disadvantage members of the Armed Forces, or social housing tenants from out of area who meet the Right to Move regulations.

3.5. The allocation scheme affects all residents of Portsmouth, PCC tenants in the Havant area, and those who meet the local connection criteria, who are not living in adequate accommodation and have a housing need.

3.6. The allocation scheme requires amendments in light of the implementation of the Homeless Reduction Act in April 2018, and new guidance on the reasonable preference categories.

4. Updated policy

4.1. The main changes to the policy from the current policy are;

4.1.1. Update to the protected characteristics as described in the Equality Act (section 1.7.4)

4.1.2. Acknowledgement of the Human Rights Act 1998 (section 1.7.5)

4.1.3. Acknowledgement of the Local Armed Forces Covenant (section 2.3)

4.1.4. Acknowledgement of the Right to Move regulations (section 2.6)

4.1.5. The section on 'applications from people who are homeless' has been updated to reflect the additional duties on the local authority within the Homelessness Reduction Act 2017 (section 8)

4.1.6. Acknowledgement of compliance with the general data protection regulations (section 11.2)

4.1.7. Introduces an exclusion clause for anyone found to have deliberately given false information to obtain priority for social housing (section 12.2)

4.1.8. Updates to include the new guidance on reasonable preference categories (Appendix 1 of the policy, sections 2.4.14 and 5.5.4)

5. Reasons for recommendations

5.1. To ensure that the council's allocations scheme is up to date with current legislation, and relevant to meet the needs of the customers and residents of Portsmouth.

6. Equality Impact Assessment (EIA)

6.1. A preliminary equality impact assessment has been completed and the recommendations do not have a negative impact on any of the protected characteristics as described in the Equality Act 2010 for the following reasons:

6.1.1. The data from the most recent Joint Strategic Needs Assessment (2016) shows, from 2015, a reduction in the numbers of households in areas of deprivation within the city which are not in employment. However there has been an increase in the number of homeless single people approaching homeless services.

6.1.2. The changes to this policy reflect the implementation of the Homelessness Reduction Act 2017 which places an enhanced duty on local authorities to prevent and relieve homelessness for all homeless people, not just those in priority need. This will have a positive impact on the homeless.

7. City Solicitor's comments

7.1. Part VI of the Housing Act 1996, in particular, section 166A of the Housing Act 1996 requires local housing authorities to have an allocations scheme covering all aspects of the allocation process and to allocate accommodation in

accordance with that scheme. When modifying their scheme, authorities must have regard to their current tenancy and homelessness strategies. The requirement to consult with registered providers with which they have nomination arrangements only arises when alterations are made to the scheme reflecting a major change of policy. The modifications in this revised allocation scheme do not contain any policy changes.

7.2. When exercising functions under Part VI of the Housing Act 1996, local housing authorities shall have regard to such guidance as may from time to time be given by the Secretary of State. The current guidance is contained in the "Allocation of accommodation: guidance for local housing authorities in England 2012" and "Providing social housing for local people 2013" DCLG.

7.3. The allocation scheme provided with this report meets the statutory requirements and is in accordance with the guidance issued. Under the terms of the City Council's Constitution, the Cabinet Member has responsibility for approving the recommendation.

8. Director of Finance comments

8.1 There are no financial implications as a result of approving this recommendation.

Signed by:

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James Hill, Director of Housing, Neighbourhood and Building Services

Appendices:

Appendix 1 - Housing Allocations Scheme 2019
Appendix 1a - Housing Allocation Scheme banding scheme
Appendix 1b - Pre-agreed quota of nominations for vulnerable client groups
Appendix 2 - Preliminary Equalities Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Housing Act 1996	https://www.legislation.gov.uk/ukpga/1996/52/contents
Human Rights Act 1998	https://www.legislation.gov.uk/ukpga/1998/42/contents
Homelessness Reduction Act 2017	http://www.legislation.gov.uk/ukpga/2017/13/contents/enacted

The recommendation(s) set out above were approved/ approved as amended/
deferred/ rejected by on

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Signed by:
Councillor Sanders
Cabinet Member for Housing