

REPORT TO: Executive Board
DATE: 19th July 2007
REPORTING OFFICER: Strategic Director Health & Community
SUBJECT: Housing Allocations Policy Consultation
WARD(S) Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To seek approval to change the Council's Housing Allocations Policy with regard to accommodation offers made to homeless households, and responsibility for undertaking first stage reviews of homelessness decisions.

2.0 RECOMMENDED: that

- 1. the Board agrees to the following revised wording to it's housing allocations policy - "Where the Council has a duty to secure accommodation for a homeless applicant, it will discharge that duty by making one offer only of suitable accommodation (under Part 6 of the Housing Act 1996), in either Runcorn or Widnes as preferred by the applicant. Whilst regard will be paid to the applicant's preferred areas of choice within either Runcorn or Widnes, it may not be possible to meet such preferences given the shortage of accommodation."**
- 2. future s202 homelessness reviews be undertaken by the Council's Service Development Manager (Homelessness) or other nominated officer.**

3.0 SUPPORTING INFORMATION

3.1 On the 15th March 2007 the Board received a report recommending two changes to the Council's housing allocations policy – the first restricting the number of offers made to homeless households to one suitable offer anywhere within the Bourough in discharge of it's statutory duty, and the second transferring responsibility for undertaking formal s202 reviews of homelessness decisions from Halton Housing Trust (HHT) to the Council's Service Development Manager (Homelessness).

3.2 The Board agreed in principle with the proposed changes and agreed that stakeholders be consulted. A copy of the consultation letter is attached as Appendix 1. As well as being circulated to relevant teams within the Council it was sent to:

- The 15 Housing Associations operating in the Borough
- Shelter
- Community Integrated Care

- St Helens Accommodation Project
- YMCA
- Connexions
- CAB
- Probation
- Addaction
- The PCT
- Local MPs

The consultation ran from the 22nd May to the 29th June and attracted 7 responses.

- 3.3 All (who commented) supported the proposal for the Council to undertake s202 homelessness reviews, with one comment helpfully pointing out that restricting the responsibility for undertaking reviews to one named post could be problematic in terms of absence cover. Therefore it is suggested that the wording “or other nominated officer” be added.
- 3.4 Four respondents raised concerns about the possible implications arising from the proposal to adopt a “one offer within the Borough” approach. These concerns are summarised in Appendix 2. After giving these responses careful consideration it is recommended that the original proposal be amended to “one offer in either Runcorn or Widnes as preferred by the applicant”. This should address the well understood concerns about Runcorn and Widnes being two distinct towns.
- 3.5 Within such a policy every effort would be made to assist households with accommodation in or near their preferred estates/neighbourhoods. However the desire to meet aspirations to live in specific neighbourhoods must be balanced against the Council’s inability to sustain significant numbers of households in temporary accommodation for long periods.
- 3.6 It is recognised that in some ways this may still be viewed as a backward step but the Council’s allocations policy needs to be tailored to reflect the local supply and demand situation rather than simply follow recommended practise. Whilst the Council’s current allocations policy does not preclude the housing of families with children in flats, this has not been custom and practise for many years and it is not intended to change.
- 3.7 There is an existing Protocol between the Council and Housing Associations governing the housing of care leavers and looked after children which should address the concerns expressed, and ensure that such individuals benefit from a planned approach to securing permanent housing. The intent of the planned approach would be to deal with such cases through the Housing Register rather than the homelessness route.
- 3.8 There is no reason why the proposed policy change should lead to homeless applicants increasingly being offered what some may regard as hard to let property, and monitoring will take place through the nominations scheme to ensure that the range of properties offered to all Council nominees is a fair

and representative sample of the total relet supply.

- 3.9 It is also the case that under the Council's present policy many homeless households already do not get housed in their preferred areas due to the shortage of relets, and this tendency is likely to increase as the relet supply diminishes annually. Choice Based Letings may in the future offer a number of different options for determining how people are housed, but it is not a panacea and only offers real choice to those few at the top of the waiting list.
- 3.10 It is therefore considered that the revised proposal for change to the allocations policy is a reasonable compromise that reflects some of the concerns that have been expressed.

4.0 POLICY IMPLICATIONS

- 4.1 If adopted the proposals contained within the report will formally change the Council's housing allocations policy.

5.0 FINANCIAL AND OTHER IMPLICATIONS

- 5.1 Failure to address this matter could result in increased costs to the Council for bed and breakfast and additional support services.
- 5.2 Any agreed changes will need to be reflected in the Council's contract with HHT, which currently provides the Homelessness and Housing Advice service on behalf of the Council.

6.0 RISK ANALYSIS

- 6.1 The recommended change may lead initially to increased numbers of applications for formal homelessness reviews and 2nd Stage Member Appeals based on property suitability criteria.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 The change to a "one offer" approach may be seen as detrimental to homeless households. However in reality applicants are not currently offered up to three properties, as the turnover of relets is insufficient at this point in time.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of inspection	Contact Officer
Housing Allocations Policy	Grosvenor House	Service Development Manager Homelessness

Dear Stakeholder

Consultation on Proposed Changes to Halton's Housing Allocations Policy

The Council is consulting stakeholders on two proposed changes to its housing allocations policy. The first proposes that the review of any homelessness decisions under s202 of the Housing Act 1996 be carried out by an officer of the Council rather than its managing agent. The second proposes restricting the number of offers made to homeless households to whom the Council has a duty to secure accommodation, to one suitable offer.

Reviews Under s202 of the Housing Act 1996

Homeless applicants have the right to request a review of a decision made in response to their homelessness application in a number of circumstances and for that review to be undertaken by an officer not involved in the original decision.

Following the transfer of its housing stock to Halton Housing Trust in December 2005, the Council contracted the Trust to provide its homelessness service and reviews are currently undertaken by an officer of the Trust.

Whilst this is perfectly acceptable the Council believes it would increase transparency and accountability if reviews were to be undertaken by an officer of the Council. It is therefore proposed that such reviews be undertaken by the Council's Service Development Manager (Homelessness).

Offers of Accommodation to Homeless Applicants

The Council's housing allocations policy currently states the following with respect to the rehousing of homeless applicants-

- a) "Where a homeless applicant is accepted as unintentionally homeless and in priority need and is placed in temporary accommodation as part of their support plan, they will be advised of the realistic prospects of accommodation becoming available within their area of choice. At this stage they will be eligible for three offers of suitable accommodation in their area of choice. If after 12 weeks, they are still placed in temporary accommodation, their application will be reviewed, they will be advised to widen their choice of area and they will be informed that they will be made one offer of suitable accommodation as far as possible in their area of choice. If this cannot be accommodated, the applicant will be made one offer of suitable accommodation within the Borough. This will be deemed to discharge the Council's duty to the individual under the Homelessness Legislation."

It is proposed that this be replaced by the following-

- b) "Where the Council has a duty to secure accommodation for a homeless applicant, it will discharge that duty by making one offer only of suitable accommodation (under the Housing Act 1996 Part 6). Whilst regard will be paid to the applicant's preferred areas of choice, it may not be possible to meet such preferences given the shortage of accommodation."

From 1977 the Council operated a policy as set out in b) above, but changed the policy in 2000 at a time when there were only 990 households on the Council waiting list and 739 Council relets in the same year. This contrasts with the position for 2006 when there were 2,523 on the waiting list and only 466 relets. There has been a similar reduction in Housing Association relets such that the combined annual relets supply has decreased by 25% over the period.

The consequences of this are that the waiting list is growing, waiting times are increasing and homeless presentations are rising. Homeless applicants usually have to be placed in temporary accommodation for extensive periods before they can be rehoused and waiting for accommodation to become available in preferred areas is often a fruitless exercise due to the reducing supply as highlighted above.

Government is also urging Councils to reduce the use of temporary accommodation and the length of time homeless households are placed there. This is not achievable within the current policy.

It is envisaged that the proposed policy change will enable the Council to offer accommodation to homeless applicants more quickly, thereby reducing time spent in temporary accommodation and hopefully greatly reducing the need to use bed and breakfast.

Responses to this consultation should be received by the Council not later than 29 June 2007 and should be sent to

SUMMARY RESPONSES

RESPONSE 1

“The pressure on the Authority to reduce the amount of time homeless applicants spend in temporary accommodation is understandable. If, however, applicants are nominated to us and feel forced to take accommodation in an area that they have not chosen, the effect will be to increase dissatisfaction with the property allocated and tenants will want to move as soon as they are rehoused. This is also opposite to the choice based lettings philosophy we have adopted and one which the LA will need to consider in its preparation for the introduction of a CBL scheme in Halton.

If the one offer policy is adopted we would need to reserve the right to consider the effect that this is having on the sustainability of our lettings to nominations and perhaps only agree to accept nominations if the property is in an area of their choice.

Will applicants be asked to choose more than one preferred area? Will there be limit on this?

If we refuse a homeless nomination I assume that this would not be deemed to be a suitable offer of accommodation to the applicant.”

RESPONSE 2

“The policy seems to have gone from one extreme to another; 3 offers and a targeted offer to 1 targeted offer. The original policy was a little generous and I can understand the need to make changes. Homeless applicants should still get a choice about where they want to live and it should be up to staff to give realistic options in terms of areas and property types. The impact of the changes would have to be closely monitored with regards to the number of cases who were rehoused outside their areas of choice and also the quality of the accommodation, care would have to be taken that homeless applicants are not disadvantaged because of the need to rehouse them quickly.”

RESPONSE 3

“This does not seem to fit well at a time when nationally there is an expectation to give applicants as much choice as possible in the allocations process, irrespective of their status. Indeed locally there are moves to encourage the introduction of a Choice Based Lettings scheme across the Borough.

This proposal contradicts current positive practice in this area. To quote from a widely respected reference book in this area (Housing Allocation and Homelessness, Law and Practice – Jan Luba QC and Liz Davies 2006):

“Prior to the changes made by the Homelessness Act 2002, most local authorities made only a single offer of accommodation to applicants owed the main housing duty. The modern expectation, however, is that a series of offers will be made with the applicant being free to accept any of them. Likewise, she or he may reject all of

them (save the final offer) without any effect on the continuance of the main housing duty. Alternatively, the applicant might be free to bid for properties, under choice-based lettings scheme, without any penalties or risk to his or her temporary accommodation. The current framework was specifically introduced so that those owed the main housing duty would have ‘....a reasonable period in which they can exercise the same degree of customer choice of settled accommodation as is available to other people with urgent housing needs waiting on the housing register.’

There is a statutory right for any applicant to request a review of the suitability of any ‘final offer’ made under the Housing Act 1996 Part 6. If this proposal was introduced there is a significant risk of an increase in the number of such appeals being made.

The change to this approach also appears unreflective of the Halton local context. Most residents view Halton as comprising two separate towns. Our experience to date indicates there would be a negative response from a Runcorn-based applicant to a one and only offer of accommodation being made to them of a property in Widnes, and vice-versa.

There is a risk of cases of repeat homelessness becoming more prevalent if the ‘one offer’ proposal was introduced.

As a way forward to ensure the one offer approach is suitable, the borough should be split into three areas; Widnes East, Widnes West, and Runcorn. From within these areas applicants could then specify where their offer of accommodation is made from. Additionally, property type must also be suitable. Specifically it is considered that flats are not a suitable offer of accommodation for families.”

RESPONSE 4

“In general, the proposals would appear to be a short term response to a short fall in resources. In the longer term, capacity would seem to need increasing.

Under the existing system, some of the most vulnerable groups are often offered accommodation in hard to let areas, so the proposed reduction to one offer could exacerbate the negative effects of this.

Under Corporate Parenting, the whole Council has a duty to prioritise the welfare of looked after children and careleavers. If the system is changed, there should be safeguards to ensure the ‘suitability’ of accommodation for these groups.”