

Eden District Council

Housing and Health Portfolio

10 July 2020

Executive

21 July 2020

## Cumbria Choice Based Lettings Allocation Policy

<b>Portfolio:</b>	Housing and Health
<b>Report from:</b>	Assistant Director Community Services
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### 1 Purpose

- 1.1 To seek approval of the Cumbria Choice Based Lettings Allocations Policy, to ensure that there is greater clarity for households in Eden who are currently registered for social housing or who may register in the future.

### 2 Recommendation

- 2.1 It is recommended that the Cumbria Choice Based Lettings Policy be approved for publication in July 2020.
- 2.2 Delegated authority be given to the Assistant Director Community Services, in consultation with the Housing and Health Portfolio Holder, to approve any minor amendments identified during the approval process of the Partner Organisations.

### 3 Background and Proposals

- 3.1 Operation of the Cumbria Choice Allocation Policy began in May 2011 and it has now been operational for a period of nine years. One of the key aims outlined in the current policy is to “improve the means by which local people in Cumbria gain access to social rented housing by providing a modern and easy to understand allocation system which allows choice and is fair, transparent and accountable”. A review has been undertaken to streamline the Policy so that it is easier to understand and apply for people who need to access social housing, and to the Registered Providers who administer the Scheme. Further aims are to “make best use of available housing stock” and “to ensure that there is a social housing lettings service that embraces equality and diversity by being open and fully accessible to all individuals”.
- 3.2 The Cumbria Choice Based Lettings (CCBL) is a partnership, comprising the 6 housing authorities in Cumbria and 8 housing associations. It enables local authorities to hold a housing register, users to seek accommodation using a single application, and providers to allocate properties. The CCBL Partnership is governed by a Partnership Board comprising representatives from all of the Partners. Previously, local authorities had nomination agreements with Registered Providers and customers were required to fill in several application

forms if they wished to access social housing. According to the Partnering Agreement dated 28 July 2010, the Lead Authority with responsibility for management of the CCBL scheme is South Lakeland District Council. All local housing authorities are legally required to have an allocation scheme for determining priorities and procedures for the allocation of social housing in the authority area (regardless of whether the authority has its own housing stock).

- 3.3 The CCBL Allocations Policy has been reviewed on a number of occasions since its operation in May 2011 to keep in line with relevant legislation and statutory instruments, together with good practice in this area. The last review was undertaken in 2016. Following on from this there have been legislative changes with the Homelessness Reduction Act 2017 and associated Code of Guidance, and further Allocations regulations arising from the UK's exit from the EU issued in 2019.
- 3.4 In order to conduct the review of the current Policy, South Lakeland District Council led on a procurement exercise on behalf of the CBL Board and appointed a consultant, Andy Gale (who led on the previous review) to undertake the review. Andy Gale has considerable experience in the field of allocations and homelessness. A Task and Finish Group was set up by the Board to help lead on this. The timescale for the Policy review is crucial as the changes need to feed into the specification for the procurement of a new IT platform. The contract for the current IT system expires on 31 March 2021 and in order to ensure that the new system goes live on 1 April 2021, the procurement needs to be concluded by July 2020. This will allow the necessary implementation of the new system and migration of data, as well as any training that is needed. The IT procurement has the involvement of the IT Manager for Eden and SLDC.
- 3.5 Any major change to the Policy can only be made after a copy of the proposed amendments have been consulted on by sending to every Registered Provider in Cumbria, regardless of whether an Association is a participating member of the CCP. (Section s166A (13) Housing Act 1996).
- The Policy review has:
- Taken all the views of partners into account;
  - Considered consultation responses from a range of stakeholders as detailed in 4.0 and in line with the legislative requirements set out above in 3.3.
- 3.6 Following on from the consultation outlined in 4.0 below, there are a number of changes required (summarised in Appendix 1). The changes are to satisfy legislative change identified in 3.3 above, reduce any ambiguities in the operation of the policy so it is applied consistently and fairly, and to ensure greater clarity and simplicity. The full draft policy is attached at Appendix 2.
- 3.7 As this is a common Allocations Policy all Partners have to seek approval from their representative organisations to enable the revised policy to be published by the end of July 2020. This could result in some minor alterations arising after approval at this Executive meeting. Therefore, it has been recommended that delegated authority be given to the Assistant Director Community Services, in consultation with the Housing and Health Portfolio Holder.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
  - Healthy, safe and secure;
  - Connected; and
  - Creative
- 4.2 This report meets the Healthy, safe and secure corporate priority, which includes *delivering sustainable housing that meets local need*.

## **5 Consultation**

- 5.1 Consultation has been held with key stakeholders from April to 21 May 2020 as detailed in 3.5. Consultation was held with service users who acknowledged that they would be happy to take part in the review to identify improvements to the policy.
- 5.2 The Project Board considered the proposed changes at their meeting on 11 June 2020. The Equality Impact Assessment and Accessibility Policy has been reviewed and updated as part of this policy review.
- 5.3 All Eden District Council Members and Parish Councils have also been consulted on the draft Policy from April to 21 May 2020.
- 5.4 The Housing and Health Portfolio Holder has been consulted in the drafting of this report.

## **6 Implications**

### **6.1 Financial and Resources**

- 6.1.1 There are no financial implications to the Council in the adoption of the amended Allocation Policy.

### **6.2 Legal**

- 6.2.1 As a housing authority, the Council is legally required to have in place appropriate arrangements for the allocation of housing regardless of whether or not it owns its own housing stock. Providing it complies with its homelessness duties, it is largely, open to the Council to decide the criteria to apply when allocating housing.
- 6.2.2 The revised Cumbria Choice Allocation Policy has been produced with full consideration of Local Authority and Housing Association legal responsibilities in relation to the allocation of housing including:
- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
  - The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
  - Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”
  - Providing social housing for local people; Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”

Plus the following statutory regulations:

- a. Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- b. Allocation of Housing (England) Regulations 2002, SI 2002/3264
- c. Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 SI 2006/1294 and all subsequent amendments
- d. Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869;
- e. Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
- f. The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- g. The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)

In framing the allocations scheme regard has also been given to the Council's Homelessness and Rough Sleeping Strategy, Housing Strategy, and Tenancy Strategy as well as the Equality Act 2010.

- 6.2.3 Under the Equality Act 2010, the Council has a duty to ensure that any policies it adopts do not directly or indirectly discriminate against any particular groups of people.

### **6.3 Human Resources**

- 6.3.1 There are no Human Resources implications arising from this report.

### **6.4 Statutory Considerations**

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	It is considered that the revisions to the policy will address potential negative impacts on protected characteristics by providing a clearer and more consistent approach to the allocation of social housing.
Health, Social Environmental and Economic Impact	It is considered that the revisions to the policy will have a positive effect on meeting housing need, improving transparency and consistency in the application of the Policy.
Crime and Disorder	No implications
Children and Safeguarding	No implications

## 6.5 Risk Management

Risk	Consequence	Controls required
The current Policy does not meet statutory requirements	The Council could be open for legal challenge	Approval of the draft CCBL Allocations Policy
Partner organisations are unable to agree changes or put forward additional substantive changes.	Delay in approving the Policy that could also impact on the procurement of the IT system, the contract for which expires 31.3.21.	<p>Approval of the Allocations Policy by all of the partner organisations.</p> <p>Project Board to monitor approval and agree any further minor amendments as appropriate.</p> <p>Delegated authority be given to the Assistant Director Community Services to approve any minor changes required following Council approval.</p>
Covid-19 issues result in delays to approval in Partner organisations.	<p>Delay in approving the Policy that could impact on the IT procurement as above.</p> <p>Legal challenge to the Council</p>	<p>Approval of the Allocations Policy by all of the partner organisations.</p> <p>Project Board to monitor approval and agree any further minor changes.</p> <p>A substitute Officer be put forward to attend the CCBL Board by all Partner organisations to mitigate against timetable delays caused by Covid-19.</p> <p>Delegated authority be given to the Assistant Director Community Services to approve any minor changes required following Council approval.</p>

## 7 Other Options Considered

- 7.1 Members could choose not to recommend approval of the amended policy or request many additional or substantive changes. This is not recommended as the updates recommended will provide a clearer policy, and one which is responding to legislative changes outlined in 3.3 of this report. If substantial changes are to be considered by the Project Board then this could significantly delay implementation of the revised policy, which could then risk legal challenge by not responding to the legislative change outlined in 3.3.

## 8 Reasons for the Decision/Recommendation

- 8.1 The proposed policy will help to ensure that there is a consistent and fair approach amongst Registered Providers (Housing Associations) with regard to letting homes in Eden to meet the greatest housing needs. The revisions will meet legislative changes relating to the Homelessness Reduction Act 2017 and resultant Statutory Guidance. It is expected that the proposed changes will simplify the operation of the policy to the benefit of all who use it and to customers across the whole of Cumbria.

### Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	
Monitoring Officer (or Deputy)	
Relevant Director	

### Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Equality Impact Assessment & summary of proposed changes
2	Cumbria Choice Based Lettings Allocations Policy draft 2020
3	Allocations Headline Figures
4	Partnership Agreement

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