

REPORT TO:		Cabinet	
DATE:		18 March 2020	
PORTFOLIO:		Cllr Loraine Cox – Housing and Regeneration	
REPORT AUTHOR:		Fiona Goodfellow Housing Strategy and Policy Manager Regeneration and Housing	
TITLE OF REPORT:		B with Us Allocations Policy	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	Yes	If yes, date of publication:	18 March 2020

1. Purpose of Report

1.1 To seek Cabinet approval of the revised B with Us Allocations Policy.

2. Recommendations

I recommend that Cabinet:-

2.1 Approve the revised B with Us Allocations Policy attached at Appendix 1.

2.2 Delegate authority to the Head of Regeneration and Housing in consultation with the Portfolio Holder for Housing and Regeneration to make any final amendments necessary as a result of legal advice on the policy.

3. Reasons for Recommendations and Background

3.1 Hyndburn Borough Council is a member of the sub-regional choice based lettings partnership called B-with-us. The partnership has a common allocations policy for the allocation of social housing across the sub-region (Blackburn with Darwen, Hyndburn, Burnley, Pendle and Rossendale). Members include the 5 local housing authorities plus 12 registered providers. Hyndburn’s main registered housing provider is Onward Homes.

- 3.2 Section 166a of Part VI of the Housing Act 1996 requires that every local housing authority in England have a scheme for determining the priority of households seeking social housing, as well as a procedure to be followed in the allocation of such housing, including a policy. To fulfil the requirement for a scheme the Council is a member of B-with-us.
- 3.3 The allocations policy is periodically reviewed as a result of legislative changes, case law and statutory guidance. A review is required to ensure the policy remains effective and legally robust. The current review has taken into consideration the requirements of the Homelessness Reduction Act 2017, the Localism Act 2011 and elements of the Equality Act 2010 plus updated guidance.
- 3.4 Consultation - The draft Allocations Policy was subject to stakeholder, customer and public consultation from 13th December 2019 to 24th January 2020. The consultation received around 1,900 responses with 370 from the Hyndburn area. In the main the changes were supported by the majority of respondents. The B with Us Steering Group has had regard these consultation responses in producing the final version of the policy attached to this report for approval and adoption.
- 3.5 Main changes to the policy

- Clarity in respect of eligibility and qualification criteria.
- Local Connection – the introduction of a local connection criteria in order to qualify to join the register. Anyone who applies must have a local connection with Pennine Lancashire, which is defined as:
 - ✓ Resident for at least six of the last twelve months, or three of the last five years
 - ✓ Have a close family member resident for at least five years
 - ✓ Be employed in Pennine Lancashire for the last six months

There are exemptions to local connection qualification, which include but are not restricted to, people fleeing domestic abuse, serving and former members of the armed forces and homeless applicants.

- Housing-related debt – greater clarity in terms of how housing debts owed will be considered under the scheme. Applicants with over £500 housing related debt will now be disqualified, and applicants with debt below £500 will qualify but not be made an offer until the debt is cleared. Statute barred debts (not been chased for over 6 years) will not be taken into account.
- Homeowners - this is a new element intended to help ensure best use of stock by only allocating to those persons who are unable to secure alternative accommodation. Thus applicants who are homeowners will be disqualified from joining the housing register unless they qualify for a priority band (Bands 1, 2 or 3) and are selling their properties. There are currently 197 Hyndburn homeowner applicants registered with B-with-us, and 108 of these are expected

to be in the top 3 bands under the new policy and therefore still qualify for assistance.

- Deliberate worsening of circumstances - This is a new criteria and is intended to ensure that applicants do not deliberately worsen their circumstances in order to be awarded higher priority. In allocations law, it has been a long held principal that applicants should not benefit by being given a higher priority banding if they deliberately worsened their own circumstances. This stated principle is now explicit in the proposed allocations policy.
- Removal of Community contribution – This has been removed in the revised policy. Due to the excessive number of additional households who could potentially be given a community contribution banding following the changes, following consultation the Steering Group decided to remove the banding to give other band 4 applicants, i.e. those under-occupying, meaningful priority.
- Homelessness - Following the implementation of the Homelessness Reduction Act 2017 in April 2018, bandings were temporarily altered to reflect the new duties which local authority partners were required to meet. The allocations policy has now been revised to reflect these changes.
- Banding changes – re-arrangement of some of the criteria within bands to ensure that those in a reasonable preference category continue to receive sufficient priority. This includes the ending of cumulative need, the removal of community contribution (see above) and the addition of a fifth band which will ensure that anyone not meeting any specified criteria within the bandings can still join the housing register and bid for properties.

In addition administration and procedural changes will be implemented to ensure a more streamlined experience and process for both the applicant and housing provider.

3.6 Impact of the proposed changes to the allocations policy

In implementing the recommendations made following external legal advice, significant changes are required and unfortunately many applicants will see their banding reduced as a result. However, the over-riding priority is that the new allocations policy is fully compliant with the legal and regulatory framework for the allocation of social housing.

3.7 Timescales – all the B with Us partners are required to ratify and approve the revised policy and this will take place over the next couple of months. Following this changes will be made to the software to reflect the policy changes which could take another couple of months. It is anticipated that the revised policy will become operation during summer 2020. Customers will be advised of progress via the B with Us website.

4. Alternative Options considered and Reasons for Rejection

4.1 The Council is required by the Housing Act 1996 to have a housing register and a policy for the allocation of accommodation irrespective of whether it owns any housing stock or not and to keep this policy up to date and reflective of current legislation and guidance.

5. Consultations

To ensure consultation was robust the following has taken place:-

5.1 Consultation on the B with Us draft Allocations Policy with partners, service users and the public took place between 13th December 2019 and 24th January 2020 as referred to in this report. The consultation received around 1,900 responses with 370 from the Hyndburn area. The results of this helped inform the final version.

5.2 The Council's Regeneration and Housing Panel and the Homeless in Hyndburn Forum, which includes representation from key Hyndburn stakeholders including Shelter, has been consulted throughout the review process and their views and comments taken into account at each stage.

5.3 In addition all the B with Us partners – both Local Authorities and Registered Providers – consulted on the policy through their own consultation processes.

6. Implications

Financial implications (including any future financial commitments for the Council)	As a result of the proposed changes to the current allocations policy, the B-with-Us software / database will need to be reconfigured significantly, which will mean additional costs. However, these costs will be met through reserves held by the B-with-Us partnership, and therefore no additional funding from the Council will be required.
Legal and human rights implications	Failure to update the current allocations policy risks the potential for a legal challenge. Independent legal advice has been sought on the policy twice to ensure it complies with legislation.
Assessment of risk	If the Council does not agree to the proposed revised allocations policy and as a result, there is a delay to updating the allocations policy, there is risk of legal challenge against the allocations policy and potential subsequent loss of reputation / financial

	<p>penalty for the Council as a partner in the scheme.</p> <p>As the policy is changing, in particular the priority bandings, some households with a current application will have their relative priority changed. Whilst the banding changes present a potential reputational risk, the changes are necessary to have an effective and efficient policy to meet housing need in the Borough</p>
<p>Equality and diversity implications A <i>Customer First Analysis</i> should be completed in relation to policy decisions and should be attached as an appendix to the report.</p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. When making a decision in respect of the proposals in this report members should have regard to the Customer First Analysis annexed to this report at Appendix 2.</p>

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

7.1 *Copies of documents included in this list must be open to inspection and, in the case of reports to Cabinet, must be published on the website.*

If the report is public, insert the following paragraph. If the report is exempt, contact Member Services for advice.

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.