

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

CABINET MEETING:

3rd December 2015

**AMENDMENTS TO THE JOINT SCHEME FOR THE ALLOCATION
OF SOCIAL HOUSING**

REPORT OF DIRECTOR

AGENDA ITEM:

**PORTFOLIO: HEALTH, HOUSING & WELLBEING (COUNCILLOR SUSAN
ELSMORE)**

Reason for this Report

1. To provide an update on the operation of the new Cardiff Housing Allocation Scheme.
2. To seek approval for further amendments to the scheme in light of operational experience and changes in legislation.

Background

3. Local authorities are required under s167 of the Housing Act 1996 to have a Housing Allocation Scheme. The Scheme sets the criteria for determining priorities in allocating housing accommodation, and the procedures to be followed. It forms the framework to ensure that a balance is achieved between: the individual housing needs of applicants; the legislative duty to offer applicants the opportunity to express choice or preference; the need to maintain balanced, sustainable communities; and the requirement to make best use of a publicly funded resource.
4. A Scheme was implemented in January 2015 and outlined a new approach using a common social housing register, arranged in bands. The band that an applicant is placed in is determined by their level of housing need and whether they have a local connection to Cardiff. Within each band, applicants are listed in date order. However waiting time alone does not allow an applicant to rise up to a higher band. The level of housing need is always considered before time waiting on the list.
5. Partner Registered Social Landlords (RSLs) in Cardiff expressed a desire to participate in a joint Allocation Scheme for the city to provide greater clarity for applicants, reduce administration and further promote closer

collaborative working. The Scheme therefore reflects the wider remit of letting all social housing stock in the city.

Issues

6. The changes have resulted in improved advice to applicants with 1,674 housing solutions interviews carried out in the first 6 months of operation.
7. The Scheme has also been successful in identifying those applicants who are most in housing need and prioritising them accordingly. This work has revealed the very high level of housing need in the city.
8. As at September 2015 there are currently 9,572 people registered on the Waiting List of which 5,416 have a significant housing need. Of these:
 - 221 are homeless households;
 - 3,289 households are living in unsatisfactory housing conditions;
 - 2,765 households (29% of the Waiting List) are overcrowded;
 - 489 households (5% of Waiting List) need to downsize;
 - 2,600 households need to move on medical or welfare grounds;
 - 2,477 households (26% of the Waiting List) have a medical need;
 - 1,621 households (17% of the Waiting List) need ground floor / lift accessible accommodation (990 being applicants aged 50 or over);
 - 549 households are on the Cardiff Accessible Homes list (89% of these are also on General List);
 - 148 households need to move to a particular area to avoid hardship;
 - 44% of these are fleeing domestic abuse and 36% want to move due to anti-social behaviour.
9. 97% of lets are now made to those in housing need, with 80% let to those in high need or above. Despite this, waiting times for those in most need are still long; 362 applicants with urgent housing and 617 with high housing need have been waiting for more than a year to be housed. 140 applicants with high housing need have been waiting for more than 5 years.
10. In the Cabinet Report on 11th December 2014, it was acknowledged that further changes to the scheme would be needed due to the introduction of new homelessness legislation as outlined in the Housing (Wales) Act 2014 and the accompanying Code of Guidance on the Allocation of Housing and Homelessness. Other changes are proposed as a result of operational experience and the need to better differentiate between levels of housing need identified above for different groups of applicants. These proposed changes are outlined below:

11. New Homelessness Legislation

Part 2 of the Housing (Wales) Act 2014 came into force on 27th April 2015 and changed how local authorities assist anyone approaching them for advice about homelessness.

Issue: Additional duties on local authorities to assist applicants who are homeless or threatened with homelessness require revised banding arrangements. These new duties also have the potential to significantly increase demand for services. However local authorities in Wales can now discharge their duty into the private rented sector as well as the usual route into social housing.

Amendment: It is proposed to amend the banding arrangements as follows:

- Band A – urgent full/final duty homeless
- Band Bi – non-urgent full/final duty cases and Resettlement Strategy cases
- Band Bii – new category for all other homeless cases including those in hostels, supported housing and temporary accommodation

Also the Resettlement Strategy criteria will be amended to complement these arrangements to ensure the most vulnerable people are assisted.

In order to make timely and appropriate offers, homeless applicants will be required to choose 2 higher availability areas at application as well as any other areas of their choice. This proposal will also be extended to those awarded immediate priority and those 'left in occupation' of Council accommodation who do not have a right to succeed to a tenancy. The private rented sector will be used as an option for areas of limited or no social housing.

12. Local Connection

The Scheme currently recognises local connection as having normally resided in Cardiff for 6 of the last 12 months or 3 out of the last 5 years, with exceptional circumstances considered on a case-by-case basis.

Issue: It is difficult for applicants to evidence residency under these criteria and it is difficult for officers to keep track of any ongoing changes. Also this criteria puts additional pressure on the Waiting List.

Amendment: It is proposed that the Scheme comes into line with many English and some Welsh local authorities in requiring 'normal residence' to be defined as 2 years continuous residency at the time of application. Each application will be assessed on its merits and exceptions to the 2 year requirement will be considered to recognise, for example, where employment might be jeopardised by not living in the city or where care from family in the city is essential to the applicant's health and wellbeing. This change will apply to new applicants only, and for applicants owed a duty under Part 2 of the Housing (Wales) Act 2014, the working definition of Local Connection set out in the Guidelines for Local Authorities on Procedures for Referral is adopted.

13. Overcrowding

The Scheme currently stipulates that, in accordance with Housing Benefit Size Criteria, households currently overcrowded because they are 1 or 2 bedrooms short are considered to have a medium housing need whilst those 3 or more bedrooms short are deemed to have a high housing need.

Issue: Operational experience has shown that this approach is not adequately acknowledging those who are severely overcrowded and those requiring a size of property to address their need that is not practically available. The impact on families is most acute with any school-age children likely to have their educational progress impacted upon by such living conditions.

Amendment: This is a very complex issue but a first solution is to recognise the most extreme cases involving families. All families living in bedsits; families of 4 persons or more in 1 bedroom accommodation; families of 6 persons or more living in 2 bedroom accommodation; and families of 9 persons or more living in 3 bedroom accommodation will all be considered to have high housing need.

It is also acknowledged that the current social housing stock in the city cannot generally accommodate households requiring over 4 bedrooms; Cardiff has only 153 properties of 5 bedrooms and above and they are rarely available for re-let. Where applications are received from such large households, case-by-case solutions will need to be explored, such as re-housing discrete family units within the household separately and exploring opportunities in the private rented sector. This complex issue will be further explored in the Housing Strategy currently under development.

14. Under-Occupation

The Scheme currently offers applicants the choice to be registered for properties larger than they need according to Housing Benefit Size Criteria, so long as they undertake an affordability assessment at the point of offer.

Issue: A high proportion of social housing stock is currently under-occupied. Records show that 2,681 social housing tenants of working age in receipt of Housing Benefit are still affected by the 'bedroom tax'. Other social housing is likely to be under-occupied by those over retirement age. This is not making the best use of social housing stock, especially given the high demand for re-housing from applicants who are currently overcrowded.

Amendment: All applicants to only be offered properties that meet the needs of their household in accordance with Housing Benefit Size Criteria. Exceptions will be made to this approach where appropriate.

15. Older Persons Accommodation

Currently applicants who are aged over 50 years can apply for both general and older people's accommodation.

Issue: Sheltered and designated stock is often difficult to let which may be in some part due to its perception and connotations for the elderly. Many older people want or need to be close to relatives or services and therefore their area choices are limited. Additionally mobility issues restrict the types of properties that can be offered.

Amendment: Existing stock is being reviewed with some sheltered scheme refurbishment already planned, however all Council older persons accommodation is to be re-classified and marketed. All older persons stock will have its own letting criteria thereby facilitating better matching of client need with each property.

The importance of community has been recognised with those already living in the scheme/local area being shortlisted above applicants from other areas. Ground floor 1 bedroom accommodation is to be prioritised for those with a medical need.

All current applicants meeting the age criteria will be approached to ascertain greater detail of their needs and choices about types and location of accommodation. This will allow better shortlisting in order to offer appropriate and sustainable re-lets.

16. Other Changes

Other changes include giving additional priority to those leaving the Armed Forces (urgent housing need), those moving on from local authority care provision (urgent housing need); and those who are blocking hospital beds and who have no suitable home to return to (awarded immediate priority.)

Consultation

17. Extensive consultation had been undertaken as part of the main changes that were introduced as part of Cabinet Report: *Amendment to the Housing Allocation Scheme*, 15/12/2014. Consultation with key stakeholders included Councillors, other Service Areas, statutory partners and supported housing providers. Additionally, Cardiff Tenants & Residents Federation members views were sought, along with those of a random sample of 3,400 current applicants taken from the Common Waiting List.

18. Consultation on the amendments contained within this report has taken place with key partners including Registered Social Landlords, Homeless charities and supported accommodation providers on the changes and no major issues were raised. Additionally, all Council Members have been emailed to explain the changes that are contained within this report.

Implementation

19. It is anticipated that these changes outlined above will be implemented between January and March 2016 as some require changes to the IT system used by the Council and partner RSLs, and others require an in-depth screening of current applicants.
20. Those affected by the changes proposed will receive a letter outlining how the change will impact upon their status on the Waiting List, along with a leaflet describing the Scheme.

Reason for Recommendations

21. The above amendments are required to make the Housing Allocation Scheme workable and equitable for all in housing need and reflect changes to legislation.

Financial Implications

22. There are no direct financial implications.

Legal Implications (including Equality Impact Assessment where appropriate)

23. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.
24. The Council must provide an allocation scheme for determining priorities, and as to the procedure to be followed, in allocating housing accommodation. For this purpose "procedure includes all aspects of the allocation process, including the persons or descriptions of persons by whom decisions are to be taken.
24. The scheme shall include a statement of the authority's policy on offering people who are allocated housing accommodation, a choice of housing accommodation, or the opportunity to express preferences about the housing accommodation to be allocated to them.
25. The scheme shall be framed so as to secure that reasonable preference is given to

- i) People who are homeless (within the meaning of Part 2 of the Housing (Wales) Act 2014)
 - ii) People who are owed a duty by a local housing authority under section 66, 73 or 75 of the Housing (Wales) Act 2014
 - iii) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
 - iv) People who need to move on medical or welfare grounds
 - v) People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship
26. For the purpose of defining how preference is to be awarded to those within these categories, the allocation scheme is allowed to take into account:
- i) The financial resources available to a person to meet his housing costs
 - ii) Any behaviour of a person (or a member of his household) which affects his suitability to be a tenant
 - iii) Any local connection which exists between a person and the authority's district.
27. The Council must afford all registered providers of social housing and registered social landlords with whom it has nomination arrangements the opportunity to comment on an allocation scheme before it is altered in any way that reflects a major change of policy.
28. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics.

Protected characteristics are:

- Age
 - Gender reassignment
 - Sex
 - Race – including ethnic or national origin, colour or nationality
 - Disability
 - Pregnancy and maternity
 - Marriage and civil partnership
 - Sexual orientation
 - Religion or belief – including lack of belief
29. As such a decision to implement the proposal has to be made in the context of the Council's equality act public sector duties.
30. The report identifies that an Equality Impact Assessment has been carried out and is appended at Appendix C. The purpose of the Equality Impact

Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty.

31. The decision maker must have due regard to the Equality Impact Assessment in making its decision.
32. The decision maker must also have regard to certain other matters when making its decision as outlined in the Statutory Screening Tool.

HR Implications

33. There are no direct human resource implications.

RECOMMENDATIONS

34. To approve the amendments outlined above to further enhance the joint Cardiff Housing Allocation Scheme.

Sarah McGill

The following appendices are attached:

Appendix A – Cardiff Housing Allocation Scheme (December 2015)

Appendix B – Summary of Banding

Appendix C – Equality Impact Assessment

The following background papers have been taken into account

Cabinet Report: *Amendment to the Housing Allocation Scheme*, 15/12/2014

Statutory Screening Tool