

**THE CITY & COUNTY OF CARDIFF COUNCIL
DINAS A SIR CAERDYDD**

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

2 December 2015

**AMENDMENTS TO THE JOINT SCHEME FOR THE ALLOCATION OF
SOCIAL HOUSING: PRE-DECISION SCRUTINY**

Purpose of Report

1. To undertake pre-decision scrutiny of the draft Cabinet Report, which is attached at **Appendix 1**, and the draft amended Cardiff Housing Allocation Scheme, which is attached in full at **Appendix A**, and to pass comments, observations and recommendations to Cabinet in time for their meeting on 3 December 2015 when this report is due to be considered.

Background

2. Currently, The City of Cardiff Council operates the Housing Allocations Scheme agreed by Cabinet in December 2014, which is based on:
 - a. A common social housing register covering the Council and partner registered social landlords operating in Cardiff
 - b. A banded date-order scheme, where the level of housing need and whether the applicant has a local connection to Cardiff determines the band that an applicant is placed in.
3. There are currently 9,572 applicants on the waiting list (as at 1 September 2015), with 5,416 of these having significant housing need.

Proposed Amendments to the Housing Allocation Scheme

4. In order to ensure Members are fully informed, the following documents are attached as appendices:
 - Draft Cabinet Report – **Appendix 1**
 - Draft Housing Allocation Policy - **Appendix A**

- Summary of Banding – **Appendix B**
- Equalities Impact Assessment - **Appendix C**.

5. The amendments to the Housing Allocation Scheme have been prepared by housing officers in response to two factors: the new homelessness legislation, outlined in the Housing (Wales) Act 2014 and the accompanying Code of Guidance; and *‘operational experience and the need to better differentiate between levels of housing need identified for different groups of applicants.’*¹
6. The amendments to the Housing Allocation Scheme are set out in the Cabinet Report, at **points 11 – 16 Appendix 1** which explain the issues and the proposed amendments. The proposed amendments are:
- Homelessness legislation** – amend band arrangements to reflect duties owed under the new legislation;
 - Local Connection** – amend qualifying criteria for new applicants to be *‘2 years continuous residency at the time of application’*, with exceptions applied *‘where employment may be jeopardised by not living in the city or where care from the family is essential to the applicant’s health and well being’* and for *‘those owed a duty under Part 2 of the Housing (Wales) Act 2014’*²;
 - Overcrowding** – to increase the housing need rating from medium to high for: families of 4 persons or more in 1 bedroom accommodation; families of 6 persons or more in 2 bedroom accommodation; and families of 9 persons or more in 3 bedroom accommodation;
 - Under-Occupation** – all applicants to only be offered properties that meet the needs of their household in accordance with Housing Benefit size criteria;
 - Older Persons Accommodation** – *‘all older persons stock will have its own lettings criteria thereby facilitating better matching of client need with each property’*;

¹ Point 10, draft Cabinet Report attached at Appendix 1

² Part 2 of the Housing (Wales) Act 2014 introduces a new system to tackle homelessness and the threat of homelessness, including a far greater emphasis on preventing homelessness in the first place. This has been achieved by strengthening the role of prevention in the duties that Local Authorities owe to homeless people.

- f. **Armed Forces personnel** – to be classified as urgent housing need;
- g. **Applicants leaving local authority care provision** – to be classified as urgent housing need;
- h. **Applicants blocking hospital beds who have no suitable home to return to** – to be classified as immediate priority housing need.

7. The Cabinet Report also highlights that further amendments are proposed, as follows:

- a. **Improve timeliness and appropriateness of offers** – require homeless applicants, immediate priority applicants and those ‘left in occupation’ - *to choose two higher availability areas at application as well as any other areas of choice*³;
- b. **Homelessness** – *‘the private rented sector will be used as an option for areas of limited or no social housing’*⁴.

8. The Cabinet Report states that changes should be implemented between January and March 2016 and that all those affected by the changes will receive a letter outlining how the changes will impact on their status on the Waiting List.

Legal and Policy Background

9. The 1996 Housing Act sets out the duties, powers and responsibilities for local authorities with regard to housing allocations, including:

- placing a legal duty on local authorities to have and publish a housing allocation scheme that sets out the Authority’s priorities and procedures in allocating available housing;
- detailing the criteria that determines who is and is not an eligible person to be allocated housing accommodation;
- detailing the various categories of people in housing need to whom local authorities must ensure they give ‘reasonable preference’ to in the housing allocation scheme.

Previous Scrutiny

³ Point 11, as above

⁴ As above

10. In November 2013 this Committee scrutinised proposed recommendations for future housing allocation policy in Cardiff, prior to it being approved by Cabinet in December 2013. Following the meeting, the letter from the then Chair, Councillor De'Ath, to the then Cabinet Member, Councillor Thorne, stated the following:

'Members wish to thank officers for working so hard to produce a high quality policy that reflects extensive consultation. Members believe that the consultation process itself was good and it is reassuring to see that comments received have been balanced and reflected in the final proposed policy.'

*'Members believe that the changes to the Housing Allocations Policy are much needed and support the aims of the policy. It is now essential that effective indicators are put in place to monitor the impact of the policy, to see whether the aims are reflected in the implementation or whether there are unintended consequences that need to be addressed. Members note officers' comments that these indicators will be developed.'*⁵

11. In December 2014, Members scrutinised amendments to the proposed scheme which had been prepared by housing officers as a result of the identification of unforeseen consequences during the detailed testing and modelling stage of implementation of the Housing Allocation Scheme. Following the meeting, the letter from the then Chair, Councillor Groves, to the then Cabinet Member, Councillor Elsmore, stated the following:

'Members thank officers for ensuring that this item was available for pre-decision scrutiny. Members note the reasons why adjustments are required and that key performance indicators will be in place to enable the data modelling of trends before targets are set for each of the three sub-lists.'

Members also note that further amendments may be required with regard to the use of the Private Rented Sector, following implementation of the Housing Act

⁵ Letter from Councillor De'Ath, then Chair CASSC, to Councillor Thorne, then Cabinet Member, dated 3rd December 2013

(Wales) 2014. Members wish to scrutinise these further amendments and ask that you liaise with Scrutiny Services to schedule this for pre-decision scrutiny at an appropriate time.⁶

Way Forward

12. At the meeting, Councillor Susan Elsmore, (Cabinet Member, Health, Housing & Well Being) may wish to make a statement. Sarah McGill (Director of Communities, Housing and Customer Services) and Jane Thomas (Assistant Director, Communities and Housing) will be in attendance to give a presentation and to answer Members' questions.

Legal Implications

13. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. 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. Scrutiny Procedure Rules; (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.

Financial Implications

14. There are no direct financial implications arising from this report. However, financial implications may arise if and when the matters under review are implemented with or without any modifications.

⁶ Letter from Councillor Groves, then Chair CASSC, to Councillor Elsmore, Cabinet Member, dated 9th December 2014

RECOMMENDATIONS

The Committee is recommended to:

- I. consider the information provided in the report, appendices and presentations;
- II. consider whether they have any observations, comments or recommendations they wish to make to the Cabinet; and
- III. consider a way forward with regard to any future scrutiny of the issues raised.

MARIE ROSENTHAL

Director of Governance and Legal Services

26 November 2015