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Date: 17th June, 2019

**INDIVIDUAL CABINET
MEMBER DECISION**

Dear Sir/Madam,

The Cabinet Member for Housing and Communities (Councillor C.M. Watkins) is to consider the following report and make a decision on Tuesday 25th June, 2019 at 5.00 p.m. in Committee Room A, Town Hall, Nuneaton.

Yours faithfully,

BRENT DAVIS

Executive Director - Operations

A G E N D A

PART 1

PUBLIC BUSINESS

1. **EVACUATION PROCEDURE**

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

2. PUBLIC CONSULTATION - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.
3. DECLARATIONS OF INTEREST - To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 4**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Committee Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.
2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Audit & Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

4. HOUSING ALLOCATIONS POLICY – a report of the Director – Housing, Communities & Economic Development attached. (Page 5)

Cabinet – Schedule of Declarations of Interests

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			<p>Granted to all members of the Council in the areas of:</p> <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	C.M Watkins		<p>Representative on the following outside bodies:</p> <ul style="list-style-type: none"> • Nuneaton and Bedworth Home Improvement Agency. • Nuneaton and Bedworth Safer and Stronger Communities Partnership. • Safer Warwickshire Partnership Board. • Warwickshire Housing Support Partnership. • Warwickshire Police and Crime Panel. 	

Individual Cabinet Member Decision

Report Summary Sheet

Date: 25th June 2019

Subject: Housing Allocation Policy

Portfolio: Councillor Watkins

From: Dawn Dawson, Director- Housing, Communities & Economic Development

Summary:

The report is presented to seek approval for Nuneaton and Bedworth Borough Council to implement the proposed changes to the existing Housing Allocation Policy.

Recommendations:

That the changes to the Policy are approved, implemented and operational forthwith.

Options:

- a) To approve the recommended changes
- b) To not approve the recommended changes

Reasons:

- The existing Allocation Policy was amended in 2017 to reflect Legislative requirements and to ensure the policy was fair, objective and encouraged a balanced and sustainable community.
- Further legislative changes and the need to ensure that we make the best use of our stock, has initiated the proposed further amendments.

Adopting these will ensure that the Authority is less open to challenge and will deliver a more transparent and robust allocation process for our customer

Consultation undertaken with Members/Officers

A full consultation process has taken place with Registered Providers, our partner agencies and the Landlord Services Manger, their comments have been considered when outlining the content in the policy.

Subject to call-in: Yes

Forward plan: N/A

Delivering Our Future Theme:

One

Delivering Our Future Priority:

Three

Relevant statutes or policy:

Housing Act 1996

Homeless Reduction Act 2017

Equalities Implications:

There are no significant negative impacts as a result of this policy on any of the protected characteristics.

Human resources implications: N/A

Financial implications: N/A

Health Inequalities Implications: N/A

Section 17 Crime & Disorder Implications: N/A

Risk management implications: N/A

Environmental implications: N/A

Legal implications: N/A

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NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Councillor C. Watkins

From: Director of Housing, Communities & Economic Development

Date: 25th June 2019

Subject: **Housing Allocations Policy**

Portfolio: Housing and Communities (Councillor C.Watkins)

Delivering Our Future Theme: One

Delivering Our Future Priority: Three

1. Purpose of Report

- 1.1 To seek approval for the amendments to the existing Housing Allocation Policy (hereafter referred to as Housing Allocation Policy)

2. Recommendations

- 2.1 It is recommended that the proposed changes are authorised and approved ready for implementation forthwith.

3. Background

- 3.1 The existing Allocation Policy was amended in 2017 to reflect legislative requirements and to ensure the policy was fair, objective and encouraged a balanced and sustainable community.
- 3.2 Further legislative changes and the need to ensure that we make the best use of our stock, has initiated the proposed further amendments contained in this report. Adopting these will ensure that the Authority is less open to challenge and will deliver a more transparent and robust allocation process for our customer.

4. **Housing Allocation Policy amendments**

- 4.1 The Housing Options Team, be renamed throughout the policy to the newly formed 'Housing Solutions Team. Any other minor rewording throughout the policy be amended to ensure the policy is comprehensible.

4.2 Qualification Criteria

- 4.2.1 The current Policy applies a qualifying criteria in order to decide who can join its register, this is due to insufficient properties to meet the high demand of those applying for housing.
- 4.2.2 Presently the qualification criteria does not include those households with certain levels of income or savings that would be sufficient enough to resolve their own housing needs.
- 4.2.3 It is proposed to include the following as an extra criteria that will exclude applicants from the list:

Applicants with sufficient income levels of assets or savings that would enable them to access market housing within the Borough. Income levels will be based upon an annual assessment of the income required to purchase an averagely priced home in the Borough. The annual income level will be set at one-third of the average housing price at the end of the proceeding calendar year.

The threshold for household assets or savings will be consistent with the Government's upper limit for savings set out in the common rules of DWP Benefit and Pensions Rates (or any succeeding publication).

This is exclude applicants from NBBC homes housing register

4.3 Exclusion due to Unacceptable Behaviour

- 4.3.1 Currently applicants are excluded from the register due to actions which are detailed in the allocation policy that are considered to make them unsuitable to be a tenant.
- 4.3.2 Exclusion is for a 24 month period. Which was deemed as sufficient time for applicants to provide evidence that their behaviour has shown consistent improvement. Unfortunately the 24 month period is considered too long, as it is causing bed blocking for those potential tenants who are in supported accommodation such as probation hostels or supported accommodation.

It is proposed to reduce the period of time to six months in addition to adopting the following process for determining applicant's suitability which is more transparent to customers.

'In determining whether an applicant does not qualify due to unacceptable behaviour, the Council will consider:

- *Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?*

- *Was the unacceptable behaviour serious enough to deem the applicant or a member of their household unsuitable to be a tenant?*
- *At the time of the application or allocation, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of their household?*

4.3.3 The exclusion due to unacceptable behaviour categories require a fuller explanation as these appear to be unclear to applicants and other providers.

In addition the categories require updating in terms of the varied court orders that are now applied for an imposed on potential applicants or there household.

It is proposed to include or re word the following to our existing unacceptable behaviour categories:

Include : Applicants and/or any member of the applicant's household to all categories.

Rewording : Physical assaults (such as domestic and racial violence) to *'Perpetrators of domestic violence who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order'*.

Include : Applicants and/or any member of an applicant's household who have been convicted of using a property for immoral or illegal purposes.

Include : Applicants and/or any member of an applicant's household who have committed an act of fraud, withheld falsified or misrepresented any information pertaining to access to public funding and/or services.

4.3.4 A further proposal is to alter the wording in terms of unspent convictions *'in some circumstances applicants who have relevant unspent convictions for serious criminal offences which caused issues with their previous accommodation and neighbourhood, may be ineligible for an allocation following thorough investigation.'*

Investigations will be carried out by Choice Based Lettings Officers and will give applicants the right to appeal the decision made, which will then be investigated by an independent officer not previously involved with the decision.

4.4 Reasonable Preference and Additional Preference Categories (Band 1+ and Band 1) Homeless Applicants.

4.4.1 The Homeless Reduction Act 2017, imposed further duties on Local Authorities by introducing a Prevention and Relief duty before the full housing statutory duty, to house homeless applicants.

It is suggested by the Ministry of Housing, Communities & Local Government (MHCLG) but not yet issued that the new prevention and relief duties will owe applicants an additional and/or reasonable preference within allocation policies.

The law currently requires Local Authorities to give reasonable preference to homeless applicants where the authority owes a statutory duty to house.

NBBC's current policy gives an Additional Preference (Band 1+), to those who are owed a statutory duty that have been placed in temporary accommodation.

The policy also gives Reasonable Preference (Band 1) to those who are owed a statutory duty that are considered to be lodging with friends families or for applicants that are pending eviction.

In addition the policy allows exemptions to the qualification criteria to applicants that are owed a full homeless duty. For example, former tenant rent arrears.

4.4.2 The following changes are proposed, to not only meet MHCLG forthcoming requirements but to resolve the current issue of applicants residing in temporary accommodation to be awarded a higher band, rather than staying with friends/family and to allow for a reduced preference where the applicant's qualification criteria is not met.

- It is proposed to award Additional Preference (Band 1+) to all homeless applicants where the Local Authority owes a full housing duty (when the Relief Duty comes to an end because they have been assessed as being in priority need and unintentionally homeless), this would be where all other housing options during the Prevention or Relief Duty have failed.
- It is proposed that all exempted cases be referred to either the Strategic Housing Services Manager or the Housing Solutions Manager for authorisation. All of the facts, including documentary information will be considered before deciding if an exemption is reasonable. For example, in terms of arrears applicants will need to provide clear

information about the reasons for the rent debt explaining the steps they have taken to address the issue.

Where authorisation is not granted the application will be given a reduced preference for a sufficient time to give applicants the opportunity to address the issue. For example applicants with former tenant rent arrears will need to reduce the arrears.

- Reasonable Preference (Band 1) be awarded to all applicants who have been accepted by the Local Authority of owing a, Prevention or Relief Duty. This band will only be awarded where all of the qualification criteria of the policy is met.

4.5 **Exceptional Circumstances.**

- 4.5.1 The current policy gives limited explanation of what is considered to be an Exceptional Circumstance, where it becomes necessary for the Authority to waiver elements of the qualification criteria in the case of individual applicants who would not normally qualify for the register.

This includes those applicants for example where there is a threat of life and no other housing options available. For example where we owe a full housing duty because all other housing options have been exhausted

- 4.5.2 In addition it is proposed to include direct housing matches for extremely vulnerable applicants.

Currently extremely vulnerable homeless applicants who are unable to reside in Bed and Breakfast's or Hostel accommodation are allocated properties on a temporary basis that have not be advertise through NBBC Homes. This is currently authorised by the Housing Solutions Manager and the Landlords Service Manager and falls under the best use of stock element of the policy.

In the cases where applicants are owed the full housing duty it is evident that applying for alternative permanent housing and moving again causes an enormous disruption, to the applicants health and wellbeing.

- 4.5.3 It is proposed to extend our exceptional circumstances section to policy to be more transparent in term of where the policy is waived for certain applicants. In addition to agree the proposal of allowing those extremely vulnerable applicants tenures to move from temporary to introductory tenancies thus allocating outside of the lettings policy.

The Exceptional Circumstance Section proposal is :-

The Council recognise that there may be exceptional circumstances where it becomes necessary to reconsider the qualification criteria in the case of individual applicants who would not normally qualify.

The council may reconsider the qualification of these individuals in extreme exceptional circumstances, where there is a threat to life, no other housing options are available for homeless applicants where all prevention and relief options have been exhausted and for extremely vulnerable applicant's tenures to move from temporary to introductory tenancies.

4.6 Panel Meeting

4.6.1 The policy currently details an Officers Panel Meeting to determine band or eligibility enquires, this panel was created to ensure consistency of band as suggested by NBBC Internal Audit team.

4.6.2 Due to legislative changes in term of the appeal process it is proposed to remove the panel meeting and follow the new request for a review process. Internal audit have been consulted and agree this to be the best approach.

4.7 Independent Living

4.7.1 Independent Living stock (formally known as Supported Accommodation) is presently allocated to applicants aged 60 or over, with an exemption to those applicants age 55+ with very high medical/welfare needs.

4.7.2 The rental loss to the authority due to these properties being vacant is high, therefore two proposals are recommended in the aim to allocate the dwellings.

- Lowering the age for all Independent Living Scheme to 55+ with an exemption to those applicants age 50+ with very high medical/welfare needs
- Abolishing the local connection criteria once we have a void dwelling for longer than 6 months.

4.8 Use in Occupation

4.8.1 When existing tenants either move from their current tenancy due to high support or medical needs or unfortunately pass away this could on occasions leave other household members in the property who do not have succession right to the tenancy.

The household members are awarded, use in occupation to remain at the tenancy up to maximum of 12 months of time before the Housing Management take legal action to evict.

The current policy does not give any priority to these applicants. It is therefore suggested to award urgent housing need (Band 1) to applicants but with restrictions.

Applicants must be able to evidence the following to qualify for urgent housing need. (Band 1). The following is suggested:

Applicants must be able to evidence that have lived in the property for a minimum of 12 months using the property as their main and principal home.

Applicants who have not lived in the in property for 12 must be able to evidence that they used the property as their main and principal home to give care and support.

Each case will be investigated by the Housing Management Team.

5. Conclusion

5.1 That the proposals be agreed

6. Background Papers (if none, state none)

6.1 None

Dawn Dawson Director- Housing, Communities & Economic Development