

<b>Meeting:</b>	<b>Cabinet Council</b>	<b>Date:</b> 12 June 2013 18 July 2013
<b>Subject:</b>	<b>Changes to Gloucestershire Homeseeker (Choice Based Lettings Scheme) Policy – following consultation</b>	
<b>Report Of:</b>	<b>Cabinet Member for Housing, Health and Leisure</b>	
<b>Wards Affected:</b>	<b>All</b>	
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework: Yes</b>
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<b>Appendices:</b>	<b>1. Policy Document</b> <b>2. Summary of Responses and List of Changes (incorporating Appendices A, B and C)</b>	

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 At its meeting of 12<sup>TH</sup> June 2012, Cabinet approved a number of possible changes to the Gloucestershire Homeseeker (Choice Based Lettings Scheme) Policy (now referred to as the Homeseeker Policy) as the basis for consultation. The consultation has now concluded and comments have been fed into the revised Homeseeker Policy. This report seeks approval of the revised Homeseeker Policy.

### 2.0 Recommendations

- 2.1 Cabinet is asked to **RECOMMEND**

- (1) The revised Gloucestershire Homeseeker (Choice Based Letting Scheme) Policy (attached as Appendix 1) be approved and adopted by all six District Councils in the County.

- 2.2 Council is asked to **APPROVE** that

- (2) The revised Gloucestershire Homeseeker (Choice Based Letting Scheme) Policy be approved and adopted by all six District Councils in the County.

### 3.1 Background

- 3.1 At its meeting of 12 June 2012, Cabinet approved a number of possible changes to the Homeseeker Policy as the basis for consultation. A Countywide consultation ran between 2 January 2013 and 26 March 2013. Letters were sent to everyone registered on the Homeseeker system and to the Registered Providers who use the

system to allocate properties. The letter explained the background to the proposed changes and sought appropriate comments.

- 3.2 A total of 42 individual responses were received, together with one response from a Registered Provider (who made no comments). Details of the comments are set out in Appendix 2.
- 3.3 Having considered the comments received, the final proposed changes have been made to the Homeseeker Policy (Appendix 1). A list of the individual changes are set out in Appendix 2. The changes take into account a number of minor amendments as well as changes brought about by:
- The Localism Act 2011;
  - The Welfare Reform Act 2012; and
  - The Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012.
- 3.4 As part of the consultation exercise, the proposed changes to the Homeseeker Policy were presented to the Overview and Scrutiny Committee (4 February 2013) for comments. A number of issues were discussed at that meeting and as a result, officers were requested to revisit the issue of Local Connection and whether the amount of time a person must have been connected with the area should be extended.
- 3.5 Local Connection is defined in Part 7 of the Housing Act 1996 (Homelessness), as amended, as –
- Those who are normally resident in the local authority area, and that residence is or was of his own choice  
(Local Government Agreement guidelines suggest this as having resided in the area for six of the last twelve months, or three of the last five years, where residence has been out of choice).
  - Those who are employed in the local authority area  
(Local Government Agreement guidelines suggest this as employment other than a casual nature)
  - Those who have family connections in the local authority area  
(Local Government Agreement guidelines suggest this immediate family members who have themselves lived in the area for five years although there is no statutory definition) or
  - Because of special circumstances
- 3.6 A present, the Homeseeker Policy uses the suggestions contained in the Local Government Agreement to determine and evaluate Local Connection and so has set the same time requirement, i.e. six of the previous twelve months or three of the past five years.
- 3.7 The Localism Act brings with it the option to change the definition of Local Connection (as well as other changes previously identified). As the Homeseeker Policy has been adopted by all six authorities in the County, each, therefore use the

same definition for Local Connection. If one authority wished to use a different definition, it would either need to seek the agreement of the other five authorities, or it would need to adopt its own change to the overall policy which would then operate differently to the other Districts in the County.

- 3.8 A number of authorities have already or are considering changing the time requirement, for example:

Authority	Local Connection – Time Requirement
West Oxfordshire District Council	Three out of the five years prior to the date of application or have been resident in the District for at least 10 years in total
London Borough of Harrow	Applicants must have been continuously resident in the borough for at least 5 years
London Borough of Hammersmith and Fulham	Applicants must have lived in the borough for 5 years or more

- 3.9 The current “six months” criteria is seen, by some, to be unfair as someone need only be resident in the area for six months to then have the same entitlement to bid for social housing as someone who has lived in the area for say 10 or 20 years. The six month residency can be in any type of accommodation and with any tenure, and this has raised concerns, particularly with increasing costs of Bed and Breakfast in other areas of the County and across the Country. If Gloucester were seen to be an affordable place for other authorities to place people with a Statutory Homelessness need, then it would be possible for that person to claim a Local Connection to Gloucester if they were placed in a Bed and Breakfast in the City for six months. If the period for Local Connection were for longer, this would be less likely to occur.
- 3.10 A change to the Local Connection rules would no doubt see a reduction in the number of people on the Homeseeker system seeking a home, for example Hammersmith and Fulham has seen their Housing Register reduce from over 10,000 people to just over 1,000 as a result of introducing a five year local connection. Whilst this would appear to reduce the numbers down to a more manageable amount (Hammersmith and Fulham has around 600 properties become available per year), it does not remove the problem of a shortage of accommodation from the area, but simply reduces the number of people who can apply for social housing. Those who are not entitled to bid for a property through Homeseeker would no doubt still be seeking accommodation in the area through the private sector.
- 3.11 The changes agreed by Cabinet, for consultation, suggested that the Local Connection rules remain as they are. None of the responses to the consultation suggested otherwise and all of the other authorities in the County are looking to keep the existing six month period. If the City Council wished to now adopt a different time limit, the Council would need to consult on that aspect of the Policy

and then look to adopt the change as an addendum outside of the Countywide Policy. It is recommended, therefore, that the Council makes no change to this part of the Policy, but will be reviewed after 12 months to ascertain whether those Authorities adopting a higher period to establish Local Connection have been judicially challenged, and how case law has developed.

#### **4.0 Alternative Options Considered**

4.1 As stated in the report presented to Cabinet in December 2012, the proposed changes to the Homeseeker Policy are as a result of legislative changes and changes to the scheme agreed by the Partnership. Whilst the legislative changes must be taken into account, the Council could consider leaving the Partnership and maintaining its own register and allocations policy for the City. This would require giving six months written notice and would then need to procure and administer a separate IT system. A new allocation policy would have to be agreed. This alternative option is, therefore, not being recommended.

#### **5.0 Reasons for Recommendations**

5.1 The City Council has formed a Homeseeker partnership with the other five District Councils in the County and as a result operates a Choice Based Lettings scheme under one policy and procedure. Changes to the Homeseeker Policy, to ensure that the scheme accommodates the requirements of the Department for Communities and Local Government Allocation of Accommodation: Guidance for Local Housing Authorities in England and the Welfare Reform Act, together with a number of minor changes, have been the subject of consultation, and each of the six authorities are now asked to approve the revised Policy.

#### **6.0 Future Work and Conclusions**

6.1 Subject to the City Council's approval of the revised Policy, the document will then be considered (for approval) by the Homeseeker Partnership Board. Subject to those approvals, the Policy will then be implemented by each of the six authorities. The Policy and the impacts of the changes, will be kept under review and any future changes will be brought back to the Council for consideration.

#### **7.0 Financial Implications**

7.1 Approval of the changes to the Homeseeker Policy would have no financial implications on the City Council. However, if the City Council were to seek changes to the Policy that are not agreed by the other authorities, then the costs of these changes would need to be borne by the Council. This would include the costs of changing the software (outside of the partnership) together with any ongoing costs of administering these changes.

(Financial Services have been consulted in the preparation of this report.)

#### **8.0 Legal Implications**

- 8.1 Gloucester City Council is responsible for the allocation of social housing under the Housing Act 1996. In accordance with those provisions, the authority must have a scheme for determining priorities and the procedures to be followed when allocating social housing. Before making an alteration to the scheme, the local authority must send a copy of the proposed alteration to every private registered provider of social housing and registered social landlord, allowing them a reasonable opportunity to comment on the proposals. This duty formed part of the consultation exercise. Raising the period of local connection, as adopted by some other authorities, may be subject to judicial challenge, and it is probably sensible to review the development of case law in this area after a period of 12 months, to ascertain how the law in this area has evolved.

(Legal Services have been consulted in the preparation this report.)

## **9.0 Risk & Opportunity Management Implications**

- 9.1 If the Council fails to adopt the necessary changes to the existing Homeseeker Scheme, then it could face legal challenge.
- 9.2 In addition, there is a risk that if the eligibility criteria for Gloucestershire Homeseeker applicants are not brought in line with the requirements of the Welfare Reform Act some households may find themselves in accommodation which is deemed to be under – occupied and therefore unaffordable in the long term.

## **10.0 People Impact Assessment (PIA):**

- 10.1 As part of the consultation exercise, the Inclusion and Access Group (part of the Homeseeker Partnership) have developed a revised PIA so as to consider any possible impacts the revised Scheme could have on each of the Protected Characteristics. Some negative impacts have been identified and mitigation has therefore been considered to address this impact.

## **11.0 Other Corporate Implications**

### Community Safety

- 11.1 Not Applicable

### Sustainability

- 11.2 Not Applicable

### Staffing & Trade Union

- 11.3 Not Applicable

**Background Documents:** None