

MUNICIPAL YEAR 2017/2018 - REPORT NO.

Health and Wellbeing Board
12th July 2017

Report of Executive Director of
Housing, Health and Adult Social Care

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Agenda - Part:	Item:
Subject: Housing Allocation Scheme Consultation	
Wards: All	
Cabinet Member consulted:	
Cllr Ahmet Oykener, Cabinet Member for Housing and Housing Regeneration	
Approved by:	

1. EXECUTIVE SUMMARY

The Council has been undertaking a review of the Enfield Council Housing Allocation Scheme, under the sponsorship of the Director Health, Housing and Adult Social Care and the Director of Regeneration and Environment. The work has been supported by a multi-departmental officer working group.

We have completed a review of the existing Scheme to propose a number of amendments to ensure it meets current legal requirements; to make the Scheme clearer for the public, staff and Members to navigate and understand and to ensure it retains synergy with the Council's strategic aims.

The draft Scheme and the consultation questionnaire are being presented to the Health and Wellbeing Board for information, to invite feedback and to ask Board Members to promote the consultation amongst their organisations' staff and service users.

2. RECOMMENDATIONS

The Health and Wellbeing Board is asked to:

- Consider the draft Housing Allocation Scheme and provide feedback
- Promote the public consultation amongst staff and service users and encourage all stakeholders to provide their feedback.

3. BACKGROUND

We have an ambition to make Enfield a better place to live and work, and access to good quality and affordable housing is a vital part of this vision. The severe shortage of affordable homes across London combined with national reforms of welfare provision mean that achieving this vision is one of the biggest challenges facing the Council.

There is a severe shortage of social rented homes in Enfield. This means we need to prevent more people from becoming homeless, support people to find settled homes in the private rented sector and ensure efficient practice in how the small number of social rented homes in Enfield are allocated and managed.

Our Housing Allocation Scheme is a rationing system: it determines who gets help, who doesn't and why. The scheme does not create housing supply, but rather it sets out how we prioritise the allocation of social housing and how we will support households to find settled accommodation in the private rented sector.

We launched a public consultation on the new draft Scheme on 14th June 2017 which will close after 12 weeks on Friday 8th September 2017. The consultation documents are available at www.enfield.gov.uk/consultations

We are inviting everyone to take part in the consultation. This means residents, professionals and other stakeholders can participate in the consultation by:

- reading our new scheme, available on our website;
- telling us what they think about the changes we've made by completing our survey, also available on our website;
- emailing us to tell us their views at consultation@enfield.gov.uk

The consultation is being promoted via posters in council buildings across the borough, in the local press and that of neighbouring boroughs, on social media and through a digital campaign. We are writing to all applicants on the housing register for whom we have an email contact, to inform them of the consultation, and inviting them to complete the online questionnaire. In addition, council officers will be available in community settings during the consultation period, to talk to members of the public about the review and complete the online survey with them. We are also holding a workshop with registered providers to discuss the new Scheme.

4. ALTERNATIVE OPTIONS CONSIDERED

Alternative options considered included preserving the present allocations scheme. This was felt to be unacceptable as it was in need of review and in the light of legal challenges made to other similar local authorities, amendments were needed. Various options for reconfiguring the points system and categorisation of clients in housing need have been considered. The final draft has been produced reflecting Member feedback, officer views and legal advice from the specialist Barrister commissioned to review our Scheme.

5. REASONS FOR RECOMMENDATIONS

We are reviewing our Scheme in order to:

- continue to prioritise applicants fairly
- continue to meet all our legal duties
- develop how we prevent homelessness
- continue to effectively manage estate regeneration and temporary housing pressures
- Make the way we allocate socially rented homes clearer for everyone to understand
- act on the commitment we made in 2012 to review the Scheme.

We're aiming to simplify the scheme, so that members of the public understand as clearly as possible the realistic options available to them and to reduce the risk of litigation which an overly complex scheme can create. We're changing how we structure the document, how we explain processes, and how we group applicants based on their types of needs. We are making some changes on how we assess applicants' eligibility for joining the housing register; how applicants are prioritised based on their needs; and how we work with applicants who do not make bids.

We are also aiming to reduce the size of the register to realistic levels in order to realign expectation and reality more closely and reduce the administrative burden. This includes introducing a threshold of points an applicant will need in order to be able to bid.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

There may be short/medium terms resources required specifically relating to IT and the Assessment service to implement the required changes and on-going equalities monitoring. These have not been quantified at this stage. Once quantified the service should look to contain within existing resources wherever possible. Should this not prove possible there is a limited amount of funding available to help in the interim.

In the longer term the amendments should benefit the Council through greater efficiency and also save money as the process should be clearer and more straight forward for tenants with less input needed from staff. A clearer policy limits the possibility of errors and misinformation meaning staff time is utilised more productively. There may also be a cost avoidance benefit as we are less likely to be open to Legal challenge regarding the allocations policy due to a more rigorous framework.

6.2 Legal Implications

Section 166A(1) of the Housing Act 1996 says that every local authority must have a scheme ("housing allocation scheme") for determining

priorities and the procedures to be followed in allocating housing accommodation. A local authority can only allocate housing in accordance with their housing allocation scheme, section 166A(14) and must publish a statement of the authority's policy on offering applicants a choice of accommodation or the opportunity to express preferences about the accommodation to be allocated to them. All aspects of the allocation process must be covered in the scheme, including the people by whom decisions are taken.

When preparing or modifying a housing allocation scheme a local authority must ensure that the scheme complies with the requirements of Part 6 of the Housing Act 1996.

In framing the housing allocation scheme the local authority must have regard to their duties under the Equality Act 2010 to ensure the scheme is free from unlawful discrimination. Similarly, the local authority must have regard to their duty pursuant to section 11 Children Act 2004. The duty obligates the local authority to ensure their functions (in this regard housing allocation functions and framing and implementing the allocation scheme) are discharged having regard to the need to safeguard and promote the welfare of children.

The local authority will need to undertake a consultation process on the proposed allocation scheme. Whenever an allocation scheme is being altered and that reflects a major change of policy, the authority must ensure within a reasonable time that those likely to be affected by the change have the effect brought to their attention, taking such steps as the authority considers reasonable, section 168(3) Housing Act 1996. A major policy change is one which will affect a large number of applicants or a significant alteration to procedures. Likewise, section 166A(13) requires authorities, before adopting an allocation scheme, or altering a scheme to reflect a major change of policy to send a copy of the draft scheme, or proposed alteration to every private registered provider with which they have nomination arrangements and ensure they have a reasonable opportunity to comment on the proposals. As well as the statutory duty to consult the consultation process itself must be transparent, fair and give those affected and interested stakeholders a reasonable opportunity to comment.

The recommendations in this report and the action that is being taken to amend the current allocation scheme are all within the local authority's powers and in compliance with the law.

7. KEY RISKS

Key risks for the housing allocations scheme include the risk of running a scheme that is not legally sound and this is mitigated by the thorough Legal support that has been provided throughout the amendment process, including a formal assessment of the new draft scheme by Counsel. There are also risks in terms of being able to provide a scheme that residents and frontline staff can understand. We believe that the 'plain English'

approach adopted and the simplification of categories means that this risk can be minimised.

The changes we are proposing will have an impact on existing applicants, whose points will need to be re-assessed and changed accordingly. This will have a short/ medium term resource implication for the Council, which will need to be sufficiently accounted for.

The Council will also need to ensure that there is effective monitoring of the new Scheme, including equalities monitoring, to review the ongoing impact of the changes once the new scheme is operational.

8. IMPACT ON PRIORITIES OF THE HEALTH AND WELLBEING STRATEGY

Ensuring the best start in life

A more transparent, rationalised Housing Allocations Policy will contribute towards ensuring the best start in life for Enfield residents by bringing greater clarity and equity to the process of allocating housing in the borough.

Enabling people to be safe, independent and well and delivering high quality health and care services

By fairly and transparently allocating housing to those in need the Scheme will enable people to live safer and more independent lives and avoid people being placed into or being offered unsuitable accommodation.

Creating stronger, healthier communities

A clearer and fairer system of housing allocation will give the Council an even better understanding of the nature and composition of our client base and this will support the development of targeted health interventions.

Reducing health inequalities – narrowing the gap in life expectancy

By improving the transparency of the Council's approach to allocation we should enable greater levels of bespoke assistance to be directed at client groups managing health issues that directly impact on life expectancy.

Promoting healthy lifestyles

The new allocations approach will allow for Public Health colleagues to engage in partnering work to consider how to best target the client base to promote healthy lifestyles and encourage healthy living and life choices.

9. EQUALITIES IMPACT IMPLICATIONS

A predictive Equality Impact Assessment (EQIA) has been completed in relation to the proposed changes we are planning to make to the Scheme.

This impact assessment of the draft scheme has not identified any adverse impact on any protected characteristic. The proposed changes are being further considered through consultation with the public. Council officers will be in community settings across the borough during the consultation period in order to capture the views of people with different protected characteristics. The EQIA will be developed further based on the final Scheme, which will be finalised in response to the results of the public consultation.

The overarching aim to simplify the scheme, so that members of the public understand as clearly as possible the realistic options available to them, is expected to contribute to eliminating discrimination, promoting equality of opportunity, and fostering good relations between different groups in the community.

Background Papers

- Draft Enfield Housing Allocation Scheme
- Housing Allocation Scheme consultation questionnaire
- Overview of eligibility and qualification for the housing allocation scheme (flowchart)

The consultation documents are available at: at www.enfield.gov.uk/consultations