

# London Borough of Enfield

## Full Council

30 September 2020

---

**Subject: Homelessness in Enfield**  
**Cabinet Member: Cllr Needs**  
**Executive Director: Sarah Cary, Executive Director Place**

**Key Decision: KD4682**

---

### Purpose of Report

1. This report sets out our approach to ensuring that social housing is prioritised for those who need it most. We are determined to enable everyone to access a stable, secure and decent home regardless of tenure. Our strategy is therefore to:
  - Step in to prevent people from becoming homeless at the earliest possible stage, rather than waiting until they have a crisis
  - Equip people with the skills to manage a tenancy in the PRS through training and support
  - Reshape the housing market to improve access to housing in the private rented sector for residents whilst improving quality
2. Cabinet considered the Allocations Scheme in July 2020 and have recommended approval of the Scheme to the Council.
3. The Allocations Scheme incentivises residents to work with us to prevent homelessness. We want everyone to have a safe and secure home but there is simply not enough social housing to meet the needs of everyone in the borough. This means that solutions need to be rooted in the private rented sector. The Allocations Scheme supports this approach by rewarding residents who make a success of living in the private rented sector.
4. The draft Allocations Scheme was subject to a consultation with residents and stakeholders. The consultation ran from December 2019 to April 2020. This report sets out the results of consultation and the proposed Allocations Scheme for approval having regard to an equality impact assessment which is included as an appendix to this report. As a result of the consultation we are amending our plans as follows:
  - The proposal to count living rooms as bedroom for properties in the private rented sector has been removed.
  - Lowering the threshold for minimum points to be able to bid from 150 points to 100 points
  - Removing the greater priority given to households in employment

5. The impact of Covid has led to a reappraisal of our plans for the service and how services will be delivered in future. We have re-evaluated the impact for residents of the new allocations scheme in the light of the issues highlighted by the pandemic and the measures taken to prevent the spread of the virus.
6. We are conscious of the role that overcrowding plays in both the sustainability of the lockdown measures and in the ability of residents to be able to self-isolate where necessary. Recent figures on mortality from Covid for residents from BAME communities have added physical risk to the dangers of overcrowding. This has resulted in our changed approach to the rooms counted as bedrooms in the private rented sector for the Allocations Scheme and in the level of priority given to overcrowded households.
7. Government policy on social housing allocations is continuing to evolve. New statutory guidance has been issued on the prioritisation of members of the armed forces and their partners or spouses. This has been incorporated into the new allocations scheme.
8. We are aware of forthcoming legislation on domestic abuse. This will impact on the Allocations Scheme; however, the legislation has not been finalised. We are therefore requesting that authority be delegated to the Cabinet Member for Social Housing to approve amendments to the scheme.
9. The new policy will see the following benefits for residents:
  - Increased transparency in the allocation of social rented homes based on enduring housing needs such as disabilities and long-term health conditions
  - Increased priority for those that are overcrowded
  - Increased access to a range of properties, both existing and in development
  - Local letting schemes for new build properties to enable residents to directly benefit from regeneration activity
  - Increased priority for homeless households who move into the private rented sector rather than remaining in temporary accommodation
  - Fewer households living in temporary accommodation

### **Proposal(s)**

10. Council is requested to:
  - Approval the Allocations Scheme, set out in Appendix 1
  - Delegate authority to the Cabinet Member for Social Housing to approve minor amendments to the Allocations Scheme

### **Reason for Proposal(s)**

11. The human cost of homelessness and households spending years in temporary accommodation is enormous. At the same time the financial cost to the council of an ever-increasing number of households in temporary accommodation is growing from its current level of £6.9M per year. The proposals outlined represent a shift in focus and investment in the prevention of homelessness and support for residents to proactively reduce the number of households reaching crisis point.

12. Our current allocations scheme is focused on immediate housing need. This means that households who have an enduring need for support and services other than housing itself cannot be prioritised. The principle behind the new scheme is that those households who have an enduring need should be given greater priority for housing. This means that we will take a coordinated approach to the prioritisation of households, working with Adult Social Care and Children and Family Services to ensure that we are prioritising those households who have a long term need rather than a short term crisis where the household's situation may improve with time. We anticipate that this will also help to reduce the pressures on other Council services.
13. The impact of Covid has meant that we have had a sudden rise in the number of single people approaching us for help and who we have accommodated on the basis of their risk of rough sleeping as required by Government. This has led to us accommodating over 200 people in short term emergency housing. The step down and move on for this group is covered in our Local Delivery Plan elsewhere on this agenda. The current Allocations Scheme includes provision for rehousing rough sleepers on a 'housing first' basis alongside a package of support.
14. The pandemic has also highlighted the role that overcrowding plays in the sustainability of the lockdown for many of our poorest households. Recent figures on mortality from Covid for residents from BAME communities have also added physical risk to the dangers of overcrowding for these communities. The Allocations Scheme gives additional priority to social housing tenants who are overcrowded. For private rented tenants, we are working to improve access to the private rented sector to make it easier for them to move to a more suitable home. The Placement Policy sets out our approach to this.

### **Relevance to the Council's Corporate Plan**

15. **Good homes in well-connected neighbourhoods**

The policy is intended to ensure that the Council and residents can make the best use of existing housing, across a wide range of tenures and links to our wider Housing and Good Growth Strategy.

16. **Sustain strong and healthy communities**

The allocations scheme gives far greater priority to households who have disabilities or health needs. This will be of particular benefit to families with disabled children.

17. **Build our local economy to create a thriving place**

The policy is an intrinsic part of our Homelessness and Rough Sleeping Prevention Strategy. We aim to improve access to safe and affordable housing for all residents through a range of initiatives and strengthen residents' ability to sustain the housing through support and training.

### **Background**

18. Enfield Council's Housing and Good Growth Strategy to 2030 sets out the vision and housing policy to help more people realise their aspirations.

19. The Allocations Scheme sets out our approach to the allocation of social rented housing across both Council owned and registered provider (housing association) owned properties.
20. The last few months have placed residents and services under extreme pressure. The full impact of the Covid pandemic has yet to be felt but the short-term impacts have been profound. The immediate impact was a halt to evictions in the private rented sector, but also to our ability to let social rented properties. This meant that we stopped new social housing lets to focus on the provision of short-term emergency housing. Revised government guidance in early May enabled us to resume social housing lettings.
21. The lockdown has also seen unprecedented numbers of single homeless people and childless couples approaching us for help. In line with government guidance, we have been providing emergency accommodation although we may not have a statutory responsibility towards this group. As approved by Cabinet in January, we are mobilising the contract with the Single Homelessness Prevention Service. This will enable us to provide support and permanent housing to around 500 single homeless people each year, regardless of government policy in this area. In advance of the start of the contract we are working to ensure that we can secure permanent homes for all those who are currently in emergency accommodation.
22. In response to this we have launched the Landlord Advice Line. This provides advice to landlords as a way of de-escalating situations and as an early intervention tool to prevent homelessness in the future. This complements the Housing Advice Line which is now open for any resident concerned about their housing situation.
23. As the lockdown is progressively lifted, we expect to see a surge in the number of people approaching us for help, driven by both the economic and social pressures of the pandemic. We are expecting to see large increases in request for help from people fleeing domestic abuse and from those losing their tenancy.
24. Because of this, we are moving forwards with the establishment of the Housing Advisory Service as outlined in the January Cabinet paper. We are working closely with other services to ensure that we can maximise the benefits to residents through the colocation of services including the Domestic Abuse Hub and Children and Family Services. The service model has been adapted as we apply learning from providing services during the pandemic. In moving the service to being telephony based we have managed to improve access for residents. Initially this was part of our emergency response but has now been incorporated into a longer-term plan to channel shift the service to being telephone and internet based. The intention is to improve the accessibility of the service by ensuring that residents can contact us without needing to travel to a set location.
25. A key theme of the draft Equality, Diversity and Inclusion Policy (A Fairer Enfield) is to reduce the number of households living in temporary accommodation. The implementation of the new Allocations Scheme is a critical part of our approach to reducing the number of households

living in temporary accommodation. The Placement Policy sets out our approach to securing suitable, affordable housing for them to move on to.

26. As outlined in our Homelessness Prevention Strategy, the Council is committed to using all its resources and creativity to make the experience of homelessness rare, brief and non-recurring. We are determined to enable everyone to access a stable, secure and decent home regardless of tenure.

### **Main Considerations for the Council**

27. By law, the Council must publish how it intends to make sure that social housing goes to those who need it most. This is set out in an allocations scheme. We allocate accommodation when we:
- select people to be a secure, flexible or introductory tenant of the Council;
  - nominate people to be a secure, flexible or introductory tenant of another council;
  - nominate a person to be an assured, flexible or introductory tenant of a housing association (legally known as a Registered Provider).
28. The allocations scheme is designed to give priority for housing to those people that are most in need of help. In looking at need, we want to ensure that we look at the lifetime needs of a household rather than just looking at their immediate situation. In developing the approach, we have two aims:
- To allocate council homes according to the lifetime needs of a household
  - To support residents to improve their housing situation without social housing
29. The allocations scheme is an integral part of the Homelessness Transformation Programme as it provides the service with the necessary tools and incentives to support residents to adopt behaviours that will support positive housing outcomes. Above all we want to ensure that the route into a Council or housing association home for those without additional needs is to be a successful tenant in private rented sector. We want to end the use of temporary accommodation as a long-term solution to people's housing needs and to ensure that all residents have access to a stable, secure and decent home.

### **Key Changes**

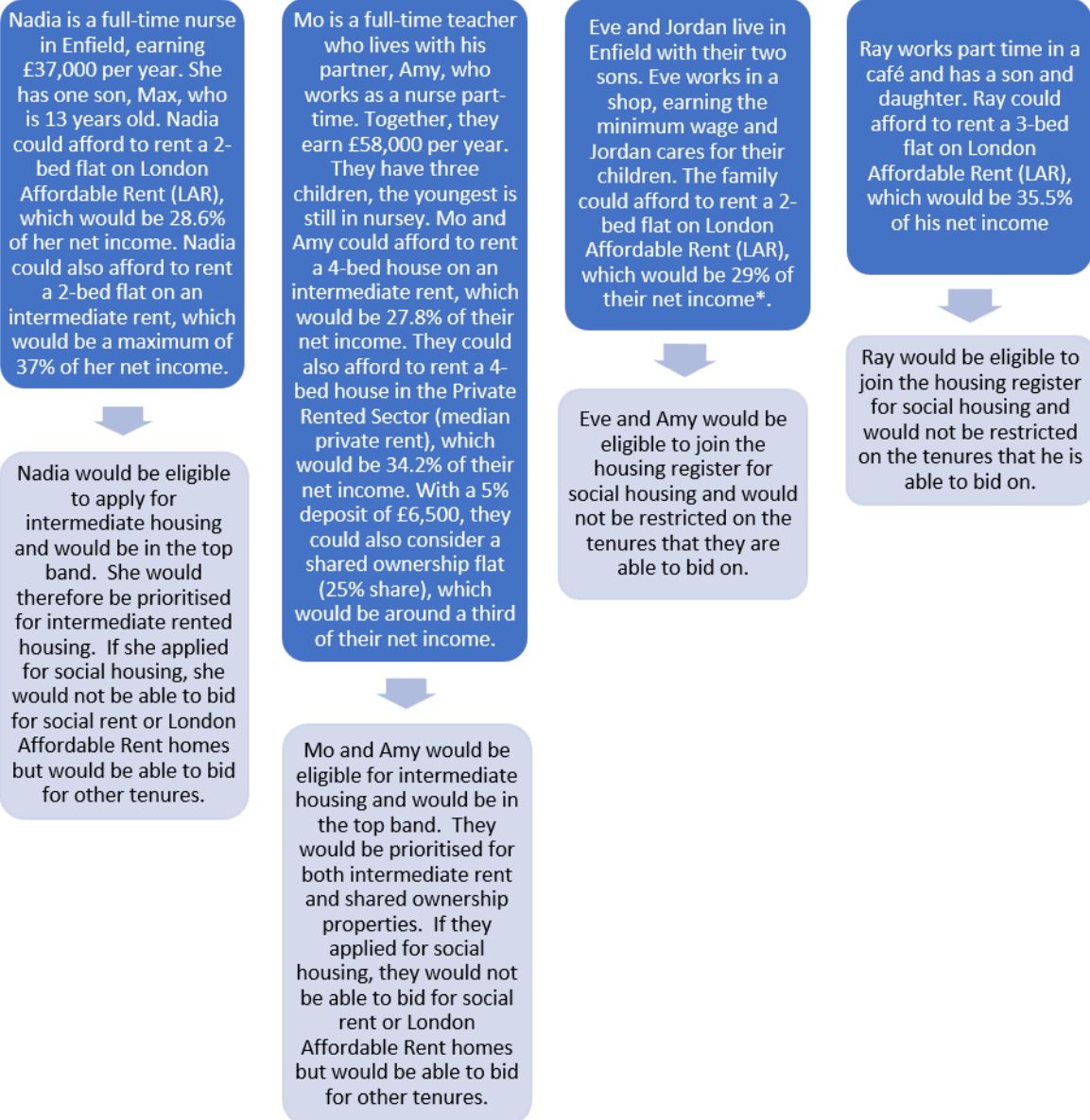
#### **Who is Housing for?**

30. The Council has different obligations to homeless households depending on when they became homeless. We want to ensure that the Council's policies support residents to make the most of the opportunities open to them. Under the current allocations scheme residents who move out of temporary accommodation lose their points of the housing register. The new scheme is intended to reward residents who move out of temporary accommodation into the private rented sector and to give them an annual increase in points for sustaining the tenancy.

31. Changes to the way in which the Council undertakes regeneration will also have an impact as roughly a third of allocations currently go to people being decanted as part of a regeneration scheme. Under the new plans decants will not commonly be required prior to regeneration. This means that under the new scheme, there will far fewer homeless applicants and fewer decants. This prompts the wider question of who social housing is for.
32. The proposed scheme is intended to take a more holistic view of need and to prioritise those household who have an enduring need for social housing rather than looking at a specific point in time. Key to this will be ensuring a coordinated approach between Housing, Children's Services and Adult Social Care. The new allocations scheme enshrines this approach by prioritising those who need or receive care services.
33. This is a new approach and will be reviewed once the scheme has been operating for twelve months. We are therefore seeking delegated authority for the Cabinet Member for Social Housing to amend the scheme.
34. The implementation of the new scheme is dependent on the implementation of new software. This is due to be in place by December 2020, but the exact timing of the implementation is therefore subject to change.

## Case Studies

*The Housing and Growth Strategy set out some case studies of different households and what types of tenure they would be able to afford. The examples below illustrate how the proposed policies would impact on these households.*



## **Income Thresholds**

35. The old Allocations Scheme includes an income threshold of £40,000 for households without children or £70,000 for households with children. Households above the income threshold are not eligible to join the housing register.
36. The new Scheme has a more graduated approach. The new threshold is set at the minimum income required to be able to afford shared ownership properties in Enfield (currently £37,000). This will change as house prices in the borough change and the scheme sets out how this will be calculated. Households below the threshold would be able to bid on any properties that they are able to afford, including Council homes. Households above the threshold would not be able to bid for Council homes at social rent or London Affordable Rent levels but would be able to bid for housing association homes at higher rent levels.

## **Homeless Applicants (pre-November 2012)**

37. Applicants who were accepted as homeless before November 2012 are entitled to an offer of social housing (either a council or housing association home). Under the new scheme a household in temporary accommodation will receive one suitable direct offer of a social rented home. However, if they move into the private rented sector, they can increase their points and retain the right to bid for properties through the choice-based lettings system.

## **Homeless Applicants (post 2012)**

38. Applicants who were accepted as homeless after November 2012 can be offered a private rented home and are not entitled to social housing. Under the new scheme an applicant in temporary accommodation will be made an offer of private rented accommodation and this will discharge our duty towards them. However, if they work with the service to secure a privately rented home (found either by themselves or by the Council) then they can increase their points and receive an annual uplift. This means that they will be able to continue to bid for social housing after they have moved into a privately rented home.

## **Applicants with Disabilities**

39. Government figures suggest that the number of people with disabilities and medical conditions on the housing waiting list in England has risen by almost 11,000 in two years. They show 119,621 disabled people or people with a medical condition were left waiting for an accessible home by their local authority in 2018/19, a rise of more than 10% since 2016/17
40. As a result, the new allocations scheme gives greater priority to households with disabilities. The current allocations scheme gives priority to applicants with disabilities for one-bedroom properties. The new allocations scheme broadens the scope to include all property sizes. This means that the new scheme enables the prioritisation of families with disabled children. There is also an emphasis on ensuring close coordination with health and care services. A new priority group is included:



- *Where a member of the household has been diagnosed with either a mental health illness; learning disability; physical disability, sensory impairment or long-term condition and they:*
  - *will receive support from social care services; or*
  - *could be in need of social care services in the absence of settled accommodation; and*
  - *have a significant need for a social tenancy because their current housing circumstances are having a severe negative impact on their health condition and wellbeing.*
41. Eligibility will be determined by multi agency panels to ensure the coordination of services. The terms of reference for the panels are set out at Appendix D of the Allocations Scheme.

### **Income Thresholds and Tenure**

42. The new scheme introduces an income threshold. The threshold is based on the entry point for shared ownership in Enfield. The formula is based on the principle outlined in the Housing and Growth Strategy 2020 that no one should pay more than a third of their income on housing costs. There are also different thresholds for different tenures, reflecting both their affordability and the grant criteria for building these homes.

### **Supported and Sheltered Housing**

43. The new allocations scheme simplifies the criteria for allocating sheltered and supported housing. Priority is based on using the housing points from the main scheme multiplied by assessed support need.

### **Garden Rule**

44. The garden rule preventing the allocation of properties to households without young children is removed. This will enable the allocation of properties to larger families without young children.

### **Flats above the ground floor**

45. The new scheme gives priority to people living in high rise properties who would be unable to escape in the event of a fire. All council properties require people to be able to self-evacuate their homes, in the event of a fire. This means tenants must be able to leave their flat, without assistance. If an applicant is unable to do this, they must declare this on the application. If they have a mobility problem, under the new scheme, we will carry out an assessment known as a Personal Emergency Evacuation Plan. This will determine their suitability for housing according to their level of mobility and the support they require.
46. If an applicant is able to self-evacuate their flat unaided, but has mobility problems, which would mean that they would be unable to use a staircase to evacuate the building, they will not be able to bid for properties above ground floor level unless the building has a full sprinkler system. This is to ensure their safety.
47. This will impact on our existing tenants. As part of our new approach to Health and Wellbeing we have identified a small number of residents who may have difficulty in self-evacuating. We undertake person centred

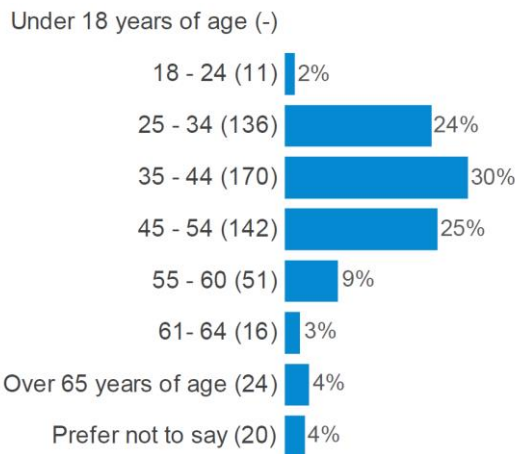
fire risk assessments such households and mitigation measures include fire prevention/suppression measures or potentially rehousing. The new scheme will enable us to prioritise these residents for a transfer to suitable accommodation.

### Public Consultation on the Allocations Scheme

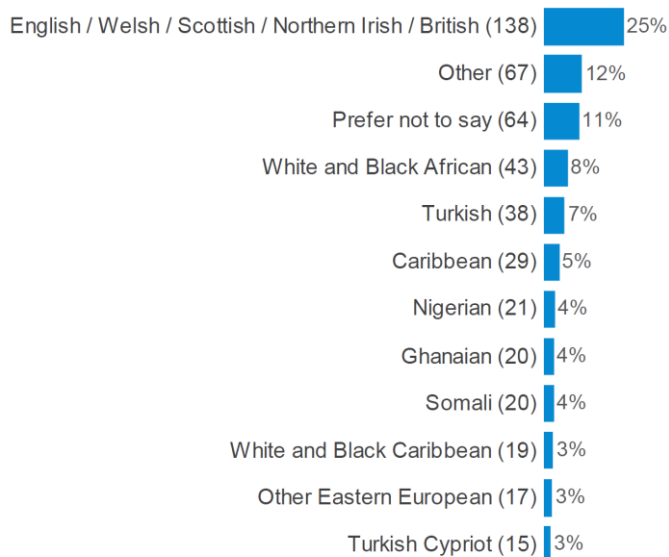
48. The public consultation ran from December to April. In addition to the usual channels we directly contacted all of those on the housing register or in temporary accommodation and leafleted current tenants.

### The Response

49. This consultation produced a strong response with 577 responses. 59% of responses were from people who had been directly contacted by email or letter because they are directly affected by the proposals. 70% of respondents receive welfare benefits. Unusually, the consultation produced a strong response from younger residents with 26% being under 35 years old and another 30% aged between 35 and 44 years. The full breakdown was:



50. 74% of respondents were female and 37% had some form of illness or disability. There was a good spread in terms of ethnicity with most responses being from people from a minority background:



51. We are therefore confident that we have managed to capture the views of those who are most affected by the proposals. The full results of the feedback are shown at the annex and as a result we intend to amend our approach as follows:
52. Reduce the points threshold for bidding from 150 points to 100 points
53. Remove completely the proposal to count living areas as bedrooms in the private rented sector when calculating overcrowding

### **Who is Housing for?**

54. There was strong support for limiting access to social housing to those with lower incomes with 78% of people supporting the proposals. Residents were also supportive of Key Workers being allowed to join the housing register (61%) for affordable housing but were split on whether they should receive priority (43% wanted greater priority whilst 41% were opposed). However, it does indicate support for keyworkers being prioritised for discount market rent products as part of Build to Rent schemes being addressed through the Intermediate Housing Policy. There was strong support for the minimum age for holding a tenancy being raised to 18, with 75% being in favour of the proposals.
55. The proposal to remove intentionally homeless applicants from the register had a lower level of support with 52% agreeing and 27% disagreeing with the proposal. Residents were more supportive of the New Generation scheme for the children of Council tenants with 67% agreeing with the proposals. This would enable the continuation of the scheme to allocate smaller properties to the children of Council tenants who are overcrowded whilst living with their parents.
56. Of those residents already on the housing register, only 22% believed that their current priority in the scheme reflects their current position. 44% believed that moving away from the quota system would better reflect housing need with 22% disagreeing.
57. The area that residents were opposed to was counting living areas as bedrooms for households in the private rented sector. 31% of residents supported the proposal whilst 52% disagreed. We have also considered the impact of Covid on residents living in overcrowded homes, and as a result have removed this from the proposed scheme.
58. There was a mixed response to the idea of preventing people with a low number of points (150) from bidding. 48% were supportive of the proposals whilst 40% disagreed. In order to take account of the range of opinion we propose reducing this threshold to 100 points.
59. The idea of looking at a household's long term needs to determine priority was supported by 83% with only 6% disagreeing with the proposals.

### **Homeless Households**

60. 56% of residents agreed with the proposal to support residents in the private rented sector to sustain their tenancy with only 17% disagreeing. 64% of residents agreed with the proposal to make a single offer of a social rented tenancy to homeless households who are currently in temporary accommodation and applied before November 2012.

61. 47% of residents agreed with the proposal to reward households who move out of temporary accommodation into the private rented sector with additional points with only 24% disagreeing.

### **Applicants with health problems or disabilities**

62. There was exceptionally strong support for the proposal to prioritise households receiving support from adult social care with 89% agreeing with the proposals. Only 2% disagreed with the proposals.
63. 70% of residents agreed with the proposals around additional rooms for carers with 74% agreeing with reserving wheelchair adapted homes for wheelchair users.

### **Flats above the ground floor**

64. There were a number of comments within the survey from residents living in properties above the ground floor who said they were effectively housebound. They were very supportive of the proposal to prioritise vulnerable residents in high rise blocks. This area has also generated considerable interest from housing associations in the borough and we are discussing the implications with them.

### **Safeguarding Implications**

65. Staff in homelessness services often work with adults and/or children and young people who are vulnerable to abuse. It is the responsibility of each member of staff to recognise the signs of potential abuse and to take action if they suspect that someone is being abused. Safeguarding is therefore an intrinsic part of any service working with those in housing need. The Housing Advisory Service includes provision for specialist support for officers supporting vulnerable households. As we implement the new service model, we will be providing staff with a new toolkit and training in order to ensure that we maintain effective processes in place to protect vulnerable residents.

### **Public Health Implications**

66. Poor quality housing and homelessness have been identified as key factors in health inequality. Through reducing the number of households reaching crisis point and increasing the supply and quality of rented homes we will help to reduce the impact of homelessness and poor housing on the health and wellbeing of our residents.

### **Equalities Impact of the Proposal**

67. The Enfield Poverty and Inequality Commission made a number of key recommendations on housing and homelessness, with a particular emphasis on early intervention to prevent housing problems and to ensure that the private rented sector works for residents. The proposals on the Allocations Scheme, Placement Policy and Intermediate Housing Policy are designed to help the Council to address these recommendations.
68. The Council will shortly be consulting on A Fairer Enfield which will set out our Equality, Diversity and Inclusion Policy. One of the key actions arising from this is the disproportionate number of BAME households living in temporary accommodation. The Allocations Scheme is designed

to assist residents in securing a permanent home without penalising them for moving out of temporary accommodation.

69. The Equality Impact Assessment identifies that the Allocations Scheme will impact the following protected groups:

**Age**

70. The revised housing allocations scheme may have an impact on young people aged 16 and 17, as they are not able to hold a social tenancy until they are 18 years of age. In the previous allocations scheme, 16 and 17 year olds may have been eligible to obtain a social tenancy from willing landlords if they had a guarantor, however this will now only apply in exceptional circumstances.
71. The purpose of this is that young people aged 16 and 17 should be supported into other more appropriate housing options, including where possible for children's services to work with the young person and their family so that they can remain in their family home. Alternatively, foster care or residential care would be considered the more appropriate option.
72. There is a positive differential impact on families with children over the age of 15. In the previous allocations policy, families with children under the age of 15 were the only group eligible for houses containing gardens. As houses with gardens tend to be larger properties and are in short supply, removing this limitation means that eligible families with children of all ages will have equal opportunity to obtain larger houses.

**Disability**

73. The revised housing allocations scheme will have a positive impact on people with disabilities.
74. The current housing allocations scheme looks to allocate homes based on quotas and points. Once a quota has been filled no further allocations can be made to this group. The revised scheme proposes to remove the quotas to focus solely on a points-based allocations system to better reflect the level of need and provide more transparency to the way in which we allocate homes.
75. The scheme proposes to change the way people are prioritised during the allocation process. This will have a positive impact on applicants with disabilities as their long-term needs will be met and take higher priority to make sure their home is suitable for them in the long run. We want to ensure people with disabilities can access a home that is suitable for their particular needs. Those with children who have a disability will be given a high priority under the new scheme.
76. The revised allocations scheme will have a positive impact on those with disabilities through changing how wheelchair adapted homes are allocated. In the current scheme, people with a disability who need access to a home that suits their needs are categorised as 'mobility applicants', however, homes in this group are specifically wheelchair-adapted. The revised scheme proposes to change this so that applicants who require a wheelchair-adapted home are the only ones chosen for these properties. People with mobility needs who are not wheelchair

users will be able to bid on level access homes and may be awarded health and wellbeing points, depending on their needs.

### **Ethnicity**

77. The revised housing allocations scheme will have a positive impact on people from BAME backgrounds. There is a disproportionate number of people from BAME backgrounds on the housing register and/or living in temporary accommodation. There are approximately 1026 Black applicants (African, Caribbean and Other) on the housing register, in comparison to just 484 White UK applicants. From the 2612 housing register applicants with ethnicities data recorded, applicants with a black background make up 39.3% of applicants, whereas the White UK group make up 18.5%. When comparing the demographics with the borough of Enfield, the White UK group make up 40.5% of the total population.
78. For homeless applicants, the new points system will give greater priority to households moving out of temporary accommodation. This is part of a wider offer that includes pre tenancy training and on-going support to assist households in the private rented sector. All homeless households will benefit from firstly moving into a stable home rather than temporary housing, and then from getting greater priority through the points system for social housing which will increase over time. The emphasis on moving people into permanent homes in the private rented sector will therefore have a positive effect on BAME households as they are overrepresented in both the housing register and temporary accommodation.
79. BAME households may also benefit from the introduction of income thresholds for different tenures as they are more likely to have a lower socio-economic status. Therefore, the allocations scheme will have a significant impact as the scheme looks to benefit those with lower incomes.

### **Socio Economic Deprivation**

80. The revised housing allocations scheme will have a positive impact on people who are socio-economically disadvantaged.
81. The new scheme proposes the introduction of income thresholds so that social housing is available for those who are unable to afford rent or buy privately. Household income is assessed and those earning under £37,000 are eligible to be on the housing register, unless eligible for reasonable preference. Those who are eligible for reasonable preference are able to go on the housing register but would not be considered for social rented homes or London Affordable Rented homes.
82. This will apply if their gross household income is more than 10.5% of the average house price in Enfield (as published by the Office for National Statistics). This calculation is based on the minimum entry level for shared ownership in the borough. The income threshold will be set annually based on the figures for March.

### **Environmental and Climate Change Considerations**

83. None

### **Risks that may arise if the proposed decision and related work is not taken**

84. The risk of not proceeding is that the number of households in long term temporary accommodation will continue to rise. This is currently costing the Council £7.9M per annum. The increase in numbers will drive an ongoing increase in cost.

**Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

85. The key risks include the risk of producing a policy that is not legally sound. This risk is mitigated by receiving Legal support throughout the policy development process. The Allocations Scheme has been reviewed by Counsel to minimise the risk of legal challenge
86. Another risk of the policy is failing to prioritise households correctly. This has been mitigated by consulting internally and externally to create a priority cascade that targets households most in need whilst providing an incentive for residents to make best use of the available housing.

**Financial Implications**

87. There are no financial implications from the introduction of the new allocations scheme because the implementation will be delivered within existing resources. Any financial impact that results as an outcome of the new scheme should have a positive impact on the Homelessness service because it will reduce the number of people in TA thus reducing service costs. The effects of the policy will be monitored and reported as part of the overall monthly budget monitoring.

**Legal Implications**

Allocation Scheme

88. Section 166A(1) of the Housing Act 1996 (as amended) (“the Act”) 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.
89. 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 Act and ensure that any major change of policy has been through a consultation. The proposed new scheme has been through a consultation process.
90. 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.

91. Where a local authority decides to alter its allocation scheme which will reflect a major change in policy, the authority must undertake a consultation exercise. However, where a minor alteration is required, a consultation is not necessary and the decision to alter the scheme can be taken by reference to the council's constitution.
92. Advice on the draft allocation scheme has been obtained from a QC who has advised that the scheme is lawful. Although it is important to state that no housing allocation scheme can ever be free from legal challenge.

### **Workforce Implications**

93. None

### **Property Implications**

94. None

### **Other Implications**

95. None

### **Options Considered**

96. The primary option considered is to continue with the current approach. This would see an increasing number of households staying in temporary accommodation for long periods. This would also prevent the Council from being able to assist other groups in need.

### **Conclusions**

- 104 Council is requested to approve the implementation of the Allocations Scheme.

---

Report Author: Joanne Drew  
Director of Housing and Regeneration  
Joanne.drew@enfield.gov.uk  
[Tel No.]

Date of report 03/09/2020

### **Appendices**

1. Allocations Scheme
2. Allocations Scheme EQIA

### **Background Papers**

None