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**Meeting of the Cabinet – 31<sup>st</sup> October, 2019**

**Report of the Strategic Director Place**

**Housing Allocation Policy**

**Purpose**

1. To seek Cabinet support for a review of the Housing Allocation Policy and the establishment of a Member/Officer Working Group to develop recommendations.

**Recommendations**

2. It is recommended:-
  - That a formal review of the Council's Housing Allocation Policy be undertaken.
  - That a Member/Officer Working Group be established to review the operation and outcomes of the current Allocation Policy and develop recommendations.
  - That the Working Group comprise Councillors S Ali, J Cowell, M Evans, S Greenaway, P Miller, G Partridge, E Taylor and D Vickers together with Officers as referred to in the terms of reference.
  - That recommendations developed by the Working Group be subject to statutory and wider consultation, and consideration by the Place Scrutiny Committee, prior to submission to the Cabinet for approval.

**Background**

3. It is a requirement of the Housing Act 1996 as amended that the Council has a published policy setting out how vacant homes that it owns or to which it has nomination rights will be allocated. The policy must set out any qualifications required by people wishing to join the list, and must contain the criteria by which prospective tenants are selected for vacant homes. The criteria must give appropriate weighting ("reasonable preference") to factors set out in the national legislative framework, such as homelessness and unsatisfactory living conditions, but may also include provisions determined locally in response to supply and demand.

4. The last major review of the Council's Housing Allocation Scheme was conducted ten years ago, and resulted in the implementation in 2010 of a banding scheme (Appendix A) to replace the previous points scheme. Minor changes have been made since then generally in response to new legislative requirements, and in 2014, the Cabinet agreed to introduce a two year residency qualification for our waiting list. The main advantage of a banding scheme over a points scheme is that customers in broadly similar degrees of need will be housed in date order, and will have some reassurance from seeing their position on the list improving as they wait for a preferred area or property type.
5. Nonetheless, elected Members will be aware from their casework that high demand, particularly for family housing, leads to frequent enquiries and complaints from customers who are unable to obtain the accommodation they would like within a timeframe they consider reasonable. It is therefore very important that the Council has considered all competing needs and maintains an allocation scheme that is fair and transparent, and can be defended by officers and members because it is making the best use of a limited resource. Equally, the Council has a large proportion of its stock that for various reasons is less popular and can be difficult to let. In this case, our allocation scheme needs to allow easier access to vacancies, whilst still maintaining appropriate scrutiny of the suitability of prospective tenants. In both cases, it is necessary to acknowledge that the Council as a landlord is not completely free to reject tenants with poor records, because it has duties including those of safeguarding the most vulnerable in our community and as corporate parent that will require it to take managed risks and provide support as well as accommodation, in order to help deliver our vision of healthy, resilient and safe communities.
6. The review of an allocation scheme is therefore a complex process that will need to explore and weigh up a range of requirements and considerations, and it is for this reason that a Member/Officer Working Group is proposed. It is also hoped that adopting a cross party approach will ensure that the Council's Allocation Scheme, with or without any changes, will be able to be fully supported by all Members in their casework. The proposed Terms of Reference for the Working Group are attached as Appendix B.
7. As referenced elsewhere on this agenda, our Asset Management Strategy has already identified a business need to reconsider the current policy of designating flatted accommodation for specific age groups. This policy is also open to challenge on equality grounds, and work that has already taken place with residents will be reported to the first meeting of the Working Group, with a view to bringing proposals before Cabinet as soon as possible.
8. There are statutory requirements for the Council to consult with other registered providers of accommodation (housing associations), but as any changes will require key decisions potentially affecting all wards and any borough resident, it is recommended that full public consultation should take place. This could usefully include an initial gathering of views and perceptions from stakeholders and the wider public, as well as formal consultation when proposals are ready. Existing channels will also be employed, and the Housing Board is currently engaged in a service review whose findings will be reported to the proposed Working Group.

## **Finance**

9. There are no new financial implications arising from this report, providing that the work can be given priority within existing work programmes for which resources are already allocated.

## **Law**

10. The allocation of local authority housing stock is governed by Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Localism Act 2011. Local authorities are not under a duty to maintain a housing register, but must have an allocation scheme for determining priorities between applicants for housing, taking account of those with “reasonable preference”, and must allocate in accordance with it. They may only allocate housing to people who are eligible and qualifying applicants under nationality and immigration rules and any local policies. Statutory consultation must take place in connection with any significant changes to allocation schemes, and modifications must have regard to the authority’s Homelessness Strategy and Tenancy Strategy.

## **Equality Impact**

11. Full Equality Impact Assessments will be conducted on our Allocation Scheme as it currently stands, and in respect of any changes that may be proposed. These will have regard to our Equality Act 2010 public sector equality duty, and to available research into the housing and homelessness experiences of groups with protected characteristics.

## **Organisational Development/Transformation**

12. Opportunities for organisational development and service transformation will be considered within the proposed review.

## **Commercial/Procurement**

13. In examining our Allocation Scheme as it currently stands, and forming any changes, the proposed review will consider the potential to commercially trade and any positive / negative impact on our customer base.

## **Health, Wellbeing and Safety**

14. Housing is a major factor in health, wellbeing and safety, and the impact of our Housing Allocation Scheme will be measured in terms of its contribution to building stronger, safer and more resilient communities in line with the Dudley Vision and to protect our residents’ physical and emotional health for the future. Relevant partners will be included as stakeholders in the proposed review.



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### **List of Background Documents**

Appendix 1 – Bandings in current allocation scheme

Appendix 2 – Terms of reference for the Working Group

Allocation scheme: <http://www.dudley.gov.uk/residents/housing/housing-options/applying-for-a-council-home/>