
REPORT TO:	Housing and Community Services Committee	AGENDA ITEM: 12
DATE OF MEETING:	29th November 2012	CATEGORY: Delegated
REPORT FROM:	Director of Operations	OPEN
MEMBERS' CONTACT POINT:	Richard Knott, Housing Operations Manager (ext 5797)	DOC:
SUBJECT: WARD(S) AFFECTED:	Allocations Policy amendments All	REF: TERMS OF REFERENCE: HCS01

1. **Recommendation**

- 1.1 That Members take note of the amendments to the Housing Act 1996 which removes local connection restrictions for armed forces personnel and allows for the discharge of the homeless duty in the private sector.

2. **Purpose of Report**

- 2.1 To inform members of the amendment to the Housing Act 1996 regarding Armed Forces personnel provision and discharge of the homeless duty in the private sector, whilst outlining the proposal to carry out a full review of the current allocations policy.

3. **Detail**

- 3.1 Our current Allocations policy allows applicants with no local connection to the district to apply to join the South Derbyshire Homefinder register. However the large majority of advertised properties require the applicant to have a local connection to the district to be able to bid.
- 3.2 If a member of the armed forces applies to us and has no local connection they will face restrictions on the properties they are eligible to bid on.
- 3.3 The new section 160ZA(8)(b) of the Housing Act 1996, inserted by section 146 of the Localism Act 2011, enacted 24th August 2012, ensures that these local connection restrictions are removed. Therefore restrictions are removed for the following:
- Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
 - bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service

- existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

3.4 Due the relatively small number of applications we receive from armed forces personnel this should not have any major impact on future allocations. There are currently 8 active applications with 4 having a legitimate local connection to South Derbyshire.

3.5 The Localism Act 2011 has also amended the 1996 Act to provide local housing authorities with the power to discharge the main homelessness duty by way of a private rented sector offer under section 193(7AA), as enacted on 9th November 2012. Section 193(7F) requires that the local housing authority must be satisfied however that the private rented sector offer accommodation is suitable for the applicant before doing so.

3.6 This amendment will allow us greater flexibility and increase the scope of supply in rehousing applicants who are in temporary accommodation.

3.7 These changes have been implemented.

3.8 Officers have also raised with members previously the issue of giving additional priority for under occupation. The current policy places tenants who have extra bedrooms in Band A with 1 need i.e. they already receive a significant degree of priority. If they have other requirements additional needs will be added. The issue is whether to increase the underoccupation priority still further.

3.9 Following a number of legislation and regulatory changes contained within the Localism Act 2011 and Welfare Reform act 2012 now being either made statute or published in guidance the landscape is significantly clearer. It is therefore proposed to now undertake a full and detailed review of the Allocations Policy for submission at the February committee. The new Government Allocations guidance states clearly there must be adequate consultation. Therefore as part of the review we will engage with all stakeholders.

3.10 The main subjects for full review are:

- Potential additional priority, over and above their individual needs, to armed forces personnel
- Potential additional priority for under-occupation than is currently given
- Qualifying persons – criteria to join the register
- Potential flexibility and priority to those in employment
- Bedroom size eligibility in light of Welfare Reform
- Property eligibility for applicants in receipt of Disability Living Allowance
- Ensuring the Allocations Policy is compatible with the proposed Tenancy Strategy and subsequent new Tenancy Policy.

4. Financial Implications

4.1 None arising directly from this report. However future changes to the policy will mean amendments to the management software and publications. These will be scoped out following the approval of the new policy in February but will mean additional costs.

5. **Community Implications**

- 5.1 The immediate changes to the policy will have little effect. However through consultation we will engage with stakeholders to further understand what implications any change may have on the community.

6. **Background Papers**

- 6.1 None