

South Lakeland District Council
Cabinet
22 July 2020
Cumbria Choice Based Lettings Allocations
Policy Review

Portfolio:	Councillor Jonathan Brook- Housing and Innovation Portfolio Holder
Report from:	Simon Rowley – Director of Customer and Commercial Services
Report Author:	Julie Jackson – Principal Specialist (People)
Wards:	All
Forward Plan:	Key Decision - Budget and Policy Framework Decision included in the Forward Plan as published on 26 May 2020

1.0 Expected Outcome

Approval of the Cumbria Choice Based Lettings Allocations Policy will ensure that there is greater clarity for households in South Lakeland who are currently registered for social housing or who may register in the future. The proposed policy will help to ensure that there is a consistent and fair approach amongst registered providers with regard to letting homes in South Lakeland to meet the greatest housing needs. The revisions will meet legislative changes relating to the Homelessness Reduction Act 2017 and resultant Statutory Guidance. It is expected that the proposed changes will simplify the operation of the policy to the benefit of all who use it and to customers.

2.0 Recommendation

2.1 It is recommended that Cabinet:-

(1) Consider the draft Cumbria Choice Allocations Policy for recommendation to Council.

3.0 Background and Proposals

3.1 Operation of the Cumbria Choice Allocation Policy began in May 2011 and it has now been operational for a period of nine years. One of the key aims outlined in the current policy is to “improve the means by which local people in Cumbria gain access to social rented housing by providing a modern and easy to understand allocation system which allows choice and is fair, transparent and accountable”. The review has undertaken to streamline the Policy so that it is easier to understand and apply for people who need to access social housing and to the Registered Providers who administer the Scheme. Further aims are to “make best use of available housing stock” and to “to ensure that there is a social housing lettings service that embraces equality and diversity by being open and fully accessible to all individuals”.

3.2 The Cumbria Choice Based Lettings (CCBL) is a partnership, comprising the 6 housing authorities in Cumbria and 8 housing associations. It enables local authorities to hold a housing register, users to seek accommodation using a single application, and

providers to allocate properties. The CCBL Partnership is governed by a Partnership Board comprising representatives from all of the Partners. Previously, local authorities had nomination agreements with Registered Providers and customers were required to fill in several applications if they wished to access social housing. According to the Partnering Agreement dated 28 July 2010, the Lead Authority with responsibility for management of the CCBL scheme is South Lakeland District Council. All local housing authorities are required to have an allocation scheme for determining priorities and procedures for the allocation of social housing in the authority area (regardless of whether the authority has its own housing stock).

- 3.3 The CCBL Allocations Policy has been reviewed on a number of occasions since its operation in May 2011 to keep in line with relevant legislation and statutory instruments, together with good practice in this area. The last review was undertaken in 2016. Following on from this there have been legislative change with the Homelessness Reduction Act 2017 and associated Code of Guidance and further Allocations regulations arising from the UK's exit from the EU issued 2019
- 3.4 In order to conduct the review of the current Policy, South Lakeland District Council led on a procurement exercise on behalf of the Board and appointed a consultant, Andy Gale (who led on the previous review) to undertake the review. Andy Gale has considerable experience in the field of allocations and homelessness. A Task and Finish Group was set up by the Board to help lead on this. The timescale for the Policy review is crucial as the changes need to feed into the specification for the procurement of a new IT platform and the implementation of the new IT platform commencing September 2020. The contract for the current system expires 31 March 2021 and in order to ensure that the new system goes live on 1 April 2021, the procurement needs to be concluded by July 2020. This will allow the necessary implementation of the new system and migration of data as well as any training that is needed. The IT procurement has been included in the Council's Procurement Schedule for 2020 to 2021.
- 3.5 Any major change to the policy can only be made after a copy of the proposed amendments have been consulted on by sending to every Registered Provider Housing Association in Cumbria, regardless of whether an association is a participating member of the CCP. (Section s166A (13) Housing Act 1996). The Policy review has:
- Taken all the views of partners into account;
 - Considered consultation responses from a range of stakeholders as detailed in 4.0 and in line with the legislative requirements set out above in 3.3.
- 3.6 Following on from the consultation outlined in 4.0 below, there are a number of changes required (summarised in Appendix 1). The changes are to satisfy legislative change identified in 3.2 above, reduce any ambiguities in the operation of the policy so it is applied consistently and fairly, and to ensure greater clarity and simplicity. The full draft policy is attached at Appendix 2. Some headline figures are set out in Appendix 4.
- 3.7 As this is a common Allocations Policy all Partners have to seek approval from their representative organisations to enable the revised policy to be published by September 2020. This could result in some minor alterations arising after approval at Full Council. Therefore, it will be recommended that delegated authority be given to the Director of Customer and Commercial Services, in consultation with the Portfolio

Holder – Housing and Innovation to approve any minor changes arising from the approval process of other Partners.

4.0 Consultation

- 4.1 Consultation has been held by the Board with key stakeholders April to 21 May 2020 as detailed in 3.5. Consultation was held with service users who acknowledged that they would be happy to take part in the review to identify improvements to the policy. Full consultation responses received by the Board are set out in Appendix 3 and Appendix 1 shows where the Policy has changed as a result of the consultation.
- 4.2 A further local consultation is taking place in South Lakeland between 4 June 2020 and 6 July 2020 to capture any further views. The approach to consultation being undertaken was approved by Cabinet at the meeting of 24 June 2020.
- 4.3 The Project Board considered the proposed changes arising from their consultation at a meeting on 4 June 2020. The Equality Impact Assessment and Accessibility Policy has being reviewed and updated as part of this policy review. This is attached at Appendix 6.
- 4.4 All South Lakeland District Council Members and Parish Councils have also been consulted from April to 21 May 2020, and during the local consultation described in 4.2.
- 4.5 The Portfolio Holder’s Housing Advisory Group considered the draft Policy at a virtual meeting held on 17 June 2020. There was no further comments arising from this meeting. The Strategic Homelessness Group has not met due to Covid-19 and therefore the relevant stakeholders who attend this meeting have been consulted.
- 4.6 A verbal report was given at Overview and Scrutiny Committee on 22 July 2020 and it was agreed that a sub-committee meeting be held in advance of the 17 July 2020 Overview and Scrutiny Committee meeting to provide feedback at this meeting. Comments arising from Overview and Scrutiny Committee 17 July 2020 will be fed through to Cabinet.

5.0 Alternative Options

- 5.1 Members could choose not to recommend approval of the amended policy or request many additional or substantive changes. This is not recommended as the updates recommended will provide a clearer policy and one which is responding to legislative changes outlined in 3.3 of this report. If substantial changes are to be considered by the Project Board then this could significantly delay implementation of the revised policy, which could then risk legal challenge by not responding to the legislative change outlined in 3.3 and 7.4.

6.0 Links to Council Priorities

- 6.1 The proposed amendments to the policy will assist the Council in meeting the priority to provide ‘Homes to Meet Need’.

7.0 Implications

Financial, Resources and Procurement

- 7.1 There are no financial implications to the Council in the adoption of the amended Allocation Policy.

Human Resources

- 7.2 Not applicable.

Legal

- 7.3 As a housing authority, the Council is legally required to have in place appropriate arrangements for the allocation of housing regardless of whether or not it owns its own housing stock. Providing it complies with its homelessness duties, it is largely, open to the Council to decide the criteria to apply when allocating housing.
- 7.4 The revised Cumbria Choice Allocation Policy has been produced with full consideration of Local Authority and Housing Association legal responsibilities in relation to the allocation of housing including:
- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
 - The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
 - Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”
 - Providing social housing for local people; Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”

Plus the following statutory regulations:

- a. Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- b. Allocation of Housing (England) Regulations 2002, SI 2002/3264
- c. Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 SI 2006/1294 and all subsequent amendments
- d. Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869;
- e. Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
- f. The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- g. The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)

In framing the allocations scheme regard has also been given to the Council's Homelessness and Rough Sleeping Strategy, Housing Strategy, and Tenancy Strategy as well as the Equality Act 2010

- 7.5 Under the Equality Act 2010, the Council has a duty to ensure that any policies it adopts do not directly or indirectly discriminate against any particular groups of people. The Council has undertaken an equality impact assessment to ensure that the policy is fair to all customers and to demonstrate that the Council has discharged its public sector equality duty in this respect.

Health, Social, Economic and Environmental

- 7.6 Have you completed a Health, Social, Economic and Environmental Impact Assessment? Yes (attached at Appendix 5)

- 7.7 Summary of health, social, economic and environmental impacts: It is considered that the revisions to the policy will have a positive effect on meeting housing need, improving transparency and consistency in the application of the Policy.

Equality and Diversity

- 7.8 Have you completed an Equality Impact Analysis— Yes (attached at Appendix 6).
- 7.9 Summary of equality and diversity impacts: It is considered that the revisions to the policy will address potential negative impacts on protected characteristics by providing a clearer and more consistent approach to the allocation of social housing.

Risk

Risk	Consequence	Controls required
The current Policy does not meet statutory requirements	The Council could be open for legal challenge, particularly in the role of Lead Authority.	Approval of the draft CCBL Allocations Policy
Partner organisations are unable to agree changes or put forward additional substantive changes.	Delay in approving the Policy that could also impact on the procurement of the IT system, the contract for which expires 31.3.21.	Approval of the Allocations Policy by all of the partner organisations. Project Board to monitor approval and agree any further minor amendments as appropriate. Delegated authority be given to the Director of Customer and Commercial Services to approve minor changes required following Cabinet/Council approval.
Covid-19 issues result in delays to approval in Partner organisations.	Delay in approving the Policy that could impact on the IT procurement as above. Legal challenge to the Council in the role of Lead Authority.	Approval of the Allocations Policy by all of the partner organisations. Project Board to monitor approval and agree any further minor amendments. A substitute Officer be put forward to attend the CCBL Board by all Partner organisations to mitigate against timetable delays caused by Covid-19. Delegated authority be given to the Director of Customer and Commercial Services to approve minor changes required following Cabinet/Council approval.

Contact Officers

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Appendices Attached to this Report

Appendix No.	Name of Appendix
1	CCBL Summary of Proposed Changes
2	Cumbria Choice Based Lettings Allocations Policy draft 2020
3	Collective Board Consultations Responses
4	Allocations Headline Figures
5	Health, Social, Economic and Environmental Assessment
6	Equality Impact Assessment

Background Documents Available

Name of Background document	Where it is available
South Lakeland District Council Housing Strategy 2016 – 2024	South Lakeland District Council Housing Strategy .
South Lakeland District Council Homelessness and Rough Sleeping Strategy 2019 – 2024	South Lakeland District Council Homelessness and Rough Sleeping Strategy .
South Lakeland District Council Tenancy Strategy 2013	South Lakeland District Council Tenancy Strategy .

Tracking Information

Signed off by	Date sent	Date Signed off
Legal Services	13.5.20	02/07/2020
Section 151 Officer	13.5.20	02.07.2020
Monitoring Officer	13.5.20	02/07/2020
CMT	21.5.20	21.5.20

Circulated to	Date sent
Lead Specialist	23.4.20
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	14.5.20
Committee Chairman	14.5.20
Portfolio Holder	14.5.20
Ward Councillor(s)	23.4.20
Committee	17.7.20
Executive (Cabinet)	24.6.20
Council	30.6.20