

# Report of the Strategic Director Department of Place to the meeting of Executive Committee to be held on 12<sup>th</sup> September 2017

---

## S

### **Subject:**

Bradford District Housing Allocations Policy 2017

### **Summary statement:**

The Housing Act 1996 requires local authorities to maintain and publish a formal social housing allocations policy. The report presents a revised policy for the District of Bradford.

---

Steve Hartley  
Strategic Director - Department of  
Place

Report Contact: Yusuf Karolia  
Head of Housing Access, Strategy &  
Homelessness  
Phone: (01274) 434362  
E-mail: [yusuf.karolia@bradford.gov.uk](mailto:yusuf.karolia@bradford.gov.uk)

### **Portfolio:**

Cllr Alex Ross-Shaw  
Regeneration, Housing, Planning and Transport

### **Overview & Scrutiny Area:**

Regeneration and Economy

## **1. SUMMARY**

- 1.1 The Housing Act 1996 requires local authorities to maintain and publish a formal social housing allocations policy. This report presents a revised policy for the District of Bradford. See Appendix.

## **2. Background**

- 2.1 The current social housing allocations policy for the Bradford District was agreed by the Executive in January 2014 and since then, a number of changes and impacting factors have necessitated the current review.

- 2.2 As the Council is a limited stockholding authority, our social housing allocations function is delivered primarily through a nominations process with the district's Registered Providers (RPs) and other participating landlords. RPs have a duty to co-operate with housing authorities, where the authority requests it through Nomination Agreements.

- 2.3 Nominations Agreements with locally operating RPs are already in place and these set out the proportion of lettings that will be made available to applicants on the Council's Housing Register. The existing agreements require all RPs (apart from Incommunities) to provide a minimum of 50% of their voids. The agreement with Incommunities is to make available 75% of its void stock for nominations.

- 2.4 RPs operating within the District are required to co-operate with any reasonable requests in delivering the objectives of the policy and in improving its effectiveness in the pursuit of allocating housing and in discharging the statutory duty to prioritise applicants on the housing register.

- 2.5 There are approximately 30,000 social homes in the district. Almost all of these are owned by around 20 different RPs (Housing Associations). Around two-thirds of the social stock is owned by Incommunities. Other RPs include Manningham Housing Association, Accent Group, Hanover Housing, Places for People, Yorkshire Housing, Home Group, Housing 21 and Your Housing Group. Bradford Council has developed around 176 new social homes, with another 139 in the pipeline. These Council properties are managed by Incommunities.

## **2.6 Current System**

The allocations policy adopted in 2014 represented a significant shift in approach by replacing Choice Based Lettings (CBL) with a new Value Based Lettings (VBL) scheme. The shift incorporated learning from CBL including issues around bidding for properties, re-let times, administration process etc. VBL offered a computerised matching system as opposed to active bidding by applicants. The VBL system has been operating for the past 3 years and the learning from that has been incorporated into this review process.

In the current VBL system properties are allocated by prioritising applicants depending on government guidance/legislation and locally determined priorities. This is achieved through a banding system rather than awarding points.

Registration date is used to prioritise within the individual bands.

The bands in the current scheme, in priority order, are as follows:

- A. Statutory Need band – these include households who are owed the main statutory homeless duty
  - B. Urgent Need band - households in unsuitable housing/circumstances requiring urgent re-housing (e.g. Medical, Domestic abuse cases, over/under occupied by 2 bedrooms etc)
  - C. Reasonable Preference band (e.g. Non priority homeless, over/under occupied by 1 bedroom etc)
  - D. General Need band (all those not covered by the above three bands)
- 2.7 All applicants for social housing are assessed strictly against the banding criteria set out in the Allocations Policy.

## 2.8 Current VBL Housing Register

Table 1: Breakdown of the number of applicants per band (as at 31 Mar 2017)

Priority Bands	Household Applicants
Statutory Need	113 (0.9%)
Urgent Need	1,301 (10.1%)
Reasonable Preference	2,480 (19.3%)
General Need	8,966 (69.7%)
Total	12,860

- 2.9 Applicants in the lowest band, General Need, represent the largest group as the award of higher banding is tightly defined by the Allocations Policy.

## 2.10 Lettings by band

Table 2: Lettings by Band during 2016/2017 – Incommunities properties only

	Number	Percentage
Statutory Need	221	9%
Urgent Need	975	39%
Reasonable Preference	628	25%
General Need	688	27%
<b>TOTAL</b>	<b>2512</b>	

48% of all Incommunities lettings went to those in Statutory and Urgent need band.

## 2.11 Methodology Review

A review of the VBL system is currently being carried out jointly with Incommunities and Registered Providers which may result in making major changes to how it operates including replacing the methodology with a system which is more effective in the task of allocating social housing. The scope of this review, therefore, is not limited to the current VBL methodology and the primary objective is to implement a system which works for customers, Registered Providers and assists the local authority in the effective discharge of its statutory obligations.

## 2.12 Legislative Framework

S159 of the Housing Act 1996 requires local authorities to either;

- allocate housing accommodation when they select a person to be a secure or introductory tenant of local authority housing, or
- nominate a person to be a secure or introductory tenant of housing accommodation held by another person (i.e. another local authority), or
- nominate a person to be an assured tenant of housing accommodation held by a registered provider (RP).

S167 requires local authorities to have a scheme (their “allocation scheme”) for determining priorities and the procedure to be followed, in allocating housing accommodation.

S170 enables co-operation between RPs and local housing authorities:

*‘Where a local housing authority so request, a registered social landlord shall co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority’s allocation scheme’*

Reasonable Preference- Government guidance states that local housing authorities in England must frame their allocation scheme so as to give some preference to households that fall within a *statutory reasonable preference* category. These categories are;

- homelessness,
- residence in overcrowded, insanitary or otherwise “unsatisfactory” housing,
- those needing to move due to medical or welfare reasons, or to avoid “hardship”.

## 2.13 Private Rented Sector and other housing options

The Localism Act 2011 enabled local authorities to end their homelessness duty by making an offer of a tenancy in the private rented sector (PRS) if it is suitable with a minimum fixed-term tenancy of 12 months. ‘Suitability’ is defined in legislation and encompasses the size of the accommodation, affordability, a health and safety assessment of the property and its location. This list is not exhaustive and there are other issues that can be considered in a composite assessment. The current policy

allows the use of the PRS for discharging duty and to offer PRS as a further choice in the allocations system. The Council has been actively working with private landlords recently to offer up their properties for applicants on the Housing Register.

### 3. Key strategic principles

There are four key strategic principles proposed for the revised Allocations Policy, which will be used to determine the allocations criteria:

- To prioritise those people who the Council owes the main housing duty to and those where rehousing would help to meet other key Council priorities e.g. Care Leavers, Foster Carers etc
- To prioritise those in greatest housing need particularly those at imminent risk of becoming homeless
- To minimise the use of and length of stay in temporary accommodation
- To support Registered Providers in achieving sustainable outcomes for applicants.

#### 3.1 Prioritisation categories

The Council is proposing to move to a 6 band structure, with bands ranked from Band 1 (highest priority) to Band 6 (lowest priority) as outlined in the table below.

Within each band, there is a list of categories with criteria / qualifying circumstances and definitions which would apply to the categories in the bands. These categories are those which local authorities are normally required to rank or identify a system of prioritisation for.

The bands are summarised as follows:

- **Band 1 Statutory / Service Need** - these include households who are owed the main statutory homeless duty and those who whose housing needs arise from other council service priorities / duties, e.g. Care Leavers, Foster Carers
- **Band 2 At risk of homelessness** - households who need assistance to prevent them from becoming homeless (to deal with the Homelessness Reduction Act's prevention duty)
- **Band 3 High Need** - households in unsuitable housing requiring urgent re-housing
- **Band 4 Medium Need** - households with a band 1, 2, 3 need but with no local connection to the District and households in unsuitable housing but with less urgent need than those in Band 3
- **Band 5 Low Need** - households with a band 4 need but with no local connection to the district and those with low housing need
- **Band 6 General Need** - those who do not fall in any of the above categories

<b>BAND 1 – STATUTORY / SERVICE NEED</b> <b>In no priority order</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
<p>Applicants who are homeless (and not intentionally homeless) and owed the main housing duty by Bradford Council.</p>	<p>All homeless people as defined in Part VII of the Housing Act 1996 who are owed the main housing duty following a homelessness assessment under section 193 or 195 of the Housing Act 1996.</p>
<p>High risk victims of domestic abuse recommended by Multi-Agency Risk Assessment Conference (MARAC) for urgent re-housing.</p>	<p>High risk victims of domestic abuse who are subject to MARAC as part of an agreed safety plan will be placed in this Band.</p>
<p>Approved foster carers or adopters supported by Bradford Council.</p>	<p>Applicants who are approved foster carers or approved to adopt by Bradford Council's Fostering and Adoption Team, who need to move or secure a larger home in order to accommodate a looked after child will qualify for this band. Evidence from social services will be required before awarding this band.</p>
<p>Applicants who are Care Leavers of Bradford Council and children assessed by Bradford Council's Children Services Department as in need or at risk (where housing is a factor)</p>	<p>Applicants are awarded this category in accordance with protocols agreed between the Council's Housing Options Service and the Children Services Department. Applicants must be a former 'Relevant Child' as defined by the Children Leaving Care Act 2002 and be a young person at risk who may be owed such duty. Normally such a young person would have a housing related support package brokered either through Leaving Care Service or Housing Options and would be Tenancy Ready unless exceptionally there is joint agreement that the Council's duties require a different approach.</p>
<p>Hospital Discharge - applicants who are bed blocking</p>	<p>Applicants 'bed blocking' in hospital requiring urgent discharge, i.e. where a client is occupying a hospital bed that they no longer need, but cannot be discharged home due to unsuitability of their present accommodation which cannot be made suitable through adaptations due to cost, structural difficulties or the property cannot be adapted within a reasonable amount of time.</p>
<p>UK Armed Forces Personnel</p>	<p>Applicants who would qualify either for Band 2 or Band 3 due to their housing need but are also:</p> <ul style="list-style-type: none"> <li>• Former members of the Armed Forces</li> </ul>

	<ul style="list-style-type: none"> <li>• Applicants who are serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service</li> <li>• Applicants who are bereaved spouses or civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.</li> <li>• Applicants who are serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.</li> </ul> <p>Evidence will be required to substantiate the above.</p> <p>Local Connection criteria will not be applied to this category.</p>
<p>Where the Council's Housing Standards team has served an Emergency Prohibition Order.</p>	<p>Housing Standards have identified an imminent risk of serious harm in the applicant's current home which has resulted in a need to serve an Emergency Prohibition order and it would not be safe for the occupants to remain.</p>
<p><b>BAND 2 – AT RISK OF HOMELESSNESS</b> <b>In no priority order</b></p>	<p><b>Examples of Qualifying Circumstances / Summary of Criteria</b></p>
<p>Applicants experiencing or fleeing domestic abuse</p>	<p>Applicants who need to move due to domestic abuse and who are not at risk of immediate danger following housing options assessment or a referral from a domestic abuse refuge or a domestic abuse partner agency.</p>
<p>Applicants experiencing or fleeing harassment or others forms of abuse (race, gender, sexual orientation, disability, religion or belief etc) which would lead to homelessness / psychological harm.</p>	<p>Households suffering harassment and or other forms of abuse (race, gender, sexual orientation, disability, religion or belief etc) or threatened or actual violence which is likely to cause psychological harm and necessitates an urgent need for rehousing. E.g. neighbourhood disputes/racial harassment incidents/hate crime resulting in intimidation or serious threats or damage to property which is recurrent. Appropriate enquiries will be made including requirement for medical evidence before awarding this band.</p>

<p>Rough sleepers assessed and referred by No Second Night Out (NSNO) service</p>	<p>This category is aimed at supporting the Council's NSNO service work with rough sleepers and to assist those clients who NSNO deem are tenancy ready to move on from the service.</p>
<p>Displaced by family, friends or from settled accommodation within 56 days</p>	<p>An assessment of an applicant's need due to being displaced by family, friends or from settled accommodation like prisons or tied accommodation will be made by the Council taking into account information provided by one or more of the following:</p> <ul style="list-style-type: none"> <li>• Family/friends</li> <li>• Social Services, Youth Workers, Probation and other relevant professionals</li> <li>• A voluntary sector organisation representing the applicant.</li> </ul> <p>As part of the assessment the possibility of reconciliation and other preventative options will be explored by Housing Options before determining the award of this band.</p>
<p>Landlord has served a valid notice to quit, intends to apply to court for possession of the property and there is no defence against possession proceedings.</p>	<p>Applicants with an assured shorthold tenancy who have been served a valid notice to quit where the landlord intends to make an application for possession and there is no defence against possession proceedings. Evidence will need to be provided.</p>
<p><b>BAND 3 – HIGH NEED</b> <b>In no priority order</b></p>	<p><b>Examples of Qualifying Circumstances / Summary of Criteria</b></p>
<p>Urgent medical, welfare grounds or disability</p>	<p>Where an applicant's medical, health or welfare condition is such that rehousing is required to provide a basis for the provision of suitable care.</p> <p>The applicant's condition is severe and their existing accommodation is a major contributory factor.</p> <p>The applicant's health is severely affected by the accommodation to the extent that it is likely to become life threatening. For example, where an applicant has significant mental health problems which are exacerbated by their accommodation.</p> <p>Disabled applicants who have restricted or limited mobility and are limited by their accommodation and unable to carry out day to</p>



	<p>day activities (Disability Discrimination Act 1995) or have difficulties accessing facilities inside and outside of their accommodation and require rehousing into accommodation suitable for their use.</p> <p>Applicants will only be placed in this band if rehousing to more suitable accommodation would stabilise or improve their health and wellbeing.</p> <p>An assessment of an applicant's need to move due to urgent medical, welfare ground or disability will be made by the Council taking into account supporting information provided by the applicant from one or more of the following:</p> <ul style="list-style-type: none"> <li>• An applicant's GP or consultant.</li> <li>• Social Services.</li> <li>• Occupational Therapist.</li> <li>• Age Concern or any other voluntary sector organisation representing the applicant.</li> </ul>
Applicants who need an adapted property	<p>Applicants who are disabled or have complex health or care needs requiring specialist accessible accommodation and where the nature of the adaptations required is materially different from those in their current home and it is not feasible to carry out the adaptations due to financial constraints and/or the property is unsuitable for adaptation.</p> <p>Social housing tenants in specialist adapted properties in areas of high demand and in properties of high demand and who no longer require those adaptations can be placed in this band in order to facilitate a move to make best use of stock. However each applicant will be considered on a case by case basis.</p>
Overcrowded by 2 or more bedrooms	<p>Applicants who are severely overcrowded according to the Bedroom Standard. For this band, applicants must lack 2 or more bedrooms than the number which the household is eligible for.</p> <p>Evidence will be required.</p>

<p>Move on from Supported Accommodation.</p>	<p>An applicant in supported accommodation who has been assessed as suitable for independent living by the Provider as per the Tenancy Ready Framework.</p> <p>If an application is made when the individual is not ready for independent living the application will be placed in Band 6 until such a time as the individual is ready to move on when it will be placed in Band 3 as appropriate.</p>
<p>Applicants suffering financial hardship where moving would alleviate their hardship</p>	<p>Applicants who are suffering from financial hardship (e.g. loss of income, benefit reductions, change of circumstances, under occupation) where rehousing will alleviate the hardship will be eligible for this band. An affordability assessment (based on affordability calculator) will be carried by the Housing Options before placing applicants in this band.</p>
<p>Applicants who need to move to a particular locality within the District, where failure to meet that need would cause hardship to themselves or others.</p>	<p>This category applies to those who need to move to a particular area within the Bradford District boundary, where failure to meet that need would cause hardship to themselves or others. This includes the need to move to a specific location for employment reasons and also to give or receive care where evidence is provided.</p> <p>Social housing tenants in the District who wish to move to be nearer their employment, education or training to ease hardship will be required to provide evidence.</p>
<p>Social Housing tenants from outside the District who:</p> <ul style="list-style-type: none"> <li>• need to move to the District to avoid hardship (s.166 (3) (e))</li> <li>• Need to move because the tenant works in the District</li> <li>• Need to move to take up an offer of work</li> </ul>	<p>Hardship grounds (other than for work reasons) would include, for example, a person who needs to move in order to give or receive care, or to access specialised medical treatment.</p> <p>Where the need to move is due to employment, education or training the applicant will need to prove that failure to move would cause them hardship. The LA will take into account the following in determining hardship due to work:</p> <ul style="list-style-type: none"> <li>• The distance and/or time taken to travel between work and home</li> <li>• The availability and affordability of transport, taking into account level of earnings</li> <li>• The nature of the work and whether similar opportunities are available closer</li> </ul>

	<p>to home</p> <ul style="list-style-type: none"> <li>• Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move</li> <li>• The length of the work contract</li> <li>• Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship</li> </ul> <p>The definition of work does not apply to work which is short-term or marginal in nature, or if it is ancillary to work in another district. Voluntary work is also excluded.</p> <p>This category covers the requirement under the Statutory Right to Move policy. The Council's Local Connection criteria will not apply to this category.</p>
<p>Unsatisfactory housing conditions in the Private Sector where there is one or more Category 1 hazards.</p>	<p>This band will be awarded where the Council's Housing Standard's team identify that a person's home has at least one Category 1 hazard, (excluding overcrowding) for which there must be a high likelihood of an occurrence that could cause harm or a Suspended Prohibition Order has been served and there is no reasonable likelihood that the landlord will address the problems.</p>
<p>Applicants who are homeless but found intentionally homeless or non-priority following the statutory homelessness assessment by Bradford Council</p>	<p>Applicants who following an assessment under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) were found to be intentionally homeless or non-priority.</p>
<p><b>BAND 4 – MEDIUM NEED</b></p>	<p><b>Examples of Qualifying Circumstances / Summary of Criteria</b></p>
<p>Applicants who fall into either Band 1, 2 or 3 due to their circumstances but who do not have a local connection in Bradford.</p>	
<p>Applicants with a health or welfare need related to the current housing circumstances where moving would improve their health.</p>	<p>An applicant's housing is unsuitable for health reasons or for the occupant's specific needs related to disability, but whose present accommodation does not cause serious barriers to day to day activity or whose life is not at risk due to their current housing.</p> <p>An assessment of an applicant's need to move</p>

	<p>due to ill-health or disability will be made by the Council taking into account information provided by the applicant from one or more of the following:</p> <ul style="list-style-type: none"> <li>• An applicant's GP or consultant.</li> <li>• Social Services.</li> <li>• Occupational Therapist.</li> <li>• Age Concern or any other voluntary sector organisation representing the applicant.</li> </ul>
Overcrowded by 1 bedroom	<p>Applicants that are overcrowded according to the Bedroom Standard. For this band, applicants must lack 1 bedroom than the number which the household is eligible for.</p> <p>Evidence will be required.</p>
<b>BAND 5 – LOW NEED</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
Applicants with a low housing need	Applicants who fall into Band 4 due to their circumstances but who do not have a local connection to Bradford.
<b>BAND 6 – GENERAL NEED</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
Applicants who don't fall into any of the above categories.	<p>Applicants who don't fall into any of the above categories.</p> <p>Homeowners (including joint and sole owners) with equity over £60k will be placed in this band (unless the applicant requires sheltered accommodation / extra care scheme, or has a medical, disability or statutory homeless need)</p>

### 3.2 Application renewal/closure

Applications are closed for many reasons including when someone is re-housed but experience suggests that many people's housing circumstances change yet they still remain on the housing register for years.

Under the revised policy, applicants will be required to renew their applications periodically e.g. every 12 months. The Council may also regularly cleanse the data and close applications where they are redundant. This will ensure the housing register is kept up to date.

### **3.3 Homelessness Reduction Act 2017**

Through the Homelessness Reduction Act, a number of amendments to Part 7 of the *Housing Act 1996* have been set out which seek to strengthen the local authority duty to prevent homelessness. Key measures include:

- An extension of the period during which an authority should treat someone as threatened with homelessness from 28 to 56 days.
- Clarification of the action an authority should take when someone applies for assistance having been served with a section 8 or section 21 notice of intention to seek possession from an assured shorthold tenancy.
- A new duty to prevent homelessness for all eligible applicants threatened with homelessness.
- A new duty to relieve homelessness for all eligible homeless applicants.
- A new duty on public services to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless

3.4 Whilst the above measures will require changes to the way the Housing Options Service operates, the housing allocations policy also offers an opportunity to address the Council's prevention objectives by prioritising those at risk of homelessness.

3.5 Policy fact sheets relating to the Homelessness Reduction Act were published by DCLG in December 2016. The Act, which has attracted Government and cross-party support, is expected to be implemented in spring 2018. Relevant guidance is expected to be issued in autumn 2017.

### **3.6 Right to Rent**

From 1<sup>st</sup> February 2016 it became a requirement for local authorities and landlords to undertake Right to Rent checks on applicants on the Housing Register. Right to Rent requires landlords to ensure immigration eligibility checks are carried out prior to letting properties to prospective tenants. To minimise the administrative burden, the Council, instead of carrying out full and thorough checks at the point of application to the housing register, is proposing that Registered Providers carry out Right to Rent checks at the point of making an offer of a tenancy i.e. when RPs carry out their suitability checks. Applicants' right to rent status may change between registration and being offered a property.

### **3.7 Qualification Criteria**

Guidance allows local authorities to set qualification criteria and exclude certain categories of applicants. This approach not only necessitates a high degree of administration but can be open to legal challenge, particularly where protected characteristics are affected. In the current Policy (2014-17) the Council operates an open register and does not restrict applicants by imposing qualifications.

As the current practice has worked well, we are suggesting that we retain an open process without excluding applicants, other than those deemed ineligible on immigration status by statute.

### 3.8 **Armed Forces**

The regulations require "additional preference" to be given to members of the armed forces and/or their families and dependants whose circumstances would qualify them for reasonable preference in the allocation of social housing in England. The current policy already adheres to this requirement. However in the draft policy we are proposing enhanced support in the form of waiting time backdated to their length of service.

### 3.9 **Local Connection**

The government, through guidance, recommended the implementation of a 2 year residency requirement as part of local authority qualification criteria. However some LAs chose to adopt this whilst others like Bradford did not. Those LAs that have adopted a residency requirement face the risk of legal challenge due to *R (on the application of HA) v Ealing LBC (2015)* where it was concluded that local connection could not be used to exclude an applicant with a reasonable preference need. However it is possible to prioritise local people over those with no local connection to the District through the banding framework. We are proposing to adopt a method of prioritising local people by awarding a lower priority in the banding system to those with no local connection.

### 3.10 **Local Connection Policies in Neighbourhood Plans**

Where an s.106 agreement has clauses regarding local connection or similar eligibility criteria which may conflict with the Housing Allocations Policy, the Council will look at the most appropriate way of accommodating such criteria.

## 4. **The Consultation Process**

4.1 When drawing up its local allocations scheme, or making any significant changes to it, a local authority is required to consult RPs with whom it has nominations arrangements. A minimum 12 week consultation period is recommended.

4.2 The following consultations have already taken place:

- Registered Providers consultation 7 September 2016, 8 December 2016 and 21 March 2017
- Bradford Housing Association Liaison Group on 13 September 2016
- Bradford District Tenants and Residents Federation Group - 23 February 2017
- Equality Together service user group - 15 March 2017
- Homelessness Core Group - 23 March 2017
- Public consultation via website ended 21 April 2017
- Registered Provider consultation ended date 28 April 2017 (full policy document)
- Regeneration & Economy Overview Scrutiny Committee on 26 July 2017

## **5. OTHER CONSIDERATIONS**

### **5.1 Policy 'Go live' date**

Implementation will necessitate some immediate changes to the IT system which will be made by Incommunities within a few weeks after adoption, and an effective 'Go live' date will be agreed. Prior to the 'Go live' date the current policy will operate.

## **6. FINANCIAL & RESOURCE APPRAISAL**

6.1 No additional costs will be incurred in implementing the new policy. However, in order to make the current allocations process more efficient and effective, changes to the IT system are being considered as part of a re-tendering process. There is provision within the service budget to resource this.

## **7. RISK MANAGEMENT AND GOVERNANCE ISSUES**

7.1 Risk implications such as reputational issues would only arise if the Council failed to meet its legal duties as set out above.

## **8. LEGAL APPRAISAL**

8.1 The Council is required to comply with Part VI of the Housing Act 1996 which requires local authorities to have an allocations policy and procedure in place in order to allocate housing.

8.2 Section 166A Part VI of the Housing Act 1996 provides that every housing authority must have a scheme for determining priorities, and the procedures to be followed in allocating housing accommodation and under Part VII of the Housing Act 1996) to make provision for homeless households. The housing allocation scheme must be framed so that "reasonable preference" is given to people who are homeless, people eligible for assistance under the Housing Act 1985, people who are occupying insanitary or overcrowded or otherwise unsatisfactory housing, people who need to move on medical or welfare grounds, and people who need to move to a particular part of the authority's area where failure to meet that need would cause hardship. Subject to that requirement relating to "reasonable preference groups", an allocations scheme may also make provision about the allocation of particular accommodation to persons who make a specific application for accommodation and persons of a particular description S166A(6)

8.3 In addition the Council is required to comply with the information requirements for the allocation scheme as set out under Section 168, Part VI of the Housing Act 1996.

8.4 The Council is also required to have regard to the *Allocation of accommodation: guidance for local housing authorities in England* (June 2012).

## **9. OTHER IMPLICATIONS**

### **9.1 EQUALITY & DIVERSITY**

The Council is required to draft its Allocations Policy in line with the legislative requirements outlined in relevant Acts, Codes of Guidance and Case Law, which themselves take into account consideration of equality issues.

The Housing Allocations Policy is designed to award priority for housing to those in greatest need, and those who fall under the Council's key priorities. Whilst many people who share a protected characteristic are likely to be awarded priority banding under this policy, that banding will be determined by their housing need and housing circumstances.

Whilst this policy is unlikely to help to eliminate discrimination or harassment generally, it is likely to have a positive impact on victims of such discrimination, as there are provisions within the Allocations Policy to award priority banding to people who are experiencing or fleeing harassment or other forms of abuse which would lead to homelessness or psychological harm. This includes people who are suffering harassment due to their protected characteristic(s).

A full Equality Impact Assessment has been undertaken during the process of reviewing the allocations policy.

### **9.2 SUSTAINABILITY IMPLICATIONS**

This policy work and its practical implementation forms part of the approach for the Council to focus on effective accommodation for residents of the District. As such it seeks to provide a framework that supports personal, social and community well-being especially in improving effectiveness in the pursuit of allocating social housing and in discharging the statutory duty to house the homeless.

### **9.3 GREENHOUSE GAS EMISSIONS IMPACTS**

The revised allocations policy is not considered to impact on emissions. Indeed the policy will not introduce changes that will influence emissions arising from the current housing stock.

### **9.4 COMMUNITY SAFETY IMPLICATIONS**

The Allocations Policy poses no specific implications for Community Safety but vibrant, cohesive and sustainable communities are promoted within it.

### **9.5 HUMAN RIGHTS ACT**

The Human Rights dimension of housing is recognised in the United Nations Covenant on Economic, Social and Cultural Rights, which includes the right of everyone to an adequate standard of living for himself and his family, including



adequate housing. The United Kingdom is legally bound by this treaty. The Council also has regard to good practice in housing particularly those that adhere to guidance contained in: 'Deciding Rights - Applying the Human Rights Act to Good Practice in Local Authority Decision-Making' (LGA).

## 9.6 **TRADE UNION**

There are no trade union implications arising from this report.

## 9.7 **WARD IMPLICATIONS**

There are no specific ward implications identified, as the policy is district-wide in its focus.

## 10. **NOT FOR PUBLICATION DOCUMENTS**

None

## 11. **OPTIONS**

### **Option 1 – Adopt as Council policy the revised housing allocations policy set out in Appendix 1**

This is the recommended Option.

This will enable the Council to meet its obligations as set out in the Housing Act 1996 and adhere to DCLG guidance. It will also provide clarity to RPs on how to develop their own lettings policies to co-operate with the local authority in discharging its housing duties.

### **Option 2 – Return the Draft Policy for amendments**

This option is not recommended as the proposed policy already takes into account the stated views of stakeholders, the identified needs of customers and the current legislative and national guidance framework. Also timely implementation is advised in order to allow the procurement of the new IT system.

### **Option 3 – Reject the Allocations Policy**

This option is not recommended as an updated policy is needed in response to new legislation and guidance, and the identified needs of customers in the district.

## 12. **RECOMMENDATIONS**

It is recommended that:

12.1 The Executive approves the Housing Allocations Policy as set out in the Appendix.

12.2 The Executive gives delegated authority to the Strategic Director of Place in

consultation with the relevant Portfolio holder to implement and monitor the Housing Allocations Policy, including agreeing the 'Go Live' Date, and, during the lifetime of the policy, to make any necessary amendments as required at the appropriate time, provided such changes do not fundamentally alter the policy principles on which this policy is based.

- 12.3 That Executive gives delegated authority to the Strategic Director of Place in consultation with the Portfolio Holder to consider and introduce any changes to the IT system and methodology to improve the allocation of housing within the District.

### **13. APPENDICES**

Appendix – Draft Bradford District Housing Allocations Policy 2017

### **14. BACKGROUND DOCUMENTS**

- Bradford District Housing Allocations Policy 2014 -2017  
<https://www.bradford.gov.uk/media/1868/housing-allocations-policy-jan-14v2.pdf>
- Allocations of accommodation: Guidance for local housing authorities in England June 2012.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5918/2171391.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5918/2171391.pdf)
- Policy fact sheets on Homelessness Reduction Act  
<https://www.gov.uk/government/publications/homelessness-reduction-bill-policy-factsheets>
- Government's research briefing paper on 'allocating social housing' published on 9<sup>th</sup> June 2017.  
<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06397>