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# Appendix A: Proposed changes to the Housing Allocations Policy

Subject to consultation.  
For discussion at Cabinet, 25<sup>th</sup> June 2019

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Housing and Social Inclusion.

# 1. Disability

## Introduce equal opportunity to bid for social housing

1.1 At present applicants living with a disability are not permitted to bid for adapted properties (instead being directly matched by a panel of council and South Essex Homes Officers). Going forward it is recommended that disabled housing applicants are given equal opportunity to participate in the Choice Based Lettings scheme; an approach supported by over three quarters of survey participants.

1.2 We will introduce bidding for disabled applicants through categorizing void stock based on its accessibility level and having the Housing and Health Occupational therapist assess which type of property the applicant /household requires, so that when these properties are advertised, only those with a need for that type of accommodation are able to bid.

1.3 If/where an applicant faces difficulty bidding we will work with them on an individual basis to find flexible and inclusive solutions that work for them.

1.4 To ensure accurate assessments of long term needs are made, and that disabled applicants are empowered with the information and advice required to not only make informed decisions when they place bids, but to also understand how to stay safe in their existing living arrangements, Occupational Therapists will collaborate more closely with the housing teams in the provision of advice and information, and the assessment of medical need/priority. Officers will work on the design of this closer collaboration as part of the policy

implementation process. As is presently the case, where possible, we will work with the applicant to make adaptations to their existing home where it is safe and possible to do so, using Disabled Facilities Grants as applicable, as this is usually the quickest way to resolving housing need and keeping people safe, well and independent.

1.5 Through the process of working with our occupational therapists and adaptations officers to categorise the types of housing our disabled applicants require, we will also develop greater insights into accessible housing need locally, to feed into wider strategic projects focussed on housing supply.

## 2. Proposed Bands of Priority

2.1 All qualifying housing applicants are placed into a Band of Priority, where Band A is the highest and D the lowest. The exception to this is 'Emergency' band for rare, exceptional cases where rehousing is required immediately. We will retain an emergency band.

2.2 Should a household not have one of the housing needs outlined in the propose banding tables, they would not qualify for inclusion on the housing register and thus their only way of obtaining social housing would be if they are already a social tenant and they undertake a mutual exchange. The proposed banding priority for each of the needs groups is outlined on the following pages.

# Proposed Band A

(Highest priority, smallest number of households)

Housing need	Change
<ul style="list-style-type: none"> <li>Tenant of an approved SBC regeneration scheme, who has been served a 12-18 month demolition notice and wishes to permanently vacate the site</li> </ul>	<p>New for main policy – see ss.2.19-2.23</p>
<ul style="list-style-type: none"> <li>Suffering /needing to flee severe violence/harassment/abuse</li> </ul>	<p>None</p>
<ul style="list-style-type: none"> <li>Urgent medical/welfare need</li> <li>Urgent disrepair</li> </ul>	<p>Absorbing some of current band B medical and disrepair – See ss.2.6-2.10.</p>
<ul style="list-style-type: none"> <li>Lacking three bedrooms or assessed as statutorily overcrowded</li> </ul>	<p>None</p>
<ul style="list-style-type: none"> <li>Under-occupation (spare rooms) in social property/release of an adapted social property</li> </ul>	<p>Still band A, but see ss.2.16 - 2.18 for additional incentive being proposed</p>
<ul style="list-style-type: none"> <li>SBC Care leaver ready to live independently</li> </ul>	<p>None</p>

<ul style="list-style-type: none"> <li>Individual ready to move on from council approved (not necessarily funded) supported housing.</li> </ul>	<p>Tweaked to include supported housing that hasn't been grant funded by SBC, but where we can reach agreement to allocate via the SBC chaired Access Panel – see s2.15</p>
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## Removed from Band A

Multiple band B items removed as a band A item, as it will not be possible to obtain 3 or more band B items (as different Homeless duties will not apply simultaneously).

Will also no longer be possible to have band B medical or disrepair grades as these no longer exist.

## Proposed Band B

Housing Need	Change
<ul style="list-style-type: none"> <li>Homeless Prevention duty</li> </ul>	New – See ss.2.11-2.14 /replaces general prevention
<ul style="list-style-type: none"> <li>Homeless Relief duty</li> </ul>	New – See ss.2.11-2.14
<ul style="list-style-type: none"> <li>Main duty decision – not in priority need (i.e. usually single homeless people without dependent children)</li> </ul>	Upgraded from band C – see s2.14
<ul style="list-style-type: none"> <li>Lacking 2 bedrooms</li> </ul>	None
<ul style="list-style-type: none"> <li>3 or more band C items</li> </ul>	None

### Removed from band B

Band B Medical and disrepair will be removed/no longer apply – see ss.2.6-2.10.

Needing to move to a particular area downgraded to band C (though if there is a band A medical/welfare need for the move to a specific part of the borough, will be picked up via a medical/welfare assessment).

## Proposed Band C

Housing need	Change
<ul style="list-style-type: none"> <li>Lacking 1 bedroom</li> </ul>	None
<ul style="list-style-type: none"> <li>Need to move to a particular area</li> </ul>	Downgraded from band B
<ul style="list-style-type: none"> <li>Medical</li> </ul>	Absorbing some of current Band B med – see ss.2.6-2.10
<ul style="list-style-type: none"> <li>Disrepair</li> </ul>	Absorbing some of current Band B disrepair – see ss.2.6-2.10
<ul style="list-style-type: none"> <li>Previously accepted a PRS offer whilst being assisted under prevention/relief (avoid B&amp;B, encourage engagement)</li> </ul>	New – See s.2.13
<ul style="list-style-type: none"> <li>Low income h/hold spending over a 1/3 income on rent</li> </ul>	New – See ss.2.27-2.29
<ul style="list-style-type: none"> <li>Young people up to the age of 25 to whom the council has acted as a corporate parent, but has no other housing need.</li> </ul>	New – See s2.24-2.26

### Removed from Band C

Those owed a main housing duty currently sit in band C, however under revised policy this group will not be able to bid/will be direct let – see s.2.14.

Those found intentionally homeless currently sit in band C, however they will be downgraded to band D under new policy – See s.2.14

Those who are homeless but found not to be owed a full housing duty as they do not have a ‘priority need’ are currently in band C but would be upgraded to band B under new policy – See s.2.14

<b>Proposed Band D</b>	
<b>Housing need</b>	<b>Change</b>
<ul style="list-style-type: none"> <li>Main duty decision – intentionally homeless</li> </ul>	<p>Downgraded from band C- see ss.2.11-2.15 for new policy approach to homelessness, of which this is the end stage.</p>
<ul style="list-style-type: none"> <li>Housing Need, but no local connection</li> </ul>	<p>Still band D – but see s.3 for <a href="#">changes to local connection</a> criteria</p>

### Removed from Band D

Remove ‘non housing need – special circumstances’ where applicants without a housing need can be placed on the register where it is demonstrated that there is a low

demand for a particular property type, as demand for housing outweighs supply.

### Low Priority Band: remove

2.3 At present we have a band entitled ‘low Priority’ whereby those applicants placed in it fall within a statutory reasonable preference group but have low level behaviour issues and/or rent arrears. Applicants in ‘Low Priority’ band are unable to bid for social housing and therefore it is proposed that this band is removed. Should applicants be guilty of behaviour or arrears that are such that we would be able to evict them if they were a tenant, we will exclude them from the housing register. Those with a housing need and low level arrears that are such that we could not evict them will be given advice and guidance on how to best address these and permitted to bid for social housing.

2.4 Another group who are placed into ‘Low band’ at present are care leavers who are not yet ready to move on into independent living, however, going forward this cohort will just have their application suspended until such time they are ready to move on.

2.5 Those who refuse suitable offers of accommodation are also placed into ‘low band’, although once again, can have this addressed through suspending their application.

### Medical/welfare and disrepair priority: Removal of band B priority

2.6 Currently applicants can fall into 1 of 4 categories for medical or disrepair; none, medium (band C), high (Band B) or urgent (band A). Although the first stage of consultation showed preference for retaining these categories, officers recommend clarifying the

process by reducing the number of categories to just bands A and C.

2.7 The differences between the existing categories are subjective and not well defined. As a result, a high proportion of officer and management time is currently spent responding to applicants disputing their assessed band, especially if/when placed in band C, as the majority of applicants are. It is recommended that this time could be better utilised through the provision of advice & information regarding alternative housing options.

2.8 There are currently 163 applicants with medical need to move (of which 82% are in band C) and just 2 with disrepair priority (split between Band B & Band C). The small number of households requiring priority on the grounds of disrepair reflects that, wherever possible, our Private Sector Officers intervene to resolve disrepair/property condition issues, negating the need for a tenant to move.

2.9 The removal of band B medical/welfare and disrepair priority would impact around 30 housing applicants who are currently in band B, as we would re-assess their applications to assign them a higher, or lower band. We will develop clearer criteria, including examples for the circumstances where priority on medical/welfare or disrepair grounds will be awarded, and where the applicant is living with a disability, occupational therapists will make recommendations to the housing officers on whether to award medical priority to the application on the grounds of the current properties suitability, and if so, the level of priority to award.

2.10 In addition to the above, we need to create some additional space in band B to place those we are now supporting under our new homeless prevention and relief duties that were introduced by the Homelessness Reduction Act 2017.

## Homelessness – new process

2.11 The Homelessness Reduction Act 2017 introduced new statutory ‘prevention’ and ‘relief’ duties, where the council will put personalised housing plans in place for anyone who is homeless or at risk of homelessness, and has a duty to help to secure accommodation for such households/individuals. However, these duties are not acknowledged within our (2014) Allocations Policy and advisors from the Ministry of Housing, Communities and Local Government have recommended that this is addressed.

2.12 We propose placing those being assisted under statutory homelessness prevention or relief duties in Band B. Whilst being assisted under homeless prevention or relief duties, we will work with the individual to explore all their housing options, including (in the case of prevention), staying where they are where it is safe and feasible to do so, or moving into the private rented sector.

2.13 At present the council are spending significant amounts of money accommodating homeless households in bed and breakfast accommodation due to council owned temporary accommodation being full. Under the revised Allocations Policy, **we aim to incentivise homeless households in temporary accommodation to actively look for private rented accommodation, by enabling them to remain on the**

**housing register in band C if they accept a suitable private rented sector offer.** Should they later be successful in applying for social housing, we will aim to work with the landlord to recycle the property for a newly arising homeless household. This approach works well for colleagues at the London Borough of Camden, who find that households often settle once moved. We also see it as better value for money and 2050 outcomes to have households waiting for social housing whilst in suitable, private sector housing than in expensive bed and breakfast or temporary accommodation.

2.14 Should a household remain homeless after the prevention and relief duties have expired, a main housing/homelessness application will be taken, in accordance with Part 7 of the Housing Act 1996 (as amended):

- If a full housing duty is accepted/owed (the applicant is found to be unintentionally homeless and in priority need, and thus we will be needing to temporarily accommodate them until they are housed), we will remove their ability to bid for social housing/choice and make just one suitable offer of accommodation, in the private or social sector, when it becomes available. If they accept a private rented offer at this stage, they will not be able to remain on the housing register.
- If the applicant is found intentionally homeless, they will be placed into band D on the housing register, which recognises that they fall into a statutory reasonable preference group because they are homeless, but means that their chances of obtaining social housing are extremely slim.

- If an applicant is found not to be in 'priority need', and therefore there is no interim duty to accommodate, as is the case with many single homeless people, they will retain choice and remain in band B. At present single homeless households found not to be in priority need are placed in band C.

It is hoped the above approach will encourage people to engage fully with the council during the homeless prevention and relief stages of our duties, where more options will remain available to them.

However, the success of this approach does rely on being able to source private accommodation let at Local Housing Allowance (LHA) rates.

2.15 Where a homeless individual is placed into supported accommodation, they will no longer be deemed as homeless. Where we have confirmation from the provider that the individual is ready to move on from [Supported housing](#), we will award them Band A, so long as the SBC Director for Housing and equivalent from the supported housing provider has approved that the supported housing scheme can be let via the SBC chaired supported housing access panel. At present SBC only award band A 'move on' priority to those leaving supported housing where the council has commissioned the support, however, there is additional supported housing in the borough which is funded not by SBC grants, and we could be making better use of these assets to address local need. These services charge high rents and claim enhanced rates of housing benefit in order to fund the higher level of management required. Consultation has indicated that providers would

be willing to open these schemes up to the access panel in exchange for Band A for people moving on from the schemes. This will increase the flow through supported housing, which has often experienced bottlenecks with people struggling to move on due to affordability pressures, leading to people in need of support unable to access it, and those ready to move on with their lives unable to do so.

### **Under occupation/spare rooms: additional priority for new build properties**

2.16 We currently enable those with spare rooms in their social housing to go on the housing register, in Band A, and will continue to do so, to prevent people from falling into arrears as a result of the 'bedroom tax', and to free up/make best use of family sized social housing. However, as a further incentive to downsize, we propose that under the new policy, those with spare rooms in their social homes be given priority for new build council housing, where it meets their bedroom needs. 67% of survey respondents agree with this proposed approach. We will place a marker on the new build property to ensure priority is given to this cohort when they bid, and make better use of technology to notify applicants by email/text when a new build property is going to be advertised.

2.17 We consulted with applicants on whether we should award priority to those who are downsizing by just one bedroom but would still be under-occupied, however as they would still be subject to the bedroom tax (if under pensionable age) and as consultees with lived experience of overcrowding objected to this

proposal we will not be adopting this within the new policy.

2.18 There are currently 96 households on the housing register with spare rooms in their social housing. Going forward we will work strategically to target needs groups such as this.

### **Regeneration: priority to those who wish to permanently vacate the regeneration scheme**

2.19 Better Queensway tenants have been promised (via Newsletter) that they will be offered a replacement home within the regenerated scheme, if they want one and that if they choose to move out of the regeneration area, that we will work with the tenant to find alternative suitable accommodation within the borough.

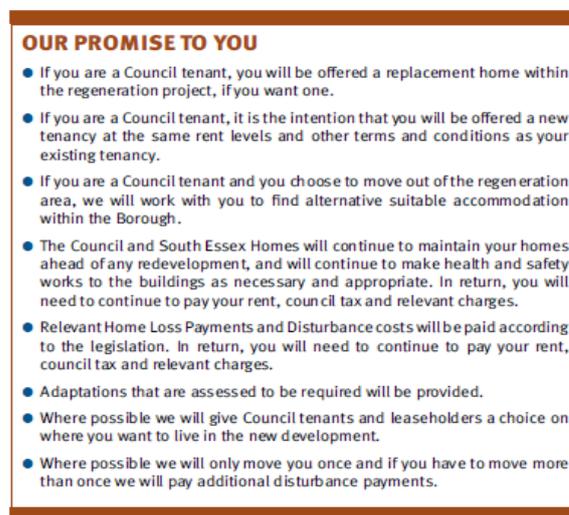


Figure 1: Excerpt from newsletter to Better Queensway residents

2.20 To support the promises made to tenants who wish to permanently vacate, we propose to award Better Queensway tenants Band A on the Housing Register at the point of them being served notice of demolition within 12 – 18 months, and backdate their effective date

(length of time in band) to their tenancy start date, so as to ensure that they stand a realistic prospect of being successful in their bids as early as possible. Tenants who wish to permanently move will rescind their right to return.

2.21 The policy will make reference to SBC regeneration schemes, but through a glossary approach, will stipulate that at present this applies only to Queensway tenants, to enable the potential to apply regeneration priority to future schemes if/where required.

2.22 Noting that Better Queensway is a new and developing project, with needs analyses of tenants ongoing within the developing Better Queensway project, there may be a need to amend the above approach to support the Queensway project. Should further changes to the Allocations Policy be required to support the Queensway project, the Director with responsibility for Housing will return to Cabinet with proposed amendments before any changes to the policy will be made, to ensure Councilor approval.

2.23 A local lettings policy relating to Queensway was previously in place. The above approach would replace any separate policy, making our approach to stock allocation as clear and transparent as possible.

### **Former care leavers aged under 25**

2.24 SBC currently award Band A priority to SBC care leavers who are ready to move on and live independently, and we recommend continuing with this approach, whilst offering care leavers the option of private rented housing should they prefer this.

2.25 In addition to those moving on from care, it is also proposed that we permit an additional group to our housing register who do not presently qualify: under 25's to whom the council is the 'corporate parent'. Whilst there is no statutory duty to include this group on the housing register, we propose to voluntarily permit young adults under the age of 25 and who have a history of care onto the housing register, placing them in Band C. This proposed new approach recognises the ethos of the corporate parent, and seeks to address the evidence that those with a history of care are more likely to encounter homelessness and that provision of social housing can bring benefits to this cohort's wellbeing.

2.26 This proposal arose out of discussions between the Housing Department and Children's Services during the consultation period.

### **Low income households struggling to afford their rent**

2.27 At present low income households struggling to pay their rent do not qualify for inclusion on our housing register, unless they have another policy defined housing need, as they do not fall within a statutory 'reasonable preference' group. This creates inequity between households which lack bedrooms (and therefore fall into a statutory reasonable preference group/qualify for the housing register) and households with the same income/household size that choose to move to an adequately sized property and find themselves in financial hardship as a result (but would not currently qualify for the housing register). It also means we may miss out on opportunities to undertake some primary

homeless prevention work/advice and prevent food or fuel poverty. **We therefore propose to permit low income households spending over a third of their income on rent to join the register, in band C.**

2.28 Over three quarters of consultees agreed that we should permit low income households spending over a third of their income on rent onto our housing register and 67% of housing applicants participating in the survey supported this.

2.29 Should this proposal be supported we will work to clarify the definition of a low income household, for the purposes of entry onto the housing register if they are spending over a third of that income on rent. **It is suggested that lower quartile incomes for the borough are used as the definition of a 'low income'** and that the dataset used to determine and regularly update this be determined over the 2<sup>nd</sup> phase consultation process, potentially making use of CACI 'Paycheck' income data, as was used in the South Essex Strategic Housing Market Assessment (SHMA) when assessing the long term need for affordable housing. This approach also links with additional work being undertaken to create a local definition of affordable housing, and a recent Bill introduced by Labour MP Helen Hayes, with cross party MP support and support from Shelter and the Town and Country Planning Association to define affordable housing as costing 'no more than 35% of net

household income for lowest quartile income groups in each local authority area'.<sup>1</sup>

## 3. Local Connection

3.1 Those with a local connection receive priority over those who do not. Those that fall into a statutory reasonable preference group, but have no local connection are placed in Band D

3.2 Those who live out of borough, but volunteer in the borough will no longer be considered to have a local connection to Southend on Sea.

3.3 Those who live out of borough, but work in the borough will be expected to have worked here for at least 3 out of the last 5 years before we will consider them to have a local connection. This is an increase from present criteria, which enables an applicant from another local authority area to have worked here for just 1 year in order to accrue a local connection. The exception to this will be where the applicant has a statutory 'Right to Move' as they are a social tenant from another LA who has been offered employment within the borough and a failure to move would cause hardship.

3.4 We will retain residency connection, whereby those who have resided in the borough for 3 of the last 5 years will accrue a local connection.

3.5 At present, to accrue a local connection on grounds of residency, the previous addresses must have been 'settled', however, owing to

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<sup>1</sup>

<https://www.politicshome.com/news/uk/economy/construction-industry/opinion/house-commons/102122/helen-hayes-mp-our-planning>

local single homelessness needs, we propose that where a homeless individual is engaging with SBC commissioned services or residing in SBC approved supported housing, we will permit a local connection to be awarded if we have written evidence that the individual has been engaging with the provider for a set amount of time.

3.6 A key additional consideration is how long a single homeless person should have had to have resided in the area before they can qualify for a local connection; one option is to mirror residency connection, that is, 3 of the last 5 years. However, in recognition that street homelessness is an issue within our borough, consideration is needed as to whether, due to other public service investments, such as SBC commissioned drug and alcohol treatment, mental health support and community safety initiatives, a shorter time scale is required for rough sleepers, so that the impact of these other services can be maximised/ people able to move off the streets and on with their lives more rapidly. If this latter option is adopted, Officers would recommend that rough sleepers/single homeless should be required to demonstrate a minimum of 6 months meaningful, documented service engagement, to accrue a local connection on our policy.

3.7 All other forms of local connection will remain, due to them being prescribed by legislative requirements i.e. armed forces personnel who may find it difficult to establish a connection to a particular LA area due to a requirement for movement within service. 2.28

## 4. Advice and Information

4.1 Whilst three quarters of housing applicants participating in the survey supported retaining a choice based lettings approach, feedback indicated that applicants would like more engagement as many reported feeling detached from the process. We therefore propose shifting the housing application process from a largely administrative procedure, to being a trigger for a conversation and practical advice on the individual's options to resolving their housing needs, which may include remaining where they are with the use of aids and adaptations or additional support, mutual exchange, private sector housing, looking out of area etc.

4.2 To manage the change towards an advice approach we would expand a needs group at a time, and make better use of technology to assist us in the provision of information.