

**ASH Panel Housing Steering Group:** Cllrs Ruth Jacobs (chair), Richard Tucker, David Jolley, Robert Cleland

**Re: Proposed changes to the HomeChoice North Somerset Lettings and Assessment Policy**

**RECOMMENDATION TO THE DEPUTY LEADER OF THE COUNCIL & EXECUTIVE MEMBER FOR PLANNING, HIGHWAYS, TRANSPORT, HOUSING & ECONOMIC DEVELOPMENT:**

On behalf of the ASH Scrutiny Panel, the Panel steering group supports the following proposed policy changes and **recommends that they be implemented as proposed** and detailed in the preferred options sections of the attached Homechoice policy document:

- To reduce the local connection residency criteria for Gypsy and Travellers applying for a pitch
- To reduce banding where a homeless applicant has rent arrears of proven anti-social behaviour
- Reduce the Banding for applicants residing on an overcrowded pitch
- Increase the income and savings thresholds for applicants wishing to join the HomeChoice register
- Adding “monies owed to a private landlord” to the current exclusions from the housing register for applicants who owe a scheme landlord or council over £200 in rent arrears or other rechargeable charges
- Adding an additional group to the Rough Sleeper and Other Homeless Appendix to clarify the position regarding homeless people who have a duty owed to them by another Local Authority
- Implementing reduced priority for applicants who have refused 1 offer of suitable accommodation
- Review medical bandings annually on the date of the application renewal to ensure the banding priority remains correct
- Complete regular reviews of welfare priority banding awards

The Steering Group met with the Head of Strategy and Housing and Homechoice Team Manager to hear and discuss the options considered and rationales underpinning the final proposals.

Members talked through and agreed with the rationales underpinning each proposed policy change and were reassured that the Exceptional Circumstances Policy provided a safety net where, for instances where flexibility on interpretation of the policy was needed due to urgent or exceptional need.

**Ruth Jacobs (Housing Steering Group Chairman)**

**N.B.** Please note that the steering groups were set up partly to address the impact that fewer meetings would have on the Panel’s ability to conduct its business. It was agreed that steering groups could make recommendations on behalf of the Panel (with the caveat that such recommendations must be shared by email with the full Panel for comment prior to submission). Steering group recommendations do not carry the same “weight” as a full Panel recommendations but the expectation is that these recommendations will be retrospectively endorsed by the Panel at its next full Panel meeting on 29<sup>th</sup> March 2018.

## **APPENDIX**

### **Proposed changes to Homechoice Policy**

#### **Background:**

The HomeChoice North Somerset Lettings and Assessment Policy is the vehicle that the Council and its partners use to assess applications for social housing in North Somerset. The policy was reviewed in 2012 following the enactment of the Localism Act 2012 and was agreed by the Executive in April 2013.

Housing pressures in North Somerset and the responsibilities the Council has to some groups in urgent housing need limits the degree of choice the Council is able to offer. We currently have over 3500 households on our register requiring housing. In 2015-2016 Registered Providers let a total of 662 properties in the district of which 488 were general needs housing and 174 were sheltered housing type properties for older people. Based on housing need, all applications are placed into one of four bands – A, B, C or D (A band being the highest priority and D band being the lowest priority)

We are considering updating the policy, these changes may affect some groups of applicants. The purpose of this consultation is to ask you for your views on the proposed changes which will assist in our decision making.

#### **Policy change to Gypsy & Traveller Pitches**

A number of changes are proposed as set out below.

In the current policy to qualify to be included on the Housing Register for a pitch under the local connection rules an applicant must:

- 1) Have, by choice, lived in North Somerset for the three consecutive years preceding the date the application is made or reviewed; or
- 2) Have, by choice, previously lived in North Somerset for ten consecutive years no more than five years prior to the date the application is made or reviewed; or
- 3) Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed

#### **Proposed Change**

North Somerset Council recognises that Gypsies and Travellers live a more nomadic lifestyle compared to members of the settled population. We would like our HomeChoice policy to reflect this cultural difference whilst still prioritising those gypsy and travellers that live locally. We would like your feedback on the proposed policy change set out on the next page.

Preferred Proposed Policy Changes	Rationale & Implications
<p>To reduce the local connection residency criteria for Gypsy and Travellers applying for a pitch to:-</p> <ul style="list-style-type: none"> <li>- have lived in North Somerset for two out of the last three consecutive years prior to application, or</li> <li>- have previously lived in NS for seven out of ten consecutive years, no more than five years prior to application.</li> </ul> <p>And retain the existing work related connection: Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed</p> <p>To also establish a clearer process for administering the exceptional circumstance clause in the policy for those applicants who do not satisfy the qualifying criteria (See attached appendix 1). This will enable HomeChoice to assess any applicant's case where exceptional circumstances may justify waiving a qualification rule.</p>	<p>A reduction of the residency test reflects the applicant group's nomadic lifestyle whilst balancing this with the needs of Gypsy &amp; Travellers (G &amp; T's) who have a local connection to North Somerset under the current policy.</p> <p>The exceptional circumstances clause and process will enable those G&amp;T applicants who have an exceptional reason to live in North Somerset but do not meet the local connection or other qualifying criteria to be placed on the register.</p> <p>There could be more applicants on the register in need of a pitch which will increase the waiting time for a pitch.</p>

North Somerset Council have considered other options which are set out below.

Option 1	Rationale & Implications
<p>To allow Gypsies and Travellers seeking a pitch who do not have a local connection but meet the requirements of the reasonable preference criteria (see attached appendix 2) to join the register by waiving the local connection rule. In these circumstances the applicant could be awarded the lowest priority (Band D) for housing - meaning poor prospects of receiving an offer of a pitch - or a Banding according to their circumstances.</p>	<p>A Gypsy and Traveller household seeking a pitch who is in need under the definition of reasonable preference would not need to demonstrate a local connection.</p> <p>Implementing this option and awarding Band D is not our preferred option because it may give applicants granted a local connection in these circumstances false hope of obtaining pitch as whilst the application would be included on the register the priority awarded would be low.</p> <p>Implementing this option and awarding a Banding according to the applicant's circumstances is likely to result in more Gypsy and Traveller applicants who do not</p>

	<p>have a local connection to North Somerset being included on the register and potentially being allocated a pitch. This is likely to disappoint Gypsies and Travellers who have a local connection under the current policy as it would result in these applicants having to wait longer to receive an offer of a pitch</p>
Option 2	Rationale & Implications
<p>To just establish a clearer process for administering the exceptional circumstance clause in the policy for those applicants who do not satisfy the qualification criteria (See attached appendix 1). This will enable HomeChoice to assess any applicant's case where exceptional circumstances may justify waiving a qualification rule.</p>	<p>The exceptional circumstances clause and process will enable those Gypsy and Traveller applicants who have an exceptional reason to live in North Somerset but do not meet the local connection or other qualifying criteria to be placed on the register.</p> <p>There could be more applicants on the register in need of a pitch which will increase the waiting time.</p> <p>This option is not the preferred option due to it needing to be applied solely on a case by case basis without a clear framework which could result in the system being perceived as unfair.</p>
Option 3	Rationale & Implications
<p>To continue using the current HomeChoice Local Connection Criteria for pitch applications:</p> <p>'Have, by choice, lived in North Somerset for the three consecutive years preceding the date the application is made or reviewed; or</p> <p>Have, by choice, previously lived in North Somerset for ten consecutive years no more than five years prior to the date the application is made or reviewed; or</p> <p>Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed'</p>	<p>Most applicants who have historically applied for a pitch have met the qualification criteria however current criteria might be deterring potential applicants from applying to Homechoice for a pitch.</p> <p>This option is not the preferred option because the current local connection policy does not give any specific acknowledgement of this applicant group's nomadic lifestyle.</p>

Please tell us if you agree with North Somerset Councils preferred option for the Gypsy and Traveller policy change?

Yes

No

If no, please say why and which option if any you feel is more appropriate or if you feel we should make any other amendments to the proposal?

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Do you think the proposed policy change will be an improvement?

Yes                      No

Do you think the proposed policy change gives the right balance between reflecting the nomadic lifestyle of Gypsies and Travellers and the needs of local Gypsy & Travellers?

Yes                      No

**Policy changes for homeless applicants**

The current policy places all applicants who are homeless or threatened with homelessness and owed a duty by North Somerset Council under Part 7 of the Housing Act 1996 in band B. This changes to band A once the household who has been accepted homeless has been resident in designated temporary accommodation for 3 months or more from the date of the acceptance of the duty.

Where a homeless applicant has rent arrears or proven anti-social behaviour they may find that whilst they are the highest priority 'bidder' for a property the Registered Provider refuses to offer them a tenancy due to their outstanding arrears or anti-social behaviour.

Due to the number of homeless applicants being refused social housing by Registered Providers in North Somerset due to Anti-social behaviour and/or Arrears we have explored options for reducing the banding for those homeless applicants who are likely to be refused a tenancy by a Registered Provider

The policy intention of the reduced banding is to encourage prospective tenants to take seriously their responsibilities as a tenant including:

- The responsibility to pay rent and service charges
- The responsibility to keep the property in good repair and not to cause deliberate damage.

- The responsibility to conduct their tenancy in accordance with their tenancy agreement and not to cause nuisance or annoyance to their neighbours

It is proposed that reduced banding will be given in the following circumstances:

- 1) Where there is a current or former debt owed to a social or private sector landlord.
- 2) There is a history of unacceptable behaviour within the last 3 years.
- 3) Perpetrators of Hate Crime or Domestic Violence

This approach will also avoid falsely raising the hopes of applicants in these circumstances of obtaining a tenancy through the Homechoice system.

It is proposed that each case will be considered individually and in certain circumstances the applicants will not be given reduced banding. Examples include but are not limited to:

- The applicant has been a victim of Domestic Violence
- The debt arose due to the applicant’s vulnerability and there is now support in place to prevent further debt.
- The customer was unable to pay due to circumstances other than deliberate non-payment.

Full details of the proposed HomeChoice policy change are set out below and we would like your feedback of the proposal.

Preferred Proposed Policy Changes	Rationale & Implications
<p>To reduce the priority of those applicants who would ordinarily be excluded or suspended from the register under paragraphs 2.3.4, 2.3.5 or 2.3.6 (perpetrators of anti-social behaviour, Hate Crime or Domestic Violence, have rent arrears or other rechargeable debts), but are approved homeless or who are working with North Somerset Council to prevent their homelessness (as defined in paragraph 2.2.3).</p> <p>In terms of reduced priority we mean homeless applicants with proven anti-social behaviour, perpetrators of hate crime or domestic violence and/or rent arrears or other rechargeable debt of more than £200.00.</p> <p>These applicants will be offered support to assist in addressing any issues and the banding will be regularly reviewed and applications may be reinstated to</p>	<p>Ensures those priority applicants who are tenancy ready are housed. Those applicants who have poor prospects of being housed through HomeChoice are offered support to become tenancy ready. This policy change will help to ensure tenancy sustainment and help avoid applicants being refused a tenancy by a Registered Provider.</p> <p>North Somerset recognise initially it could place some homeless people at a disadvantage of being housed until they are tenancy ready</p>

<p>the assessed level. Banding will also be reinstated to the assessed level when rent arrears are less than £200.00. The banding will be increased to band B or band A if they have been living in temporary accommodation for longer than 3 months.</p>	
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North Somerset Council have considered another option which is set out below.

Option	Rationale & Implications
<p>To leave the policy unchanged and not reduce the priority of those homeless applicants who have poor prospects of being offered social housing.</p>	<p>This option is not the preferred option as many homeless applicants who have arrears or have a history of unacceptable behaviour within the last 3 years would continue to be refused a tenancy by Registered providers and would not benefit from the support that may be offered.</p>

Please tell us if you agree with North Somerset Councils proposed policy change?

Yes                      No

If no, please say why and which option if any you feel is more appropriate or if you feel we should make any other amendments to the proposal?

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**Other Policy Changes**

**Band A - Overcrowded Gypsy and Traveller Pitch**

An applicant currently residing on a Gypsy and Traveller/Mobile Home pitch where the pitch is overcrowded and they wish to move to another pitch.

North Somerset council are proposing to reduce this banding award to band B bringing it in line with the current banding for statutory overcrowding ensuring fairness for all applicants in this situation.

The proposed wording is set out below:

**Band B - Serious Disrepair**

The applicant's home is dangerous due to a Housing Act 2004 Category 1 Hazard existing, and where there is no prospect of the Hazard being remedied within the next 56 days. The council's Private Rented Housing Service must confirm the presence of a Category 1 Hazard and that it would be more appropriate for the applicant to be re-housed. This includes verification from North Somerset Councils Private Rented Housing Service that a gypsy and traveller pitch is overcrowded and applicants require a move to a larger pitch.

Please tell us if you agree with North Somerset Councils proposed policy change?

Yes            No

If no, please say why and what you feel is more appropriate or if you feel we should make any other amendments to the proposal?

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**HomeChoice Qualification - Financial Resources**

North Somerset Council are proposing to increase the income & savings thresholds for applicants wishing to join the HomeChoice register. North Somerset have not increased its income thresholds for a number of years.

The current policy excludes single applicants from the register with combined income and savings over £25,000, couples without dependants with income and savings over £30,000 and applicants with dependants with income and savings over £35,000. This exclusion does not apply to those applicants wishing to apply for a Gypsy and Traveller Pitch

It is proposed to increase each of the thresholds by £5,000.

Please tell us if you agree with North Somerset Councils proposed policy change?

Yes            No

If no, please say why and what you feel is more appropriate or if you feel we should make any other amendments to the proposal?

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**HomeChoice Qualification – Rent Arrears/Council Tax Debts**

Applicants who owe a scheme landlord or council over £200.00 in rent arrears or other rechargeable charges are excluded from the housing register until the arrears reduce in line with the policy. North Somerset Council are proposing adding monies owed to a private landlord to this exclusion with the same £200.00 threshold. This is because there has been an increase in the number of applicants who despite being the highest priority ‘bidder’ are refused the offer of a tenancy by a Registered Provider due to owing money to private landlord. This change is in line with our policy on arrears.

Please tell us if you agree with North Somerset Councils proposed policy change?

Yes            No

If no, please say why and what you feel is more appropriate or if you feel we should make any other amendments to the proposal?

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**Rough Sleeper & Other Homeless Appendix**

North Somerset Council are proposing adding an additional group to this appendix to clarify the position regarding homeless people who have a duty owed to them by another Local Authority.

Households owed a homeless duty by any other local housing authority under the Housing Act 1996 Part 7 s.188, s.190, s.198 or s.193, will be regarded as non-qualifying persons regardless of whether they have been placed in North Somerset or not. This is because that other local authority retains the responsibility for housing whether under s193, Housing Act 1996 or any other duty by which the other local authority retains responsibility for their accommodation. Households placed in North Somerset Council district under a homeless duty by another local authority who have been placed under that duty for more than 5 years will be allowed to qualify.

Please tell us if you agree with North Somerset Councils proposed policy change?

Yes            No

If no, please say why and what you feel is more appropriate or if you feel we should make any other amendments to the proposal?

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**Refusals**

North Somerset Council are proposing implementing reduced priority for applicants who have refused 1 offer of suitable accommodation. These applicants will have their banding reduced by one band for 6 months. For applicants who are in band D their applications will no longer qualify to be registered for a period of 6 months. Applicants who have refused 2 offers of accommodation will no longer qualify to be registered for a period of 12 months.

Those households accepted as statutory homeless and owed a duty to be housed; or whom have been granted homeless status under section 166A (3) (a) (people who are homeless within the meaning of part VII of the Housing Act 1996) will lose their priority status banding homeless award if they refuse a suitable offer of accommodation unless they have another reason to be awarded priority banding. The offer of suitable accommodation made will also bring to an end any statutory homeless duty to any of these applicants under section 193(2) or 195(2) Housing Act 1996 and they will be warned of this consequence at the point the property is formally offered to them.

Note if an applicant does not reply to an offer within 2 working days of receiving the offer it will be deemed to have been refused and the property will be offered to the next applicant on the register who qualifies for that offer.

Please tell us if you agree with the proposed policy change?

Yes            No

If no, please say why and what you feel is more appropriate?

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**Medical Assessments – Appendix B**

North Somerset Council will now be reviewing medical bandings annually on the date of the application renewal to ensure the banding priority remains correct.

Please tell us if you agree with the proposed policy change?

Yes            No

If no, please say why and what you feel is more appropriate?

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**Welfare Assessments – Appendix C**

North Somerset Council are proposing to complete regular reviews of Welfare priority banding awards. Draft policy states “There is an expectation that applicants who are awarded Band A welfare place regular appropriate bids. All welfare applications are reviewed every 4 months and could result in the removal of welfare banding. Reasons for welfare banding being removed can be for example an applicant not placing regular bids or the reason welfare banding had been given is no longer relevant.”

Please tell us if you agree with the proposed policy change?

Yes            No

If no, please say why and what you feel is more appropriate?

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**Other comments**

