

Report to Cabinet

Date of Meeting: 25 June 2019
Cabinet Member: Councillor Craig ab Iago
Contact Officer: Arwel Wyn Owen, Assistant Head Housing and Wellbeing
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Contact Telephone Number: 01286 679468
Title of Item: Gwynedd Common Housing Allocations Policy

1. THE DECISION SOUGHT

- 1.1. Approval of a new Common Housing Allocations Policy of letting social housing based on reflecting applicants' needs by placing them in a band rather than allocating points.

2. REASONS FOR RECOMMENDING THE DECISION

- 2.1. The Gwynedd Common Housing Register Partnership was established in 2012 in order to establish a common housing register and implement a common housing allocations policy for access to social accommodation in Gwynedd. The Housing Options Team in Gwynedd Council has the responsibility of administering the register on behalf of the partnership. Before 2012 there were 4 separate housing registers and 5 different allocation policies which created confusion and was an unsatisfactory situation.
- 2.2. Aspiration by the Gwynedd Common Housing Register Partnership to simplify the social housing allocation process through the implementation of a system that is easier to understand and to simplify the application process.
- 2.3. The Partnership decided to commission an independent review of letting arrangements and Baltimore Consulting conducted a review during 2018. The review included the role of the Housing Options Team in Gwynedd Council as well as the lettings departments of Grŵp Cynefin, Cartrefi Cymunedol Gwynedd and North Wales Housing.
- 2.4. One of the main outcomes of the survey was to confirm a recommendation that there is a need to improve and simplify the customer journey. The current allocation system, which is based on a points scheme, is a complex one and can at times be difficult to explain. There was also a desire to respond to some frustrations and to look at the emphasis placed on local connection.

3. INTRODUCTION AND RELEVANT CONSIDERATIONS

- 3.1. It is a statutory requirement, in accordance with section 167 of the Housing Act 1996, that all local housing authorities in Wales have a scheme (its housing allocation scheme) for determining priorities and the process to be followed in the allocation of housing. The Act also directs that reasonable preference must be shown to applicants who fall within certain categories.

- 3.2 The Housing Options Team has the responsibility of maintaining the register on behalf of the Partnership and the partners' vacant properties will be allocated to applicants from the register.
- 3.3 Section 167 (2) of the Housing Act 1996 states that 'reasonable preference' must be given to particular groups of people in the process of assessing housing need. These groups are:
- People who are homeless within the meaning of Part 2 of the Housing (Wales) Act 2014.
 - People who are owed a duty by a local housing authority under sections 66, 73 or 75 of the 2014 Act.
 - People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
 - People who need to move on medical or welfare grounds.
 - People who need to move to a particular locality in the district of the authority , where failure to meet that need would cause hardship to themselves or to others.
- 3.4 Part 6 of the 1996 Act enables housing authorities to use their discretion in framing their housing allocation policy in a way so that it will give additional preference to families who are in urgent housing need, and that its possible to prioritise between applicants on the basis of the following factors:
- financial resources
 - the behaviour of the applicant, or that of a member of the household
 - an applicant's connection with the area
- 3.5 It is recommended that applications for social housing in Gwynedd are placed in one of 4 bands, and using the discretion referred to in 3.4 above, the applicant's connection with Gwynedd is central to the bands. There is also provision for reducing priority of applicants who have displayed unacceptable behaviour, whether it be anti-social behaviour or debts with a member of the Partnership. Here are the details of the bands:

Band	Degree of Housing Need
1	a. Applicants in urgent housing need with a Gwynedd connection
	b. Applicants in urgent housing need (with no Gwynedd connection)
2	Applicants in housing need with a Gwynedd connection
3	Applicants in housing need with no Gwynedd connection and Applicants with reduced priority
4	Applicants with no housing need but with a Gwynedd connection

- 3.6 The Partnership has been innovative in its desire to try to maximise opportunities for local people to have access to social housing. Each band where Gwynedd connection applies (namely bands 1a, 2, 3 and 4) will be filtered, first, on the basis of 5 or more years of residence in the community where the property to be allocated is located, and then by date of receipt of the application. Applications with less than 5 years of contact with the community will then appear, again in order of date of receipt of the application. It is anticipated that this will maximise the opportunities for people with connections with Gwynedd and the community to be offered social housing.

- 3.7 It is anticipated that the new system will be easier for applicants to follow as each application will be placed in a particular band and therefore replaces the current system of allocating points which can be complicated. In order to improve the customer journey, a facility will be offered to submit an application for housing over the web through the Council's website.
- 3.8 With each new system some applicants will benefit and others get less priority. It is anticipated that the changes will mean applications that are in need of housing with a Gwynedd connection will generally be with a better chance of being offered a tenancy. Such applications, depending on the nature of the need, will appear in bands 1a or 2. Those candidates with 5 years or more connection with the community in which the property is located will naturally progress to the top of the band, again strengthening the local element.
- 3.9 Applications with less than 5 years Gwynedd connection will appear in bands 1b and 3 (depending on their housing needs). Also appearing in band 3 will be applications that would otherwise appear in a higher band, but because of behaviour or debt are being placed in a lower band. If there is an effort to improve behaviour and/or pay the debt the application will be elevated back to the original band. The policy also includes provision for a panel of professional officers to set a higher priority for some applications based on circumstances of the application.
- 3.10 As part of the consultation on the proposed allocations policy, the Partnership asked for views on the legality of the policy by Hugh James, a legal company who specialise in the field of social housing. Views were also sought from an expert in the field of social housing and homelessness, who is located in North Wales, on the practicality of the policy. The comments received have been incorporated in the policy in Appendix 1.
- 3.11 In the consultation process referred to below, the Council had intended to place applications with urgent housing needs but without a Gwynedd connection below applications with housing need with a Gwynedd connection. The Welsh Government raised concerns stating that the Council is opening itself to a challenge. The Partnership again asked for legal advice.
- 3.12 Following receipt of the advice the banding system has been amended to establish a policy that addresses Section 167 of the Housing Act 1996 beyond any doubt. Advice was given that it is not clear that the original model addressed the legislation and may be open to legal challenge. It is anticipated, however, that the real impact of implementing the change will be minor, with only 12 applications affected.

4. NEXT STEPS AND TIMETABLE

- 4.1. On receipt of the Cabinet's decision, work will commence to prepare for the implementation of the policy in its new guise. This will include:
- Informing applicants of the change and the likely impact on them. This is a statutory requirement in accordance with the Housing Act 1996.
 - Implement a computer system to administer the applications on the register
 - Re-assess each application to determine in which band they will appear
 - Implement a communications strategy to communicate the change with applicants, stakeholders, Councillors and the general public including potential applicants
- 4.2 It is planned to introduce the new regime during the autumn of 2019.

5. ANY CONSULTATIONS UNDERTAKEN BEFORE RECOMMENDING THE DECISION

5.1 The Welsh Government's Code of Guidance on the Allocation of Housing and Homelessness recommends a thorough consultation process where a local authority intends to make significant changes to its allocation policy. The code suggests contacting organisations that represent people with protected characteristics and marginal groups.

5.2 General Consultation

5.3 Various statutory and third sector organisations both locally and nationally were invited to participate in the consultation. Direct contact was made with those organisations to invite them to complete a questionnaire on the Council's website.

5.4 Consultation with Applicants

5.5 In addition, the Code and the law States the need to inform people who are likely to be affected by the change, namely the applicants on the housing register. The Partnership decided to go a step further and directly contact all applicants inviting them to take part in the consultation.

5.6 Each applicant was informed of walk-in sessions held during January/February 2019 and an opportunity for applicants to obtain more information about the proposed changes to the Allocation Policy. Events were held in Dolgellau, Pwllheli and Caernarfon. Applicants were encouraged to complete the consultation questionnaire on the Council's website and questionnaires are also available in each Siop Gwynedd and libraries across the county. A press release was issued to inform about the consultation and there were also frequent messages on the Council's social media throughout the consultation period.

5.7 Consultation with Councillors in Gwynedd

5.8 Presentations were held to Gwynedd Councillors in four sessions during the December 2018 round of forums / area committees. The Councillors' comments during those sessions, comments additionally submitted in person, and as part of the general consultation have been taken into account before submitting this final draft.

5.9 Numerous comments were submitted as part of the consultation and the Partnership has considered all comments. The Partnership has recommended that a number of those comments are incorporated in the Allocations Policy. The table below summarises:

Comment by	Details of the comment that was included in the Policy
Councillor	Move community connection over in cases where there is a need for a specialist property that is not available in the existing community, but is available in the neighbouring community.
Stakeholder	Include some groups of applicants who are owed a duty in accordance with section 75 of the Housing (Wales) Act 2014 and who are in temporary accommodation which is not entirely suitable for them

	as being in urgent housing need rather than in housing need.
Stakeholder	Include applicants who are homeless because they are fleeing violence as being in urgent housing need, but included in band 1a even if no they have no Gwynedd connection.

5.10 Views of the Statutory Officers:

i. Monitoring Officer:

I am conscious that the proposed Policy is a collaborative arrangement with other social housing providers in the area and the proposed policy has been the subject of joint specialist legal advice. From a propriety perspective the recommendation and the policy reflect the advice given.

ii. Statutory Finance Officer:

I understand there will be no financial commitments, over and above the Housing Options Team's existing resources, in endorsing this new policy for the allocation of social housing.

5.11 Local Member's View:

5.11.1 Not a local matter.

5.12 The Result of any Consultation:

5.12.1 The results of the consultation process have been considered as part of the process of drafting the final version of the policy. The results of the consultation questionnaire (via the Council's website and via paper questionnaires) are shown in Appendix 3.

Appendices:

Appendix 1 – Gwynedd Common Housing Allocation Policy

Appendix 2 – Equality Impact Assessment

Appendix 3 – Consultation Questionnaire Analysis

Background Documents:

None.