



RECORD OF DELEGATED OFFICER DECISION

SUBJECT

Changes required to the current Housing Allocation Scheme (2012) and the new Housing Allocation Scheme ((2014) to be implemented in October 2015) as a consequence of Part 2 of the Housing (Wales) Act 2014

PURPOSE OF ATTACHED REPORT:

The purpose of this report is to seek approval to make changes to Rhondda Cynon Taf's Housing Allocation Schemes (2012 and 2014) as a consequence of the new homelessness legislation contained in Part 2 of the Housing (Wales) Act 2014. The changes required are consistent with the policy decisions taken by Cabinet in November 2014 and will merely reflect the legal requirements of the new Act and Regulations and ensure the content of the operational guidance issued by Welsh Government is properly referenced in the Schemes.

DELEGATED DECISION (Date):

- Note the contents of this report and the changes brought in by Part 2 of the Act and the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 in relation to homelessness
- Approve the changes proposed to the Housing Allocation Scheme 2012 and the Housing Allocation Scheme 2014.

Chief Officer Signature

C. SINGARINI

Print Name

04/08/15

Date

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution

K. J. Marteau

3/8/15

CONSULTEE CABINET MEMBER SIGNATURE

DATE

P. J. [unclear]

4/8/15

OFFICER CONSULTEE SIGNATURE

DATE

Directorate:	Public Health and Protection
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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015/2016: REPORT TO ACCOMPANY DECISION OF THE GROUP DIRECTOR, COMMUNITY AND CHILDREN'S SERVICES

**Changes required to the current
Housing Allocation Scheme (2012) and
the new Housing Allocation Scheme
(2014) (to be implemented in October
2015) as a consequence of Part 2 of the
Housing (Wales) Act 2014**

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval to make changes to Rhondda Cynon Taf's Housing Allocation Scheme as a consequence of the new homelessness legislation contained in Part 2 of the Housing (Wales) Act 2014 ('The Act'). The Council is currently operating the 2012 version of the Housing Allocation Scheme. In October 2014, a new version of the Housing Allocation Scheme was approved by members, however, this will not be operational until October 2015 when the new Choice Based Lettings System is ready to go live. As such it is necessary to revise both the 2012 and 2014 versions of the scheme during this interim period to ensure that the version that is in operation complies with the relevant legislation.
- 1.2 In accordance with the Council's scheme of delegation this report has been prepared to accompany the decision of the Group Director of Community and Children's Services as described below.

2.0 RECOMMENDATION

- 2.1 It is recommended that
- the contents of this report and the changes brought in by Part 2 of the Act and the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 in relation to homelessness are noted

- The changes proposed to the Housing Allocation Scheme 2012 and the Housing Allocation Scheme 2014 are approved

3.0 BACKGROUND

- 3.1 The Council, as local housing authority, has statutory obligations under both the Housing Act 1996 and the Homelessness Act 2002 in relation to the publication of a Housing Allocation Scheme and for ensuring equality for all people with long-term housing need. Since 2002, the Council's Housing Allocation Scheme has been delivered through the operational mechanism of a Common Housing Register.
- 3.2 The Housing (Wales) Act 2014 received Royal Assent on 17 September 2014. Part 2 of the Act reforms homelessness law and includes a new strengthened duty on local authorities to take reasonable steps to prevent and relieve homelessness, with an emphasis on prevention; enabling local authorities to discharge their main homelessness duty through suitable accommodation in the private rented housing sector; and taking steps towards ending family homelessness. This part of the Act is effective from 27th April 2015
- 3.3 A new draft Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness 2015 has been issued by the Welsh Government and provides guidance to local authorities on how the changes to homelessness legislation should be translated into Housing Allocation Schemes.

4.0 CHANGES PROPOSED

4.1 Housing Allocation Scheme (2012)

4.1.1 Changes to Section 1

This section has been updated to reference :

- The Housing (Wales) Act 2014
- Draft Code of guidance for Local Authorities
- The Anti-Social Behaviour, Crime and Policing Act 2014
- The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

4.1.2 Changes to Section 2

This section has been amended as follows:

- Eligibility

Eligibility to apply for housing through a local authority Housing Allocation Scheme is prescribed by Welsh Ministers. 'The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014' has updated who is and is not eligible to apply for social housing and as such, the Housing Allocation Scheme has been amended to reflect these changes. The changes relate to people from abroad and those subject to immigration control and limits the eligibility of persons for allocation of social housing to those that can satisfy the habitual residence test and exclude those whose right to reside is because they are a jobseeker, have an initial right to reside, or have a derivative right to reside.

The draft Code of Guidance also suggests that where an applicant is determined to be ineligible to apply for social housing due to unacceptable behaviour then the Scheme should clearly outline ways in which such a decision can be reversed. The Scheme has been updated to include this.

4.1.3 Changes to Section 3

- Reasonable Preference and Homelessness

Under Section 66 of the Act, the Council has a duty to prevent an applicant who is threatened with homelessness and eligible for help, from becoming homeless and must 'help to secure' that suitable accommodation does not cease to be available for occupation by an applicant. This duty lasts for 56 days. The authority is not required to secure an offer of accommodation under this duty or to provide accommodation.

Under Section 73, the Council again has a duty to 'help to secure' that suitable accommodation is available for applicants who are homeless and eligible where the duty to prevent homelessness under Section 66 has been unsuccessful. This duty lasts for 56 days. The Council is not required to secure an offer of accommodation under this duty or to provide accommodation.

Under Section 75 the Council has a duty to provide secure accommodation for homeless applicants who are eligible and in priority need where the Section 73 duty has ended.

'Reasonable preference' in the context of Housing Allocation Schemes means that the Council must give priority to certain groups of people in its scheme as prescribed by legislation. The key change in relation to the Housing Allocation Scheme as a consequence of this new homelessness legislation is that the Council must now ensure that 'reasonable preference' is given in its Scheme to people who are owed a homeless duty by a local authority under section 66, 73 or 75 of the Housing (Wales) Act 2014 as described above. In Rhondda Cynon Taf, this means that applicants who meet the criteria for Section 66, 73 or 75 must be given priority (e.g. be awarded a priority Band) in the Council's scheme. It does not however mean that they must be given the same priority/band as long as the band that they are awarded would give them reasonable priority relative to the needs of other people within the same band and in relation to the scheme as a whole.

It is proposed that reasonable preference is given to applicants who are homeless, or threatened with homelessness as follows:

Section 75 applicants - **Band B**

Section 66 applicants (if likely to be in priority need) - **Band B**

Section 73 applicants (if likely to be in priority need) - **Band B**

Section 66 applicants (if not likely to be in priority need) - **Band C**

Section 73 applicants (if not likely to be in priority need) - **Band C**

This is felt to be a reasonable and rational application of the legislation for the following reasons:

- Applicants who are in priority need, or are likely to be deemed to be in priority need following an assessment are given a higher priority in the Housing Allocation Scheme than those who are not. It is only those that are in priority need that the Council has a duty to secure accommodation for.

- If applicants who are threatened with homelessness were awarded the same priority as those who are homeless this could put pressure on Band B in the scheme and also undermine the Council's prevention approach.

- Preference within the Scheme

Under the current scheme, the Council has the ability to reduce the priority of an applicant in certain circumstances for example, because of rent arrears or unacceptable behaviour. The new Code advises that the terminology used in these circumstances should be changes and the wording 'adjusted priority' should be used instead. The Scheme has been updated to reflect this guidance.

4.2 Housing Allocation Scheme (2014)

The changes to the Housing Allocation Scheme (2012) detailed in paragraphs 4.1.1, 4.1.2 and 4.1.3 have also been made to the Housing Allocation Scheme 2014. However, adjusted priority is only applied in this scheme to applicants with no local connection.

5.0 IMPLEMENTATION

5.1 The amended version of the Housing Allocation Scheme (2012) is attached at Appendix A. This will be implemented with immediate effect

5.2 The amended version of the Housing Allocation Scheme (2014) is attached at Appendix B. This will be implemented in October 2015 when the new Choice Based lettings Scheme becomes operational.

6.0 CONCLUSION

The changes proposed to the Housing Allocation Scheme in Rhondda Cynon Taf will ensure that it continues to be compliant with relevant legislation and fit for purpose in terms of addressing housing need in Rhondda Cynon Taf.

