

TEIGNBRIDGE DISTRICT COUNCIL

Executive

6th April 2021

PART I

Report Title	Devon Home Choice Policy Review
Purpose of Report	The Management Board of the Devon Home Choice scheme has undertaken a consultation on proposed changes to associated policy and procedures and this report provides more information about this. Individual local authority members of the scheme have been asked to approve the adoption of these changes.
Recommendation(s)	<p>The Committee RESOLVES to:</p> <p>(1) Agree the proposed changes to the Devon Home Choice scheme as detailed in section 2.3 noting that, of the 8 proposed changes:</p> <ul style="list-style-type: none">• Proposal 6 has been deferred by the DHC Management Board.• Proposal 7 has been rejected in principle by the DHC Management Board.
Financial Implications	Head of Corporate Services martin.flitcroft@teignbridge.gov.uk Please refer to section 3.1
Legal Implications	Solicitor to the Council and Monitoring Officer karen.trickey@teignbridge.gov.uk Before amending the scheme which amounts to a major change of policy (as noted in the report), in accordance with S166A(13) Housing Act 1996 the Council must send a copy of the proposed alterations to every private registered provider of social housing and registered social landlord with whom the Council has any nomination arrangements and provide them with a reasonable opportunity to comment on the proposals. It is assumed (although not clear from the report) that this has been addressed in some way as part of the consultation exercise and particularly given registered providers are partners to the DHC scheme. For the avoidance of doubt, if appropriate, it is advised that the required action is noted as having been undertaken; or if not, relevant action is undertaken before formal adoption. Please refer to section 3.2 in relation to the comments above.

Risk Assessment	Housing Needs Lead Email: tony.mansour@teignbridge.gov.uk Please refer to section 3.3
Environmental/ Climate Change Implications	Environmental Protection Manager david.eaton@teignbridge.gov.uk Please refer to section 3.4
Report Author	Tony Mansour, Housing Needs Lead Email: tony.mansour@teignbridge.gov.uk
Executive Member	Councillor Martin Wrigley
Appendices / Background Papers	Appendix 1- Proposed Changes to the Devon Home Choice Policy Appendix 2- Background data relating to the Devon Home Choice Register in Teignbridge.

1. INTRODUCTION / BACKGROUND

- 1.1 Local authorities are required to have allocation schemes which give “reasonable preference” to certain categories of those in housing need. In addition, housing can only be allocated to those who are “qualifying persons”, in accordance with the provisions of the Housing Act 1996. The statutory guidance issued in June 2012 provides direction on the factors which affect eligibility and qualification. Housing authorities are required to have regard to this in exercising their functions under Part 6 of the Housing Act 1996.
- 1.2 Historically, local authorities held housing waiting lists but since 2010 they have been expected to operate choice based lettings schemes. This way of letting homes represented an alternative approach to the management of housing allocations which had previously been based on the award of points to those in housing need. Schemes set out the basis on which additional points would be awarded and those with the most points generally had the highest priority for rehousing.
- 1.3 The Localism Act 2011 gave local authorities more freedoms with regard to decision-making relating to qualifying applicants who could register for rehousing. Whilst councils are required to give “reasonable preference” to some people as defined in the statutory guidance, they can manage the housing waiting list in such a way as to support any local priorities. Therefore, they can refuse to accept applications from those who are not in housing need.

- 1.4 Local authorities are also expected to have a tenancy strategy which must be shared with all the registered providers of social housing which work in their areas. These strategies must provide guidance to those registered providers. Our tenancy strategy is available to view on the council webpages.
- 1.5 In addition, local authorities are expected to have regard to their homelessness strategies when preparing or modifying their housing allocation schemes. Our Homelessness Strategy is also available to view on the council webpages.
- 1.6 It should be noted that, since 2012, successive Governments have issued further statutory guidance relating to qualification criteria. This includes reference to local connection and armed forces personnel, and to eligibility for social housing post-Brexit.

2. Devon Home Choice, Consultation and Proposed Changes.

2.1 Devon Home Choice

2.1.1 The Council works in partnership with the other local authorities in Devon to deliver a choice based lettings scheme known as Devon Home Choice (DHC). All the registered providers which operate in the Districts, and the two unitary authorities, which work across Devon are also involved in the scheme as partners, and representatives from each authority and from each registered provider sit upon the DHC Management Board. .

2.1.2 The aims of DHC, as stated in the policy document, are to provide:

- Choice for people seeking housing and the ability to move within Devon
- A common scheme across Devon that is transparent, easy to understand and accessible to all.

[A link to the Devon Home Choice Policy is available at the end of this report.](#)

2.1.3 DHC provides a common:

- Application form
- Housing register
- Approach to assessing housing need and awarding priority

- Approach to advertising available properties

2.1.4 The DHC scheme includes an assessment framework which contains detailed criteria against which housing need is determined. The circumstances of all housing applicants are considered in accordance with this framework and they are then placed into one of four bands, according to need, in descending order of priority.

2.1.5 The Council is a member of the Management Board which oversees the work of the two Officers employed to manage DHC. These Officers are employed by Exeter City Council on behalf of the partnership.

2.2 Consultation

2.2.1 The assessment framework provided by DHC has been reviewed on a number of occasions in recent years to ensure that any changes included in relevant legislation and statutory instruments were met, and in line with good practice. For example, changes arising from the Homelessness Reduction Act 2017 and associated Code of Guidance were implemented and also those relating to the regulations relating to the allocation of social housing following the UK's exit from the European Union issued in 2019.

2.2.2 The Management Board at the meeting on 11 September 2020 agreed that a number of changes being proposed were significant and therefore a public consultation should be undertaken.

2.2.3 The consultation aimed to obtain feedback from (including but not limited to) statutory agency workers, voluntary agency workers, existing tenants of a DHC partner landlord, and other DHC applicants.

2.2.4 In line with this decision, a consultation ran for 13 weeks from 1 November 2020 until 31 January 2021 on the DHC home page.

2.2.5 An appropriate message was added to the login pages of applicants together with a link to the consultation. In addition, a bulk email was sent to every active applicant on the register. A county-wide publicity strategy was agreed and on 23 November 2020, Members of the council were advised about the consultation in the Members News Letter.

2.2.6 In line with the project plan, the consultation responses were analysed during February and the outcome of the consultation responses were circulated to members of the Management Board on 1 March 2021. The policy review changes were agreed in principle at the meeting on 12 March 2021. The final agreement on the proposed changes will be made at a meeting of the Management Board on 29th March 2021. The Housing needs Lead will provide a further verbal update to The Executive on 6th April.

The findings of the Management Board against each proposal as available are set out in Section 2.3 below.

2.2.7 The Management Board was planning to publish the new policy and the results of the consultation on the DHC website with effect from 1 April 2021, however the Housing Needs Lead for Housing Services, along with a number of his counterparts at other local authorities has made the DHC Management Board aware of the decision-making timetable of the Council, and therefore the publication will be delayed until 1st May 2021.

2.3 The Proposed Changes

2.3.1 A list of the proposed changes to the DHC policy are shown in Appendix 1. More information of each of these is provided below.

2.3.2 Proposal 1 relates to bidding for larger properties where applicants are lacking 2 bedrooms.

It was suggested because currently there is a shortage of larger homes in Devon. In the private sector, families can make a choice as to whether or not to accept a home smaller than they need in practice because that home will offer more living space than their existing property. This proposal was agreed in principle by the Management Board in respect of 4 and 5 bedroom homes only:

- Households with a 4 bedroom need who are currently living in homes with 2 bedrooms will be allowed to bid for homes with 3 bedrooms.
- Households with a 5 bedroom need who are currently living in homes with 3 bedrooms will be allowed to bid for homes with 4 bedrooms.
- Homes will still be subject to a maximum occupancy level and allocation will still be at the discretion of the landlord.

- Applicants housed in a home smaller than their calculated bedroom need will be allowed to re-apply to the register but their band and band start date would be reset.

2.3.3 Proposal 2 relates to a new question on the application form regarding housing need criteria. That a new question is added to Section 1 (Housing need criteria), and a corresponding indicator or banding on the application to identify applicants who are interested in Rent to Buy or Build to Rent properties.

This proposal has been agreed in principle by the Management Board. It means that housing applicants will be made aware of home-ownership options which may be open to them as an alternative to social housing. This requires a new question to be added to the application form but does not require any change to the policy.

2.3.4 Proposal 3 relates to maximum occupancy of larger properties.

This arose due to the shortage of larger homes in the county. In many cases, the shortage of 6 and 7 bedroom homes available for large households is such that they may never be rehoused if the decision on an allocation is related to their bedroom need. However, many 4 and 5 bedroom homes can accommodate large households with the members of that household deciding how to make best use of the space available to them. Therefore, for example, in a family with several children, the largest bedroom may be used to accommodate four children in two sets of bunk beds.

The Management Board has agreed in principle that 4 and 5 bedroom homes are advertised using the maximum number of occupants as a restriction rather than the bedroom need.

2.3.5 Proposal 4 relates to occupancy of high-rise flats by younger children.

That Band C for 'Children under 8 above the third floor' is not awarded in blocks of flats where improvement works have been carried out, including windows fitted with restrictors, which would mean that the flats would be suitable for households with children under 8.

The aim of this change is to minimise the risk of serious injury or death to young children living in flats located above the third floor of a building.

This change was agreed in principle by the Management Board. It was agreed that this band reason should be removed from the policy.

Any existing applications which have Band C for this reason only will retain their current band. Where required, landlords should carry out person-based risk assessments.

2.3.6 Proposal 5 relates to those household members who cannot succeed to a tenancy following the death of a tenant. It gives some priority for rehousing to such cases provided they have lived at the home for 12 months and that if they have approached the local authority, that the authority has confirmed that s188 duty to accommodate is triggered, in line with homelessness legislation.

The change was agreed in principle by the Management Board.

2.3.7 Proposal 6 relates to management of financial risk.

It specifically relates to applicants who have rent arrears or have had rent arrears included in a Debt Relief Order or bankruptcy and there is a recommendation that a sanction is applied in these cases for a period of 2 years from the date of discharge of the debt.

This change has been deferred and a task group will be established to look at the proposal in more detail.

2.3.8 Proposal 7 relates to the provision relating to the assessment of cases where there is severe overcrowding.

Rather than referring to 2 children in a household lacking a bedroom, the proposal suggests that the policy will be amended so that the reference is to 2 people.

This change has been rejected by the Management Board and the agreement in principle is that there should be no change to the policy wording.

2.3.9 Proposal 8 relates to the award of priority for rehousing when hazards may be present in a home.

Environmental Health teams from different authorities were consulted. As a result of their recommendation, the Management Board agreed in principle that there should be no change to the policy of awarding Band B (a high priority for rehousing) to those households

which are so overcrowded as to mean that there is a Category 1 hazard (arising from the Housing Health and Safety Rating System – HHSRS) in relation to the overcrowding.

3. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

3.1 Financial

The Devon Home Choice scheme is funded by each of the local authorities with housing responsibilities in Devon, including the two unitary authorities Plymouth City Council and Torbay Council, and also by registered providers of social housing which make a payment in respect of each property advertised through the scheme. Although the proposal policy changes do not impact upon this, for clarity, currently, strategic housing authorities, of which there are 10 in Devon including TDC, pay £1k each to support the functioning of the scheme and all landlords pay £25 advertisement fee per property. The budget is reviewed by the Management Board including a representative of TDC (Tammy Hayes, Housing Solutions Lead) on a quarterly basis.

There are no direct budget implications arising from this policy review. The Devon Home Choice Policy sets out the Devon housing authorities' collective social housing scheme which determine priorities, and details the procedures to be followed in allocating housing accommodation as required by the Housing Act 1996. More information is provided under Legal Implication and within the report.

3.2 Legal

3.2.1 Part 6 of the Housing Act 1996 regulates the allocation of social rented housing by local authorities. Part 6 was amended by the Homelessness Act 2002, and, with effect from 18 June 2012, by the Localism Act 2011. Local authorities are not under a duty to maintain a housing register but are required to have an allocation scheme for determining priorities between applicants for housing which sets out the procedure to be followed when allocating housing accommodation. There is a regulatory requirement for registered providers of social housing to cooperate with local authorities' strategic housing functions and their duties to meet identified local housing needs. This includes assistance with local authorities' homelessness duties, and through meeting objectives in nominations agreements.

3.2.2 As referenced at 2.1.1, all of the district authorities, the two unitary authorities and all of the registered providers of social housing in Devon have representatives who sit upon the DHC Management Board. As a result, all of the registered providers of social housing operating in Teignbridge have been involved in the process of reviewing the Devon Home Choice Policy from the outset. If the Executive agree the policy changes that have been agreed in principle by the DHC Management Board, there will be no requirement to consult any further with registered providers of social housing operating within Teignbridge.

In the event that the Executive determines that Teignbridge should operate a policy which is divergent from that of the Devon-wide policy, a process of consultation with registered providers will be undertaken.

3.3 Risks

Failure to run a housing register that is transparent could result in complaints from people who feel that they have been unfairly disadvantaged and this could result in reputational damage.

3.4 Environmental/Climate Change Impact

None directly arising from this policy update. In wider terms, the ICT system used to administer the Devon Home Choice scheme is a cloud-based one. The council encourages anyone wishing to register for rehousing or those wishing to update their existing application to do so online, thus reducing the need for paper. The council will provide support to those who do not have internet access by assisting them with making applications or updating existing applications over the telephone. Previously, home visits were undertaken as necessary but these have been suspended since the start of the pandemic.

4. ALTERNATIVE OPTIONS

In the event that the Executive rejects the aforementioned proposed changes, Teignbridge District Council would be required to devise, publish and operate a divergent policy.

5. CONCLUSION

Members are recommended to agree the proposed changes to the Devon Home Choice scheme.

Links to relevant documents

Current Devon Home Choice Policy:

[devon_home_choice_policy_v9.3_january_2021.pdf](#)

