

**Cabinet Report – Wednesday 12<sup>th</sup> February 2014**

**Report of the Director of Adult, Community & Housing Services**

**Providing Social Housing for Local People – Statutory Guidance on Social Housing Allocations for Local Authorities in England**

**Purpose of Report**

1. To summarise the statutory guidance on Social Housing allocations for Local Authorities in England.
2. To make recommendation to ensure that sufficient regard is given to the statutory guidance.

**Background**

3. The Department for Communities and Local Government issued new statutory guidance in December 2013. The legal framework for allocations is set out in statute. The status of statutory guidance is that it supports the legislation and an authority must 'have regard to it' in framing policy.
4. The statutory guidance can be summarised as follows:-
  - a. There should be a minimum residency period of at least two years as a qualification criteria to access the Council housing waiting list.
  - b. This provision can be across authority boundaries to be able to accept each others' residents. The aim being to promote labour mobility in a wider geographical area.
  - c. To consider the adoption of additional qualification criteria where a strong local connection can be demonstrated. Examples given are family connection and employment. Members are asked to note this area of 'mobility' is intended to be dealt with under separate legislation 'Right to Move' which is anticipated to be issued in the Spring 2014 following a period of consultation.
  - d. Armed forces applicants and their families must not be excluded.
  - e. There must be provision for other exemptions. Examples given include people moving to escape violence, homeless families and care leavers who have been housed outside of the area.

- f. Specific arrangements may be made to encourage and facilitate downsizing and the allocation of hard to let properties.
  - g. Prioritising local connection, where the examples given refer to rural lettings and where a group of authorities adopt a wider residency qualification to give greater opportunity to those who live, work or have close family in one authority.
  - h. To promote how Social Housing is allocated, the purpose being to strengthen public confidence in the fairness of the scheme.
5. Under the remit of the Localism Act 2011, Local Authorities had been given greater freedom to determine their own rules for housing allocations. As a consequence consultation has already been undertaken. This was carried out at the Tenants Conference (22<sup>nd</sup> September 2012), online surveys, the Housing Working Group and the Environment Scrutiny Committee in March 2013.

### **Finance**

6. The costs have yet to be determined but in addition to staff resources there would be need for IT changes to current systems. Funding would be found from existing budgets.

### **Legal**

7. This guidance by the Secretary of State for Communities and Local Government under Section 169 of the Housing Act 1996, Local Housing Authorities are required to have regard to it in exercising their functions under Part 6 of the Housing Act 1996. The guidance is in addition to the Guidance for Local Housing Authorities in England on Allocation of Accommodation issued in June 2012.

### **Equality Impact**

8. The Guidance is clear in stating that whatever qualification criteria for social housing allocations authorities adopt, they will need to have regard to their duties under the Equality Act 2010. An Equality Impact Assessment has been completed, and any Impacts will be monitored following implementation. There will be a lead in time to implementation of the residency qualification, during which we will put in place appropriate services for those excluded, together with monitoring and reporting arrangements. Our Choice Based Lettings Scheme already has in place a Vulnerable Persons Strategy, which would be extended to provide for any vulnerable persons who may be excluded by the residency qualification.

### **Recommendations**

9. Cabinet agree to include a residency requirement as part of the qualification criteria requiring the applicant (or member of the applicant's household) to have lived in the Dudley Borough, subject to exemptions, for a period of two years. This should be implemented initially for a period of twelve months to enable full evaluation and assess the overall impact.

10. Authority is delegated to the Cabinet Member for Housing and Community Safety and Director of Adult, Community & Housing Services to consider the guidance and ensure that the allocations policy is in line with the requirements of this statutory guidance.



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**Andrea Pope-Smith**  
**Director of Adult, Community & Housing Services**

Contact Officer: Diane Channings  
Telephone: 01384 815063  
Email: [diane.channings@dudley.gov.uk](mailto:diane.channings@dudley.gov.uk)

### **List of Background Papers**

Department for Communities & Local Government, Providing Social Housing for Local People, Statutory Guidance on Social Housing Allocations for Local Authorities in England. (copies of which can be found in the Members room).