

Housing Strategy 2012/15, Tenancy Strategy, Tenancy Policy and Housing Allocations Policy: Post Consultation Report

Cabinet Member(s)	Councillor Philip Corthorne
Cabinet Portfolio(s)	Social Services, Health and Housing
Officer Contact(s)	Neil Stubbings, Residents Services Paul Feven, Finance
Papers with report	Draft Housing Strategy 2012/15 (Appendix 1) Draft Tenancy Strategy (Appendix 2) Draft Tenancy Policy (Appendix 3) Draft Housing Allocations Policy (Appendix 4) Outcome of Consultation (Appendix 5) Impact Assessment (Appendix 6) <u>Please note: hard copies of these appendices will be circulated to Cabinet and Executive Scrutiny Members only. Reference copies will be available in Group Offices.</u>

1. HEADLINE INFORMATION

<p>Summary</p>	<p>Cabinet gave its approval to consult on the collection of draft housing strategy and policy documents in January 2013. This report presents a summary of the outcome of consultation as well as a set of documents amended in light of comments received during the consultation process.</p> <p>The Housing Strategy (Appendix 1) illustrates how the Council will enable residents to live in homes of all tenures which are in good condition, energy efficient and well managed. It also describes services and specialist housing for vulnerable people who require assistance to live independently in the community. The strategy takes account of the flexibilities offered by the Government's localism agenda and implications of welfare reform including the opportunity to offer flexible (renewable, fixed term) tenancies for new social housing tenants rather than the tenancies that are currently offered.</p> <p>The Tenancy Strategy (Appendix 2) is the Council's guide for all registered social housing providers regarding how they should implement flexible tenancies in Hillingdon.</p> <p>The Tenancy Policy (Appendix 3) explains how the Council will implement flexible tenancies in its own stock.</p> <p>The Localism Act gives the Council new freedoms to revise the way in which social housing is allocated to reflect local priorities. The Housing Allocation Policy (Appendix 4) has been reviewed as a result and is included within this report for Cabinet approval.</p>
<p>Contribution to our plans and strategies</p>	<p>The Housing Strategy, Tenancy Strategy, Tenancy Policy and Housing Allocations Policy support the objectives of the Sustainable Community Strategy and the Health and Wellbeing Strategy.</p>
<p>Financial Cost</p>	<p>There are no direct financial implications arising from the recommendations of this report. All associated costs will be contained within future budgets prepared within the MTFF framework.</p>
<p>Relevant Policy Overview Committee</p>	<p>Social Services, Health and Housing Policy Overview Committee</p>
<p>Ward(s) affected</p>	<p>All</p>

2. RECOMMENDATION

That Cabinet:

- 1) Notes the outcome of consultation with stakeholders (as outlined in Appendix 5) on the Housing Strategy 2012-15, Tenancy Strategy, Tenancy Policy and the review of the Housing Allocations Policy.**
- 2) Accepts the amendments made to the Housing Strategy, Tenancy Strategy and Tenancy Policy following consultation as outlined in paragraph 34**
- 3) Formally approves the Housing Strategy 2012-15 (subject to approval by full Council), Tenancy Strategy and Tenancy Policy and the Housing Allocations Policy.**
- 4) Agrees to review of the operation of the Allocations Policy after one year so that Cabinet are able to consider whether any changes to the policy should then be made.**

Reasons for recommendation

The Housing Strategy, Tenancy Strategy, Tenancy Policy and Housing Allocations Policy are intended to result in the following benefits for Hillingdon residents:

- Timely and effective help and advice for households who approach the Council with a housing need;
- Allocation of social housing in a clear and transparent way, taking account of criteria decided locally;
- Better use made of Council housing for those who need it;
- The development of affordable homes to meet the needs of families who cannot afford market housing;
- Empty homes are brought back into use;
- Homes in the Borough have improved energy efficiency and fewer households live in fuel poverty;
- Older people and other people in vulnerable groups have the choice of living in housing especially designed for them, where care and support are provided.

Alternative options considered / risk management

The alternative options available to Cabinet are not to approve the draft documents with amendments made after consultation or to require further amendments to the documents prior to approval.

Policy Overview Committee comments

The Policy Overview Committee considered all four documents at its meeting on 30 January 2013.

The Committee enquired about how flexible tenancies would operate to use housing stock to its best advantage.

Some members of the Committee disagreed with the Council discharging its housing duty in the Private Rented Sector, the suggestion that 80% of market rents were affordable and the

removal of lifetime tenancies. They suggested the flexible term tenancy, if adopted, should be extended from 5 years to 10 years and suggested that carers could be exempted from this policy. It was suggested that a closely monitored list of private landlords should be created to provide assurance to tenants in the PRS.

The Council's discretionary "second succession" policy was raised in discussion and concern was expressed about instances of misunderstanding that had occurred under the current policy. Officers confirmed that tenants were entitled to one succession in law and that a recommendation would be made to Cabinet removing the discretionary second succession policy.

In relation to the Housing Allocation Policy, members asked for further clarification as to whether this would be decided by local criteria or local need. Officers explained that in all cases, the most vulnerable would be housed first but that the Localism Act would cater for some allocations to be made according to local needs.

With regard to the requirement that 10 years living continuously in the same location amounted to local residency, members asked how this might be applied to asylum seekers.

Asylum seekers do not have access to social or council housing. If asylum seekers meet requirements for housing while waiting for a decision on their application, they will be placed by the UK Borders Agency wherever suitable housing is available in the UK. They are not able to choose where to live and housing is not provided in London.

3. INFORMATION

Supporting Information

1 In January 2013, Cabinet approved the drafts of the Housing Strategy, Tenancy Strategy, Tenancy Policy and the Allocations Policy Review for consultation with stakeholders. After a period of eight weeks consultation, the Housing Strategy, Tenancy Strategy and Tenancy Policy have been amended and the final Housing Allocation policy has been drafted in light of the results.

2 This report provides a brief overview of the four documents, the outcome of the consultation and the documents themselves for formal approval. The Tenancy Policy and the Allocations Policy, if approved by Cabinet, will be implemented from a date to be agreed with the Leader of the Council.

Housing Strategy 2012-15 (Appendix 1)

3 The strategy sets out the direction for housing services with an over-riding mission to enable residents to live safe, healthy and independent lives. Services will be developed according to three strategic priorities:

- Managing demand – keeping residents independent, investing in preventative services to stop or significantly delay residents becoming homeless, in housing need or requiring ongoing social care.
- Managing supply – commissioning private and voluntary housing services, and social care, delivering support, choice and independence to vulnerable, complex and high dependence residents.

- Managing the support – efficient and effective in-house service provision that is focused on reablement, delivering time-limited interventions to effect change so that residents can learn or re-learn crucial skills to live independently.

Tenancy Strategy (Appendix 2)

4 All registered providers should have regard to the Tenancy Strategy in setting their tenancy policy for Hillingdon.

5 Under the Localism Act, the Government has introduced the freedom to grant flexible tenancies as a way of enabling local authorities to make use of this scarce and valuable public resource.

6 The security and rights of existing social housing tenants are protected, including when they move to another social rented home. However, provisions in the Localism Act allow for more flexible arrangements for people entering social housing in future. The Strategy states that social landlords can grant tenancies for a fixed length of time with the expectation that five years in Hillingdon will be the norm, with a minimum period of two years in exceptional circumstances. At the end of the fixed term, the household's circumstances will be reviewed by the social landlord. The tenancy can be renewed if the household still meets the appropriate criteria.

7 There is no upper limit on the length of tenancy and social landlords can still offer long term secure and assured tenancies if they wish. Flexible tenancies can however enable social landlords to manage their social homes more effectively and deliver better results for local communities. The intention within Hillingdon is for a five year period to be the norm.

8 Registered social housing providers (including the Council in its landlord role) must publish a tenancy *policy* before they can use flexible tenancies.

Tenancy policy (Appendix 3)

9 The Tenancy Policy shows how Hillingdon Council, as a registered provider of social housing, will allocate and manage social housing tenancies.

10 Flexible tenancies are recommended after one year probationary tenancies. Five year tenancies are proposed as the norm, with two year and secure and assured tenancies offered for individual household and property types, in accordance with the Draft Tenancy Strategy for the Borough. If the household still needs the accommodation the presumption will be that their tenancy will be renewed. Formal tenancy reviews are proposed no later than seven months before the end of the tenancy.

11 The Localism Act makes changes to the statutory right of succession for new secure and assured and flexible term tenancies starting after 1 April 2012. From the date of the Tenancy Policy's introduction it is proposed to limit succession to one succession which, for new tenants, can only be taken up by the deceased tenant's spouse (husband, wife, common law partner or partner from a civil partnership). There will also be one succession for existing tenants, but this can be taken up by the broader list of family members which is currently in use in Hillingdon.

12 Subject to the Government granting such freedoms to local authorities in the future, the Council could decide to increase the rent for a Council property to at least 80% of market rent in cases where the tenant's income is higher than a threshold to be determined by Government.

The reasoning behind this is that the household could afford either to rent privately or purchase on the open market. Guidance has not yet been published but Government consultation has set the possible figure at £60,000 or above. This income threshold is included in the review of the Allocations Policy. The additional rent would be used as a contribution to the cost of new affordable homes.

Housing Allocations Policy (Appendix 4)

13 The Localism Act introduces new flexibilities for local authorities to determine how they allocate social and affordable housing. The Housing Allocations Policy has been reviewed and revised to give priority to certain groups, reflecting local need and to build more sustainable communities. The review and revision of the policy has been carried out in light of the provisions of the Localism Act 2011, Welfare Reform Act 2012 and the Mayor of London's Housing Strategy. The revision has also taken account of new regulation, changes in housing market conditions and local priorities.

14 The Housing Allocations Policy ensures that:

- Priority will continue to be given to those in statutory "reasonable preference" groups;
- The scarce resources of social housing will be used flexibly and not provided to those households who do not require it;
- Social housing will be used as effectively as possible to meet housing need in the Borough;
- The use of social housing reduces reliance on inappropriate and costly forms of temporary accommodation;
- Vulnerable people within social housing are provided with stability and support
- The allocation of housing tackles health inequalities.

Outcome of consultation (Appendix 5)

15 The consultation period ran for eight weeks from 4 February to 2 April 2013. Several methods of consultation were employed to reach council tenants, residents and stakeholder organisations. In addition, the Council sent a copy of the Tenancy Strategy to private registered providers of social housing in the Borough, giving them an opportunity to comment. Registered providers were involved, at meetings and a consultative workshop, in shaping the content of the Tenancy Strategy. The Council also sent a copy of the Tenancy Strategy to the Mayor of London for his comments.

16 The four documents were made available to the general public on the Council's web site. Anyone wishing to respond to the consultation had a range of options open to them:

- Comments on the documents were sought at a number of meetings with stakeholder organisations, Council tenants, partners, residents associations and staff.
- Residents could complete an on line survey form,
- Residents could send a response to the Customer Engagement Team's postal or email address or could contact the Team by phone to provide a verbal response,
- A questionnaire was sent to a sample of Hillingdon residents.
- An alerting message was placed on Locata inviting bidders for social housing from the Council's housing register to respond to the public consultation.
- Members of the public, including those approaching the Council for housing assistance, were interviewed in person at three locations in the Borough.

- Copies of the documents were made available at the Civic Centre and at Libraries.

Outcome of the survey

17 The majority of the 404 people who responded to the consultation by returning a survey form were in agreement with the Council's proposals:

18 67% agreed with the proposed change from a lifetime tenancy to a tenancy limited to a length of five years. There was very strong agreement (94%) with the proposal to retain lifetime tenancies for older people in sheltered and extra care accommodation. There was similar strong support (81%) for varying the length of tenancy in specialist housing where, for example, people with a disability might be helped to live independently.

19 81% of respondents agreed that a flexible tenancy would not be granted if a household had sufficient income or assets to meet their housing needs on the open market. 76% agreed that a tenancy would not be granted if the property were larger than was needed by the household.

20 A very high percentage of respondents (87%) agreed with the proposal that a flexible tenancy would not be granted if tenants had not met the standard conditions of a previous tenancy.

21 Just over half (55%) of respondents agreed with the proposal that households without priority need would no longer be able to join the housing register. Many commented that there seemed little point in being on the register if the wait was so long, agreeing with the principle of reducing the size of the list. Others who disagreed or were unsure viewed joining the register as a basic right regardless of the waiting time.

22 79% of respondents agreed that households must be resident in Hillingdon for ten years in order to join the housing register. There was an overwhelming majority agreement (87% of respondents) with the proposal that recent former members of the armed forces should receive additional priority for social housing. 67% agreed that working households should receive additional priority, but only 41% agreed that working couples aged over 21 should do so. There was a view that everyone needs a home, but that working couples without children should be able to afford to rent or buy in the private sector and that couples with children should have priority.

23 The proportion of respondents who agreed with the proposal that the Council would be able to house homeless households in private rented accommodation, even if the household wanted to wait for suitable social housing to become available, was 64%. Those disagreeing or unsure saw the loss of family support as a major difficulty and thought that private sector landlords may seek to gain from the situation:

24 85% of respondents agreed that households on the housing register which made bids and then refused an offer of a social rented home three times should not be allowed to bid for six months.

25 65% of respondents agreed that homeless households in temporary accommodation for longer when compared with others in the same priority and bed size can be directly allocated a settled home. Some respondents commented that the settled home should suit the family in terms of size and location.

Outcome of consultation meetings

26 The following is a summary of the key points that were made at the range of stakeholder meetings which were held during the consultation. It is important to note that these comments are most typical of those which were made by individuals during a range of meetings with stakeholders.

Comments on the Tenancy Strategy

27 [Note: The Government's new Affordable Housing model enables social landlords to set rents for new homes at up to 80% of market rent levels.] Comments were made that homes with rents set at 80% or even 65% of market rent could be unaffordable. The strategy states that rents will be set at an affordable level, and that affordable means no more than 40% of income is spent on housing costs. Respondents felt that spending 40% of a higher income on housing costs has a significantly smaller impact than spending 40% of a lower income. A more flexible sliding scale was felt to be more appropriate.

28 The various exemptions to the five year flexible tenancy term were welcomed but concern was expressed regarding the five year tenancy length for older people in general needs housing. There was, however, acceptance that the end of the tenancy would be an opportunity to access sheltered or extra care accommodation if needed. Respondents felt that in extra care accommodation, lifetime tenancies should be granted not just to older people but to younger people who are placed in extra care because they have a disability. Parents and other family members will want reassurance that they are permanently housed, especially if the tenant has moved into extra care from residential care.

Comments on the Tenancy Policy

29 Some questions and concerns were raised at meetings concerning when tenancy succession can take place. The legal requirement is for one succession only. It is proposed to remove the discretionary tenancy policy for new and existing tenants. For new tenants the statutory succession will be limited to the deceased tenant's spouse. However, existing tenants will retain existing statutory and contractual succession rights which include a wider group of relatives. This broader range of eligible relatives for existing tenants was welcomed by those attending consultation meetings.

30 It was accepted as fair that there should be an income level above which the Council could charge 80% of market rent or market rent, as long as the income level was set at the relatively high level of £60,000 or more. It was also general accepted that the Council and other providers must manage the scarce subsidised resource of social housing as well as possible. It was felt that the needs of some on the housing register may be higher than those of the children of a number of current tenants.

31 Respondents questioned whether the rent could be lowered again for households charged an Affordable Rent (80% of market rent) if their income then falls below the designated threshold at a later date. There are households in private rented accommodation that the council are paying the rent for. Respondents asked whether it would make more sense for the Council to buy these properties and pay the mortgage on them.

Comments on the Allocations Policy

32 Concern was expressed about housing people in private rented accommodation outside the Borough. Respondents thought that this should be kept to a minimum and that the vulnerability of family members should be taken into account when allocating properties.

33 It was strongly felt that allocation should be by housing need rather than local criteria, and that there may be legal issues relating to the 10 year residency requirement. The ten year residency rule to get on to the housing register runs the risk of challenge if adopted. Several comments were made that the policy may not meet equalities objectives by appearing to give preference to the established population.

Details of the outcome of the consultation and the methods used are supplied in the report at Appendix 5.

Key changes as a result of consultation

34 The documents remain largely unchanged following consultation, with the most changes being minor changes to text to improve readability and correct any drafting errors. Those changes that are more significant are detailed below.

- No significant changes have been made to the Housing Strategy.
- The Tenancy Strategy and the Tenancy Policy have been amended so that lifetime tenancies, as well as being granted for older people in extra care, will also be extended to younger people who are placed in extra care because they have an enduring disability, if they were previously housed in residential care.
- The Allocation Policy has been amended to:
 - disregard military compensation when assessing the assets of former service personnel,
 - add reference to assets abroad resulting in prevention to access to social housing,
 - amend the reference to the use of Locata to make it clear that the Council will continue to use choice based lettings.

Financial Implications

There is no immediate financial impact from the proposed recommendations. The implementation of the Housing Strategy as set out in this report will be contained within resources approved by Cabinet over the life of the strategy. The Resources Section within the Housing Strategy document provides further information on funding and planned spends. The resources outlined could be increase by further funding from additional grants which could be made available to the Council in the future. These will be submitted to Cabinet as they become available.

The strategy covers the Council's responsibilities within both General Fund and The Housing Revenue Account (HRA). The self financing settlement signalling the ending of the HRA subsidy regime provides a sounder basis for long term planning as it removes the funding volatility that was inherent within the subsidy system. Hillingdon was required to take on additional debt of £191.6m in exchange for the annual (negative) subsidy payments in the region of £18m. Although the substantial increase in debt poses a financial risk from adverse interest rate movements, these risks can be contained by an appropriate Treasury Management strategy.

By clearly setting out priorities, the Housing Strategy can ensure that the approved resources are used in line with best value. The £1.7m savings from extending the range of supported housing options for people with learning disabilities, physical disabilities, and mental health problems who are currently in residential care is an initiative that involves a wider consideration of housing needs for the wider community including clients of adult social care. This provides an example of potential of the HRA to have a positive link with General Fund services.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

A revised housing offer will be developed for Hillingdon residents. As a result residents will find that:

- Allocation of social rented housing is conducted in a more transparent way;
- Local factors are taken into consideration when social rented housing is allocated;
- Households will receive proactive advice and support if threatened with loss of housing benefit;
- Their homes are more energy efficient as a result of funding for planned improvements;
- Well designed new homes including new affordable homes are provided to meet local housing need;
- Flexible length tenancies will help the social housing stock be better used to meet need;
- Council homes are kept safe, in good repair and up to date;
- Vulnerable residents are able to live independently at home with the care and support they need.

Consultation Carried Out or Required

A wide ranging public consultation with stakeholders has taken place between 4 February and 2 April 2013. The full results of the consultation are included at Appendix 5 to this report and a summary of the main findings is included at paragraph 15 above.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and accompanying Appendices that set out the Housing Strategy 2012/15. Although acceptance of the recommendations to approve the strategy does not give rise to any immediate financial implications such programmes once planned and implemented will require resource allocation. This will be achieved via the Council wide MTF process and aligned to budget setting for the Council as a whole whilst recognising the ring fenced nature of the resources provided through the HRA.

The Localism Act has seen the abolition of the Subsidy system whereby rents were largely pooled nationally and redistributed. This strategy covers the first four years under the self-financing regime introduced in April 2012 and should eliminate instability caused by annual determinations of subsidy thus enabling improved long term strategic planning. In the transition from subsidy to self-financing, Hillingdon was required to undertake £191.6m of national housing settlement debt in return for retention of annual subsidy payments of approximately £15m which were due to rise to £20m over the forthcoming years. A treasury portfolio has been

designed according to the principles agreed by Cabinet to finance this debt at an average weighted rate of interest of 2.5%, thus, leaving sufficient resources to make provision for the repayment of both settlement and existing principal debt over the next 30 years alongside resources for enhancement of service provision and headroom for future housing development. The treasury strategy designed for Settlement assumed an additional £24m of borrowing for the Supporting Housing Programme. Any additional borrowing above this level will require additional ongoing revenue resources to finance.

The process of producing detailed budget plans within the MTFF will also necessitate consideration of risks that self-financing may bring with it alongside changes such as Right To Buy, housing benefit reforms and additional financing costs from increased borrowing that could impact substantially on HRA future income streams. These may also lead to financial implications within the GF in terms of GF Housing and Supported Housing proposals . '

Legal

This report seeks Cabinet approval of the Council's Housing Strategy, Tenancy Strategy and Tenancy Policy and the Housing Allocations Policy. The Borough Solicitor advises as follows:

Housing Strategy

Section 8 of the Housing Act 1985 requires the Council to periodically review the provision of housing accommodation in the Borough. This strategy outlines how the Council will discharge its duties to secure accommodation within the Borough.

Tenancy Strategy and Tenancy Policy

Section 150 of the Localism Act 2011 requires the Council to prepare and publish a Tenancy Strategy setting out the matters which providers of social housing and the Council are to have regard in exercising their tenancy management functions. Prior to adopting the strategy, the Council is required to consult with registered providers of housing within the Borough and also with the Mayor of London.

The report shows that the consultation has taken place. The Borough Solicitor confirms that there are no legal impediments to Cabinet adopting the strategy and policy.

Housing Allocations Policy

Part 7 of the Localism Act 2011 amends the provisions of the Housing Act 1996 concerning the allocation of housing accommodation by the Council. Before making any major change to its policy, the Council is required to consult with providers of social housing within the Borough under section 166A (13) of the Housing Act 1996.

Appendix 5 details the consultation exercise that has been carried out. It will be noted that in addition to consulting with providers of social housing, the Council has also consulted with applicants currently on the Council's Waiting List and relevant stakeholder organisations. Cabinet should consider the consultation responses and take these into account before deciding whether to change the current Allocations Policy. In this regard 77 % of consultees supported the Council's proposal to only allocate accommodation to applicants who have resided in the Borough for ten years.

Section 166A of the Housing Act 1996 requires the Council to ensure that the following applicants “have a reasonable preference in the allocation of accommodation”:

Applicants who are homeless or who are owed rehousing duties under the homelessness legislation.

People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory conditions.

People who need to move on medical or welfare grounds and

People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship.

An “additional preference” for accommodation must also be given to qualifying members of H.M. Forces and their families where the applicant is suffering from a serious injury that is attributable to the person’s service or where the applicant is required to leave service accommodation.

Section 166A(8) of the Housing Act 1996 also enables the Secretary of State to make regulations specifying “factors which a local housing authority must not take into account in allocating accommodation”. To date, no such regulations have been made by the Secretary of State.

In addition the Council must comply with its duties under the Equality Act 2010 and have regard to statutory guidance issued by both the Secretary of State and the Equalities and Human Rights Commission.

The Borough Solicitor advises as follows.

Reasonable Preference Criteria

The Equalities Impact Assessment shows that those applicants who are entitled to a statutory preference in relation to accommodation will continue to receive around 60% of lettings in the year 2015/16, with the remaining 40% going to local priority groups.

The Borough Solicitor confirms that this is considered to be a “reasonable preference” in accordance with the Council’s obligations under Section 166A of the Housing Act 1996.

Applicants from H.M Forces

The Report recommends that qualifying applicants from H.M Forces will be awarded a Band B for rehousing, with any applicants needing to move urgently because of a serious injury, medical condition or disability attributable to their service being awarded a Band A.

The Borough Solicitor advises that these proposals comply with the Council’s obligations relating to these applicants.

Local Connection

The Council proposes that all other applicants will not generally be eligible for Council accommodation unless they have a local connection with Hillingdon by having resided in the Borough for a 10 year period.

As stated above, the Secretary of State could have issued regulations restricting the Council's ability to take the issue of local connection into account, but he has not done so. However, The Allocation of Accommodation: Guidance for Local Housing Authorities in England issued by the Secretary of State in 2012, states that local authorities should not allow local priorities (such as local connection) to "dominate the Allocations Scheme".

As stated above, the proposed scheme will continue to ensure that applicants entitled to a reasonable or additional preference for housing will continue to receive this priority.

The changes proposed to the Council's current allocations policy have been subject to an Equalities Impact Assessment (EIA) to ensure that the Council complies with its duties under the Equality Act 2010.

Broadly speaking, the proposed changes will have a neutral effect on applicants with different ethnic origins – the priority that an applicant will have for housing depends entirely on their individual circumstances.

It could, however, be argued that by requiring applicants to have resided in Hillingdon for ten years before they become eligible for accommodation, the Council is indirectly discriminating against applicants from a BME background. This is because, as the EIA shows, BME applicants are less likely to have resided in Hillingdon for the ten year period.

Indirect Discrimination is unlawful under section 19 of the Equality Act 2010. The Statutory Code of Practice issued by the Equalities and Human Rights Commission states that an applicant claiming indirect discrimination "must show that they have personally suffered (or could suffer) the particular disadvantage as an individual".

The proposed allocations policy recommends that exceptions to the ten year local connection requirement be made in appropriate cases, such as applicants who have been subjected to domestic violence. An exception may also be granted where an applicant can demonstrate that they would suffer hardship if they were not considered for housing.

As stated in the EIA, it is not anticipated that BME applicants will suffer detriment if the ten year local connection requirement is introduced. However, by permitting exemptions to avoid hardship, the circumstances of all applicants can be fully considered and the possibility of an applicant suffering any disadvantage avoided. Further, by reviewing the operation of the Allocations Policy after one year, Cabinet will be able to consider whether any changes to the policy should then be made.

The Council also has a duty under section 149 of the Equality Act 2010 to "have due regard to the need to advance equality of opportunity between persons with different protected characteristics" (race, disability etc). The EIA does not suggest that the proposed changes to the Allocations Policy might possibly breach section 149, but again this will be assessed by Cabinet once the new scheme has been in operation for one year.

Relevant Service Groups

Comments from Social Care and Health have been incorporated into this report.

6. BACKGROUND PAPERS

NIL