

REPORT TO: Cabinet

MEETING DATE: 14 November 2017

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Housing Allocations Policy – Interim Amendments

1 PURPOSE

- 1.1 To update Cabinet on Housing Allocation Policy review arrangements and to approve interim action required to mitigate against the impact of the recent further amendment to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004 (amended 2014) on the Council's housing allocations.
- 1.2 To also approve a further small change in respect of low priority medical cases (Category C).

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to:
 - 2.1.1 note the arrangements for a full review of the Council's Allocations Policy and that a further report detailing the timescales and scope of the review, along with proposed allocations targets for 2018/19, will be reported to Cabinet for approval in January 2018;
 - 2.1.2 approve the revised wording to be contained within the Council's Housing Allocations Policy in relation to detailed elements affecting all applicants accepted for rehousing under current homelessness legislation. Specifically that a mandatory review will take place of both the applicant's property types and areas of choice after a reasonable period of time – with the aim of achieving an offer of settled housing for the applicant and in turn allowing the Council to fulfil its statutory obligations (para 3.9); and
 - 2.1.3 approve that Category C medicals (closer to care/support or where a minor mobility issue is present) are no longer given immediate priority for ground floor adaptable or ambulant disabled property over those with a greater assessed need for re-housing.

3 BACKGROUND

- 3.1 The Council operates a Groups and Points Allocations Policy, which has been operational since its introduction in July 2007 following a major review of the previous policy. Some small changes have been made to the policy over the last few years. The most recent are referred to in the report to East Lothian Council (25 February 2014).
- 3.2 The main objective of the Allocations Policy is to meet the Council's legal obligations specified in Allocations and Homelessness legislation. The policy, along with other associated actions, will also help the Council make best use of its housing stock. In addition, the policy assists the Council to achieve, along with other complementary actions, balanced and sustainable communities through local lettings plans.
- 3.3 A full review of the Council's Housing Allocations Policy is underway. A further report detailing the timescales and scope of the review, along with proposed allocations targets for 2018/19, will be reported to Cabinet for approval in January 2018.

Legal Obligations

- 3.4 The Allocation Policy review will require to accommodate the changes contained within the Housing (Scotland) Act 2014 and to reflect local circumstances and pressures a full four years on from the last review. The review expects to conclude within 12 months once final guidance and commencement dates for implementation of the 2014 Act have been published by Scottish Government (this is now expected in February 2018).
- 3.5 In addition, the Scottish Government want to ensure that all homeless households spend the shortest possible time in temporary accommodation before moving to settled accommodation. As such the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 was enacted.
- 3.6 The Order states that persons who are pregnant or who have dependent children and those who might reasonably be expected to reside with them cannot occupy unsuitable temporary accommodation i.e. bed & breakfast for longer than fourteen days in total. It is the intention of the Scottish Government to further reduce the maximum time allowed in bed & breakfast to seven days.
- 3.7 The impact of this reduction will mean increased pressure on existing Council provided temporary accommodation and the need to supplement it further from general housing stock.
- 3.7 Mandatory data collection was introduced by the Scottish Government in April 2016 to monitor the use of bed & breakfast accommodation as an option for families. East Lothian Council are one of only two local authorities who breached the Unsuitable Accommodation Order in 2016-17.

- 3.8 In addition, the Scottish Housing Regulator as part of the Local Area Network scrutiny activity has noted ongoing concerns over the high numbers of people in bed and breakfast and temporary accommodation generally with increasing length of stays in such accommodation.
- 3.9 To mitigate against the immediate impact of the amendment to the Unsuitable Accommodation Order and to encourage movement within temporary accommodation, it is proposed to strengthen the existing wording contained within the Council's Allocations Policy which relates to property types/areas of choice for all applicants accepted for rehousing under homelessness legislation - with a view to maximising their opportunities for rehousing.

Current Wording.

However, applicants who have been assessed as homeless and who have not received an offer of housing within 12 months will be invited to discuss their application for housing with their Homelessness Officer. This may result in a mandatory widening of areas of choice to enable an offer of housing being made. This is to allow the Council to meet its statutory obligations.

Section 8.4 Areas of Choice. East Lothian Council Allocations Policy (2013)

New Wording.

*However, applicants who have been accepted for rehousing under homelessness legislation and who have not received an offer of housing within **3 months** will be required to meet with their Homelessness Officer to review their application where existing areas and house types are not realistic. This will result in a **mandatory widening of areas of choice, property size (in accordance with existing occupancy levels) and include all property types** (unless there is a relevant health assessment to indicate otherwise) to enable an offer of housing being made. This is to allow the Council to meet its statutory obligations.*

Suitable Ground Floor Property

- 3.10 The Council approved a change to the allocations policy in February 2014 that resulted in the setting aside of suitable ground floor property for allocation to those with mobility needs in the first instance. Only when the transfer and general needs lists had been exhausted, could an offer then be made to the highest placed applicant without medical points.
- 3.11 In addition to rehousing those with higher level medical and mobility issues, this approach has resulted in 91 allocations to Category C medicals since its introduction and in this context, can be seen as being successful in helping meet these needs. However, given the acute homeless pressures revealed in today's preceding report, it is difficult to continue to argue that these minor medical cases should continue to be prioritised over those households that the Council has a statutory duty to rehouse.

- 3.12 This change will free up a welcome additional four to five percent of our ground floor mainstream housing stock per annum for homeless households.

4 POLICY IMPLICATIONS

- 4.1 The new policy position will allow the Council to work with those who have not yet received an offer of housing to maximise their opportunities and encourage throughput of temporary accommodation.
- 4.2 The new policy positions will assist the Council in meeting its obligations as outlined in the further proposed amendment to The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014.
- 4.3 The Council's Allocations Policy will be reviewed in the next 12 months to ensure compliance with the Housing (Scotland) Act 2014 and to reflect local circumstances and priorities. A further detailed report will be presented to Cabinet in January 2018 in this regard.

5 INTEGRATED IMPACT ASSESSMENT

- 6.1 A full integrated impact assessment will be undertaken as part of the Allocations Policy Review.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – the measures included within this report should help reduce length of time homeless households spend in temporary accommodation and B+B, therefore easing the current budgetary pressures on the general services funded Homelessness budget.
- 6.2 Personnel - none
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 Housing Allocations Policy Review – Report to Council (February 2014).
- 7.2 Housing Allocations Policy – Members Library Ref: 23/14 (February 2014).

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DATE	2 November 2017