



## **Background**

Section 166a of the Housing Act 1996 requires local housing authorities to have a policy in place for determining priorities and procedures to be followed in allocating housing. The Allocation Policy must set out the Council's policies relating to the allocation of social housing and the procedures and processes used by officers to implement those policies. Priority for accommodation must be given to the groups who fall within the statutory reasonable preference categories, namely:

- People who are homeless (within the meaning of Part 7 of the Housing Act 1996);
- People who are owed a duty by a local housing authority;
- People occupying insanitary or overcrowded housing, or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds;
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

The latest Housing Allocation Policy was last published in Spring 2018 and is due to be updated to reflect wider policy and law changes. In response to increasing demand for social housing and the existing levels of homelessness, amendments to the allocations policy are needed to ensure that it reflects current priorities, and to ensure that applicants with most acute need are prioritised. There are currently over 3,000 households on the housing register with less than 200 lets being made per annum. It is therefore likely that many of those on Spelthorne Borough Council's housing register will never move into social housing.

In light of the above, a number of changes to the existing Housing Allocations Policy have been proposed to ensure the Housing Allocation Scheme more accurately reflects the rehousing priorities for the borough. The priorities for the Allocations Policy are:

- Reducing the number of homeless households who are living in unsuitable and costly emergency accommodation;
- Reducing under occupation and severe overcrowding;
- Supporting those who are fleeing domestic abuse;
- Delivering on our corporate responsibilities, including our role to support members of the armed forces who are in housing need;

Spelthorne Borough Council are now inviting the public to respond to the consultation and an outline of the main changes to the policy are summarised below.

## The Proposed Changes to the Housing Allocations Policy

### Changes to the banding structure (Section 2.9 and Appendix 1)

- Reducing the existing number of 7 bandings to 5. The new bandings will be:

Band A	Emergency/Priority
Band B	Urgent need to move
Band C1	Identified need to move – all applications including transfer cases
Band C2	Cases with a reasonable preference need but no local connection
Band D	Low housing need and no 'deemed' housing need

- Applicants assessed for overcrowding by the Council's Environmental Health team will now be placed in the associated banding depending on the assessment outcome and varying level of need. Those assessed as Statutorily Overcrowded (within the meaning of Part 10 of the Housing Act 1985) where the applicant has not worsened their housing situation without good reason will be placed into a band A. If the applicant is assessed under the Housing Health & Safety Rating System as a Category 1 Hazard, they will be placed in Band B or if assessed as a Category 2 Hazard, they will be placed in Band C.
- As in line with the Armed Forces statutory guidance introduced in June 2020 by Department for Levelling Up, Communities and Housing (DLUCH), banding priority will now also be awarded to divorced or separated spouses (or civil partners) of service personnel who need to move out of accommodation provided by the Ministry of Defence.

### Changes to the qualification criteria (Section 2.3 and 2.4)

- Where family connection is used as an applicant's only local connection to the borough of Spelthorne, the applicant must be able to demonstrate (through evidence) that the family member or the applicant has a current and ongoing unique welfare and / or health need and the applicant's reason for living in the Borough is to support the family member or to receive support from a family member, which must be evidenced by professionals supporting the household.
- Where employment is used as an applicant's local connection, the applicant must be able to demonstrate a certain number of hours worked based on household make-up. For a single person, this is 16hrs per week and for a couple, 24hrs per week. These hours are replicated from DWP's calculation of tax credits. Furthermore, this local connection has been amended to detail the considerations for zero-hour contracts, self-employed applicants who have a business registered in the borough of Spelthorne and Key Workers as detailed in a separate Key Worker policy.
- As in line with the Armed Forces statutory guidance introduced in June 2020 by DLUCH, any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded from the savings threshold. All other applicants must not have a total household savings greater than £30,000.

- The maximum income threshold to qualify for the housing register has been updated and differentiated for single and joint applicants. To qualify, single person household applicants must not have an income higher than £30,000 net and applicants joint household income must not be greater than £60,000 a year net.
- Social housing tenants on a probationary tenancy without an identified housing need will not qualify for the housing register unless in exceptional circumstances per Spelthorne Borough Council's discretion.
- Applicants have the responsibility to satisfy the Council with appropriate information and evidence to demonstrate that they meet the qualification and eligibility criteria throughout the lifetime of the application. Such examples include, providing payslips to demonstrate continuous employment in Spelthorne for local connection or bank statements to demonstrate an applicant remains under the threshold for income and savings. All information may be subject to enhanced verification checks.
- People in prison who apply to join the register will now be unable to join, as they will be classified as not having a housing need whilst in prison. However, 56 days before release they can make a homeless application to the Council if they are threatened with homelessness. If they are assessed by the Council as being owed a homelessness prevention duty, they will be able to make a housing register application prior to release. Furthermore, applicants who are on the Register and subsequently serve a prison sentence, will have their application suspended during their prison stay. Any length of time that is accrued during the suspension of the application will not qualify towards the applicant's priority date and thus the priority date will be re-set upon any subsequent reactivation of the application.
- The disqualification criteria outlines a specific section for those who are deemed to have 'deliberately worsened' their circumstances and will therefore be disqualified from the housing register for a minimum of 5 years. Such examples include:
  - Applicants who give up a home they that owned, rented, shared, or had rights to but chose to leave or dispose of within the last 5 years of an application being made. This includes 'gifting' a home to friends and/or relatives, both within and outside the UK, where they could have reasonable been expected to reside, or to sell, using the proceeds to resolve housing difficulties
  - Applicants who have given up a social housing tenancy within the past five years, not due to violence / threats of violence / harassment / anti-social behaviour / domestic abuse / hate crime, or any other similar danger to life and welfare.
  - Applicants who deliberately overcrowd their home, either with or without the objective of obtaining priority for social housing (section 2.14 outlines assessment of overcrowding and bedroom shortages).

- Applicants who deliberately move to a home which was clearly unaffordable, either with or without the objective of obtaining priority for social housing.

### Other Changes

- Joint applications may now be made by friends in specific circumstances at the discretion of the Council
- Introduced auto bidding for all accepted homeless applicants. This maximises the number of properties available to let and where a bid results in an offer of accommodation, and this property is deemed to be suitable, this will normally be deemed to be a final offer of accommodation which will end the homelessness duty under Part 7 of the Housing Act 1996 and Homelessness Reduction Act 2017. This is subject to right of review.
- Moving from the 'SEARCH Moves' domain to 'Homes4Spelthorne' due to the partnership split between the Council's of Runnymede and Spelthorne. Homes4Spelthorne will be exclusive to applicants on Spelthorne Borough Council's housing register.
- Preferential advertising to working households has been updated to reflect the value placed in community contribution. The existing policy sets aside approximately 10% of all properties advertised to working households which are then further prioritised by band. This is to give special recognition to the importance of incentivising work. This section of the policy has now been expanded to give preferential advertising to applicants who are volunteers and who have volunteered for a minimum of 16 hours a week, for at least 6 months out of the last 12 months, for a registered charity which provides a service to the Spelthorne community.
- The overall policy has been updated to reflect wider policy and legislation changes since its last inception. For example, Homelessness Reduction Act 2017, Data Protection Act 2018, Improving Access to Social Housing for Members of the Armed Forces Statutory Guidance 2020, Domestic Abuse Act 2021, Homelessness Code of Guidance 2018 (updated 2021), and Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012 (updated 2021).