

Community Wellbeing & Housing Committee



Date of meeting: 11 June 2024

Title	Housing Allocations Policy Amendments
Purpose of the report	To make a decision
Report Author	Marta Imig, Strategic Housing Lead Steph Green, Assistant Strategic Housing Lead
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not Applicable
Corporate Priority	Addressing Housing Need
Recommendations	Committee is asked to: Approve the amendments to the Housing Allocations Policy
Reason for Recommendation	Following approval and implementation of the Housing Allocations Policy (approved June 2022), we have identified a contradiction in the policy wording that we would like to correct.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> Following Committee's approval of a new Housing Allocations Policy in June 2022, we have identified a contradiction in the policy wording that we would like to correct. 	<ul style="list-style-type: none"> Parts of the older policy wording need to be updated in line with what was consulted on and approved, as it currently contradicts itself. To protect the Council from being legally challenged on its housing register application decision making.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Amend the wording in the policy that is currently impacting a very small number of cases. 	<ul style="list-style-type: none"> If approved, the wording will be amended, and an updated version will be published on our website.

2. Key issues

- 2.1 There is currently a contradiction within the Housing Allocations policy wording. This is due to older wording retained within the document that was not updated to reflect the new policy changes.
- 2.2 Following an extensive review, a consultation with Registered Providers / the public, and final Committee approval in June 2022, the Policy was implemented in Autumn 2023 after a system upgrade was needed. This required all applicants on the housing register to reapply so that they could be assessed against the new policy.
- 2.3 Subsequently, an officer noticed a discrepancy within the policy; this is further detailed in Appendix A. In brief, the policy suggests applicants will be removed from the register for a period of 5 years if certain circumstances are found to be given. However, the policy also suggests that instead of removal, the applicant will be demoted to a lower banding. The latter is incorrect and the wording needs removing.
- 2.4 This discrepancy is currently impacting a small handful of applications (3 cases as of 16/04/24) who have not been unduly disadvantaged. However, this number may increase if the errors are not addressed.
- 2.5 Following notification of this initial wording discrepancy, further proofreading of the policy has been undertaken by several members of the Housing Options team to check for any errors, typos or points for clarification. These are also highlighted in Appendix A for the Committee's consideration.

3. Options analysis and proposal

Option 1: Approve the amendments (recommended)

- 3.1 This option is recommended to ensure our policy is consistent to enable the fair banding of housing register applicants. It also provides clarity to both officers and applicants when decision making is taken.

Option 2: Do nothing

- 3.2 An inconsistency will remain within the policy which could lead to applicants appealing our decision making or possibly lead to legal challenges.

4. Financial management comments

- 4.1 Not applicable.

5. Risk management comments

- 5.1 If option 2 is chosen, there is a risk of future appeals or legal challenges. To mitigate this, we would need to consider offering the decision that is to the advantage of the applicant, in this instance, by not removing them from the housing register and demoting them to a lower band instead. However, this would oppose the Council's position on ensuring that the limited social housing available is only accessible to those who are eligible.

6. Procurement comments

- 6.1 Not applicable.

7. Legal comments

- 7.1 Legal have reviewed the Constitution and advised that this matter needs to be presented to the Community Wellbeing and Housing Committee for the error

to be removed from the policy that was adopted back in 2022 as any significant variation to an existing policy is not delegated to officers.

- 7.2 If option 2 is chosen, consideration will need to be given to potential appeals or legal challenges where an application is removed, due to the inconsistent policy wording.

8. Other considerations

- 8.1 The genuine error noted in 2.3 of this report is strengthened by the public consultation that was undertaken April-June 2022 on the Housing Allocations Policy. The public consultation was clear in highlighting a summary of key changes which included the removal of certain applications for 5 years and not to demote them to a lower banding. It was clear that this was the direction of change. The summary of key changes was also attached as an appendix to the Committee report in June 2022. The history of the public consultation and what appendices were included (including the summary of changes) can be found by visiting

<https://spelthorne.inconsult.uk/AllocationsPolicy/consultationHome>

- 8.2 The Housing Allocations Policy is due to be reviewed and updated in June 2027 following 5 years after its original approval in June 2022.

9. Equality and Diversity

- 9.1 Removing administrative errors will ensure a fair and consistent policy exists which will be used for decision making on applicant priority and banding.

10. Sustainability/Climate Change Implications

- 10.1 Not applicable.

11. Timetable for implementation

- 11.1 If option 1 is chosen, the amendments will be made with immediate effect.

12. Contact

- 12.1 HousingStrategy@spelthorne.gov.uk

Background papers: None

Appendices:

Appendix A: List of amendments to be made

Appendix B: Housing Allocations Policy 2022