

CABINET

13 December 2022

HOUSING ALLOCATION POLICY - REVISION DUE TO STATUTORY CHANGES

Report of the Portfolio Holder for Planning, Highways and Transport & the Portfolio
Holder for Health, Wellbeing and Adult Care

Strategic Aim:	Healthy and well A county for everyone A modern and effective Council	
Key Decision: Yes	Forward Plan Reference: FP/160922	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr S Harvey, Portfolio Holder for Health, Wellbeing and Adult Care Cllr R Powell, Deputy Leader and Portfolio Holder for Planning, Highways and Transport	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the Housing Allocation Policy - Consultation Draft set out in Appendix B for public consultation.
2. Authorises the Strategic Director for Places to approve the outcome of the consultation and the final policy in consultation with the Portfolio Holders with responsibility for Housing and Adult Services.

1. PURPOSE OF THE REPORT

- 1.1 To revise the Housing Allocation Policy to take account of the Domestic Abuse Act and revised statutory guidance regarding the Armed Forces Community and to make various minor updates.

2. BACKGROUND AND MAIN CONSIDERATIONS (MANDATORY)

- 2.1 The Council's current Housing Allocation Policy (HAP) was produced in January 2021. Since then, the Armed Forces Act 2021 and the Domestic Abuse Act 2021 have received Royal Assent. The Armed Forces Act - and the associated Regulations and Statutory Guidance which are in draft at the time of writing – will shortly come into force. This widens the group of family members that the Council must have due regard to under the Armed Forces Covenant when allocating housing. It also makes clear that councils may provide preferential treatment for people in the Armed Forces taking account of their sacrifices, as opposed to merely removing any disadvantages that there may have been with the HAP.
- 2.2 The Domestic Abuse Act is concerned more directly with homelessness and temporary accommodation policy (Part 7 of the Housing Act 1996), rather than Part 6 (Housing Allocations) where the HAP allocates housing to meet a range of needs including domestic abuse. The HAP will be amended by changing the use of the term 'domestic violence' to 'domestic abuse', in line with the Act. Part 7 will be addressed through the forthcoming Housing, Homelessness and Rough Sleeping Strategy.

3. THE WAY FORWARD

- 3.1 The proposed revised HAP is in Appendix B. The changes are summarised in Appendix A.

4. CONSULTATION

- 4.1 Under section 166A(12) of the Housing Act 1996, if the Council is making an alteration to their housing allocation scheme which reflects a major change of policy, the Council must send the proposed change to every housing association with whom they have nomination rights and provide them with a reasonable opportunity to comment.
- 4.2 Section 32 of the HAP states: "Elected Members are responsible for determining allocation policy and for approving any changes recommended as part of a policy review which would be made following consultation with tenants, private registered providers, relevant voluntary organisations and other stakeholders."
- 4.3 It is therefore recommended that Cabinet approve Appendix B as a consultation draft for a six week consultation using the website and emails to relevant organisations. The outcome of the consultation will be considered by the Strategic Director – Places in consultation with relevant Portfolio Holders.

5. ALTERNATIVE OPTIONS

- 5.1 The Council could have decided not to make any changes to the HAP. However, this may not have paid due regard to the Armed Forces Community's need to access the housing register.
- 5.2 The points available to members of the Armed Forces Community in particular circumstances have been increased, as summarised in Appendix A. This provides a fair balance between the needs of the Armed Forces Community and other members of the community in housing need, to whom the Council also has obligations. Altering the points further for various groups would be likely to upset

this balance.

- 5.3 There are a number of other minor changes in Appendix A which clarify or update current practice. Not including these could have made the HAP less relevant or out-of-date.

6. FINANCIAL IMPLICATIONS

- 6.1 The digitisation of the operation of the HAP has meant that the proposed changes incur no printing costs.

7. LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 These are included in sections 2 and 4 above of this report.

8. DATA PROTECTION IMPLICATIONS

- 8.1 A Data Protection Impact Assessment (DPIA) has not been completed for the following reason:

- because there are no risks/issues to the rights and freedoms of natural persons due to these amendments.

9. EQUALITY IMPACT ASSESSMENT

- 9.1 An Equalities Questionnaire has been completed and due regard has been had to equalities and to the Armed Forces Covenant. 'Residence in Rutland' and 'Time on the register' points have been retained, but are easier for service people and relevant family members to claim and the register is now easier to join.

10. COMMUNITY SAFETY IMPLICATIONS

- 10.1 The report has regard to the Domestic Abuse Act.

11. HEALTH AND WELLBEING IMPLICATIONS

- 11.1 Housing is accepted as one of the 'wider determinants' of health. The HAP gives a high priority to many households with health and wellbeing problems.

12. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 The proposed changes to the HAP reflect the Armed Forces Act and the Domestic Abuse Act and fulfil one of the Council's corporate targets. The changes made create a fairer balance between applicants of different backgrounds, taking account of the Armed Forces Act and the Domestic Abuse Act.

13. BACKGROUND PAPERS

- 13.1 Appendix A – Summary of proposed changes

- 13.2 Appendix B – Housing Allocation Policy – Consultation Draft

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.