



AGENDA ITEM: 11

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
31st January 2013**

Report of: Assistant Director Housing and Regeneration

Relevant Managing Director: Transformation

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**SUBJECT: CONSULTATION - WEST LANCASHIRE BOROUGH COUNCIL -
HOUSING ALLOCATION POLICY AND TENURE POLICY**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek the views of the Committee on both of the above consultation documents as part of the overall consultation process.

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

2.1 That Executive Overview and Scrutiny Committee make any agreed comments to be incorporated into the report to Cabinet on the 19th March 2013.

3.0 BACKGROUND

3.1 Following publication of the Localism Act 2011 the ability to better manage social housing stock by implementing flexible tenancies was introduced. Additionally all Councils were required to publish a Tenure Strategy by January 2013 which would frame the creation of individual Tenure Policies. Members will be aware that the Council has now published its Tenure Strategy. The Strategy must be taken "due regard" of by all social housing providers that operate within the Borough.

3.2 The introduction of flexible tenancies and the types of tenures that will be offered to various housing applicants is set out in the Tenure Policy document. This

document was sent to all Councillors on the 17th December 2012 and the consultation period ends on the 22nd February 2013 prior to consideration by Cabinet and Council. These new tenures apply only to tenancies issues after the date of approval and publication by the Council. It does not apply to existing tenancies.

3.3 Additionally following legislative changes and to reflect the move to the new tenure policy the Housing Allocations Policy required updating. Again this document was sent to all Councillors on the 17th December 2012 with the same closing date for comments of the 22nd February 2013. Both consultation documents are also available on the Council's website

3.4 Members will be acutely aware that with over 3000 applicants currently on the register who require housing, many with no real prospect of being allocated accommodation. In recognition of the need to make better use of our housing stock, for those in greatest housing need, there needs to be a system which allows the Council to review the continued use of lifetime tenancies for certain groups where it is appropriate to do so. The Tenure Policy seeks to reach a balance between fairness for housing applicants, meeting the housing need of those applying and sustaining stable communities across the Borough.

4.0 KEY CHANGES

4.1 Attached are summary sheets at Appendix A which outline the key changes that will apply from both the Tenure Policy and Housing Allocation Policy

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

5.1 These new arrangements will create a fairer and more balanced methodology to meet housing need and maintain sustainable communities.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 The costs of meeting the changes required such as a new tenancy agreement and various system changes are provided for within the 2012/13 Housing Revenue Account.

6.2 The system will be monitored in terms of application and reviewed as appropriate in terms of impact and whether any longer term costs need to be provided to support all of the changes and these will be considered as part of the normal Council estimate cycle.

7.0 RISK ASSESSMENT

7.1 The Council must update its policies and procedures where legislative change has been enacted and where a change in policy has an impact of the wider community so that all the requirements are transparent to housing applicants.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

An EIA will be included, in relation to both consultation documents, in the report to Cabinet on the 19th March 2013.

Appendices

Appendix A - Summary of Changes to Allocations Policy and Tenure Policy

Consultation Summary Sheet

West Lancashire Borough Councils Housing Allocations Policy Proposed Changes

Now	What we are proposing
<p>Anyone can go on the councils housing register. Many have little prospect of getting a council home.</p>	<p>Restricting access to the housing register by not accepting applications the following groups.</p> <ul style="list-style-type: none"> • Those who have been housed by the council in the last 12months. • Those who have benefited from the right to buy scheme in the last 10 years. • Tenants who have not maintained their property in accordance with the terms of their tenancy • Owner occupiers • Applicants whose household income is above £40,000 or who have savings/asset over £60,000
<p>All applicants irrespective of where they live are accepted onto the housing register and prioritised in the same way.</p>	<p>Applicants who do not have a local connection with the borough will still qualify to go on the housing register, however they will not be considered for any preference.</p>
<p>The priority bands will remain broadly the same with just a few minor changes proposed.</p>	<p>Band A additions</p> <ul style="list-style-type: none"> • Applicants who are being discharged from the Armed Forces who have sustained serious injury, medical condition, or disability • Foster carers whose housing prevents them from being able to provide foster care. <p>Band B additions</p> <ul style="list-style-type: none"> • Those who have served in the armed forces and are going to be discharged within 6 months • Council tenants (whose tenancy started prior to September 2011), who are underoccupying, and who have been negatively effected by the changes to Housing Benefit under the Welfare Reform Act. <p>Band C changes</p> <ul style="list-style-type: none"> • Private Tenants who have been served with a valid notice to quit <p>Band D additions</p> <ul style="list-style-type: none"> • All other private tenants • Applicants without a local connection
<p>Housing Need and local connection to some parts of the borough is what gives people priority on the housing register.</p>	<p>The council will give additional priority to those who are working or making a contribution to the community in other ways, eg volunteering or training.</p>
<p>Currently 2 children under 10 regardless of sex are expected to share a bedroom.</p>	<p>As we understand the difficulties families with children too young to use bunk beds have, it is proposed that, 2 children under 5 who share a single bedroom, would be given some preference.</p>
<p>Currently pregnant women are awarded an additional bedroom at 20 weeks.</p>	<p>In line with new housing benefit regulations an additional room would only be considered</p>

	at birth.
Currently couples with 2 children under 10 or same sex children up to 20 would only be eligible to bid on 2 bedroom properties.	To address the imbalance in numbers being able to bid on 2 and 3 bed properties, it is proposed that couples with 2 children be eligible to bid on either 2 or 3 bedroom homes.

Consultation Summary Sheet
West Lancashire Borough Councils Tenure Policy
Proposed Changes

Now	What we are proposing
Introductory Tenancies. 12 months	No change
Elderly (state retirement age)	No change
Secure Lifetime tenancy	
Tenants accepted for designated sheltered accommodation	No change
Secure Lifetime tenancy	
Tenants with a disability who have had a disabled adaptation to their property	No change
Secure Lifetime tenancy	
All other tenants.	Flexible/Fixed term 5 year tenancy
Flexible/Fixed term tenancies for less than 5 years after Introductory Tenancy (IT)	
Where IT extended due to anti social behaviour	Flexible/Fixed term of 2 years
If house hold statutorily overcrowded at time of review but no alternative suitable accommodation has been secured	Flexible/Fixed term of 2 years
Where a Notice Seeking Possession has been issued due to rent arrears and the Court has accepted a payment agreement which the tenant has kept to	Flexible/Fixed term of 2 years
Where a flexible /fixed Term tenancy may not be renewed	
Property is under occupied	<ul style="list-style-type: none"> • Children have moved out • Spouse, partner or cohabite has left
Property is no longer suitable for tenant's needs	<ul style="list-style-type: none"> • Property has an adaptation, suitable for a person with a disability, that is no longer required by the occupying household
Tenant's circumstances have changed	<ul style="list-style-type: none"> • Tenants(s) assessed as having sufficient income, according to the published housing allocation scheme, to be able to access suitable housing in the private sector. • A joint tenant or cohabite has left • The tenant has come into legal ownership of another home or property
Tenant and/or their advocate do not engage in the tenure review process	<ul style="list-style-type: none"> • The tenant fails to comply with their conditions of tenure
Possession proceedings have commenced or tenure obligations have been broken/breached	<ul style="list-style-type: none"> • The Council has served an Notice Seeking Possession (on mandatory or discretionary grounds) on the tenant • The Council has evidence that the tenant has carried out anti-social behaviour • The Council has evidence that the tenant has behaved unreasonably, according to the definition in the published allocation scheme
Disposal or refurbishment of property	<ul style="list-style-type: none"> • The end of the lease term for a leasehold

	<p>property</p> <ul style="list-style-type: none">• Property is identified within a master plan as suitable for demolition or major refurbishment
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