

**HOMES POLICY DEVELOPMENT GROUP  
13 AUGUST 2019**

**DEVON HOME CHOICE: HOUSING NEEDS ASSESSMENT FRAMEWORK AND  
CHOICE BASED LETTINGS SCHEME**

**Cabinet Member(s):** Cllr Simon Clist  
**Responsible Officer:** Mrs Claire Fry, Group Manager for Housing Services

**Reason for Report:** To provide a written briefing on the Devon Home Choice scheme and how it is used in Mid Devon

**RECOMMENDATION: PDG Members to make a decision as to whether or not to pursue options to remove Band E from the scheme used in Mid Devon.**

**Financial Implications:** Management of the Housing Register is a strategic housing activity and there is a budget set aside within the General Fund to support this work. The Devon Home Choice scheme is funded by each of the local authorities with housing responsibilities in Devon, including the two unitary authorities Plymouth City Council and Torbay Council, and also by registered providers of social housing (including the Council) which make a payment in respect of each property advertised through the scheme.

**Legal Implications:** Part 6 of the Housing Act 1996 regulates the allocation of social rented housing by local authorities. Part 6 was amended by the Homelessness Act 2002, and, with effect from 18 June 2012, by the Localism Act 2011. Local authorities are not under a duty to maintain a housing register but are required to have an allocation scheme for determining priorities between applicants for housing which sets out the procedure to be followed when allocating housing accommodation.

There is a regulatory requirement for registered providers of social housing to co-operate with local authorities' strategic housing functions and their duties to meet identified local housing needs. This includes assistance with local authorities' homelessness duties, and through meeting objectives in nominations agreements.

**Risk Assessment:** Failure to run a housing register that is transparent could result in complaints from people who feel that they have been unfairly disadvantaged and this could result in reputational damage. In addition, a housing applicant can seek a judicial review, if a housing allocation policy is unlawful or discriminatory.

**Equality Impact Assessment:** Devon Home Choice provides an assessment framework which is used to ensure that all requests for rehousing are managed in the same way, ensuring that no one housing applicant is treated any more or less favourably than any other. Diversity data is requested from housing applicants and is recorded so that it can be monitored.

Those who have special needs, (which may include disabilities, a low level of literacy or mental health issues) may be disadvantaged because the Council expects housing applicants to apply for housing online but a key strategy to combat this is for our Housing Options Assistant will visit people at home, if necessary, in order to assist them with the completion of the application form.

The Council can also set up auto-bids which enable bids to be placed on suitable properties in an applicant's areas of preference without them having to go into the system themselves. Those people who are not used to using online services, or who live in areas where broadband coverage is poor, may also be disadvantaged but the auto-bid system can be used to mitigate this, too. In addition, the Management Board (See section 3.6) has recently authorised expenditure to develop a video which will be available online which will provide an overview of the scheme and how to use it. Officers will be able to use the computers in the reception area at Phoenix House to show the video to clients who may have trouble comprehending how the system works.

The Management Board monitors reports relating to performance on a regular basis with a view to checking engagement, and periodically monitors the results of satisfaction surveys which often highlight relevant issues. There is an annual review of the scheme and any changes necessary to mitigate the impact of any issues identified can be implemented.

**Relationship to Corporate Plan:** The Corporate Plan states that homes are a priority for the Council.

**Impact on Climate Change:** The housing service has actively invested in energy efficiency; extensive use of solar PV and air source heat pumps already exists. The ongoing circa £170M 30 year maintenance programme has a significant focus on ensuring energy efficiency. Where sustainable options are available they are utilised; however, it is acknowledged that where there is a significant cost differential that plays heavily in the choices made.

We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement which provides opportunities for tenants to get involved in service delivery. Tenants scrutinise the work of the Service and are also involved in the development of our newsletter which is published periodically. We use this and social media to promote sustainability and therefore publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

Officers sometimes have to respond to emergencies such as those associated with the prevention and management of homelessness and also those arising from serious incidents of anti-social behaviour. In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

## **1.0 Introduction/Background**

1.1. Local authorities are required to have allocation schemes which give "reasonable preference" to certain categories of those in housing need. In addition, housing can only be allocated to those who are "qualifying persons", in accordance with the provisions of the Housing Act 1996. The statutory guidance issued in June 2012 provides direction on the factors which affect eligibility and qualification. Housing

authorities are required to have regard to this in exercising their functions under Part 6 of the Housing Act 1996.

- 1.2. Historically, local authorities held housing waiting lists but since 2010 they have been expected to operate choice based lettings schemes. This way of letting homes represented an alternative approach to the management of housing allocations which had previously been based on the award of points to those in housing need. Previous schemes set out the basis on which additional points would be awarded and those with the most points generally had the highest priority for rehousing.
- 1.3. The shift from this model of awarding priority to the choice based system was driven by a desire to offer more choice; to tackle social exclusion; to support the creation of sustainable communities and to encourage the effective use and management of social housing. The model was based on a scheme which had been used in Delft, a city in the Netherlands, in the late 1980s, and which was viewed as being very successful at delivering the desired outcomes.
- 1.4. The Localism Act 2011 gave local authorities more freedoms with regard to decision-making relating to qualifying applicants who could register for rehousing. Whilst councils are required to give “reasonable preference” to some people as defined in the statutory guidance, they can manage the housing waiting list in such a way as to support any local priorities. Therefore, they can refuse to accept applications from those who are not in housing need.
- 1.5. Local authorities are also expected to have a tenancy strategy which must be shared with all the registered providers of social housing which work in their areas. These strategies must provide guidance to those registered providers. Since the Council has retained housing stock, the landlord service is a registered provider and is therefore required to have due regard to the tenancy strategy. Our tenancy strategy is available to view on the webpages of the Housing Service. It is due for review and it is hoped that the revised draft will be available for discussion and decision at a future meeting of the Homes Policy Development Group (PDG) later this year.
- 1.6. In addition, local authorities are expected to have regard to their homelessness strategies when preparing or modifying their housing allocation schemes.
- 1.7. It should be noted that, since 2012, successive Governments have issued further statutory guidance relating to qualification criteria. This includes reference to local connection and armed forces personnel, and to eligibility for social housing post-Brexit. In addition, there has been a consultation on improving access to social housing for victims of domestic abuse and it is understood that there will be changes to the qualification criteria to ensure that those who have experienced domestic abuse can be supported.

## **2.0 Choice Based Lettings Schemes**

- 2.1 In a choice based lettings scheme, the priority for rehousing is based on a system which should be easily understood.
- 2.2 Vacant properties are advertised on a regular basis and information on those who can apply for each home should be included on the adverts. Housing applicants are expected to apply for specific properties which meet their needs in terms of bedroom

size and location; if successful, their circumstances are verified by the landlords. Officers for those landlords assess the eligibility of the housing applicant according to their own published eligibility criteria. If there are several households with high priority which are all banded in the same group, then those which have been registered for rehousing on the housing register the longest will be given priority.

- 2.3 Properties are advertised for a limited period, often a week, and after the closing date, landlords will assess the applicants who have applied to live in that home. They will rank applicants according to housing need and, in most cases the household with the greatest priority according to their allocations scheme will be offered the property.
- 2.4 Landlords are expected to publish the outcome of the bidding process in the interest of openness and transparency and this will demonstrate the level of demand for that property.

### **3.0 Devon Home Choice**

- 3.1 The Council works in partnership with the other local authorities in Devon to deliver a choice based lettings scheme known as Devon Home Choice (DHC). All the other registered providers which operate in the Districts, and the two unitary authorities, which work across Devon are also involved in the scheme as partners.
- 3.2 The Devon Home Choice scheme includes an assessment framework which contains detailed criteria against which housing need is determined. The circumstances of all housing applicants are considered in accordance with this framework and they are then placed into one of five bands, according to need, in descending order of priority.
- 3.3 The bands range from Band A, where someone is in urgent need of rehousing (usually due to threats of violence or for medical reasons), to Band E, which is also known as the band of no housing need.
- 3.4 When allocating a home, we will ensure that applicants have a need for the type of home which they have bid for. This is in order to ensure that the Housing Service makes the best use of stock. If the property has adaptations, it would only be let to someone who had a need for the type of accommodation being offered. Landlords are also required to verify the local connection of housing applicants, if required.
- 3.5 The Council has an allocations policy which is available to view on the webpages of the Housing Service. This is currently under review and the revised draft will be available for discussion and decision at a meeting of the Homes Policy Development Group later this year. The current allocations policy states that the Council uses the Devon Home Choice scheme to assess housing need and to allocate our own housing stock. It notes that the Devon Home Choice scheme is very prescriptive and that it sets out how registered providers will give preference to certain applicants by labelling adverts. The Council's allocations policy explains when the preference labels will be used and sets out the method to be used to validate each label. Labels are defined.
- 3.6 The Council is a member of the Management Board which oversees the work of the two Officers employed to manage Devon Home Choice. These Officers are

employed by Exeter City Council on behalf of the partnership. It should be noted that the Partnership Agreement is reviewed annually and that the Group Manager for Housing Services has delegated authority to sign this.

3.7 The number of households in housing need in Mid Devon as at 31 March 2019 was as follows (from Devon Home Choice Quarterly Monitoring Report (April 2019):

Band	Number
A	0 (0%)
B	110 (13%)
C	262 (30%)
D	503 (57%)
<b>Total A to D</b>	<b>875 (100%)</b>
E	1018

Note: the percentages quoted above exclude Band E.

3.8 Other strategic housing authorities within Devon have stopped registering cases where the applicants have no housing need; Exeter City Council, Teignbridge District Council and Torbay Council. The Devon Home Choice scheme is flexible enough to accommodate this and other changes made by local authority partners; and the ICT system can be amended to suit the needs of individual local authority partners. These authorities have removed Band E from their schemes and this remains an option for Mid Devon District Council.

#### 4.0 Recommendation

4.1 Members are asked to make a decision as to whether or not to pursue options to remove Band E from the scheme used in Mid Devon

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**Circulation of the Report:** Councillor Simon Clist, Cabinet Member for Housing; , Leadership Team

#### List of Background Papers:

Allocation of Accommodation: Guidance for Local Housing Authorities in England (June 2012)

<https://www.gov.uk/government/publications/allocation-of-accommodation-guidance-for-local-housing-authorities-in-england>

Devon Home Choice website:

<https://www.devonhomechoice.com/>

Link to Housing Services policies:

<https://www.middevon.gov.uk/residents/housing/council-housing/strategies-and-policies/>