

Report for: Scrutiny

Date of Meeting:	18 March 2024
Subject:	DEVON HOME CHOICE REVIEW
Cabinet Member:	Councillor Simon Clist, Cabinet Member for Housing and Property
Responsible Officer:	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing
Exempt:	Not Applicable
Wards Affected:	All
Enclosures:	Annex A – Member DHC briefing presentation 15 February 2024

Section 1 – Summary and Recommendation(s)

At Council on 22nd Feb 2023 Motion 590 from Cllr Penny was carried. The final wording was:

This Council agrees that a review of the current practice of housing allocation by Devon Home Choice takes place, together with a review of the Council's performance and plans in delivering affordable and social rented housing. A number of residents have raised concerns over the lack of available social housing opportunities for the people of Mid Devon within the current scheme. The Council resolves to ask the Scrutiny Committee to commission this review and to report to Council and Cabinet as soon as possible.

Since the motion was carried the Council administration has changed and a briefing for new Members on Devon Home Choice (DHC) was necessary in order to provide the current cohort of Members with the necessary information and context regarding the scheme. This briefing was completed as part of a second wave of member induction briefings on 15 February 2024.

The briefing and Section 2 below set out the legal and wider context for DHC as a choice-based lettings approach to meet the requirement to have a published social housing allocation policy and a consistent, transparent approach. It also provides a key overview of the policy itself, the local context and the cyclical policy review process which is currently in progress.

The briefing is attached in full in Annex A and an overview of DHC is set out in Section 3 including the local context.

A further review of DHC has been completed by officers in the context of proposed legal changes by the Government regarding the allocation of social housing. This follows a current consultation by the Department of Levelling Up, Housing and Communities. The proposed response to the consultation is due to be considered by the Homes Policy Development Group on the 19 March. A summary of this is provided in Section 3 of the report.

Recommendations:

- 1. That Members note the review of DHC provided in the context of the current statutory and regulatory framework and proposed legal reforms**
- 2. That Members note that DHC provides assurance and compliance against current legal requirements including for the provision of a transparent and accountable allocation scheme that meets the needs of specific priority groups and vulnerable residents**
- 3. That Members note the ongoing, cyclical DHC policy review process to ensure it remains fit-for-purpose and that any proposed changes to DHC Policy arising from this will be brought to Homes PDG and Cabinet for due consideration for adoption**
- 4. That Members recognise that DHC is an allocations process that in itself it cannot directly address the current overarching shortage of social housing locally**
- 5. That Members note the ongoing corporate risk for the housing crisis and mitigation measures together with the pending review of the current Mid Devon Housing Strategy 2021-25 as a mechanism to address the local response to the wider shortage of affordable housing**

Section 2 – Report

1 Introduction to DHC

- 1.1 The DHC scheme and Policy is the adopted published allocation scheme for social housing in Mid Devon. It has been introduced and updated over time to meet our legal requirements on the allocation of social housing as set out in section 2 below.
- 1.2 It is a Devon-wide scheme, adopted by all ten Local Authorities in Devon and in place since 2010. It therefore covers social housing directly provided by all three remaining stock-holding Councils in the County (Mid Devon, Exeter and East Devon) alongside 24 registered partner landlords (Housing Associations etc).
- 1.3 As such, DHC provides a common framework and policy for access to over 60,000 social housing properties in Devon including circa 3,000 units provided by Mid Devon through its own Housing Service (Mid Devon Housing).
- 1.4 It is a choice based lettings scheme that provides one application form, housing register and a single, coherent approach to assessing housing needs and awarding priority for those in need of affordable housing across Devon. More information on DHC is provided in section 3 below.

2 Rules on allocating social housing

Housing Act 1996 – core provisions

- 2.1 There is legislation and statutory guidance setting out mandatory rules on how Local Authorities must act as the strategic housing authority to allocate social housing. These are set out in s166 and s167 of the Housing Act 1996 and associated guidance published by Department of Levelling Up, Housing and Communities (or its predecessor departments).
- 2.2 As the local housing authority, the Council therefore must:
 - Have a published, transparent and accountable allocation scheme determining the allocation of accommodation and procedures to be followed
 - Not allocate housing unless in accordance with the published allocation scheme
 - Provide free assistance in making an application for housing for those in need
 - Provide summary information on its allocation scheme to applicants and any member of the public

- Not inform a member of public or other third-party that a person is an applicant or share details of their application without the applicant's consent
 - Give tenants the right to move and provide housing for local people
- 2.3 The allocation scheme must include a statement about how it will offer a choice of accommodation to applicants or the opportunity for them to express a preference about the accommodation offered. This can be fulfilled through a choice based letting approach.
- 2.4 Legally, Local Authorities must also give reasonable preference to the allocation of social housing to several specific groups:
- Homeless and those where we have a homeless duty
 - People occupying unsanitary and overcrowded properties or with medical or welfare needs
 - People experiencing threats of violence and domestic abuse
 - Former and current members of Armed Forces

Corporate Parenting and Homelessness Reduction Act 2017

- 2.5 Local Authorities have additional responsibilities and housing priorities with regard to young homelessness including provisions set out within Corporate Parenting legislation with regard to care leavers. These are set out under the Children Act 2004 and Children and Social Work Act 2017.
- 2.6 Under the Homelessness Reduction Act 2017, young people leaving care are legally considered as having a local connection to the area of the upper-tier local authority that looked after them. As such, care leavers who have been looked after by Devon County Council will be considered to have a local connection to each of the Devon district local authorities. DHC policy expands on this provision to provide equivalent arrangements across Plymouth and Torbay within the County.

New Statutory Consumer Standards for Social Landlords – Tenancy Standard

- 2.7 Since the Member briefing on DHC in February 2024, the national Regulator of Social Housing (RSH) has updated its mandatory consumer standards which apply to all large landlords (Registered Providers) with more than 1,000 homes including Mid Devon. This new set of four overarching consumer standards includes a revised Tenancy Standard.
- 2.8 With effect from the 1st April 2024, the Tenancy Standard sets updated requirements for the fair allocation and letting of homes, as well as requirements for how tenancies are managed by landlords.

2.9 Under the Tenancy Standard there are a wide range of specific expectations, including those directly applicable to the allocation of social housing such as the following:

- Registered Providers must allocate and let their homes in a fair and transparent way that takes the needs of tenants and prospective tenants into account
- Registered Providers must co-operate with Local Authorities' strategic housing functions and assist Local Authorities to fulfil their duties to meet identified local housing need. This includes assistance with Local Authorities' homelessness duties, and through meeting obligations in nominations agreements
- Registered providers must have a fair, reasonable, simple and accessible appeals process for allocation decisions

2.10 Also, from 1 April 2024, the RSH will inspect large landlords at least once every four years to ensure they are meeting the consumer standards, consequently this will apply to MDH. As the regulator, the RSH has new powers to impose Performance Improvement Plans, levy potential unlimited fines and remove officers or hold inquiries where there is non-compliance with these standards.

Nomination agreements

2.11 In order to underpin our statutory requirements to house certain people and prioritise specific groups, as a Local Authority we enter into binding nomination agreements with private registered providers of social housing.

2.12 Private registered providers have a duty under the Housing Act 1996 to co-operate with housing authorities – where the authority requests it – to such extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's allocation scheme. Similarly, the same Act provides that, where a private registered provider has been requested by a housing authority to assist them in the discharge of their statutory homelessness functions, it must cooperate to the same extent.

2.13 Nomination agreements set out the proportion of lettings that will be made available; criteria which the private registered provider has adopted for accepting or rejecting nominees; and how any disputes will be resolved. They also put in place arrangements to monitor effective delivery of the nomination agreement so councils can demonstrate they are meeting their obligations.

Alignment of DHC with legal requirements and equality duty

- 2.14 DHC has been developed and implemented to meet the legal requirements set out above to ensure all partner Local Authorities as housing authorities and/or as registered providers of social housing in their own right meet their obligations including Mid Devon.
- 2.15 Under the statutory and regulatory framework, there is consequently only relatively limited scope for local flexibility. Where this can be exercised for example is typically within its nominations agreements and the criteria for determining priorities. These must nonetheless remain within the legal boundaries for specific priority groups as set out above and a requirement to avoid negative or unreasonable discrimination under the public sector equality duty. Housing authorities can also choose whether or not to reflect time waiting for an allocation in setting priorities.
- 2.16 As a result, DHC is by necessity a comprehensive, balanced approach and a significant investment by all partners in order to provide each organisation with a consistent, compliant and transparent process to allocate critical social housing resources locally.

3 Overview of DHC

- 3.1 DHC is in essence the Devon response to the statutory and regulatory framework set out above. Full information on the scheme can be found on the DHC website including sections on common myths and FAQs for Council Members at <https://www.devonhomechoice.com/>.
- 3.2 As a choice based lettings approach it ensures the required choice and right to move requirements are met. The full current DHC policy can be accessed at https://www.devonhomechoice.com/sites/default/files/DHC/Devon_Home_Choice_Policy_v11.1_April_2023.pdf
- 3.3 Local Authorities can adopt different systems of prioritising between applicants, these are principally points-based or banding approaches. DHC is a banding scheme which is seen as typically easier to understand for the applicant and easier to administer.
- 3.4 In addition to needs prioritisation, the DHC bandings set out below also reflect time waiting for an allocation.
- 3.5 Under the single portal, one application, one register approach and common banding approach there are currently over 27,000 applicants on the housing register across Devon as at 29 Jan 2024, of which around 1,700 are on the Mid

Devon Register. All participating housing associations are subject to nominations agreements for the local authority area they operate within.

- 3.6 DHC covers general needs housing alongside sheltered homes, homes being let at a new 'affordable rent' or that have a fixed term tenancy and disabled adapted properties which the landlord considers common adaptations (e.g. stair lift, rails, level-access bathroom). The only exceptions may be homes which have the benefit of relatively substantial and/or specialist adaptations, which may be directly offered to a household with very specific matching needs.
- 3.7 In accordance with legislation, DHC does not apply to some specific tenancies including non-secure temporary accommodation (to meet an interim duty under Housing Act 1996 / homelessness provisions), specialist supported accommodation, mutual exchanges (though local policies and provisions will do apply in Mid Devon and other areas), temporary decants, court orders and several other specific tenancies and legal situations.
- 3.8 Local Authority housing options teams are responsible for processing and determining application which includes; verification, assessing and awarding priorities including health and wellbeing or housing defect considerations, discharging homelessness and other specific priority group requirements and the overall application outcome. They also assist applicants, help set up automatic bidding, 'label' properties to be advertised, put in place support for vulnerable applicants, monitor their local DHC register and other duties. They are supported by Environmental Health colleagues in some situations with regard to the assessment of housing defects.
- 3.9 Multi-agency panels are responsible for assessment of some exceptional, emergency housing need requirements due to health and wellbeing and also consider whether applicants are ready to move-on from supported accommodation.

DHC Policy - banding and meeting health and wellbeing requirements

- 3.10 Under the DHC Policy there are five bandings which are summarised below:

- Emergency Housing Need Band (**Band A**)

Where current accommodation is so completely unsuitable that should applicant return to it the effect on their health would be critical and can only be averted by a move to alternative accommodation in the shortest time possible

➤ High Housing Need Band (**Band B**)

Where housing situation severely affects the applicant that results in them being completely housebound, at risk of injury, relapse or unable to live independently. Alternative housing required to prevent serious risks to their health

➤ Medium Housing Need Band (**Band C**)

Where housing situation seriously affects the applicant and is having an unacceptable impact to live independently. Alternative housing required to prevent a significant and serious deterioration

➤ Low Housing Need Band (**Band D**)

Where housing situation has same negative impact on applicant but is not causing any significant deterioration to health or ability to live independently

➤ No Housing Need Band (**Band E**) note: Exeter, Teignbridge and Torbay do not register Band E

In essence there is no current housing need at the time assessment. A health and wellbeing issue may be recognised but is not affected by current accommodation as would not be improved by move to alternative accommodation

DHC Policy – local connection and cross-border moves

3.11 Under DHC Policy, local connection is defined as the following, irrespective of where the applicant is current housed and bidding from:

- Resided in the area for six of the last twelve months, or three out of the last five years, where residence has been out of choice
- Work - permanent work with a minimum of a 16 hour contract per week for the previous 6 months, and without a break in the period of employment for more than three months
- Family connection - has parents, adult children or brothers or sisters who have been resident in Devon for at least the last 5 years.

- Have special circumstances for moving to Devon - for example this may be because they have a specific medical condition and the only/ most appropriate treatment available is based in Devon

3.12 In order to meet choice and reasonable right-to-move requirements, DHC provides people seeking housing with choice and the ability to move within Devon. However, moves across LA borders in Devon, where there is no local connection, are monitored on a monthly basis and where 2% of lets have been met or exceeded on this basis, then Local Authorities may then add a specific preference to those with a local connection to that local authority area. This provides for essential check and balances against disproportionate moves between areas whereby one area become overwhelmed by broader demand.

3.13 There are exemptions for local connection for care leavers, domestic abuse victims and UK armed forces personnel as required by law.

DHC Policy – bedroom need

3.14 The DHC policy restricts bids for homes that only match current assessed bedroom need. This is a legal requirement to avoid under or over occupation. However, under social housing legislation, secure tenancies mean there is lifetime guarantee of tenure for the majority of tenants which means older couples or individuals do often have a right to stay in a property where adult children have subsequently left the home for example, creating a legal under occupation.

3.15 MDH also have a policy of not allowing mutual exchanges were there will under or over occupation.

3.16 The specific DHC bedroom need requirements are:

- Separate bedroom allocation to each:
 - Married or cohabiting couple
 - Person aged 16 years or more
 - Pair of adolescents aged 10 – 15 years of the same sex
 - Pair of children aged under 10 years regardless of sex
- Any unpaired person aged 10 to 15 years is paired, if possible, with a child under 10 years of the same sex or, if that is not possible, given a separate bedroom. The same applies to any unpaired child aged less than 10 years
- Some very limited exceptions – for example where additional space is required for medical equipment

DHC Policy – bidding and refusals

- 3.17 The bidding cycle starts on Wednesdays and ends on Monday. Bids can be placed on the website or an app on an account login basis. Autobids can be set up by the applicant or on behalf of the applicant by the Local Authority for vulnerable applicants.
- 3.18 There is a maximum of 3 bids per week.
- 3.19 Refusals of 3 or more homes is considered unreasonable and may result in a priority being removed from the register as no housing need. This is determined through an interview process with the applicant by the Local Authority and includes failure to respond or turn up for viewing or declined initial suggested match when contacted by landlord or a declined formal offer.
- 3.20 Having a refusal mechanism in place is important where there is a critical shortage of housing stock. As such all housing organisations within DHC can reduce refusal rates to minimise the length of time that properties are empty and increase transparency around their stock.

DHC - local context

- 3.21 Choice-based lettings approach are the most common lettings approach nationally. Most schemes operate on a logical County or sub-regional economic and housing need geography, providing a balance of scale and local choice. Within the south-west, comparable schemes and local allocations policies operate in Somerset (Homefinders), Cornwall (Homechoice Housing Register), Bristol (Homechoice Bristol), Dorset (Dorset Council Homechoice) and Wiltshire (Homes4Wiltshire).
- 3.22 There are over 1,700 current applicants on the Mid Devon register within the wider DHC. In 2023/24 to the end of January, 933 of these local applicants were in Bands A-D therefore had some level of housing need of which 205 lets have been made.
- 3.23 This equates to 4.6 applicants per property let. For the most recent complete financial year (2022/23), 86% of lets in Mid Devon were to people moving within the Mid Devon area.

The housing geographical variance of housing supply pressures and local let percentages across Devon are set out in the table below:

Local Authority	Applicants in Bands A-D per property let (2023/24 to end January)
South Hams	3.3
Exeter	3.3
West Devon	3.8
Teignbridge	4.0
Mid Devon	4.6
North Devon	5.0
Plymouth	6.0
East Devon	6.4
Torbay	6.9
Torrige	7.6
Average	5.2

Local Authority	% lets of people in Local Authority area moving to LA in same area
Plymouth	90%
Mid Devon	86%
North Devon	86%
Torbay	83%
Torrige	81%
East Devon	80%
Exeter	80%
South Hams	80%
Teignbridge	74%
West Devon	74%
Average	81%

- 3.24 In the year to end of January 2024, only two properties in Mid Devon have been let to applicants from outside Devon with no local connection the year to date. These were not MDH properties and may only have been let where there were no bids by those with a local connection.
- 3.25 Consequently, Mid Devon is performing slightly above average for Devon in terms of property availability, however all Local Authorities have a significant shortage of social housing where no amount of prioritisation will enable demand to be met quickly based on current supply.
- 3.26 Furthermore, Mid Devon is performing above average for Devon for the number of properties let to those moving from within its area, although all areas achieve a significantly high majority. This highlights the effectiveness of the local preference policy provisions and those checks and balances to ensure no one LA is disproportionately impacted by moves within the County.
- 3.27 Further local context with regard to a breakdown of bandings by applicant numbers/bedroom needs, health and well-being priorities and other information such as average waiting times is provided in Annex A.

4 Proposed social housing allocation reforms

- 4.1 On the 1st February 2024, Government wrote to all Council leaders setting out a consultation seeking views on a series of reforms to how social housing is allocated.

- 4.2 These reforms have the potential to impact on all Local Authority social housing allocation schemes in England and provide a key narrative on the future legislative landscape including new compliance requirements. As such, the proposed reforms have been reviewed against current local social housing allocation policy i.e. DHC and with regard to any wider potential social housing implications.
- 4.3 These proposals and the proposed Mid Devon response to the consultation is set out in a full within a report to the Homes Policy Development Group on 19 March 2024 and the consultation can be accessed at <https://www.gov.uk/government/consultations/consultation-on-reforms-to-social-housing-allocations>. Nonetheless, given the relevance of these reforms to any review of DHC they are summarised below.
- 4.4 The reforms which the government are seeking views on are summarised below through a series of new or updated tests:

UK connection test – requiring people to be a British citizen, Irish citizen, Commonwealth citizen with a right of abode, or EEA or Swiss citizen with equal treatment rights in matters of housing, or otherwise to have been lawfully resident in the UK for ten years, in order to be eligible for social housing.

Exemptions are being consulted upon for those arriving into the UK via safe and legal resettlement routes and the Ukrainian temporary visa schemes. The stated aim of this proposal is to allow for the allocation of more social homes to those with the strongest connection to the UK, while enabling the Government to continue to deliver its commitments to provide urgent humanitarian support.

Current DHC Policy alignment:

The DHC policy is fit for purpose but the proposal will provide further clarity to what is already in place.

Local connection test – preventing individuals from being allocated social housing if they have not had links to the local authority area for two years. The stated aim of this proposal is to ensure greater consistency across the country and ensure more local people can access social housing in the area they call home.

Current DHC Policy alignment:

The DHC policy allows for a local preference and is weighting towards this but does allow a person with no local connection to the LA to obtain housing subject to specific criteria. There are current exemptions in place legally for those fleeing domestic abuse and where care leavers are considered to have a local connection to each local authority in Devon irrespective of where they were

placed in care if there were a responsibility of Devon County Council. Clarification is needed as to how the updated local connection test proposed will work alongside these existing legal provisions.

Income test – households earning above a maximum threshold (to be defined following responses to the consultation) would not qualify for social housing. It will not be applied to existing tenants and there will be no change to rights, tenures, length of tenancies or rents of existing tenants.

This is already in place within DHC policy as follows:

- Households with a gross household income more than six times higher than the relevant Local Housing Allowance level prevailing in Devon are placed in E band (no housing need/lowest priority)
- Current capital savings and equity thresholds also apply:
 - General needs housing: £16,000
 - Sheltered/Older persons housing: 1-bed self-contained £120,000 and 2-bed £130,000

Anti-social behaviour (ASB) test – disqualifying people who have unspent convictions for certain criminal anti-social behaviour offences, as well as certain civil orders, from social housing for a defined period.

Current DHC Policy alignment:

Amendments will be required to DHC policy to encompass any legal changes specific to ASB. There is much that needs clarification which the consultation does not cover. In particular, there are several issues or concerns around how plans 'three strikes and you're out rules' might work in reality, unintended potential consequences regards ASB Closure Orders and what the legislation will look like

Terrorism test – terrorist offenders with unspent convictions will not qualify for social housing unless excluding them would increase the risk to public safety.

Current DHC Policy alignment:

This is a new requirement not covered by current DHC policy. The policy would therefore require updating to reflect any legal changes. There are practical considerations and potential costs associated with unspent conviction checks which require clarification and would introduce additional steps/potential delays in the housing application and/or allocation process.

False statement test – mandating a period of disqualification for those who knowingly or recklessly make false statements when applying for social housing.

Current DHC Policy alignment:

Current DHC policy is already consistent with the introduction of a false statement test. The policy states that any applicant making false or misleading statement will have their application refused or withdrawn from the DHC register and/or have any offers made withdrawn. There are also provisions in place for fraud investigations and these may also lead to court action. The proposal for a mandated period of time of disqualification is new and would therefore need to be incorporated into an update of the DHC policy to reflect any legal changes.

- 4.5 The new reforms will only apply to applicants and have no impact on existing tenants. Overall, DHC provides relatively close alignment with the proposal legal reforms and would require limited change to be fit-for-purpose should the changes be implemented as set out in the consultation.

5 DHC Policy review and provision

- 5.1 There is an in-depth, legally supported annual policy review process. This is carried out by the DHC board which includes representation from all registered provider partners and Devon Local Authorities as the housing authorities.
- 5.2 Minor legal changes are made without further review. Any other policy changes including any discretionary changes to how applications are considered and priority bandings/bedroom needs awarded require member approval.
- 5.3 The current annual review process is live for 2024/25 and the policy will come to Homes PDG for consideration for subsequent Cabinet approval as recommended.
- 5.4 Consequently, there is rolling scope for member input and sign-off locally regarding any policy changes as a key part of the local democratic process. MDH also directly consults its current tenants on any significant policy changes as part of its wider obligations towards tenant engagement and effective tenant scrutiny.
- 5.5 Following the current annual policy review, the technical contract to provide and support the online DHC platform/ICT solution is also due for renewal. This will present further opportunities to enhance the existing (high-specification) cloud-based system to further improve the customer experience. This is a key component of the overall DHC approach and represents a significant investment to date by each partner organisation.
- 5.6 The Council has no funds in place to make a budget provision to develop its own compliant, but highly localised lettings system outside of DHC – for example one which was Mid Devon specific and encompassed MDH properties only. To do so would cost an estimated six-figure £ sum. In

comparison to an evolving multi-partner DHC, such a project would be subject to challenging value for money assessment alongside legal compliance considerations regarding those right-to-move, fair access to housing and equality duty requirements set out above.

6 Review conclusions

- 6.1 The DHC choice based letting systems provides compliance with the current statutory and regulatory framework. As such it provides an essential, fair and transparent process to allocate social housing whilst providing for appropriate legal preference to specified groups including vulnerable persons and those in most need.
- 6.2 The current DHC policy will require relatively light-touch changes to be compliant with proposed social housing allocation reforms should these be carried forward.
- 6.3 The current DHC policy is also effective in providing for right-to-move across the County and ensuring properties are let to those with local connections. As such is maximises choice and opportunities for our residents, especially where their circumstances change.
- 6.4 Beyond compliance, DHC delivers against its core aims to promote greater customer choice, improve information on property demand and information provision for customers and regulators alike whilst minimising the overall time and cost to deliver a wide ranging allocations process.
- 6.5 It would be cost-prohibitive to develop a standalone local lettings system in Mid Devon outside of DHC and also highly challenging to meet legal requirements in isolation.
- 6.6 Local frustrations around access to social housing are fully recognised. Nonetheless, DHC in itself cannot supply social housing – it only provides the mechanism to access such housing locally in as fair and compliant a way as is possible.
- 6.7 Significantly increasing the supply of new affordable homes will change the core pressures as part of a broader approach to addressing the housing crisis at national and local level. This requires levers, funding and systems to work coherently outside of the DHC allocation process. The complexity of this crisis is demonstrated by its wider drivers; a declining private rental accommodation sector, loss of permanent homes to other uses, external refugee and humanitarian scheme pressures, increasing market rents, high mortgage costs and a cost-of-living crisis.

6.8 These wider considerations are being addressed through the present corporate risk register and risk CR12: Housing Crisis specifically. Strategic objectives to tackle the overarching shortage of housing are set out in the current Mid Devon Housing Strategy 2021-25, for which a review is due to commence during 2024 for consideration by Homes PDG and Cabinet later this year.

7 Recommendations

7.1 In accordance with the above, the following recommendations are made:

1. That Members note the review of DHC provided in the context of the current statutory and regulatory framework and proposed legal reform
2. That Members note that DHC provides assurance and compliance against current legal requirements including for the provision of a transparent and accountable allocation scheme that meets the needs of specific priority groups and vulnerable residents
3. That Members note the ongoing, cyclical DHC policy review process to ensure it remains fit-for-purpose and that any proposed changes to DHC Policy arising from this will be brought to Homes PDG and Cabinet for due consideration for adoption
4. That Members recognise that DHC is an allocations process that in itself it cannot directly address the current overarching shortage of social housing locally
5. That Members note the ongoing corporate risk for the housing crisis and mitigation measures together with the pending review of the current Mid Devon Housing Strategy 2021-25 as a mechanism to address the local response to the wider shortage of affordable housing

Financial Implications

There are no direct financial implications arising from this report.

There are potentially significant financial implications should the Council choose at any stage to exit DHC whereby it would need to Council develop a standalone letting allocation scheme are set out above. There are no budget provisions or financial safeguards in place to do so presently.

Legal Implications

The wide-ranging current and proposed statutory and regulatory framework for local authority social housing lettings schemes is set out within the body of the report.

Risk Assessment

The Council is legally bound to provide a fair, transparent and published lettings scheme that meets the overarching legal framework including the need to prioritise, the right to choice/to move and to give preference to certain specific groups. Failure to meet these requirements comes with a myriad of risks which are however effectively mitigated by the current DHC scheme.

DHC presently meets the required legal provisions and has strong alignment with proposal legal reforms. As such it can be considered fit-for-purpose. Failure to provide an adequate lettings scheme would result in crucial social housing would not being let fairly or efficiently and subject to legal challenge and/or significant delays in the letting timeline. This would in term limit choice and an undue wider impact on those with a housing need, including some of the most vulnerable groups in our communities.

There are identified mechanisms in place to review and formally adopt the Policy that underpins DHC on a regular basis with input from Members and officers to ensure it remains fit-for-purpose.

There is no budget provision for the Council to develop its own compliant, but highly localised lettings system – for example one which was Mid Devon specific and encompassed MDH properties only. Such a project would be subject to challenging value for money tests and legal compliance provisions regarding the duty requirements set out above.

There are additional corporate risk and adopted Strategy mechanisms in place that are striving to address the wider housing crisis including the underlying pressures created by a shortage of affordable housing.

Impact on Climate Change

None directly arising from the report.

Equalities Impact Assessment

Not applicable, equality implications are detailed in the report.

Relationship to Corporate Plan

Homes and the provision of affordable housing is a core priority of present corporate plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 05 Mar 2024

Statutory Officer:

Agreed on behalf of the Monitoring Officer

Date:

Chief Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 01 March 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 04 March 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Email: snewcombe@middevon.gov.uk Telephone: 01884 255255

Background information