

Report of the Devon Home Choice Working Group to the Decent and Affordable Homes Policy Development Group

1 December 2015

Background

A Working Group had been established in the previous Council to make a recommendation regarding the continuance of Band E within the Council's Allocations Policy. Their recommendations had been presented to the Cabinet in January 2015 but it had been their decision that more work was needed and that the recommendations had not been proactive or robust enough in order to take forward.

Following the retirement of two Members of that Group it had been necessary to re-establish the working Group under the new membership of the Decent and Affordable Homes Policy Development Group in the new Council. The new Group were advised that a conclusive decision was needed in relation to Band E.

Members of the Working Group

Cllr P J Heal (Chairman)
Cllr Mrs H Bainbridge
Cllr Mrs J Doe
Cllr B Evans
Cllr J Squire

Information received over the course of two meetings

- The previous working group report
- Cabinet decision in relation to that report made on 8 January 2015
- Devon Home Choice Application Form
- Devon Home Choice Review – summary report from the Housing Options Manager (Include as an Appendix ?)
- Summary information in relation to:
 - South Hams District Council and West Devon Borough Council
 - East Devon District Council
 - Torbay Council
 - Teignbridge District Council
 - Plymouth City Council

- Exeter City Council
- North Devon District Council
- Torrington District Council
- Band E lets across Devon
- Shortlist examples from across Devon
- Rural Housing comments
- Devon Home Choice Band E review use

Conclusions

In discussing all the information they had received and the previous work which had been undertaken, the Group came to the following conclusions:

- There are consistently high numbers of people in Band E, this needs to be reduced as many people on the list don't even log into the system and some don't even bid – how does this provide a true reflection of housing need across Mid Devon? Further questions were asked, such as, why don't some people bid and why do some bid and then repeatedly refuse an allocation? This information needs to be ascertained.
- Consider suspending those who have not logged in or who have successfully bid three or more times and refused an allocation?
- Whatever the final decision is it is likely the same number of people would need to be processed whether Band E exists or not. If it is removed these people may still come back with enquiries in the future.
- It is a fact that houses are let within Band E, 19 in the previous year.
- Even though some people are not in desperate need they do still have a 'need', for example, an adult living at home with his/her parents wanting to move out. A need can also be for people renting in private sector housing who although they are technically housed are in difficult financial circumstances caused by low income and high rents.
- As a way forward, more proactive measures need to be taken to determine the true level of housing need and a thorough review is needed of the way the waiting lists are managed.
- Mid Devon is one of the highest authorities in Devon where people haven't even logged on to the system (66%).
- There is a need to protect vulnerable people therefore questions need to be asked as to why someone has not logged on or bid as there could be a justifiable reason.
- Using criteria such as 'community contribution' in determining whether or not a property is allocated to a particular individual is very arbitrary and the value of the contribution varies from community to community.

- The Devon Home Choice software system needs an overhaul but this would come at a cost.
- More could be done to interrogate the system to see what people have bid for compared with what comes up and where. It would be useful to know, for example, when people have logged on and how proactive they are, obviously the keenest will log on as soon as the list is published.
- Need to determine what effect suspending those not logging on or bidding would have, would they reapply? This cannot be determined until they have been given an opportunity to reply. Therefore there is a need to contact them warning them of possible suspension if they cannot produce a valid reason as to why they haven't acted. The communication needs to include a prepaid envelope to give people every opportunity to come back to us. The Group would like sight of the communication before it is sent out.

Considerations

After further investigations currently the Devon Home Choice scheme, would not allow us to change the scheme by:

- Removing applicants who have not bid for 12 months
- Removal of applicants who refuse 3 offers of accommodation.

If challenged, the scheme is open to challenge should we implement the changes without any consultation (please see DCLG Guidance notes below). These changes have already been discussed at the Devon Home Choice Management board but not yet implemented.

The refusal of 3 offers is currently written into the scheme but with conditions attached:

Section 4.14 *“Applicants who refuse a number of homes that they have bid for and been offered will have their case reviewed by the local authority managing their case. They will be offered advice and assistance to take part in Devon Home Choice effectively. If it is found that they continue to refuse what are considered to be suitable homes they will have their priority reduced to the No housing need band (Band E) or removed from the Devon Home Choice register in those local authority areas which do not register households with no housing need”*

Exeter Torbay and Teignbridge

The Devon Home Choice scheme changes to reflect the changes agreed by Exeter has yet to change as these changes will not apply until 1st April 2016.

Teignbridge District Council and Torbay have amended the changes after consultation for the Band E changes as follows:

Section 2.5: Qualifying persons (paras 2.5.8 – 10)

Teignbridge District Council and Torbay Council have agreed that they do not consider households they assess as having no housing need as qualifying persons.

Teignbridge District Council and Torbay Council will therefore not register applicants that they assess to have no housing need, and who would otherwise have had their application placed in Band E.

Applicants living in the Teignbridge and Torbay council areas who have been assessed as having no housing need, will not be able to register with another Devon local authority, unless they have a local connection to that area.

Rupert Warren (Devon Home Choice Coordinator) has stated that the review of the DHC register needs to be updated to confirm that applications will be subject to an annual review (rather than once every 3 years as it states now). The scheme should also clarify that some LAs have agreed to cancel applications where people have not bid for 12 months. I will propose some amended wording as part of the current Scheme review. Again this must be agreed before actioned.

DCLG Guidance Notes

In the allocation of accommodation guidance notes amended June 2012 outlined by DCLG, the document clearly states the following. Housing authorities must publish a summary of their allocation scheme (s.168(1)).

When an alteration is made to a scheme reflecting a major change of policy, an authority must ensure within a reasonable time that those likely to be affected by the change have the effect brought to their attention, taking such steps as the housing authority considers reasonable (s.168(3)).

A major policy change would include, for example, any amendment affecting the relative priority of a large number of applicants or a significant alteration to procedures. Housing authorities should be aware that they still have certain duties under s.106 of the Housing Act 1985. Section 166A(13) requires authorities, before adopting an allocation scheme, or altering a scheme to reflect a major change of policy, to:

- send a copy of the draft scheme, or proposed alteration, to every Private Registered Provider with which they have nomination arrangements, and
- ensure they have a reasonable opportunity to comment on the proposals

An average consultation period would be a minimum of 6 weeks and would include all applicants and stakeholders.

Recommendations to the Cabinet

That Band E be retained only on the following assumptions:

1. All applicants to be reviewed annually on Devon Home Choice, this will also include contacting applicants to remind them to that they may not have logged onto the Devon Home Choice system or have never placed a bid on the system. This will take out some of the "*dead wood*" on the system and remove those who have moved and not notified Devon Home Choice of their changes. Applicants will be given 21 days in which to respond should they not reply then the application will be suspended.

2. Contact applicants who have not logged onto the system to ascertain the reasons behind this.
3. Applicants who have refused 3 properties will be investigated for the refusal, to determine if they should remain in their current band or suspended.
4. Mid Devon goes out for consultation for the following changes to Mid Devon's Housing Allocation Policy.
 1. Mid Devon Allocation Policy to be rewritten and include the following points:
 - Applicants will be removed from the Devon Home Choice waiting list if they do not bid for properties over a 12 month period*. (*subject to review of available & suitable properties)
 - Applicants will be removed from the waiting list if they refuse 3 reasonable offers of accommodation.
 - Whilst carrying out a consultation, the working group may wish to include other elements to the review.

These changes can be implemented ready for the 1st April 2016. This would allow for the consultation period of 6 weeks (as recommended by DCLG), a new allocation policy to be written and sent to the PDG for agreement.