

<p>Cabinet</p> <p>23 September 2020</p>	
<p>Report of Karen Swift, Divisional Director, Housing and Regeneration</p>	<p>Classification: Unrestricted</p>
<p>Amendments to the Council’s housing Allocations Scheme</p>	

<p>Originating Officer(s)</p>	<p>Una Bedford, Strategy and Policy Officer, Place</p>
<p>Wards affected</p>	<p>All Wards</p>

Executive Summary

The revised Allocation Scheme has been developed in response to the introduction of the Homelessness Reduction Act (HRA) in April 2018 which places a greater emphasis on the local authority to prevent and relieve homelessness. The current Allocation Scheme (implemented in 2016), requires updating to allow the Council to discharge its duties under the new legislation and to better reflect local priorities.

This revision of the Allocation Scheme brings new policy proposals which will encourage occupants to release the properties they no longer need, to provide greater assurance that our limited provision of properties is allocated to the most appropriate applicant and to ensure that the Council utilises the limited opportunities within the wider housing market.

As a result of these proposed amendments applicants will have additional housing options and be rehoused more quickly. These proposed changes will assist the Council in making the best use of the limited supply of housing available to meet housing needs in the Borough.

RECOMMENDATIONS

The Mayor and Cabinet are recommended to:

1. Consider the outcome of the consultation on the Council’s proposed amendments to the Allocations Scheme and the Equality Analyses at Appendices 2 and 4 of this report.
2. Approve the proposed amendments to the Allocations Scheme as set out in paragraph 3.3 to 3.7 of the report.
3. Approve the proposal to remove existing social housing tenants under the age of 50 from Band 3 of the Common Housing Register.
4. Authorise the Corporate Director Place to develop an Intermediate Housing Register.

5. Authorise the Corporate Director Place to determine the eligibility criteria for the first three months of marketing any new Intermediate Housing projects, (fully or partially funded by the GLA), in consultation with the Mayor and Cabinet Member for Housing and Regeneration.
6. Agree that the maximum household income threshold for eligibility to join the Common Housing Register be increased to £90,000 as set out in paragraph 3.10 and authorise the Corporate Director Place to increase this figure as and when the GLA amends its maximum household income threshold for eligibility to access shared ownership products.
7. Approve the miscellaneous amendments and revisions to the policy as detailed in paragraph 3.11.
8. Ratify and/or authorise all past, present and future exercises of its functions under Part 6 of the Housing Act 1996 (as permitted by Article 2 of the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996) by, or by employees of, the RP partners from time to time to the Common Housing Register, including but not limited to the following: Arhag Housing Association, Clarion Housing, Eastend Homes, Gateway Housing Association, London & Quadrant, Metropolitan Thames Valley, Network Homes, Newlon Housing Trust, North London Muslim Housing Association, Notting Hill Genesis, One Housing, Peabody, Poplar HARCA, Providence Row HA, Southern Housing Group, Spitalfields Housing Association, Swan Housing Association, Tower Hamlets Community Housing or their successors in title or any other RPs or bodies that the Council may choose to partner with from time to time.
9. Authorise officers retrospectively to contract out the exercise of the Council's functions referred to in point 8 above.

1. REASONS FOR THE DECISIONS

- 1.1 The Council's Allocations Scheme was last reviewed in 2016. The drivers which have been considered for this revision include:
 - The Homelessness Reduction Act (2017), which was enacted in 2018. This placed a legal duty on Local Authorities to ensure reasonable preference is given to applicants either threatened with homelessness or homeless before a full housing duty is owed.
 - The various Codes of Guidance on Allocations Schemes as issued by the Government. In particular, the Guidance issued in November 2018 'Improving access to social housing for victims of domestic abuse'.
 - Ensuring that the Allocation Scheme meets the current needs of our residents and key aspirations and objectives of the Council.
 - Enabling the Council to make the best use of social housing stock within the Borough and to better manage the expectations of residents.

2. ALTERNATIVE OPTIONS

- 2.1 To do nothing: this is not an option as it is a legal requirement for the

Council to have an allocation scheme in place as a way of prioritising applicants to vacancies in social housing.

- 2.2 Continue with the existing allocation scheme: this is outdated and does not reflect the Council's new duties under the Homelessness Reduction Act (2017) or emerging local priorities.

3. **DETAILS OF THE REPORT**

Allocations Scheme

- 3.1 Appendix 1 – the revised Allocations Scheme sets out how the Council allocates its social housing stock.

- 3.2 The changes proposed to the Allocations Scheme are summarised below:

- 3.3 **Applicants who have been placed in out of borough Private Rented Sector (PRS) accommodation to prevent homelessness will be allowed to remain on the housing register for a time-limited period of three years.**

3.3.1 This change has been made to the Allocations Scheme which will allow applicants and their households who have been able to secure suitable and affordable housing outside the Borough on the basis that they had either become homeless or were at risk of becoming homeless within 56 days, and the homelessness was prevented with assistance from the Council, to remain on the CHR for three years.

3.3.2 If at the end of the three years, these applicants are not rehoused, they will be taken off the CHR. Allowing three years to remain on the CHR gives these applicants an opportunity to either be offered a suitable property in Tower Hamlets, or the opportunity to join the housing register and bid for a property in their new borough.

3.3.3 This proposal would provide applicants the opportunity to join (before a full housing duty is owed) and/or remain on the CHR for three years and would require these applicants to actively bid for available homes.

3.3.4 Amending this policy will allow homeless applicants the opportunity to remain on the Common Housing Register while they are laying down roots in their new area. If their circumstances change or they are unable to settle, the applicant and their household will not have lost their connection to the Borough.

3.3.5 This proposed change, based on the findings in the equality analysis, is not considered to have any negative or detrimental impact on residents.

- 3.4 **Release larger size homes by rehousing under-occupying social tenants on the 1st floor and above to ground floor homes.**

3.4.1 Preference will be given to existing social housing tenants living in homes on the first floor or above, with more bedrooms than they need. Changing this policy will make larger sized homes available to families that need the additional space. It will also allow officers to use their discretion to ensure the best outcome is achieved, to meet competing priorities.

3.4.2 Properties of three or more bedrooms are always the most sought after and by encouraging under-occupying tenants (usually tenants whose families have grown-up), to downsize to ground floor properties, this will provide tenants who may have mobility needs or health issues but do not meet the health priority threshold to move to more manageable and suitable accommodation better suited to their housing needs.

3.5 Officers to be given authority to prioritise applicants recommended a ground floor flat by health advisors on medical grounds.

3.5.1 A limited number of ground floor flats become available each year. Under the current rules, lettings officers must make their allocation decision based only on whether an applicant has higher or lower priority in their band when they match on the shortlist. This proposal will allow officers to also consider medical factors like whether an applicant can manage internal stairs and give preference accordingly.

3.5.2 By allowing officers the discretion to take a balanced approach this will ensure applicants requiring ground floor flats on medical grounds (in short supply) are prioritised taking their medical and other circumstances into account.

3.6 Reduce the residential condition for victims of domestic abuse (DA)

3.6.1 Under the current rules, victims of domestic abuse who have not lived in Tower Hamlets for the previous three years are placed on the Housing Register in Band 2B. Many of them have needed to move to a new area for their own safety, so this proposal will waive the residential criteria meaning they could be placed in Band 2A instead. This amendment could lead to faster rehousing times for victims of domestic abuse.

3.6.2 This proposal will reduce the amount of time that domestic abuse victims, who have found safety in refuges, need to have been in the Borough before being eligible for housing. Under the current rules they need to be in the refuge for six months - this proposal would cut that to three months.

3.6.3 It is intended that the proposed policy amendments will ease the disruptions suffered by victims of Domestic Abuse who become homeless and ensure that they are offered suitable long-term housing more quickly, also releasing refuge properties more quickly for others that need it.

3.7 Remove existing social housing tenants under the age of 50 from Band 3 of the Common Housing register.

3.7.1 The original proposal was to limit Band 3 to the following categories of applicants:

- Singles or couples over 50 years as these applicants have a realistic chance of being housed in low demand homes designated for older people, including sheltered accommodation.
- Any applicant requiring sheltered accommodation because this type of accommodation is in low demand in the Borough.
- Any out of borough housing applicants placed there as a part of the homelessness prevention offer (if that proposed policy amendment is agreed and implemented).

Only applicants over 50 years of age or requiring sheltered accommodation would have remained in Band 3.

3.7.2 69% of those who responded to the Council's online questionnaire either strongly disagreed or disagreed with this proposal. It was apparent that respondents felt that this was not fair to those in Band 3 who reside with parents/family or friends or those privately renting a home. During the consultation process, it was clear that residents are strongly opposed to the original proposal put to residents which would have widely limited admission to Band 3 of the Common Housing Register (CHR). Applicants who are placed in Band 3 have been determined as adequately housed without a defined housing need and are therefore non-priority.) See Consultation Report at Appendix 2.

3.7.3 The original proposal put forward to residents considered the removal of certain applicants from Band 3 of the CHR and would have seen the following applicants excluded:

- existing social housing tenants, (those who have a council tenancy or a tenancy with a housing association); and
- applicants who live with family and friends; and
- those renting a property from the private rented sector.

3.7.4 The consultation has evidenced the difficulties which many residents in the Borough face in terms of being able to meet their housing costs. After considering all the feedback from the consultation exercise, officers now propose to only exclude existing social housing tenants (under the age of 50) from Band 3 of the CHR. This cohort of applicants within Band 3 are adequately housed and benefit from paying affordable or social rents as well as enjoying the security of a Council or Registered Provider Tenancy. Existing social housing tenants have been placed in Band 3 because they wish to move to another location or different shaped layout of accommodation.

- 3.7.5 This means that non-social housing tenants will remain in Band 3 – this includes those who live with family and friends (and, importantly that the adult children of social housing tenants who are adequately housed can remain on the register).
- 3.7.6 To strengthen the housing options available to all residents in the Borough, officers also propose to develop an Intermediate Housing Register and are seeking permission from the Mayor and Cabinet to commence work to create policy and operational practice to deliver this further option for the Borough's residents. Further information is provided at paragraph 3.8 of this report.
- 3.7.7 If this proposal is agreed by Cabinet, applicants from this cohort who are already placed in Band 3 will be given written notice that they will be removed from the CHR. Officers propose that a 6 month transitional period is given to those already in Band 3, allowing for any change of circumstances to be considered and for them to bid up until 1st April 2021, when they will then be removed from Band 3.
- 3.7.8 Applicants that are removed from the Housing Register who suddenly become inadequately housed, (for example, as a result of overcrowding or a medical condition of the applicant or a member of their household), can apply to go back on the CHR. These applicants will be placed in either Band 1 or Band 2 of the CHR, (as appropriate given their circumstances), and will therefore be better placed in terms of an allocation of social housing than they would have been before. Applicants placed in higher priority bands due to a change of circumstances will always have a new priority preference date with the new band, therefore any waiting time in a lower priority band will not count.
- 3.7.9 The proposal to restrict Band 3 entry on to the Common Housing Register may leave those excluded from Band 3 feeling that they are trapped in other unaffordable housing options but through the promotion of alternative housing options, and in extending and improving the range of housing options to residents in the Borough, it should help to manage residents expectations and nudge residents towards other housing options.
- 3.7.10 This proposal is closely linked to the proposal set out in 3.8 to create and develop an Intermediate Housing Register. The Intermediate Housing Register may provide a first step towards home ownership for those existing social housing tenants who have the financial means and wish to move on from social housing.

Communications

- 3.7.11 In addition, the Council will embark on a communications campaign which promotes the reality of social housing in the Borough; to manage unrealistic expectations that some residents may have of being offered a social housing tenancy if they had remained on the list, promoting the alternative housing options available to these residents.

3.7.12 The communications campaign will highlight the availability of social housing within the Borough and reiterate that any social housing lets which become available go to those in the highest housing need. The campaign will promote the housing options available to residents in the Borough, the Council's ambitions to create more council homes and the success that the Council has had in building more Affordable Homes than any other London Borough over the last five years.

3.7.13 A refresh of the information available to residents seeking housing advice via the Council's website and the Tower Hamlets Homeseekers webpage will be made to enable residents to self-serve and navigate towards other mutual exchange/swap options.

3.7.14 It is the intention of officers that there will be more targeted communications with applicants in Band 3 to encourage them to consider housing through the Intermediate Housing Register.

3.8 Creation of an Intermediate Housing Register

3.8.1 In order to meet the intense demand on Band 3 of the Common Housing Register, officers have considered the development of an Intermediate Housing Register. Intermediate Housing¹ provides a potential mechanism to release more affordable homes to our Borough's residents and an opportunity to alleviate the increasing pressures on the Borough's finite supply of social housing. Officers are seeking authority from Cabinet to develop an Intermediate Housing Register and supporting policy as an additional route for residents who are seeking affordable housing.

3.8.2 An increasing number of residents are struggling to find or maintain a place to live in Tower Hamlets. This is due to the increased costs of buying and renting in the Borough, while average incomes have simply not kept pace with these changes. Consequently, the private rented sector (PRS) has become the most realistic option for our residents, with many households unable to access home ownership or social housing.

3.8.3 The supply of social housing in the Borough is impacted by several factors, including the continuing take up of the Right to Buy. Households on low to middle incomes cannot access social housing as demand outstrips supply.

3.8.4 Over the course of the next few years, developers in the Borough are seeking to bring more new Intermediate Housing homes within the Borough, via the planning process. Since 2013/14 to the end of 2019/20 a total of 1,665 intermediate homes were completed. It is

¹Intermediate housing products are homes for sale and rent provided at a cost above social rent, but below market levels. These can include shared equity (shared ownership and equity loans), other low-cost homes for sale and intermediate rent, but not affordable rented housing.

anticipated that pipeline projects in the Borough between now and the end of 2022/23 will yield a further 1,453 new intermediate homes.

- 3.8.5 A balance needs to be struck between ensuring that we support the most vulnerable to access social housing and encourage/assist existing council tenants who have the means to move on, to access alternative housing solutions to create mobility and movement within the Council's housing stock. The Council must be sure it has the mechanisms in place to create and utilise mobility through the stock – critically through the initial entry to the Housing Register/intermediate housing products.
- 3.8.6 At present, the Council does not have a formal policy in place to register and prioritise who gets these intermediate homes for sale or rent within the Borough. As the supply of intermediate housing is set to increase over the course of the next five years, it is essential that the principles to be applied to the qualifying criteria, income eligibility and prioritisation of applicants are considered and agreed.
- 3.8.7 Officers propose to use the following prioritisation for applicants in the first three months of marketing any new Intermediate Homes with applicants who are social housing tenants given the greatest priority:
- a) Social Housing Tenants being those tenants living in accommodation owned by the Council or a Registered Provider as registered pursuant to Sections 111-115 Housing and Regeneration Act 2008 in Tower Hamlets and wholly releasing accommodation which the Council has nomination rights to.
 - b) Leaseholders in blocks being decanted in anticipation of demolition who have a right to be re-housed by the Council.
 - c) People registered on the Council's Common Housing Register or waiting list.
 - d) Other Council residents who may not release Council accommodation when they move.
 - e) Others living in Tower Hamlets in rented accommodation or living with family or friends who do not appear on the Council's Common Housing Register.
 - f) People with strong connections by family ties within the Borough.
 - g) People who have permanent employment in the Borough
- 3.8.8 After the initial three months of marketing other qualifying applicants may apply. There is no set minimum income for intermediate homes. Each scheme will however have its own valuation and costs, and applicants will be required to demonstrate that they have the financial means to afford a home in a particular scheme.
- 3.8.9 The GLA's London Plan and subsequent Annual Monitoring reports set out the financial criteria to be applied for Intermediate housing products. At present, these are set out as follows:

- For shared and home ownership products, applicants must have an annual household income which does not exceed £90,000.
- For intermediate rent products, applicant's gross household income must not exceed £60,000.

3.8.10 Other qualifying criterion/additional rules may be considered in the prioritisation of applicants during the first three months of marketing. This report seeks Cabinet authority for the Corporate Director in consultation with the Mayor and Cabinet member for Housing and Regeneration to determine the eligibility criteria

3.9. Tower Hamlets Common Housing Register

3.9.1 The Council operates with Registered Provider (RP) partners a Common Housing Register (CHR) of all prospective tenants for all vacant properties provided by the parties within Tower Hamlets. The Council has agreed with its RP partners that tenancies should be allocated in accordance with the provisions of the CHR agreement and the Tower Hamlets Common Housing Register Allocations Scheme. It is necessary for the Council to continue to formally delegate power to the RP partners to make allocation decisions which was previously agreed on 1 July 2009.

3.10 Maximum Household income threshold to join the CHR

3.10.1 The current maximum sole or joint income threshold for eligibility to join the Common Housing Register was set on 31st March 2013 to £85,000 per annum. The original policy intention as stated in paragraph 39 of the current version of the Allocation Scheme (2016) sets out that this figure would be reviewed annually and updated in accordance with the Retail Price Index.

3.10.2 The reality is that the current maximum sole or joint income threshold has not been reviewed. For parity with the GLA's income threshold for intermediate shared ownership products, fully or partially funded by the GLA, approval is sought to increase the maximum household income for eligibility to £90,000 per annum.

3.10.3 The GLA's Affordable Housing Capital Funding Guide states that the maximum sole or joint income threshold for eligibility to access GLA funded intermediate Shared Ownership products is £90,000 per annum, as set out in the GLA's London Plan (2016). The maximum household income figures for shared ownership products were last updated by the Mayor of London in August 2016. This figure can be updated every year via the London Plan Annual Monitoring Report. To date, this hasn't happened.

3.11 Miscellaneous amendments and insertions to the Allocations Scheme

Foster Carers and Special Guardianship Order

- 3.11.1 For clarity, under the section '*Who can be on my application?*', which defines who will be registered as part of an applicant's immediate family, "children who live with an applicant under a Special Guardianship Order" has been inserted into the text.
- 3.11.2 This removes any previous ambiguity in the type of extenuating circumstance, where children who are residing with the applicant, but not a member of the applicant's prescribed immediate family, are considered to live with the applicant and are therefore included in the assessment of the applicant's housing needs.
- 3.11.3 Further, the revised Allocations Scheme under the section 'Discretionary Additional Priority' provides confirmation that consideration will be given by the Council to award additional priority to those applicants who have children residing with them as a result of a Special Guardianship Order by the inclusion of the following text; 'where moving will prevent a child or adult needing to live in institutional care, if they are Tower Hamlets children subject to a special guardianship order'.
- 3.11.4 In the section concerning "Priority Target Groups" regarding Foster Carers, a new section has been inserted. This states that where a foster carer has an adult son or daughter residing with them, and where the son or daughter is willing to move to a new home of their own, officers will award additional priority to them to release space in the foster carer's home to accommodate foster children.
- 3.11.5 Each case will be considered on its merits and on an exceptional basis discretionary additional priority may be applied.
- 3.11.6 These amendments and insertions into the Allocations Scheme are not a change in current policy other than the change in 3.11.4 but have been added for clarification and to remove any ambiguity in the interpretation of the Allocations Scheme.

Tied Accommodation

- 3.11.7 The proposed amendment to the Allocation Scheme removes the section previously included which provided for employees of the Council, (or partner landlords), who are retiring from tied accommodation to be considered for rehousing. This provision related to school caretakers residing in accommodation adjacent to or within the footprint of the school, affording them additional priority with the Allocations Scheme as a target group.
- 3.11.8 The number of cases where these circumstances would be applicable to has diminished in recent years, as there are very few instances of employees with tied accommodation. Over the course of the last 5 years, we had no more than 3 cases considered.

3.11.9 Where individual cases now present, each case will be considered for additional priority via the Housing Management Panel.

Ex – Service personnel

3.11.10 In accordance with recent statutory guidance '*Improving access to social housing for member of the armed forces*' (June 2020). The section regarding the Target Priority Group of ex-services personnel has been expanded to reflect the statutory guidance to acknowledge changing family circumstances. The proposed amendment to the Allocation Scheme references that where spouses or partners have been required to leave accommodation provided by the Ministry of Defence following a breakdown in their relationship with their service spouse or partner, they will be exempt from the local connection eligibility requirement.

3.11.11 The recent statutory guidance on social housing for members of the armed forces, stresses that when determining additional preference, that a serious and long-lasting mental health condition is likely to come within the definition of a disability under the Equality Act 2010.

3.11.12 While the current Allocations Scheme allows, ex-armed forces applicants to be placed in Band 1, Group A where there is an urgent need, for rehousing because of serious injury, illness or disability, it does not explicitly allow those with a mental health condition to be prioritised. It has however always been and remains the policy that officers do consider mental health within the wider ambit of disability.

3.11.13 The Allocations Scheme now includes explicit reference to mental health. This reflects a consideration which officers currently take into account. This insertion makes it clear that serving and former members of the Armed Forces who suffer from mental ill health are given appropriate priority for social housing where they need it.

4. Consultation

4.1 The Council have consulted with key stakeholders on the proposed changes to the Allocations Scheme, including CHR partners. This consultation was open to anyone who lives, rents or owns a home in the Borough, any professional working for an organisation with an interest in the future of housing in Tower Hamlets and to members and staff working for the Council.

4.2 The consultation exercise began on 21st October and ran for just over 17 weeks until 10th February 2020. The consultation aimed to canvass the views of a wide range of community groups and stakeholders with an interest in the Borough's Allocation Scheme. There was detailed discussion with the Council's Common Housing Registered RP partners who are broadly in support of the proposals.

- 4.3 The consultation exercise consisted of an online survey to understand the view of stakeholders on the amendments proposed to the Allocations Scheme. All applicants currently on the Common Housing Register were sent a letter which signposted them to a dedicated consultation website or to an event, with a booklet available online and in person detailing the proposed changes to the Allocations Scheme.
- 4.4 There were also several events either drop in or focus group sessions to highlight the proposed changes to the Allocations Scheme. The responses have been considered carefully by senior officers and members and used to inform whether these proposals are adopted.
- 4.5 In the main, respondents indicated that they agreed with the first four proposals to amend the Allocations Scheme. The findings are summarised below:

Proposal	Strongly Agree / Agree	Neither agree nor disagree	Strongly disagree/ disagree
1. Applicants placed in out of borough PRS accommodation to prevent homelessness allowed to remain on the CHR for a maximum of 3 years	49%	17%	34%
2. Release larger sized homes by rehousing under-occupying social tenants on the 1st floor and above to ground floor homes.	62%	18%	20%
3. Officers to be given authority to prioritise applicants recommended a ground floor flat by health advisors on medical grounds.	77%	10%	3%
4. Reduce the residential condition for victims of domestic abuse (DA)	56%	23%	20%
5. Applicants not in housing need who are already adequately housed (other than those over 50 years of age or requiring sheltered accommodation) should be removed from band 3 of the housing register.	21%	10%	60%

- 4.6 While there was approval for the first four proposal to amend the Allocations Scheme, the majority of residents who responded to the consultation expressed that they either disagreed or strongly disagreed with the original proposal to limit the eligibility of applicants in Band 3 of the CHR (5). Officers have listened to these concerns and have amended this proposal as outlined in the recommendations of this report.
- 4.7 A full report on the findings of the consultation exercise can be found in Appendix 2 of this report pack.

5. Indicative Timeline

- 5.1 The indicative timeline for implementation of the proposed amended Allocations Scheme is outlined below:

Action	Date
Cabinet Approval	23 rd September 2020
Launch of the revised Allocations Scheme	7 th October 2020

6. EQUALITIES IMPLICATIONS

- 6.1 An Equality Analysis has been undertaken on the original four proposals as set out in this document with a separate Equality Analysis conducted on the amended proposal to remove existing social housing tenants under the age of 50 from Band 3 of the CHR. Both Equality Analyses' did not identify any negative impacts across the nine plus one protected characteristics. The respective EA's can be found in Appendix's 3 and 4 of this document.

7. COMMENTS OF THE CHIEF FINANCE OFFICER

- 7.1 There are no financial implications directly emanating from this report which details the results of the consultation process undertaken to gauge opinions relating to the future provision of the common housing register.
- 7.2 Any changes to the process for administering the housing register could have future cost implications or benefits for the Council and such changes will be subject to future decision reports. Any future increases in cost will need to be absorbed within existing budget provision or the subject of a growth bid as part of the budget setting process.

8. COMMENTS OF LEGAL SERVICES

- 8.1 This report seeks the approval of the Mayor in Cabinet to a number of revisions to the current Allocations Scheme to reflect legislative changes and updated government guidance on local authority allocations of social housing.
- 8.2 Section 166A of the Housing Act 1996 requires the Council to have a scheme for determining priorities and the procedures to be followed in allocating housing accommodation. The Council is required to allocate housing in accordance with the allocation scheme.
- 8.3 Section 166A (3) of the Housing Act 1996 specifies a number of matters that the Council's allocation scheme must contain. In particular, the scheme must secure

that reasonable preference is given to the following categories of people with urgent housing needs –

- People who are homeless
- People to whom the Council owes a homelessness duty under the Housing Act 1996
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds
- People who would suffer hardship if they were prevented from moving to a locality in Tower Hamlets.

Further the local authority must give additional preference to certain current or ex members of the armed forces and or their bereaved spouses or civil partners if those persons are in a reasonable preference category and have an urgent housing need.

- 8.4 The Localism Act 2011 introduced a number of key changes to the scheme under Part 6 of the Housing Act 1996. Amongst these changes, section 160ZA(7) now gives local housing authorities power to set qualifying criteria in relation to the classes of persons to whom they will allocate housing accommodation. The Council can rely on this power to make the amendments to the Allocations Scheme as set out in paragraph 3 of the report.
- 8.5 The Secretary of State has published statutory guidance under section 169 of the Housing Act 1996 which deals with the making of allocations schemes following the Localism Act amendments. The guidance is entitled “Allocation of accommodation: guidance for local housing authorities in England” and was published in June 2012. The Council is required to have due regard to the guidance when carrying out its functions under Part 6 of the Housing Act 1996.
- 8.6 When considering whether to adopt the proposed amendments to the scheme, the authority should consider the impacts of those criteria or requirements. This is to ensure that the persons in urgent housing need continue to receive ‘reasonable preference’ and that any policies adopted do not result in harsh and unexpected impacts. In making these amendments, the Council must consider the public sector equality duty to have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. Two equality assessments have been carried out and are attached as Appendix 3 and 4. Members must have regard to these assessments when making their decisions.
- 8.7 Section 166A of the Housing Act 1996 requires the Council to consult registered providers of social housing and registered social landlords before making an alteration to the allocations scheme reflecting a major change in policy. The Council is also required to consult with its secure tenants under

section 105 Housing Act 1985 if they are likely to be substantially affected by a change in a practice or policy of the local authority. To this end, detailed consultation was carried out with key stakeholders over a period of 17 weeks. The methods and outcomes of the consultation exercise are set out in paragraph 4 of this report. Where the results of the consultation were not in favour of the proposed changes to the Allocation scheme, specifically in respect of Band 3, the Council has amended the proposal to take account of concerns raised.

- 8.8 There is adequate power for the Council to delegate its functions to RP partners as proposed in paragraph 3.9.1 of the report. The Deregulation and Contracting Out Act 1994 provides that legislation may permit a local authority to contract out certain functions. The Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 is made under section 70 of the 1994 Act. It provides that a Local Authority may contract out its functions under Part 6 of the Housing Act 1996.
- 8.9 Cabinet is requested to retrospectively ratify past exercises of its functions by Registered Providers partners under the CHR. Ratification is open to the Council because: (a) the required delegation to RP partners is something that the Council had power to do at all relevant times when the CHR was in operation; and (b) there is no prejudice to applicants for housing accommodation caused by reason of the proposed ratification. The acts taken by RP partners under the CHR are ones which the Council would have had to carry out itself if the RP's had not.
- 8.10 The Council may delegate functions to officers as proposed in the report pursuant to the powers contained in sections 101 of the Local Government Act 1972 and section 14 of the Local Government Act 2000.
- 8.11 Paragraph 3.3 of the report sets out a proposal to allow those applicants currently suitably housed in the private rented sector to join or remain on the housing register for a maximum period of three years. Under the current scheme, they are removed from the register once the Council has discharged its housing duty. There is no legal requirement to keep them on the register. Applicants will retain their statutory right to challenge the Council's decision to discharge its housing duty. The findings of the equality analysis of this proposal are set out at paragraph 3.3.5 of the report. It concluded that there will not be any adverse effects on applicants.
- 8.12. The Intermediate Housing Register does not form part of the Allocations Scheme and will operate outside of it. Any lettings made under this register will not be an allocation under section 166A of the Housing Act 1996.
- 8.13 The proposals set out in this report have been drafted in accordance with the Council's statutory obligations and government guidance and reflect its priorities for managing its housing stock.

Appendices:

Appendix 1 – Revised Allocations Scheme

Appendix 2 – Consultation Report February 2020

Appendix 3 – Equality Assessment (Allocations Scheme)

Appendix 4 – Equality Assessment (Proposal to exclude existing social housing tenants (under the age of 50), from Band 3 of the Common Housing Register)