

## BOROUGH OF KETTERING

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<b>Report Originator</b>	John Conway – Head of Housing	<i>Fwd Plan Ref No:</i> A17/050	
<b>Wards Affected</b>	All	18 <sup>th</sup> April 2018	
<b>Title</b>	<b>KEYWAYS HOUSING ALLOCATION SCHEME</b>		

**Portfolio Holder: Cllr Mark Rowley**

### **1. PURPOSE OF REPORT**

To seek the approval of the Executive Committee to the revised Keyways Housing Allocations Scheme, as attached to this report.

### **2. INFORMATION**

- 2.1 In September 2017, the Executive Committee agreed to adopt a revised Keyways Housing Allocation Scheme for social and affordable rented homes across our Borough. A review is carried out annually to ensure that the scheme remains relevant in meeting local housing needs and responds to changes in the legal framework governing the allocation of social housing.
- 2.2 Due to the introduction of the Homelessness Reduction Act 2017 on 3<sup>rd</sup> April 2018, a review has been carried out somewhat sooner than the normal annual review. Accordingly, this report updates the Executive Committee on the changing legislative requirements under the Homelessness Reduction Act and proposes amendments to the Housing Allocation Scheme to ensure it remains legally compliant.
- 2.3 There has been a significant increase in homelessness since August 2015, with the number of statutory homeless acceptances almost doubling in that year compared to the previous year. This trend of increasing homelessness is continuing with 201 homelessness acceptances between April 2017 and February 2018 – almost four times the level of acceptances three years previously:

<b>Year</b>	<b>No. statutory homeless acceptances</b>
<b>2014/15</b>	54
<b>2015/16</b>	105
<b>2016/17</b>	139
<b>2017/18 Apr-Feb*</b>	201

**Table 1: No. statutory homeless acceptances to Kettering Borough Council**

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- 2.4 It is against a backdrop of rising statutory homeless numbers nationally that the Homelessness Reduction Act is being implemented. The changes introduced under the Act represent the biggest change to homelessness legislation in forty years.
- 2.5 The new legislation does not replace the existing homelessness legislation contained within part VII of the Housing Act 1996 as amended. Instead it places a number of additional requirements on the Council. A summary of the main requirements are outlined below:
- An applicant is now classed as threatened with homelessness if they are within 56 days of becoming homeless rather than 28 days as previously. In addition a valid section 21 notice that expires within 56 days of approach, constitutes being threatened with homelessness.
  - A new section 179 duty requires the Council to provide detailed advice and information to any person in their district on preventing and relieving homelessness, the rights of people who are homeless or threatened with homelessness and the help that is available from the Council and other partners.
  - A new Section 189a assessment duty requiring the Council to produce a detailed and bespoke Personal Housing Plan to all applicants who are eligible and homeless or threatened with homelessness within 56 days. The Personal Housing Plan must in line with the wording of the Act be kept under review by the Council and the applicant will be expected to agree and act on the actions contained within the Personal Housing Plan to resolve their housing situation.
  - A new Section 195 prevention duty means that the Council will have to take reasonable steps for a minimum of 56 days to help an eligible applicant threatened with homelessness, keep their home regardless of whether they have a priority need or if they are intentionally homeless.
  - A new Section 189b relief duty means that the Council will have to take reasonable steps for a minimum of 56 days to help an applicant that is homeless and eligible (rather than threatened with homelessness) secure suitable accommodation for the applicant's occupation for at least 6 months.

### **3. CONSULTATION AND CUSTOMER IMPACT**

- 3.1 A four week consultation process has been undertaken with statutory and voluntary partners including housing associations, as well as Keyways customers and those that support them through the Keyways process. Feedback from this consultation process has informed the revisions to the Scheme.
- 3.2 An Equalities Impact Assessment will be completed prior to the formal adoption of the revised scheme.

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### 4. POLICY IMPLICATIONS

- 4.1 Keyways is a sub-regional Choice Based Lettings scheme operated in conjunction with Corby Borough Council and the Borough Council of Wellingborough. These local authorities are currently reviewing their Housing Allocation Schemes to ensure they comply with the new Homelessness Reduction Act. The three policies remain largely the same albeit with their own local connection preference criteria which gives priority to local residents over and above those from neighbouring boroughs.
- 4.2 The revisions to the Housing Allocation Scheme in September 2017 resulted in a number of improvements to the way in which we allocate social housing. Although only in operation for a relatively short period of time, its impact has been largely positive. One of the main changes enabled the Council to activate applications from statutory homeless households with debts of more than £500. The aim of this change was to reduce the numbers of households in costly temporary accommodation. Previously the numbers in temporary accommodation had been on a steep upward trend with a near five times increase between August 2015 and August 2017 (24 households increasing to 118). Since September 2017 the numbers in temporary accommodation have remained relatively static with 122 households accommodated at the end of February 2018.
- 4.3 Whilst the changes made in September 2017 are still relevant, the need for a small number of additional changes has been identified during preparations for the implementation of the Homelessness Reduction Act. These will help to ensure that the Housing Allocation Scheme will remain legally compliant in light of the new legislation.
- 4.4 Several revisions to the Housing Allocation Scheme are therefore proposed. All proposed amendments are included in the revised Housing Allocation Scheme document attached to this report. However, the main changes are summarised as follows:
- **General** – Replacement throughout the document of ‘approved as statutory homeless’ with ‘an accepted homelessness duty’. This is to ensure the Housing Allocation Scheme complements the new Homelessness Reduction Act duty to households with an accepted prevention or relief duty in addition to those that are statutory homeless.
  - **Persons with no local connection** – People accepted as Statutorily Homeless by Kettering Borough Council under Part VII Housing Act 1996 or those owed a section 195 prevention duty under the Homelessness Reduction Act 2017 will now be allowed to join the Housing Allocation Scheme irrespective of whether they have a local connection or not. This is to ensure that the Council remains legally compliant by ensuring ‘Reasonable Preference’ on the Housing Allocation Scheme is awarded to those with a Homeless Duty.

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- **Behaviour which may lead to someone failing to qualify to join Keyways**  
– The rent arrears and other housing related debt criterion is amended so that consideration will be given to applicants with an urgent housing need (defined as being awarded Bands A or B under the scheme) with rent arrears or other housing related debt. Senior officers will assess each case and decide whether to allow an applicant with housing related debt onto the scheme. This will replace the £500 limit that is currently in place and which is seen as being too rigid due to the varying rents that households pay in different tenures. It will also enable the Housing Options team a greater opportunity to prevent or relieve an applicant's homelessness as required by the Homelessness Reduction Act.
- **The Priority Banding System (Band A)** – Removal of the qualifying criterion 'Exceptional Financial Hardship'. The new prevention duty means that applicants in 'Exceptional Financial Hardship' will be owed the new prevention duty. As a result there is no longer a need to have this criterion.
- **The Priority Banding System (Band B)** – Removal of the qualifying criterion 'End of an Assured Shorthold Tenancy: requiring family accommodation'. The new prevention duty will mean that applicants in these circumstances will be owed the new prevention duty. As a result there is no longer a need to have this criterion.
- **The Priority Banding System (Band B)** – Addition of the qualifying criteria 'Homelessness Prevention or Relief Duty'. The adding of this criterion will support the work of Housing Options in preventing or relieving an applicant's homelessness under the Homelessness Reduction Act by ensuring access to a social tenancy via Keyways.
- **The Priority Banding System (Band C)** – Removal of the qualifying criterion 'End of an Assured Shorthold Tenancy'. The new prevention duty will mean that applicants with these circumstances will be owed the new prevention duty. As a result there is no longer a need to have this criterion.
- **Demoting of a Priority Band** – Inclusion of 'Refused to accept a suitable housing option identified under the Prevention or Relief of Homelessness duties'. This will mean that applicants who refuse to accept an offer of accommodation will be demoted a band, thus helping to incentivise customers to accept suitable solutions to their housing situation. In addition, applicants placed into Band B with a Homelessness Prevention or Relief Duty will receive assisted bids in the same way that Band A applicants do. This will ensure that they are considered for all suitable properties.

### 5. FINANCIAL RESOURCE IMPLICATIONS

- 5.1 There will be no associated cost associated with the specific changes to the Allocation Scheme proposed in this report. We continue to work in partnership

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with Corby and Wellingborough councils to allocate social housing and as a result share the associated costs of the Civica housing allocations system.

### 6. HUMAN RESOURCE IMPLICATIONS

6.1 None at this stage.

### 7. LEGAL IMPLICATIONS

7.1 The proposed revisions are subject to confirmation from the Council's legal advisors that the modified scheme complies with all legal requirements.

7.2 The Housing Allocation Scheme will continue to be monitored to ensure that all allocations made reflect local housing need, requirements under the legal framework and any case law that affects the operation of the Scheme. A further review of the Housing Allocation Scheme will be carried out in 2019/2020.

### 8. RECOMMENDATION

8.1 It is recommended that the Executive Committee agrees to adopt the revised Housing Allocation Scheme attached to this report with immediate effect.

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Background Papers:

Title

Date

Contact Officer

Previous Minutes/Reports:

Ref:

Date: