

Leicester
City Council

**WARDS AFFECTED
ALL WARDS**

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**HOUSING SCRUTINY
CABINET**

**15TH JANUARY 2004
5TH APRIL 2004**

LETTINGS WITHIN COMMUNITIES

Report of the Corporate Director of Housing

1. Purpose of Report

1.1 This report seeks authority to amend the authority's Housing Allocation Policy.

2. Summary

2.1 This change in policy intends to assist applicants with a particular need to live in one specific area of the city.

2.2 In order to help manage increased demand, it is proposed to increase the length of time people must have lived or worked in the City before they receive priority on the Housing Register.

2.3 The proposals support objective G4 of the Councils Corporate Plan "To enable citizens of Leicester to find and stay in homes that meet their needs, offering choice of tenure, location and type of home.

3. Results of Consultation

3.1 S167 (7) of The Housing Act 1996 requires consultation with Registered Social Landlords. The Code of Guidance suggests other stakeholders also be consulted and as part of this process the Local Authority asked views on the proposed changes from all the RSLs in the City, 50 separate organisations identified as our stakeholders in the Best Value Review of Services to Homeless People and also Housing Scrutiny.

3.2 From the consultation we received comments from De Montfort Housing Association, East Leicester NHS Primary Care Trust, and Leicester Commission for Racial Equality. The comments from De Montfort Registered Social Landlord supported the changes in Section 8.3 but do not support the change in Section 4. The comments from East Leicester NHS Primary Care Trust, and Leicester Commission for Racial Equality were

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primarily in the form of questions to clarify the points in the report, which will be answered directly to the organisations by Officers. Housing Scrutiny expressed support for the proposed amendments to the housing allocation policy.

4. Recommendation to Cabinet

4.1 It is recommend that Cabinet is asked to note the results of the consultation and the views of Housing Scrutiny and agree the proposed amendments to the Housing Allocation Policy as set out in Section 4 (new Care and Support Scheme) and 8.3 (new Leicester City Requirements).

5. Headline Financial and legal Implications

5.1 There are potential legal implications which may be ameliorated through the monitoring outlined in s10 of the Supporting Information.

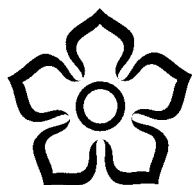
5.2 There are no direct financial implications arising from this report, potential implications are outlined in s9 of the Supporting Information.

6. Report Author/Officer to contact:

6.1 Ann Branson, Service Director Housing Renewal & Options
 Vijay Desor, Head of Housing Options Service
 Nic Hobbs, Registration and Support Manager, Housing Options, ext 2689

DECISION STATUS

Key Decision	Yes
Reason	Significant effect on two or more communities
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)



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City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**HOUSING SCRUTINY
CABINET**

**15TH JANUARY 2004
15TH MARCH 2004**

LETTINGS WITHIN COMMUNITIES

SUPPORTING INFORMATION

1. Report

1. Background

- 1.1 It is important to recognise the value of informal support networks based around friends and family and the impact of having to live away from these networks may have on a variety of people.
- 1.2 This applies to a range of situations including adult children and extended families wishing to leave the family home, yet stay in the vicinity.

2. Current policy position

- 2.1 Leicester's Housing Allocation policy is largely based upon a combination of 'reasonable preference' and 'housing need'. In general the greater an applicant's housing need the greater the number of points awarded. Vacant properties are offered to applicants with the greatest points. The definition of 'Housing need' and 'reasonable preference' derives largely from primary legislation and case law.
- 2.2 The definition of 'housing need' is largely concerned with the physical environment and includes:
- overcrowding
 - sharing essential facilities

- homelessness
- suffering harassment
- living in a home which is unsuitable due to a disability or medical condition

3. Lettings Within Communities

- 3.1 Leicester's Housing Allocation policy allows for the award of up to 300 points for applicants who need to move on medical or welfare grounds.
- 3.2 Currently applicants wishing to move closer to a carer, or person for whom they provide care, who are experiencing difficulties because of the distances traveled may apply under the 'Care and Support' element of the policy.

The Care and Support points are awarded largely upon the meeting of physical needs such as help with shopping, cleaning, dressing etc and does not take into account less formal support.

For example:

- A disabled person wishing to move from Thurnby Lodge to Saffron Lane, because they rely on support given from family on the Saffron Lane estate, would receive points depending upon which essential life tasks the carers assisted with. However points are only awarded where the carers confirm a problem with the current arrangement for example, the journey takes too long, or the journey is/ has become impracticable perhaps as a result of a change in bus timetable.
 - A young first time parent living on Eyres Monsell who wishes to move to North Braunstone to receive support from friends or family can apply if those friends/ family help care for the child and confirm a problem in continuing to provide that support. Again the points level awarded depends upon the nature of the care/ support provided.
 - A wheelchair user living in a house with stairs who cannot access bedrooms, bathroom, toilet etc can be awarded points to move to an adapted accessible home.
- 3.3 Members have asked officers for advice on whether the scheme can be expanded to allow younger tenants to be supported by their families and help to allow families to live in the same neighbourhood.
- 3.4 The Government's Code of Guidance provides for a reasonable preference to be given to applicants 'who need to move to a particular locality in the district...., where failure to meet that need would cause hardship'. This 'hardship' ground is poorly defined and lends itself to wide interpretation.
- 3.5 Welfare grounds from the Code of Guidance include the giving of care and support and are intended to include social needs, such as a secure base from which a care leaver or other vulnerable person can build a stable life.

- 3.6 The current scheme does not assist family members or young people who become ready to leave the family home and who wish to stay in the same area.
- 3.7 It would be possible to give a weighting to the points of people who had a particular need to be in a particular area because of welfare or hardship grounds.

4. Proposal for new Care and Support Scheme

- 4.1 It is proposed to simplify the existing Access, Health, Care and Support scheme. This would involve:
- Separating the Care and Support scheme from the Access and Health scheme.
 - Producing new Care and Support guidelines to cover people wishing to move out of their home but remain in the area, giving a greater weighting than present to emotional support.
 - Applicants wishing to move to give or receive high levels of physical support would continue to access the range 75 – 300 points.
 - Applicants who demonstrate a need to move to a particular locality where failure to meet that need would cause hardship would receive 20 points under this proposal where they meet certain criteria (or 1 point if they are eligible for 'reduced' points):
 - Applicants would only be allowed to choose one allocation sub-area or one directly adjoining sub-area.
 - Applicants wishing to be approved under this new scheme will need to demonstrate a specific connection with the chosen allocation sub-area. This connection will provide for a reasonable expectation of support from one of the following:
 - family
 - friends
 - community
 - This does not include support from voluntary or statutory bodies who are generally able to provide support citywide.
 - The level of proof required could consist of the submission of their family/ friend's address in their chosen area and a simple question relating to emotional support. The disadvantages of choosing one area should act as a deterrent to fraud.
 - Homeless applicants meeting the above may be awarded these points where the Options Team Leader agrees to the applicant being listed for one allocation sub-area. Should the areas of choice be expanded outside of the sub-area the points would be removed.

For example

Two applicants, each of whom have been asked to leave their family home by their parents apply. Both would have 150 Insecure Accommodation points. However Applicant A has asked only to be considered for the area in which their family lives, and this applicant is consequently awarded an additional 20 points. Hence when a property becomes available in Applicant A's chosen area they would be offered in preference to Applicant B. If however a property became available elsewhere in the city then Applicant B would receive the offer.

5. Advantages

- 5.1 Applicants choosing this scheme will have a greater preference for that allocation area relative to other applicants with identical circumstances who are unable to fulfill the requirements of the scheme.

For example:

- A young single parent living in a one bedroom flat who does not receive a high level of physical support but wants to move back near family would currently have 126 Overcrowding and children points, under the proposal they would receive 146 points for a 2 bedroom home.
- A young single parent living at home with their own bedroom would currently have 145 Overcrowding and Sharing points, under this proposal they would receive 165 points for a 2 bedroom home in their chosen area.
- A single person who lives in a one bedroom flat with overnight staying access to children would currently have 125 points, under the proposal they would receive 145 points for a 2 bedroom flat for their chosen area.

6. Disadvantages

- 6.1. Generally applicants are advised to choose a wide range of areas, to maximize their rehousing opportunities. By restricting choice to 1 allocation sub-area the time spent waiting is likely to increase for certain applicants as they will be unable to access vacancies in other areas.

7. Context

There are currently around 13000 applicants awaiting accommodation of which around 3200 per annum are likely to be accommodated by Leicester City Council and Registered Social Landlords. This policy change does not create any additional vacant properties and it will be important to manage expectations. This proposed change alters the composition of the 10000 people who will be left awaiting accommodation.

8. The Housing Register, Inward Migration and Managing Demand

Leicester currently gives priority to those who have a connection with the city, with 13000 people currently awaiting accommodation in Leicester members may wish to re-define the definition of local connection to require applicants to have a closer connection than at present.

8.1 Background to inward migration

Citizens of European Union countries, Britain included, have the right to migrate to Leicester, in the same way UK citizens living in Leicester have the right to migrate within the UK and other European Union countries. This 2 way traffic is most obvious to the receiving local authority where they are approached for assistance with housing and other services. Leicester is regularly approached by both UK and other EU countries citizens, for assistance under homelessness legislation and to apply for Council homes.

Leicester's Housing Needs Survey identified the majority of inward migration to Leicester as being from either the Leicestershire Districts (50%) or from elsewhere in the UK. Of these people more than half entered the 'owner occupation' sector of the housing market.

Many new migrants live initially in the private rented sector, which is growing in Leicester. A combination of the good standard of Council accommodation in Leicester combined with low rents makes application for Council accommodation as attractive for new migrants as for the existing population.

8.2 EU enlargement

It is difficult to predict the likely impact of EU enlargement in May 2004. Citizens of 10 additional countries will have the right to migrate to Leicester. The Home Office estimates between 5000 and 13000 net migrants to the UK per annum.

It is not possible to provide details of the nationality of all new applicants for housing in Leicester as legally the Council is obliged only to test certain applicants from abroad. During the last quarter 352 households were flagged as being from abroad and requiring testing, this is slightly lower than the same period last year.

8.3 Changing Leicester City Requirement

Housing Legislation gives only limited powers to the Council to exclude people from their Housing Register on the grounds that they have just arrived in the City (EU citizens who are not 'workers' must pass a habitual residence test). However it is possible to give less priority to new arrivals once they are on the Housing Register. Currently Leicester gives lower priority to those who have lived here for less than 6 months or who have a work contract of less than 3 months. This policy is known as the 'Leicester City Requirement'.

Leicester City Requirement is a test of local connection used to determine priorities between applicants to the Housing Register.

It is proposed to amend the Leicester City Requirement as follows: -
(*note that applicants need qualify under only one of these criteria*)

- Increase the requirement for continuous residence immediately prior to application from 6 months to 12 months.
- Increase the length of employment contract within the City from 3 months to 12 months.
- Increase the length of previous residence in the City to 2 consecutive years out of the last 5, rather than 1 out of the last 5.

8.4 Advantages

- Increasing the Leicester City Requirement gives greater priority to applicants demonstrating a much closer association with Leicester.

8.5 Disadvantages

- The increases may make the policy incompatible with anti-discrimination legislation, though new comers who are homeless will continue to be dealt with under homelessness legislation.
- More people may make homeless applications leading to an increase in the use of all forms of temporary accommodation.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

9. Financial Implications – Rod Pearson, Head of Housing Finance

There are no financial implications arising directly from the proposed changes to the Allocations Policy. However, if there is an increase in the number of homeless applications in the future, this will result in additional costs to the General Fund for the provision of temporary accommodation.

10. Legal Implications – Joanna Bunting, Assistant Head of Legal Services

The Council is required to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating council housing accommodation. The scheme has to ensure that *reasonable* phase preference is given to certain vulnerable or needy categories of people. In other words the scheme must ensure that reasonable preference is given to applicants in these categories, over those who are not.

However, there is no requirement to give equal weight to each of these categories and it is for the Council to decide how to give effect to the requirement to give reasonable preference. The

Council, for example, could choose to give additional preference to particular descriptions of people who fall within the reasonable preference categories (the legislation refers to those categories as comprising people who are in urgent need), but it is up to the Council to decide how to frame its scheme in order to comply with the reasonable preference requirements, bearing in mind, however, people may fall into more than one of the reasonable preference categories and the scheme should enable this to be taken into account in accessing housing needs.

The report correctly identifies two particular categories of "reasonable preference" that may be applicable in consider whether or not the policy could be framed so as to enable "neighbourhood" allocations. The categories are those applicants who need to move on welfare grounds and those who need to move to a particular locality on hardship grounds. The Code of Guidance indicates that "welfare" grounds are things like the need to give or receive care, places where the individual's ability to fend for themselves are restricted, and people recuperating from the effects of violence, threats of violence or physical, emotional or sexual abuse. In other words these features, or something like them, would have to be present. The report also correctly advises that "hardship" grounds are particularly difficult to define with certainty and the examples given are people who need to move to a particular locality in order to give or receive care, to access specialised medical treatment, or to take up a particular job.

The proposed scheme is designed to achieve a reasonable balance so as to ensure that a secondary criteria (a connection with the chosen allocation sub-area) does not dominate at the expense of the statutory preference categories, and those who have a relative requirements under those categories.

I would also advise that the effects of the new proposal, if implemented, are monitored over a period of time to ensure that the effects of the proposal have not unreasonably distorted the scheme at the expense of the statutory preference categories.

Care must also be taken in the light of the Race Relations Amendment Act 1976 (as amended). There is some evidence that there can be a link between the ethnic composition of communities, poverty and deprivation, shortage of suitable and affordable family sized housing and perceptions of bias. For example, a rule whereby persons of one racial group are less able to comply with than others may be indirectly discriminatory. Similarly, a rule whereby sons and daughters of current tenants are given re-housing priority may be indirectly discriminatory where the tenants are from one predominate racial group, and other racial groups are less able to comply with the rule. There may be issues over separated families, especially if the family is separated outside the United Kingdom. Whether such a rule could be justified would depend on whether an objective balance can be made between the potential discriminatory effect, and the reasonable requirements of the Council. These reasonable requirements could relate to housing need and sustainable tenancies.

Again, my advice is that a proposal, if adopted, should be monitored over a period of time, particularly to ensure there is no danger of subjective assessments being made as to what are a living standards of applicants or their supposed suitability for types of properties in particular areas.

Under the Race Relations Amendment Act 2000 the Council is under a duty to promote race equality. This means that in carrying out the formulation of the housing allocations policy, the

Council must have due regard to the need to eliminate unlawful racial discrimination, to promote equal opportunities and to promote good relations between people from different racial groups.

Turning to the Leicester City Requirement the legal basis of this is the same as set out above. The Council can determine to give additional preference to particular descriptions of people who fall within the reasonable preference categories and could decide not to give priority or preference to other groups of applicants. However, the Council cannot, of course, draw up such policies so as to discriminate, directly or indirectly, on racial or other equality grounds and must comply with the Race Relations Amendment Act 2000, as mentioned above. I would recommend an impact assessment be done of the effects of the proposed raised limits on the Leicester city requirement".

11. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	YES	10	
Policy	YES	4	
Sustainable and Environmental	NO		
Crime and Disorder	NO		
Human Rights Act	NO		
Elderly/People on Low Income	NO		

12. Background Papers – Local Government Act 1972

- 12.1 Leicester City Council Housing Allocation Policy section 3.6 Access, Health, Care and Support
- 12.2 Allocation of Accommodation Code of Guidance for Local Housing Authorities, November 2002. ODPM.
- 12.3 The Housing Act 1996 as amended by the Homelessness Act 2002
- 12.4 Leicester's Homelessness Review 2003

13. Consultations

- 13.1 S167 (7) of The Housing Act 1996 requires consultation with Registered Social Landlords. The Code of Guidance suggests a period of 12 weeks consultation. Consultation would also take place with the stakeholders identified in the Best Value Review of Services to Homeless People. The Local Authority asked views on the proposed changes from all the RSLs in the City, 50 separate organisations identified as our stakeholders in the Best Value Review of Services to Homeless People and also Housing Scrutiny.

13.2.1 From the consultation we received comments from De Montfort Housing Association, East Leicester NHS Primary Care Trust, and Leicester Commission for Racial Equality.

13.3 Comments from De Montfort Registered Social Landlord supported the changes in Section 8.3 but do not support the change in Section 4. They raised the following issues: The need for support is already adequately provided for in Leicester City Councils Allocation Policy, it seems an extra complication and the change may result in indirect racial discrimination, which even if not proven could be a danger of the perception that the proposal perpetuates racial geographical division. The comments from East Leicester NHS Primary Care Trust, and Leicester Commission for Racial Equality were primarily in the form of questions to clarify the points in the report, which will be answered to directly to them by Officers to explain. Housing Scrutiny expressed support for the proposed amendment to the housing allocation policy. The changes will be carefully implemented and monitored. An initial Impact Assessment on the proposed changes to the allocation policy has been carried out and this has identified the need to carry out another Impact Assessment in 2 years time when further data will have been collected and analyzed. This impact assessment will be time tabled into the Corporate Race Equality Scheme.

14. Aims and Objectives

The aim of the Housing Services is a decent home within the reach of every citizen of Leicester.

This assists the aim and objective to enable all the citizens of Leicester to find and retain a home, which suits their needs. This objective supports objective G4 in the Corporate Plan.

15. Report Author

15.1 Ann Branson, Service Director Housing Renewal & Options
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