

---

<b>Decision Maker:</b>	<b>EXECUTIVE</b>
<b>Date:</b>	<b>For Pre-Decision Scrutiny by the Renewal, Recreation and Housing Policy Development and Scrutiny Committee on 31 January 2024.</b>
<b>Decision Type:</b>	Non-Urgent                      Executive                      Key
<b>Title:</b>	<b>HOUSING ALLOCATION SCHEME AND CHOICE BASED LETTINGS (APPROVAL TO ADOPT NEW POLICY)</b>
<b>Contact Officer:</b>	Michelle Bowler – Head of Housing Schemes Tel: 0208 464 3333 E-mail: <a href="mailto:michelle.bowler@bromley.gov.uk">michelle.bowler@bromley.gov.uk</a>
<b>Chief Officer:</b>	Sara Bowrey, Director of Housing, Planning, Property and Regeneration Tel 0208 313 4013 E-mail: <a href="mailto:sara.bowrey@bromley.gov.uk">sara.bowrey@bromley.gov.uk</a>
<b>Ward:</b>	All Wards

---

1. Reason for decision/report and options

- 1.1 The current Housing Allocation Scheme was first published in 2012, amended in 2015 and the last formal update made in 2017 following the introduction of the Homelessness Reduction Act (2017). In order to ensure that the Scheme is contemporary and meets all current legislative requirements a review of the Council's Housing Allocations Scheme was approved in November 2022.
- 1.2 In September 2023 the Executive approved a revised draft of the Housing Allocations Scheme for eight weeks public consultation. This report contains the findings and outcome of that consultation alongside the final proposed scheme for which approval is sought.
- 1.3 The report is provided alongside the analysis of the consultation findings in table format (Appendix 1) the final proposed scheme (Appendix 2), an equalities impact assessment (EQIA) relevancy test (Appendix 3), Demographic Profile Housing Register Applicants as of December 23 (Appendix 3A) and Demographic Profile of the Borough census 2021 (Appendix 3B)

---

2. **RECOMMENDATION(S)**

- 2.1 **Members of Renewal, Recreation and Housing PDS Committee are asked are asked to:**
- 1) Consider the results of the consultation exercise and note any amendments in relation to the new proposed Allocations Scheme for adoption by the Council; and,**
  - 2) Note the report and provide their comments for consideration by the Executive.**
- 2.2 **The Council's Executive is recommended to:**
- 1) Review the results from the consultation exercise; and,**
  - 2) Approve the proposed Allocations scheme for adoption by the Council.**

#### Impact on Vulnerable Adults and Children

1. Summary of Impact: The Allocation Scheme ensures that the Council is able to meet its statutory responsibilities in respect of housing. That priority for housing is fairly and consistently prioritised in accordance with all legal and statutory responsibilities.
- 

#### Transformation Policy

1. Policy Status: Existing Policy:
  2. Making Bromley Even Better Priority:  
To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
- 

#### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A
  3. Budget head/performance centre: Operational Housing
  4. Total current budget for this head: £8.3m
  5. Source of funding: Revenue Budget
- 

#### Personnel

1. Number of staff (*current and additional*): Additional staffing will be required as part of the re-registration and implementation project. The number of those required is to be confirmed and is subject to IT requirements and scoping, a full business case will be drafted.
  2. If from existing staff resources, number of staff hours: Not applicable
- 

#### Legal

1. Legal Requirement: Statutory Requirement:
  2. Call-in: Not Applicable
- 

#### Procurement

1. Summary of Procurement Implications: Not Applicable
- 

#### Property

1. Summary of Property Implications: Not Applicable
- 

#### Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
- 

#### Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
- 

#### Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: See customer impact.
-

### Customer Impact

1. Estimated number of users or customers (*current and projected*): More than 5,000 households' approach with housing difficulties which could lead to homelessness each year. At present there are around 3100 households included on the Housing Register. There are currently approximately 1500 households in Temporary Accommodation these are predominantly located outside the borough. 1200 (78%) of homeless households are in costly nightly paid Temporary Accommodation. It costs the Council an average of £8,857PA per household in Nightly Paid accommodation, this in turn puts a strain on LBB's budgets which impacts on other services. Officers believe the proposed changes will allow the Council to better manage the scarce Housing resources available, we understand that it is very difficult to navigate a choice-based lettings system that doesn't have high levels of property availability, this in turn, in some instances, leads to selective bidding and extended stays in temporary accommodation. Under the proposed changes the Council will be able to better manage customer expectations and ensure that no one remains in temporary accommodation for longer than is necessary.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: The revised draft allocations scheme was subject to review and discussion by Renewal, Recreation and Housing PDS committee and The Executive in September 23. All Councillors were invited to participate in the formal consultation which took place for eight weeks closing on 17<sup>th</sup> December 2023.

### 3. COMMENTARY

- 3.1 A gap analysis was undertaken of the current Housing Allocations Scheme in January 2023 which identified the areas that needed to be strengthened and revised. This formed the basis for the revised draft presented to Executive in September 2023 for approval to consult. The key drivers for the revised draft are:
- a) To retain and improve the natural flow into eligibility, qualification, application, assessment, allocation, lettings, decisions and reviews.
  - b) To make the document more accessible for customers.
  - c) To remove or change any content that will naturally date.
  - d) To ensure that it meets all regulatory and legislative requirements.
  - e) To ensure that waiting times for those assessed as having an urgent need to move are minimised where possible.
  - f) To reduce the time that households spend in costly and insecure forms of temporary accommodation.
- 3.2 Local authorities are required to undertake formal consultation when proposing to introduce a new/revised Housing Allocations Scheme. To prepare the document for consultation, internal management discussions took place within the Housing Directorate, engaging other key representatives within the Council, as necessary. The discussions supported the production of the draft document which was signed off by the Director of Housing and the Project Steering Group.
- 3.3 Following Executive approval in September 2023, the consultation ran for 8 weeks from the 23 October 2023 to 17 December 2023. External consultation for the revised took place via an online survey as follows:

Stakeholder	Method
Applicants on the Housing Register	Each applicant was contacted in writing either via an email or a letter to inform them of the consultation and to provide them with a link and QR code to the online survey.
Residents of the borough	A communication plan was produced by the Communication Team promoting the consultation through all networks including social media and hard to reach groups. They were all signposted to the online survey.
Elected Members of the Council	Considered both documents in Renewal, Recreation and Housing Policy Development and Scrutiny Committee and The Executive meeting in September 2023.
Registered Providers	Registered providers were emailed a link to the online survey, inviting them to provide feedback.
External Stakeholders	These included voluntary agencies such as the Citizens Advice Bureau and other organisations that advocate on behalf of residents. It also included neighbouring local authorities and key community groups. They were emailed a link to the online survey, inviting them to provide feedback.
Internal Stakeholders	The wider Council was emailed a link to the online survey, inviting them to provide feedback.

3.4 There were 421 responses. 297 were housing applicants, 86 were Bromley residents, 21 were Bromley staff, and 2 were registered providers. This is a 14% response rate which falls within the acceptable range of 10- 20% for an indicative sample size. Overall, the agreement was 40% and over for each of the proposed changes. We monitored a number of equalities characteristics and compared it to the borough demographic profile. The responses mirrored the borough profile.

3.5 Responses to the proposed changes to the Housing Allocations Scheme via the online survey are shown below:

Summation of Change	Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree	No response
Hybrid Allocation Model of offering both direct and CBL lets. <b>Adopted</b>	21%	36%	23%	12%	7%	1%
Direct lets (bands 1 and 2). <b>Adopted</b>	29%	35%	15%	11%	10%	0%
16/17 Year Older with suitable adult (not care leavers). <b>Adopted</b>	18%	33%	23%	15%	10%	1%
Safe Surrender Agreements for failing tenancies, where all other measures have been exhausted. <b>Adopted</b>	25%	46%	23%	3%	3%	0%
Decants, with higher priority for those who need to move within 6 months. <b>Adopted</b>	31%	42%	18%	6%	2%	1%
Rehousing Guarantee. <b>Adopted</b>	12%	28%	30%	20%	10%	0%
Right to Move (band 4). <b>Adopted</b>	17%	33%	34%	10%	6%	0%
2 Tier Health Priority System. <b>Adopted</b>	35%	48%	13%	3%	1%	0%
Allocation of Gypsies/Travelers' pitches. <b>Adopted</b>	14%	31%	38%	8%	10%	0%
Sensitive Lets. <b>Adopted</b>	25%	44%	26%	3%	2%	0%
Tenancy Determination (at the point of offer). <b>Adopted</b>	21%	46%	25%	6%	2%	0%
Tenancy Sustainment Measures. <b>Adopted</b>	34%	53%	11%	1%	1%	0%
Annual Re-registration. <b>Partially Adopted</b>	36%	44%	14%	5%	2%	0%
Affordability Checks (point of offer). <b>Adopted</b>	30%	41%	21%	5%	3%	0%

3.6 We monitored the responses during the consultation period and on its conclusion analysed the results. These were discussed within the Council on the 19 December 2023. The industry approach is if there is 20% plus disagreement then you do not proceed with the proposed change unless there is an overriding reason for doing so. The proposed changes falling into this category are:

- a) Direct lets for band 1 and band 2 is 21%; this has been discussed. The main reason for disagreement is the perceived reason of not offering choice. However, the statement already stated that preference and choice would be considered. This has been strengthened and retained.

- b) 16/17 year old who have not been in care housed with a suitable guarantor until they are 18 years old is 25%; this has been discussed and retained to prevent a 2 tier service and also because the EQIA shows a positive impact to this age group.
- c) Rehousing guarantee to previous social tenants who were institutionalised is 30%; this has been discussed and retained. On the rare occasion when a tenant has to surrender their tenancy to live in a medium-long term medical facility and is then well enough to live independently, the rehousing guarantee is the most applicable route to rehousing and has therefore been retained.
- 3.7 It is usual for a proportion to neither agree nor disagree. This ranges from 11% to 38%. It is hard to speculate on the reasons, in these cases, it is usual to deem they have no strong feelings one way or the other.
- 3.8 We have now completed the consultation and the findings are summarised below. The key changes are:
- a) **The flow of the scheme** has been changed to make it more accessible to the reader. It includes an introduction covering compliance, a section of housing options within the borough, eligibility and qualification, assessment of an application, allocation and letting of social housing and a section on reviews.
- b) **Hybrid Allocations to Social Rented Accommodation;** the Council currently operate a predominately choice based lettings scheme, the proposal is to introduce a hybrid Housing Allocations Scheme which means a greater proportion of lets will be direct offers and the remainder will be advertised online, on the choice based lettings system. The Council will determine the proportion based on the priorities of the Council such as the challenges faced in respect of homelessness and making best use of existing social housing stock. Adopted with 57% agreement.
- c) **Direct lets:** currently most homes are let through the choice-based lettings system. The proposal is to make direct offers to those placed in the emergency band and bands 1 & 2. Applicants in bands 3 and 4 will continue to be able to bid for accommodation via the choice-based lettings scheme. The consultation did show that people were concerned about choice. The statement of choice in the Housing Allocation Scheme had already been revised to state that preference and choice would be given where practical. Adopted with 64% agreement.
- d) **16/17 Year Olds;** the Council currently enable a small number of young adults such as those Leaving Care to go on the Housing Register if they are under 18, and the Council's Childrens Services acts as a guarantor. The proposal is to extend this to those who are under 18 and have not been in care but have a suitable guarantor who will accept responsibility for the tenancy and for the support where necessary, whilst the tenancy is held in trust until the young adult reaches 18 and can legally hold a tenancy. This will only be in exceptional choice. The EQIA relevancy test has identified this as a positive impact for the protected characteristic of age. Adopted with a 25% disagreement on the basis that this has a positive impact and minimises the risk of future challenge.
- e) **Introducing Safe Surrender Agreements;** this is a voluntary agreement between the landlord and tenant that the tenancy has come to an end. Where a social tenancy is failing, the proposal is to work with registered landlords to find a way to keep tenants in their home, and where this is not possible to identify a satisfactory solution which may involve a safe surrender agreement and/or an offer of alternative accommodation via the housing register. Adopted with 71% agreement.

- f) Rehousing a social tenant – to allow significant repair works to their home;** The Council currently give Band 1 priority to those who need to move within 12 months in order for works to commence in their home. The proposal is to change this to within 6 months in recognition of the need to give the high priority only to those where the need to move is imminent. Adopted with 73% agreement.
- g) Rehousing guarantee;** where the Council agree, a social housing tenant who will relinquish a property because of hospitalisation or some other institutionalised stay, will be considered for rehousing once they are discharged. They will be given band 3 which is a low priority band. On the rare occasion when a tenant has to surrender their tenancy, the rehousing guarantee is the most applicable route to rehouse them and has therefore been retained. Adopted with a 30% disagreement on the basis that the Council must run a fair scheme.
- h) Right to Move Scheme;** this applies to existing social housing tenants that currently live outside of the borough boundaries but who need to move into Bromley to take up employment or an offer of employment, such a move is rare and must meet specific criteria as detailed here: Right to Move and social housing allocations - GOV.UK ([www.gov.uk](http://www.gov.uk)). The Council already assess applicants in accordance with the Right to Move scheme. In the current scheme a successful applicant would be awarded an emergency band and, in most instances, made a direct offer. However, under the new scheme the proposal is to award them Band 4 and, in some instances, make them a direct offer. Adopted with 50% agreement.
- i) Priority on Health Grounds;** The Council already assess medical need and the ability of the applicant or a household member to live in their current home. The proposed scheme has made the assessment process much clearer, in addition to what is detailed in the current scheme, an emergency medical award will be considered if someone is in hospital/residential care and cannot return home because it is not suitable, there is a risk to life, extreme exceptional circumstances. A priority medical award, which is slightly lower will be considered if someone or a member of their household needs care, has a severe long-term limiting illness or permanent and substantial disability. Their health or quality of life must be severely affected by the place they live in to get this award. The Council will take into account, the type of property the applicant needs, the need for outside space and any additional rooms. The EQIA relevancy test has identified this as a positive impact for the protected characteristic of age. Adopted with 83% agreement on the basis that this has a positive impact.
- j) Pitches for Gypsies or Travellers;** the allocation of pitches on a Gypsy and Traveller site is in accordance with the priority given to all applications. However, in order to ensure the ongoing sustainability of the site community, the proposal is to consider the award of additional priority for pitches to close family members of existing licensees, who already live on site, to relieve overcrowding and to maintain family connections on the site. Adopted with 45% agreement on the basis that this only affects a specific applicant.
- k) Sensitive lets;** there are two types of sensitive lets, both fairly rare. The first is where a household requires careful placement for their safety or the safety of others, and the second is where a property has a management history which requires the careful selection of the next tenant to ensure harmony in the area where it is located. In these cases the proposal is to select only the most suitable applicants when making an offer of accommodation. Adopted with 69% agreement.
- l) Tenancy Determination;** the proposal is to introduce a new section on tenancy determination. The Council will have a policy on the types of tenancies they grant. The general principles will be if the applicant has never held a social tenancy before they will be granted an Introductory Tenancy for the first 12 months so the landlord can support them

while they settle in. If the applicant already has an assured or secure tenancy, they will be granted another one. In some cases, a flexible tenancy will be granted, usually if the property is heavily adapted or very large and the landlord wishes to ensure that the tenant continues to need this type of property. These types of tenancies are usually 5 years in length and subject to a renewal process to determine if they still need it. If not, they may register again. Adopted with 67% agreement.

**m) Tenancy Sustainment;** the proposal is to introduce a new section on tenancy sustainment. We wish to ensure that landlords do everything practically possible to promote tenancy sustainment, to include a range of ways to help a tenant manage their tenancy and what to do if things are going wrong including:

- I. Identifying all support needs as early as possible.
  - II. Making their service accessible to everyone.
  - III. Taking the necessary measures to safeguard a household.
  - IV. Signposting to employment, education and health advice.
  - V. Ensuring you can afford the rent.
  - VI. Ensuring the property suits your need.
  - VII. Assessing you for specialist housing at the earliest opportunity if you need it.
- Adopted with 87% agreement.

**n) Band reviews (Re-registration);** the Council needs to ensure that it has the most up to date information on applicants. At present there are no specific timescales set when reviewing an application. There was broad support for reviews to be undertaken of housing register applications, however following further review the timescales outlined in the consultation were not deemed achievable in conjunction with the lean staffing structure. We are therefore proposing to review the Emergency band every 3 months, band 1 applications every 12 months, and all other bands every 3 years to ensure we capture accurate information about the circumstances of the household. Partially adopted with 80% agreement.

**o) Affordability checks when allocating social housing;** the proposal is to introduce a new section on affordability checks. Being able to pay rent and service charges is key to a resident being able to sustain their tenancy. How much a resident can afford to pay for their housing costs will vary depending on the type of accommodation they live in and their financial circumstances. Carrying out affordability checks when allocating a home gives confidence to residents and social landlords that the tenant will be able to afford the home. Adopted with 71% agreement.

3.9 The responses show marked agreement with the revised housing allocations scheme with those agreeing and strongly agreeing exceeding 40% and above. Therefore, based on these percentages, and following consideration of the proposals which showed a 20% plus disagreement, the housing allocations scheme should be adopted.

3.10 The Housing Allocations Scheme has been finalised with analysis of the consultation results provided (Appendix 1), the final proposed scheme (Appendix 2) and an EQIA relevancy test undertaken (Appendix 3) which is accompanied by demographic profile of the housing register (Appendix 3A) and demographic of the Borough (Appendix 3B). The relevancy test showed no adverse impact on any protected characteristics under the Equalities Act and therefore a full EQIA is not required.

#### **4. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

4.1 The Allocation Scheme ensures that the Council is able to meet its statutory responsibilities in respect of housing. That priority for housing is fairly and consistently prioritised in accordance with all legal and statutory responsibilities.



## **5. TRANSFORMATION/POLICY IMPLICATIONS**

- 5.1 In accordance with the Housing Act 1996 Housing Authorities are required to have an Allocation Scheme for determining priorities and for and for defining the procedures to be followed in allocating housing accommodation; and they must allocate in accordance with that scheme. This is required regardless of whether they own their own housing stock or contract out the delivery of any of their allocation functions.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications arising from the recommendations of this report. Any additional staffing or IT costs in relation to the implementation of the Allocations scheme will be managed within existing approved budgets. In the event that any implementation costs cannot be managed within existing budgets, this will be reported in future reports to the RRH PDS and Executive.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 Additional staffing will be required as part of the re-registration and implementation project. The number of those required will be determined subject to IT requirements and scoping exercise, a full business case will be drafted.

## **8. LEGAL IMPLICATIONS**

- 8.1 Part 6 of the Housing Act 1996 and other associated legislation and guidance, requires the Council to develop housing allocation schemes which give reasonable preference to certain categories of applicants.
- 8.2 Section 166A(13) of the Housing Act 1996 requires all stakeholders to be consulted on any changes to a Council's Housing Allocations Policy.
- 8.3 Housing Officers must ensure that the text of the proposed new Housing Allocations Policy and Scheme reflects the changes to homelessness duties and categories introduced by the Homeless Reduction Act 2017.
- 8.4 The Executive authorised on 6 September 2023 the requisite consultation exercise required by law pursuant to Section 166A (13) of the Housing Act 1996 in respect of a new Housing Allocations Policy and Scheme. The Executive in this report is asked to consider the responses received from the consultation exercise and give due consideration to the feedback prior to approving the final Housing Allocations Policy and Scheme.
- 8.5 By adopting the new Housing Allocations and Policy Scheme the Council is properly complying with its legal duties under the Housing Acts and as a landlord including the Council's Public Sector Equality Duty.

## **9. CUSTOMER IMPACT**

- 9.1 More than 5,000 households' approach with housing difficulties which could lead to homelessness each year. At present there are around 3100 households included on the Housing Register. There are currently approximately 1500 households in Temporary Accommodation these are predominantly located outside the borough. 1200 (78%) of homeless households are in costly nightly paid Temporary Accommodation.
- 9.2 It costs the Council an average of £8,857PA per household in Nightly Paid accommodation, this in turn puts a strain on LBB's budgets which impacts on other services. Officers believe the proposed changes will allow the Council to better manage the scarce Housing resources

available, we understand that it is very difficult to navigate a choice-based lettings system that doesn't have high levels of property availability, this in turn, in some instances, leads to selective bidding and extended stays in temporary accommodation. Under the proposed changes the Council will be able to better manage customer expectations and ensure that no one remains in temporary accommodation for longer than is necessary.

## 10. WARD COUNCILLOR VIEWS

- 10.1 The revised draft allocations scheme was subject to review and discussion by Renewal, Recreation and Housing PDS committee and The Executive in September 23. All Councillors were invited to participate in the formal consultation which took place for eight weeks closing on 17<sup>th</sup> December 2023.

<b>Non-Applicable Headings:</b>	Impact on the Local Economy/ Health and Wellbeing, Procurement/Property/Carbon Reduction/Social Value Implications.
Background Documents: (Access via Contact Officer)	HPR2023/043 Housing Allocations Briefing paper HPR2023/049 Housing Allocation Scheme & Choice based lettings (Approval to proceed to statutory consultation)