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| Item No. 16. | Classification: Open | Date: Open | Meeting Name: Cabinet |
| Report title: | | Draft Housing Allocations Scheme for consultation | |
| Ward(s) or groups affected: | | All | |
| Cabinet Member: | | Councillor Leo Pollak, Housing | |

FOREWORD - COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

At the time of writing over 14,000 households are waiting for a secure and affordable home on Southwark's housing register, following a sharp spike in applications during the Covid-19 pandemic. Behind these figures are stories of families living in overcrowded homes, delaying key life decisions due to extortionate housing costs, health and wellbeing problems linked to housing, children's educational attainment and younger people's ability to invest in themselves and their futures thwarted.

With unemployment having doubled in Southwark, growing rent arrears and continuing uncertainty around the Government's post-Pandemic evictions freeze in the private rented sector, the rising pressure on our council housing waiting list makes the need to refine the criteria around how we prioritise access as immediate as it has ever been.

The new housing allocations scheme this report commits us to consult on in the new year aims to use our allocations rules towards building strong, sustainable communities formed around our council homes, while providing a fair, transparent, consistently applied and easily understood set of criteria for residents bidding for homes and for housing association partners. We have aimed to balance the need to support residents with most acute medical and welfare needs and those who overcrowded or without a home, while guarding against the residualisation of council housing and maintaining its status as providing for all stages of life.

Among the changes in this consultation we are proposing to increase the priority given to victims of domestic violence, as well as for care leavers, foster carers and families adopting children and needing larger accommodation. We are also making proposals to help homeless households find new ways of settling down.

We are also introducing a greater degree of flexibility to reflect local circumstances on our local lettings schemes on new build council homes - to strengthen the local community benefit as well as to maximize the wider chain of benefit from new homes.

Alongside this new scheme, we are also jumpstarting a number of initiatives to help enable more lettings through the system, as well as promote awareness of a widest range of housing options and to make the system more user-friendly. These include a series of localised right-sizing initiatives to better connect overcrowded and underoccupying households, as well as reprocurement of the Homesearch and Mutual Exchange platforms to make them more user-friendly, proactive and capable of showing the full range of affordable housing options in our borough.

The stark situation we find ourselves in with the growing housing need in the borough only underscores the critical importance of the council and other builders to bring forward new, high quality, secure, social rent homes, and wherever possible to convert other tenures towards affordability, all while the Government chronically underfunds the most fundamental thing our residents need – a safe and secure. The entire Southwark community – landlords, developers, community groups, housing associations and residents in all tenures – all need to work together to tackle the housing crisis that keeps too many of our residents from living the fullest lives they can.

RECOMMENDATIONS

Recommendations for the Cabinet

1. To note the contents of the proposed draft new housing allocations scheme attached
2. To agree the proposed consultation arrangements proposed in the report
3. To report back to Cabinet in the spring of 2021 on the outcomes of consultation.
4. To agree the initiatives described in paragraphs in 10-13 to promote lettings.

Recommendation for the Leader of the Council

5. To agree the proposed consultation arrangements proposed in the report.

BACKGROUND INFORMATION

6. This most recent review of the Housing Allocations scheme has been prompted by a number of different factors including the introduction of the Homelessness Reduction Act, which gives local authorities the freedom to be innovative, dynamic and transformational. Southwark Council has an enormous housing register with over 14,000 applicants registered for housing, but it is anticipated there will be less than 900 lettings during 2020. For many of these applicants, being on the housing register will do nothing to alleviate their housing need. The new housing allocation scheme needs to be fair and transparent but recognising the council is

required to ration a scarce and valuable resource to build the successful and stable communities of tomorrow.

7. The review has also been carried out against the background of central Government's package of welfare reforms, austerity, the remodeling of the provision of new affordable housing and the COVID19 pandemic. The impact of welfare reform has had a large impact on people in Southwark, and elsewhere, and has resulted in an increase in the number of local residents presenting as homeless, and seeking to join the housing register in order to access better and more affordable housing. The council has seen a 51% increase in homeless applications in the 2020/2021 financial year. The COVID19 pandemic has increased unemployment in Southwark from 22,000 to 44,000 in the last 4 months.
8. The housing allocations scheme is only part of the re-housing framework and households can achieve suitable alternative accommodation through the mutual exchanges, seaside and country homes, the Pan London reciprocal arrangement and accessing private rented accommodation.
9. The production of the new Housing Allocations scheme and the recommendations contained above attempt to address the housing needs of residents who live in Southwark, meet the legal requirements contained within the 1996 Housing Act, and the Homelessness Reduction Act. The Housing Allocations scheme also attempts to address the severe outcomes of the Welfare Reforms and the impacts of the Government's austerity measures. The new Housing Allocations scheme also follows national best practice examples, and provides a sensible response to the continuing demand for housing in Southwark today and in the future.
10. The council will introduce a localised 'right-sizing' initiative to better facilitate mutual exchange, rehousing opportunities between under-occupying and overcrowded households. This will be promoted on a regular basis through information available through the Choice Based Lettings web site, through the production of leaflets, and through support from officers across the council.
11. The council will track the chain of benefit for all new council homes schemes (starting with recent completions at Pelier St and Sumner Rd) to analyse the rehousing impact of new homes. This information will then be promoted on the council's Choice Based Lettings web site and through future consultation exercises.
12. The council will undertake a tendering exercise during 2021 to develop a new Choice Based Lettings web site following a user and stakeholder survey of the usability of the advertising and bidding service, for the renewal of the Homesearch and Mutual Exchange software, including making the Mutual Exchange framework more proactive flexible and user-friendly, and incorporation of intermediate housing options on the same platform. The council has obtained quotes for this under its existing provider. However, a formal tendering exercise will be undertaken in

2021.

13. The council will establish a target for 100% of lettable voids to be allocated within 15 days.
14. A fundamental review of the council's housing allocations scheme was conducted during, 2015, 2016, 2017, 2018, 2019, and completed in 2020. The council's housing allocations scheme was last reviewed in 2013, which resulted in major changes to the earlier lettings policy introduced in 2007. During 2019 and 2020, council officers met with elected members, the three local Members of Parliament and also conducted 6 drop in sessions for officers from across the council to help to produce a new housing allocations scheme. This initial consultation process has significantly assisted the council to design a new housing allocations scheme.
15. The current review was to take into consideration the greater freedoms available to local authorities to determine their lettings policies as set out in the Localism Act 2011 and the recent changes introduced by the Homelessness Reduction Act 2017. Both of these Acts of Parliament enable local authorities to allow flexibility for priority status (alongside the existing 'reasonable preference' categories of applicants to whom local authorities must give a degree of priority under their lettings schemes) to local circumstances, such as people with strong local or family connections.
16. The Localism Act also gives local authorities more freedom to determine who are eligible to join their housing registers. In addition to this the Domestic Abuse Act to be introduced in 2021, will also be of benefit to anyone fleeing Domestic Abuse.
17. Because of the strategic importance of council housing and housing association accommodation in Southwark, and its links to other council priorities such as economic wellbeing, the Fairer Futures principles and improving the health of the borough, it is of the greatest importance for the housing allocations scheme to be a cross cutting strategic policy document which promotes the best solutions for Southwark residents.
18. Officers have carried out a benchmarking and research exercise that has looked at what other authorities are planning and recent or forthcoming changes in government policy and legislation that impacted on lettings.
19. Officers have attempted to make the Housing Allocations scheme easy to understand and accord with council's values contained within the Fairer Futures principles.
20. Households will continue to receive a customised handholding approach to navigate through the Choice Based Lettings scheme and the completion of housing applications when this is required. In addition to this the new housing allocations scheme will design a framework which

enables the council to look at the housing needs of households through the lens of treating every household as it they are an important member of our own families.

21. We accept the priority star system is confusing and hence the new housing allocations scheme has changed to re-design our approach in this area of our work and removed most of the priority stars from the housing allocations scheme.
22. It is believed the new housing allocations scheme meets the principles of the Fairer Futures framework, provides a clear, honest and fair process, which promotes the best use of all available council and housing association accommodation.

New status Band 4

23. All applicants on the current housing register are assessed according to their housing needs, with applicants in Band 4 categorised as a non-priority group. This means that they have no housing need according to the council's lettings policy, and historically have not been re-housed by Southwark Council.
24. There are currently 14,088 applicants registered on the Housing Register with 5,169 or 37% of applicants on the Housing Register being placed into priority Band 4. Unfortunately, none of these applicants are expected to make a successful bid for alternative accommodation. This raises false expectations, with some Band 4 applicants wasting their time and spending money through text bidding. These applicants continue to bid when they have no realistic prospect of being housed, as well as being costly to administer. The council proposes to continue to allow these 5,169 applicants to remain on the housing register and for new priority Band 4 applicants to join the housing register.
25. It is important to note that the council is in the process of being able to hold data on all residents approaching the council for housing assistance whether they are included on to the housing register or not. New work has commenced that will allow the council to record all housing needs from all approaches to the council, and this data collection and analysis will be a more reliable and accurate reflection of housing need in the future.
26. It should also be noted that Bands 1-3 are currently used to measure the true level of housing need in the Borough and will continue to do so in the future.
27. It is proposed to introduce a new band 4 for applicants assessed as having a priority need but who either lack a local connection with the council or whose priority has been reduced in accordance with the scheme and for these applicants to always have the highest priority in priority Band 4, through the provision of a priority Band 4 status for these

applicants above all other priority Band 4 applicants.

28. The council will review the priority Band 4 status in partnership with applicants, partner agencies and national stakeholders to ensure the principles of a transparent operating environment are maintained in the future.
29. There are no plans to remove Band 4 status from the housing allocations scheme.

Local Residence criteria for new housing applicants

30. Under the Localism Act 2011 the residential qualifying period may now be set by the local authority.
31. It is recommended that the residential period be used as a criterion for priority and be five years and with the exception of Key Workers working in Southwark, armed forces personnel or applicants who have a work related right to move or other exceptional reason all applicants will be required to live in Southwark for five consecutive years to be prioritised within bands 1-3.
32. By removing the working in Southwark element from the existing Housing Allocations scheme this will ensure that more homes will go to local Southwark residents.
33. It is recommended that the local residency qualification is set at five consecutive years with the exceptions outlined above.

Re-housing residents on regeneration and new build schemes

34. It is recommended that the housing allocations scheme includes the following provisions:
35. If a new-build property is not available at time of decant, the tenant is given the option to return to a new build replacement property.
36. That a percentage of all allocations are allocated to existing tenants local to the redevelopment/new build scheme.
37. It is recommended that the rules described are implemented on the introduction of this Housing Allocations scheme.

Removal of priority stars for all households on the Housing Register

38. It is recommended that households no longer attract priority stars, with the exception of those housing applications who are undertaking voluntary contributory work on Southwark Council or partner Housing Association estates. Therefore, the residents housing application will be assessed on

the basis of the applicants housing need, this being assessed on the housing, medical and support needs of each household, with the exception of voluntary contributions on Southwark Council and partner Housing Association estates.

39. It is proposed to introduce a new band 4 for applicants assessed as having a priority need but who either lack a local connection with the council or whose priority has been reduced in accordance with the scheme and for these applicants to always have the highest priority status in Band 4, through the provision of priority status.

Local Lettings

40. It is recommended that local lettings policies may be drawn up centrally in consultation with tenants, residents and approved by the Cabinet Member for Housing as appropriate.
41. This recommendation relates to all new build property including the 11,000 new homes to be provided. A percentage of all allocations for the 11,000 new build properties initiative will be allocated to existing residents local to the redevelopment/new build scheme.
42. This will help strengthen the influence of residents in their local communities.
43. It is recommended that this change is implemented.

Refusing Offers

44. It is recommended that applicants bidding for a home through the Choice Based Lettings scheme are no longer limited to refusing three properties and applicants can refuse un-limited numbers of affordable homes. Currently, applicants are allowed three refusals under the current Housing Allocations scheme.
45. It is also recommended that the removal of applicants from the Housing Register who have not submitted a bid for accommodation in the previous 12 months will take place to ensure the Housing Register reflects true and current housing needs. This rule will not apply to homeless households placed in the priority bands.
46. It is recommended at that this change is implemented.

Armed Forces

47. It is recommended that additional priority will be awarded to people leaving the Armed Forces in housing need. These applicants will be placed in Band 1. This will allow the council to comply with the Armed Forces Covenant it has signed.

Localism Act 2011 sections 148 and 149

48. It is recommended that homeless people may be re-housed into the Private Rented Sector rather than a Social Housing tenancy to allow the council to discharge its homeless duty. The operation of this section of the Housing Allocations scheme will comply with the Homelessness (Suitability of Accommodation) (England) order 2012 SI No 2601.
49. It is recommended at that this change is implemented.

Annual Lettings Plan

50. It is recommended that the council will produce an Annual Lettings Plan; this will set annual targets for property types across all priority needs bands, and ensure applicants in the highest priority needs groups are re-housed as soon as possible through active support from the council. This lettings plan will also highlight the reason for the households being accommodated, the percentage of lettings to each property type and the number of properties used as temporary accommodation.
51. It is recommended at that this change is implemented.
52. It is recommended that the council promotes Low Cost Homeownership schemes, Mutual Exchanges and private rented options to all applicants on the housing register to attempt to meet the households housing needs and aspirations.
53. It is recommended the council conducts financial appraisals of all applicants to promote the most appropriate housing solution for each household.
54. It is recommended that people who are statutory overcrowded who lack 2 or more bedrooms will be awarded priority Band 1. As at the 8th November 2020, this would mean that 29 households.
55. The new priority Band 3 criteria for overcrowded households will include those family households whom are currently residing within another household's address.
56. It is recommended that Band 2 priority status will be awarded to homeless households whom the council would have a duty to house, but who have accepted private rented accommodation under prevention and relief duties. They are homeless applicants who accept a property in the private sector through Sections 148 and 149 Localism Act
57. It is recommended that applicants who would otherwise be in bands 1-3 but who lack a local connection with the authority should be placed into the new priority status Band 4.
58. It is recommended that the family dwelling category should be removed

meaning all types of households can bid for houses. Previously only applicants with a child under the age of 16 could apply for houses.

59. It is recommended that the good tenant priority category is removed. This means 21 household applications will need to be re assessed. This removal would promote the council's commitment for equality of opportunity and ensure only a households housing needs are assessed as part of the housing application process. The good tenant status is a reward to residents whom have completed what they should have done as part of the tenancy agreement. This takes away stock from residents whom actually require a transfer i.e. clients needing a ground floor property due to medical needs, overcrowded households or applicants fleeing Domestic Abuse. Many residents feel punished for going through a hard time i.e. losing employment due to COVID19, and then awaiting benefit claims to be put in place resulting in the applicant falling into rent arrears and no longer qualifying for the Good Tenant status. Consequently, many clients have complained as a result of this refusal feeling disheartened and under-valued as a result.
60. It is recommended greater flexibility is provided to the Strategic Director of Housing and Modernisation relating to decisions and management of the Housing Allocations scheme.
61. It is recommended the changes introduced by the Homelessness Reduction Act 2017 are now placed within the Housing Allocations scheme to ensure the new Housing Allocations scheme is compatible with this Act.
62. It is recommended Right to Move applicants are awarded priority Band three status.
63. It is recommended that Key Workers also access the Intermediate accommodation being provided by Southwark Council and Housing Association partners. This accommodation provision falls outside of the remit of this Housing Allocations scheme.
64. It is recommended priority Band two status is awarded to applicants nominated by Adult Social Services/Children's Services, for example:
 - Southwark Care Leavers (Former Relevant children) as defined by the Children (Leaving Care) Act 2000, for example:
 - Care leavers
 - A need to move due to child protection issues
 - Fostering carers for the Council where there is a need to move to a larger home in order to accommodate a looked after child
 - Adoption arrangements the Council where there is a need to move to a larger home in order to accommodate a looked after child
 - Adult Social Services customers who would otherwise be in priority Band 3 or 4.(eligible under the Care Act 2014 / Mental Health Act

1983/2007).

65. It is recommended Band 2 priority status for applicants fleeing domestic violence and abuse that have been assessed by:
 - MARAC (or any subsequent multi agency arrangement) as needing to move urgently for the safety and security of themselves and or any dependent children and are assessed as being in immediate danger, and
 - On the recommendation of the MARAC partnership the applicant requires social housing, and
 - b) The Council's assessing officer agrees that due to the nature and extent of the circumstances of the MARAC case accommodation in the private rented sector would, through its short-term nature, have a substantial detrimental effect on individual or household.

Policy implications

66. Most of the recommendations are providing further definition and clarification to the existing policy.
67. The recommendations are in line with the council's "Fairer Future Principles" and in particular seek to ensure that we are open, honest and accountable.
68. The drivers for these changes are the Localism Act 2011, the Homelessness Reduction Act 2017, and the Welfare Reform Act 2012 and the demand for social housing greatly outstripping supply. Regard has also been had to the statutory guidance, Allocation of Accommodation Guidance for Local Housing Authorities in England.
69. In preparing the revisions to the Housing Allocations scheme regard has been had to the Housing Strategy, Homelessness Strategy, the London Housing Plan, and the council's Tenancy Strategy. In addition to this, equalities impacts have been borne in mind throughout the process. The equality impact analysis is attached as Appendix 3 to this report.
70. The council, by adopting this new Housing Allocations scheme, will be adopting national best practices.
71. The recommendation to remove employment within Southwark with the exception of Key Workers as a criteria for priority will ensure that more homes will go to local people and contribute to sustainable communities. The new approach will assist the council to adopt a managed approach to its Housing Register for the benefit of local communities.
72. The Localism Act enables the council to better manage its housing register by giving it the power to determine which applicants qualify for an allocation of social housing. The council will be able to operate a more transparent system which better reflects local circumstances and can be

understood more readily by local people.

73. The Localism Act also gives the council the power to end the main homelessness duty with an offer of private rented accommodation, without requiring the applicant's consent. Please note this power was contained within the council's current Housing Allocations scheme that is in existence.
74. We will monitor the number of lettings on a monthly basis and keep these new policy changes under review and if any further amendments are required to be made to the council's Housing Allocations scheme we will report back following a twelve month review.

Community impact statement

75. As well as being in line with the council's Fairer Future Principles, the new Housing Allocations scheme further contributes to the Council Plan.
76. The recommendations contained in this report, if adopted, will result in a more equitable, customer-focused and transparent system for all applicants, irrespective of their landlord, registering for housing in Southwark. Although the recommendations will not deliver any increase in housing supply in the borough, they will enable this scarce resource to be managed more effectively, strategically, and allocated to those local residents with the highest priority.
77. Amending the residential qualification should enable Southwark to focus its resources on local people in need however this needs to be closely monitored to ensure that no group is disadvantaged.
78. The Housing Solutions service regularly carries out equality monitoring of Lettings and the Housing Register and this work will continue going forward.
79. In order to ensure that no group is disproportionately disadvantaged a review will take place twelve months after implementation to make sure that there has been no detrimental impact on all protected characteristics that are outlined in legislation.
80. The council through this review of the Housing Allocations scheme continues to prioritise housing need. However this report recognises that council housing is a scarce resource and it has to be used both to respond to a range of housing needs, and to help to support the council's wider strategic objectives of delivering mixed and sustainable communities, and in contributing to improving the economic wellbeing of the borough.
81. Southwark Council's Housing Solutions service provides advice and potential housing solutions to all residents in housing need and those residents that could be affected by the new residence qualification and other potential qualification criteria exclusions would be provided with a customer focused housing advice/money advice service to offer potential housing

solutions to address the residents housing needs.

82. No major changes are proposed to the existing housing allocations scheme. Equality and discrimination duties are areas giving rise to challenge in the courts. It is therefore important that the council undertakes a robust equality assessment which will feed into consultation and vice versa. It will also help the council consider proportionality and identify discrimination issues and consider justification; if challenged on an aspect of the scheme the council will need to be able to adequately justify its choices. Therefore, attached to this report is the first equality impact assessment, which will be updated as the new housing allocations progresses through the consultation framework.

Resource implications

83. Central and local government policy has driven Choice Based Lettings schemes nationally as a means of increasing consumer choice and empowering housing applicants by moving responsibility for choice of an individual allocation from the council to the individual. This initiative has been a policy driven decision, with the benefits being in increased transparency of systems, improved access and higher levels of resident satisfaction.
84. No direct staffing implications are anticipated as a result of the report, however it is anticipated that the policy review could bring about some process efficiency through reduction in legal costs, and reduction of void loss over disputed allocations.

Legal implications

85. The allocation of housing accommodation by local housing authorities (LHAs) is regulated by Part 6 of the Housing Act 1996 (HA 1996). The council is required to have a scheme for determining priorities and the procedure to be followed in allocating housing accommodation, including all aspects of the allocation process and the persons or description of persons by whom decisions are taken. The council operates a lettings policy by way of compliance with this requirement.
86. Generally, a local housing authority must not allocate housing accommodation except in accordance with its allocation scheme. Subject to certain statutory exceptions, a LHA must allocate accommodation in accordance with its scheme of allocation when the LHA:
 - Selects a person to be a secure or introductory tenant of housing accommodation.
 - Nominates a person to be a secure or introductory tenant of housing accommodation
 - Nominates a person to be an assured tenant or assured short-hold tenant of housing accommodation held by a Private Registered Provider.

87. For allocations falling outside the requirements of Part 6 of the HA, the council will need to have other policies governing those arrangements.
88. In formulating or amending their allocation scheme, a LHA must have regard to:
 - Its current homelessness strategy under section 1 of the Homelessness Act 2002.
 - Its tenancy strategy under section 150 of the LA 2011.
 - The London Housing Strategy (for London authorities).
89. LHAs must also have regard to guidance issued by the Secretary of State. This is currently Department for Communities and Local Government: Allocation of accommodation: Guidance for local housing authorities in England 2012 (Allocation of Accommodation Guidance). LGAs should also have regard to the Ministry of Housing, Communities and Local Government's Homelessness Code of Guidance for Local Authorities (February 2018).
90. Although the HA 1996, as amended by the Localism Act 2011, gives LHA's broad discretion to determine what classes of person will be considered as qualifying under the scheme and to determine relative priorities between qualifying applicants, there are requirements to give reasonable, and in some defined cases, additional, preference to certain categories of people. A LHA cannot disqualify persons who fall within one of the classes of person for whom a reasonable preference must be secured under the scheme.
91. LHA's may also frame the scheme so as to give "additional preference" to other particular descriptions of persons with urgent housing needs. Where the council makes provision for additional preference going beyond legal requirements, this must be justified.
92. This report sets out a number of proposed changes to the current Housing Allocations scheme. Section 167(7) of the Housing Act 1996 requires a local housing authority to send a copy of proposed alterations of a scheme that reflect major policy changes, before taking a decision on the proposals, to every private registered provider of social housing and registered social landlord with which it has nomination rights and afford those persons a reasonable opportunity to comment on the proposals.
93. Consultation should also be carried out with those likely to be affected by the proposed changes to the allocation scheme. The broader consultation with wider Southwark residents proposed in the report will also provide an opportunity for other residents to engage.
94. To meet legal requirements consultation must be undertaken when proposals are still at a formative stage; it must include sufficient reasons for the proposals to allow interested parties the opportunity to consider the proposal and formulate a response; it must allow adequate time for

interested parties to consider proposals and formulate their response and the outcome of consultation must be conscientiously taken into account when the ultimate decision is taken.

95. Due regard must also be given the public sector equality duty (PSED) in section 149 of the Equality Act 2010 that requires the council to consider all individuals when carrying out their functions; this includes changes to policy. The duty requires that due regard be given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people. Specifically, the following protected characteristics must be given due regard - age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The PSED also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, discrimination.
96. It is therefore important that a robust equality assessment is undertaken to enable the council to identify and address any adverse impact on those with protected characteristics. When considering the recommendations in this report, cabinet members should keep the PSED in mind and actively consider the information set out in the community impact statement in this report.

Financial implications

97. Central and local government policy has driven Choice Based Lettings schemes nationally as a means of increasing consumer choice and empowering housing applicants by moving responsibility for choice of an individual allocation from the council to the individual. This initiative has been a policy driven decision, with the benefits being in increased transparency of systems, improved access and higher levels of resident satisfaction.
98. No direct staffing implications are anticipated as a result of the report, however it is anticipated that the policy review could bring about some process efficiency through reduction in legal costs, and reduction of void loss over disputed allocations.

Consultation

99. The key principle of the proposed consultation to progress the adoption of the Housing Allocations scheme will be inclusive of all the borough's communities, using a range of methods to provide as many residents as possible with the opportunity to engage.
100. The consultation will use a mix of traditional methodologies and newer methods such as on line consultations in order to allow a wider range of residents to participate.
101. Consultation with external stakeholders a questionnaire outlining the

council's recommended changes, as well as specific questions will be sent to external partners including registered social landlords and representatives from the voluntary and community sector.

102. Consultation with internal stakeholders – a similar questionnaire plus specific questions for consideration, will be circulated internally to all service areas with an interest in allocations, for example area housing management.
103. All Registered Social Landlords operating in the borough will receive a letter seeking views on the proposed changes to the Housing Allocations scheme, with these consultation comments considered as part of the design of the new Housing Allocations scheme.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

104. The allocation of housing accommodation by local housing authorities (LHAs) is regulated by Part 6 of the Housing Act 1996 (HA 1996). The council is required to have a scheme for determining priorities and the procedure to be followed in allocating housing accommodation, including all aspects of the allocation process and the persons or description of persons by whom decisions are taken. The council operates a lettings policy by way of compliance with this requirement.
105. Generally, a local housing authority must not allocate housing accommodation except in accordance with its allocation scheme. Subject to certain statutory exceptions, a LHA must allocate accommodation in accordance with its scheme of allocation when the LHA:
 - Selects a person to be a secure or introductory tenant of housing accommodation.
 - Nominates a person to be a secure or introductory tenant of housing accommodation
 - Nominates a person to be an assured tenant or assured short-hold tenant of housing accommodation held by a Private Registered Provider.
106. For allocations falling outside the requirements of Part 6 of the HA, the council will need to have other policies governing those arrangements.
107. In formulating or amending their allocation scheme, a LHA must have regard to:
 - Its current homelessness strategy under section 1 of the Homelessness Act 2002.
 - Its tenancy strategy under section 150 of the LA 2011.
 - The London Housing Strategy (for London authorities).

108. LHAs must also have regard to guidance issued by the Secretary of State. This is currently Department for Communities and Local Government: Allocation of accommodation: Guidance for local housing authorities in England 2012 (Allocation of Accommodation Guidance). LGAs should also have regard to the Ministry of Housing, Communities and Local Government's Homelessness Code of Guidance for Local Authorities (February 2018).
109. Although the HA 1996, as amended by the Localism Act 2011, gives LHA's broad discretion to determine what classes of person will be considered as qualifying under the scheme and to determine relative priorities between qualifying applicants, there are requirements to give reasonable, and in some defined cases, additional, preference to certain categories of people. A LHA cannot disqualify persons who fall within one of the classes of person for whom a reasonable preference must be secured under the scheme.
110. LHA's may also frame the scheme so as to give "additional preference" to other particular descriptions of persons with urgent housing needs. Where the council makes provision for additional preference going beyond legal requirements, this must be justified.
111. This report sets out a number of proposed changes to the current Housing Allocations scheme. Section 167(7) of the Housing Act 1996 requires a local housing authority to send a copy of proposed alterations of a scheme that reflect major policy changes, before taking a decision on the proposals, to every private registered provider of social housing and registered social landlord with which it has nomination rights and afford those persons a reasonable opportunity to comment on the proposals.
112. Consultation should also be carried out with those likely to be affected by the proposed changes to the allocation scheme. The broader consultation with wider Southwark residents proposed in the report will also provide an opportunity for other residents to engage.
113. To meet legal requirements consultation must be undertaken when proposals are still at a formative stage; it must include sufficient reasons for the proposals to allow interested parties the opportunity to consider the proposal and formulate a response; it must allow adequate time for interested parties to consider proposals and formulate their response and the outcome of consultation must be conscientiously taken into account when the ultimate decision is taken.
114. Due regard must also be given the public sector equality duty (PSED) in section 149 of the Equality Act 2010 that requires the council to consider all individuals when carrying out their functions; this includes changes to policy. The duty requires that due regard be given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people. Specifically, the following protected characteristics must be given due regard - age, disability, gender

reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The PSED also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, discrimination.

115. It is therefore important that a robust equality assessment is undertaken to enable the council to identify and address any adverse impact on those with protected characteristics. When considering the recommendations in this report, cabinet members should keep the PSED in mind and actively consider the information set out in the community impact statement in this report.

Strategic Director of Finance and Governance

116. There is no direct staffing or resource implications anticipated as a result of this report.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|-------------------|---------|---------|
| None | | |

APPENDICES

| No. | Title |
|------------|--------------------------------------|
| Appendix 1 | Draft new housing allocations scheme |
| Appendix 2 | Equality Impact Assessment |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Cabinet Member | Councillor Leo Pollak, Housing | |
| Lead Officer | Michael Scorer, Director of Housing and Modernisation | |
| Report Author | Ian Swift Head of Housing Solutions | |
| Version | One | |
| Dated | 26 November 2020 | |
| Key Decision? | Yes | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments Included |
| Director of Law and Democracy | Yes | Yes |
| Strategic Director of Finance and Governance | Yes | Yes |
| Cabinet Member | Yes | Yes |
| Date final report sent to Constitutional Team | 26 November 2020 | |