
Report to
Cabinet

11th January 2005

Report of
Head of Housing Policy and Services

Title The Future of the Council's Housing List

1 Purpose of the Report

- 1.1 This report asks Cabinet to approve "in-principle" proposals with regard to the maintenance of a City Council Housing Register. If approved, detailed investigations and negotiations will be put in hand with a view to presenting full proposals to you for consideration next Summer.
- 1.2 The proposal is put forward because, from the service user perspective, the current arrangements are poor. To the Council, they are also expensive. Change will allow development of service areas that are weak and should result in savings in both the medium and long term.

2 Recommendations

- 2.1 Cabinet is asked to give "in principle" agreement to the proposal that the Council no longer maintains a Housing Register and explores in depth with the Housing Associations in the city alternate ways for achieving that, with a detailed report being brought back to you in next Summer.

2. The present arrangements

- 2.1 When the Council transferred its housing stock to Whitefriars, it maintained the right to nominate people off its Housing List to 75% of the vacancies occurring in Whitefriars' properties. It generally also has nomination rights to 50% of the vacancies occurring in the stock of the other Associations in the city.
- 2.1 Applications for housing are, therefore, still made to the Council and are assessed according to the Council's scheme for giving priority to those with "housing need". When a vacancy occurs in Housing Association stock to which the Council has nomination rights, the Associations asks the Council for a nomination and the person nominated is the "top case" listed for that size, type and location of property. Although homelessness is different (see section 4 below), the Stock Transfer Agreement does, however, allow Whitefriars to reject nominations which conflict with its policies governing to whom it allocates its properties.

- 2.2 This means that if a member of the public wants a Housing Association tenancy, they should apply to the City Council. But to obtain access to the proportion of vacancies the Associations allocate themselves (25% of Whitefriars' vacancies and 50% of the other Associations) they should also apply to each Association with property in the city (or at least in the area of the city where they want to live).
- 2.3 There are 24 Associations with property in the city, although some provide specialist accommodation. There are ten Associations providing general housing. Some have offices in the city but not all.
- 2.4 Each Associations has its own scheme for assessing the priority that should be given to the application. To make the assessment, the information each Association requests from the person seeking housing is basically the same, but the person who wants social housing has to provide it separately in each case.
- 2.5 The situation has been made still more complex in Coventry, however, following the Choice-based Lettings Pilot Scheme. This was the scheme tested in the city and in 23 other areas of the country between 2001 and 2003, where a different approach to the allocation of social housing tenancies was tried. Available vacancies were advertised in the press, on a web-site or through a property shop. The priority system was relatively simple, with only the most urgent cases being given priority. People then "bid" (registered their interest) in the property they wanted and the person with the earliest application, taking into account the priority cases, was allocated the tenancy. The approach was very proactive in that it required the person seeking housing to check each week on what was available and make bids.
- 2.6 Following the pilot scheme, Touchstone Housing Association decided that they wanted to continue to use the Choice based system (Called 'Coventry HomeChoice') and have opened a property shop in New Union Street to administer it.
- 2.7 Thus the person who wants social housing should not only join the Council's Housing List, and the Lists of the other Associations, but should also make regular checks with Coventry HomeChoice to see if there is any property there that matches their requirements.

3 The City Council's Housing List

- 3.1 Many Authorities when transferring their stock to a Housing Association make revised arrangements with regard to the maintenance of their Housing Register. The most usual route is that their stock transfer housing association runs it for them. Some are operating Choice-based Lettings schemes for all the Associations in their area.
- 3.2 It used to be a legal requirement for the Council to maintain a Housing Register but that is no longer the case.
- 3.3 If it maintains a Register, however, a Council is now in a complex legal situation. Housing legislation in 2002 defined in great detail the types of cases that have to be considered to be in "housing need" and be given priority within any Council allocation system. The legislation also dealt with admittance to the List.
- 3.4 The thrust of the legislation with regard to admittance to the list was that most people would be eligible to go onto the List. There are only two groups people who are not eligible and they are:

People with nationality/immigration/residency status that means that they cannot access public housing.

People with a record of "Unacceptable Behaviour", be it anti-social behaviour or outstanding rent arrears from a previous tenancy.

- 3.5 The test the Local Authority has to apply with respect to "Unacceptable Behaviour" is three-fold. Firstly, it has to decide whether "Unacceptable Behaviour" occurred. Then it has to decide if the person had been a Local Authority tenant and the Council had sought possession of the property because of that behaviour, would it have been awarded possession and would the person have been evicted. Lastly, it must decide whether it is still appropriate to exclude the person from the List, or whether the circumstances have changed so much that to do so is inappropriate.
- 3.6 The legislation includes a right of review by a more senior officer of any decision to exclude someone from the List. If the person is still dissatisfied with the outcome, they can seek Judicial Review by the Court .
- 3.7 Housing Associations are not, however, governed by the legislation - either that related to the priority cases, or more importantly relating to admittance to the list. Thus there are people whom the Council has to register on its Housing List whom the Associations can (and do) then refuse to house.

4 Homelessness

- 4.1 The position with homelessness is somewhat clearer in that the legal obligation to administer the legislation with respect to homelessness rests with the Local Authority and only the Local Authority can make determinations with respect to homelessness.
- 4.2 There are five tests that have to be applied whenever a person reports to the Authority as "homeless" and if there is a positive judgement on all five, the Council must provide both emergency (if needed) and long-term accommodation. Emergency accommodation can be in "Bed and Breakfast" but if so, it must not exceed six weeks in duration.
- 4.3 Because of the increase in the amount of homelessness in the last three years, some 25% of the properties passed to the Council by the Associations for nomination are now allocated to homeless families. The Transfer Agreement does not allow Whitefriars to reject a homeless nomination by the Council because the person does not comply with Whitefriars' allocation policies.
- 4.4 The Government is working strongly to encourage the development of preventative work so that potential homelessness is deterred and is also strongly against the use of Bed and Breakfast accommodation altogether. To achieve those objectives within existing resources requires a major reconfiguration of the section of Housing Policy and Services dealing with homelessness.
- 4.5 Even if that happens, homelessness will not be eliminated altogether, so the Council must have access to properties. Focus Housing Association are developing a new hostel to provide emergency accommodation for the homeless, so that the use of Bed and Breakfast accommodation can be eliminated. We are also developing a scheme with private sector landlords to provide property for people to move on to from the emergency accommodation.
- 4.6 If a new way is developed in the city by-which people apply for Housing Association tenancies, the Council must, however, be able to "top-slice" the vacancies that arise so that it can meet its obligations under the homeless legislation.

5 Council Priority Cases

- 5.1 As well as negotiating to achieve "top slicing" of the vacancies to deal with homeless cases, if Cabinet does give an "in-principal" agreement to develop proposals further, another important part of negotiations will be to try and ensure that the Council can obtain access to accommodation for other people it needs to have housed if it is to achieve other objectives. The numbers should be small, but might include families where the child cannot be discharged from residential care because they cannot be accommodated at home, or where people need re-housing so that a Council residential establishment can close.
- 5.2 The Council's involvement with these people would generally be through Social Services and a mechanism would have to be agreed as part of the negotiations so that they can achieve rehousing. It might be that a special panel of Housing Association and Council representatives could be created, which would consider individual cases and develop a rehousing package.

6. Councillor Special Interest Cases

- 6.1 For most elected representatives, a major part of their constituency work relates to housing issues and how soon a person might be allocated the accommodation they want. Given the complex entry arrangements detailed in section 2, providing the answer is far from straight-forward.
- 6.2 With some cases the Councillor will conclude that the case is being dealt with correctly. It is receiving the appropriate priority and the choices the family have made with respect to the types of property they want to live in and the areas of the city in-which they want to live, will mean that they must wait their turn. In other cases, however, members will conclude that the circumstances of the case are not being properly reflected, or that there are special circumstances that ought to be taken into account.
- 6.3 As part of the negotiations it will, therefore, also be necessary to reach agreement as to how those cases are dealt with and again the idea of the special panel might be appropriate.

7 An alternative arrangement

- 7.1 Some initial work has been done already with the local Housing Associations to test whether it would be possible to develop arrangements that simplify the current arrangements for obtaining a Housing Association tenancy. A system with just two routes is feasible:

For those Associations who wish to maintain systems where housing need is assessed, they agree a common priority system and a single Application Form (although it could be an electronic one).

For those Associations who want to use the Choice-based route, there is one Choice-based system available for the whole city.

- 7.2 Each of the major Housing Associations in the city has considered the matter and all have given in-principal support to developing such arrangements.
- 7.3 If Cabinet is minded to go with such arrangements, the next step is the development of the common priority system between the Associations and the common form.
- 7.4 If acceptable agreements can be reached with respect to dealing with homelessness and the other priority cases, the Council could then cease to maintain a Housing Register and forgo its separate nomination rights. People wanting social housing would join the Common Housing List maintained by the Associations, and/or use the Choice-based scheme.

7.5 Running parallel to this process, but not dependent upon it, is the concept of a 'one-stop shop' and NRF funding has been obtained to explore the concept. Advice about obtaining a Housing Association tenancy would be provided by the Shop, as well as access to the Choice-based Lettings scheme. If the Common Housing List maintained by the Associations and single "application form" is developed, its administration could also be based at the Shop.

8 Impact on City Council staffing and financial implications

8.1 At present there is a team of eight Clerk/Receptionists (including a Senior Clerk) who process and maintain the applications for housing made to the Council. They also provide front-line advice in the Housing Centre. In addition, there are also ten full-time and five part-time Nominations and Advice Officers (including two senior officers). They provide general housing advice, advise people of their position on the Council's Housing Register, deal with homelessness, and work on the computer system to match applicants on the Council's Housing Register with Housing Association property for which the Council has been asked for a nomination.

8.2 If the need to process and maintain Housing Applications and to work on the computer system matching people with properties is no longer required, there will be scope to both reconfigure the section, provide the preventative homelessness service sought by Government and achieve financial savings.

8.3 If in-principal agreement is given to the proposal, detailed work will be put in hand to develop new staffing arrangements and budgetary implications.

9. Consultation

9.1 As part of the development of the proposal it is the intention to consult with service users and to take that feed-back into account.

10. Other specific implications

	Implications (See below)	No Implications
Area Co-ordination		
Best Value		
Children and Young People		
Comparable Benchmark Data		
Corporate Parenting		
Coventry Community Plan		
Crime and Disorder		
Equal Opportunities		
Finance		
Health and Safety		
Human Resources		

	Implications (See below)	No Implications
Human Rights Act		
Impact on Partner Organisations		
Information and Communications Technology		
Legal Implications		
Property Implications		
Race Equality Scheme		
Risk Management		
Sustainable Development		
Trade Union Consultation		
Voluntary Sector – The Coventry Compact		

10.1 The implications in respect of Corporate Parenting, Finance, Human Resources and Partner Organisations are detailed in the report. The proposals will be developed following the best practice established amongst other housing authorities. Trade union consultation has already commenced.

10.2 The legal implications are complex and the final proposal brought forward will, ofcourse, have to comply with the legal requirements. Difficulties arise in that although the law no longer requires that Local Authorities maintain a Housing Register, they seem to be unable to discharge their homeless obligations with an allocation of property outside the Register. Specialist expert advice is being sought.

11. Timescale and expected outcomes

11.1 As indicated, the intention is that another report be brought to you next year following full discussions with the partner Associations and the development of detailed ideas.

List of background papers

Proper officer: Head of Housing Policy and Services

Author: Telephone 024 7683 1923
Stephen Rudge, Head of Housing Policy and Services, Housing Policy and Services
(Any enquiries should be directed to the above)

Other contributors:
Sue Inannantuoni, Human Resources Manager (Social Services and Housing)
James Duley, Finance and IT (Social Services and Housing)
Vicky Buckley, Principal Lawyer, Legal and Democratic Services

Papers open to Public Inspection

Description of paper	Location
File: The Future of the Council's Housing List	SH6