

WEST OXFORDSHIRE DISTRICT COUNCIL

CABINET

WEDNESDAY 27 MAY 2015

RIGHT TO MOVE - ALLOCATIONS POLICY

REPORT OF THE JOINT HEAD OF REVENUES AND HOUSING SUPPORT

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(The decisions on this matter will be recommendations to the Council)

1. PURPOSE

To consider proposed changes to the Allocations Policy for nominating to affordable homes in the District as a consequence of the introduction of the Right to Move for social tenants who need to move to take up a job or live closer to their place of employment.

2. RECOMMENDATIONS

- (a) That the Housing Nomination Scheme be amended to include an additional 'Special case' category to cover applicants who have the Right to Move as defined by the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) and as set out in paragraph 3.11 of this report.
- (b) That a quota of 1% of annual nominations is agreed for the purposes of re-housing applicants who qualify for the Right to Move and that authority is delegated to the Head of Revenues and Housing Support, in consultation with the relevant Cabinet Member, to set a revised annual quota taking into account the level of demand, available resources and the needs of other housing applicants.

3. BACKGROUND

- 3.1. A review of the allocations policy for affordable housing has been prompted by the publication of the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) which came into force on 20 April 2015. The new regulations prevent local authorities in England from applying a local connection test for social housing which disqualifies existing social tenants who need to move to another local authority district (in England) for work related reasons.
- 3.2. Nominations policies must give certain categories of Applicant reasonable preference for re-housing. New statutory guidance on social housing allocations under section 169 of the Housing Act 1996 has also been issued. It makes it clear that the existing 'hardship' reasonable preference category should be considered in regard to social tenants who need to move into another district for work related reasons.
- 3.3. Together, the regulations and guidance establish a 'Right to Move' for social tenants seeking to transfer from another local authority district in England in order to be nearer to their place of employment or in order to take up an offer of employment in the district.
- 3.4. The Right does not apply in relation to unpaid work or where it is short term or considered to be marginal in nature or ancillary to work in another district. An

apprenticeship covered by an employment contract qualifies as 'work'. Where the tenant wishes to move in order to accept employment in the district, they must be able to demonstrate a genuine intention to take up the offer.

- 3.5. In addition to 'needing to move for work reasons', tenants must also need to move in order to avoid hardship to themselves or others within the household. In making its assessment as to whether the 'hardship' test is satisfied, the local authority can take into account such factors as the distance or time taken to travel between work and home, the availability and affordability of public transport, the nature of the work and whether similar opportunities are available closer to home, the length and nature of the contract and personal factors such as medical conditions and child care which would be adversely affected if a move was not achieved.
- 3.6. The guidance also recommends that local authorities should set a quota of at least 1% of properties it expects to allocate each year for tenants who have the Right to Move. A quota of 1% would be around 4 vacancies per annum and this could be reviewed on an annual basis in line with actual demand and the needs of other applicants.
- 3.7. The Government is also consulting on a proposal to introduce a new reasonable preference category (instead of relying on the 'hardship' category) to give effect to the Right to Move for social tenants in the future. The recommended creation of a new 'Special Case' status category would also satisfy any such change.

Proposed amendments to the nominations policy

- 3.8. Section 1.2 of the Council's nominations policy sets out the definition of 'local connection' for the purposes of establishing eligibility to register on the common waiting list for affordable homes in the district. It already makes provision for applicants (including social tenants) who live outside the district, to be eligible to register on the waiting list if they are employed in West Oxfordshire or have a written offer of employment in the district.
- 3.9. However, such applicants may not necessarily satisfy the additional eligibility criteria of also being in housing need as currently defined by section 1.3 of the policy. Neither does the policy currently give such applicants sufficient priority to enable them to have a reasonable prospect of being offered a social tenancy.
- 3.10. Therefore it is recommended that an additional 'Special case' category is created to cover applicants who have the Right to Move as defined by the regulations. There are a number of 'Special case' categories and applicants who are awarded 'Special case' status are considered to have a need for housing accommodation higher than that of any applicant awarded points under the points scheme. The award of such status would offer the opportunity to nominate a qualifying applicant within a reasonable timescale, as required by the statutory guidance.
- 3.11. The recommended new 'Special Case' category is as follows:-

'Special case' status will be granted to the following Applicants

A social housing tenant in England who can demonstrate to the satisfaction of the Local Authority that they have the Right to Move in order to take up a job or live closer to their place of employment as set out in the relevant statutory guidance and legislation.

Such Applicants will be considered for nomination where the annual Right to Move quota has not yet been met.

3.12. The guidance also seeks to encourage authorities to take a flexible approach when considering the needs of social tenants who already live in the district but who wish to move for work related reasons. The nominations policy already allows for this.

4. ALTERNATIVES/OPTIONS

4.1. Applicants who have the Right to Move could be awarded a number of points rather than be eligible for the award of 'Special case' status. However, this is less straightforward than the proposed way forward because the number of points required to enable consideration for vacancies varies according to the location of the property.

5. FINANCIAL IMPLICATIONS

5.1. Each local housing authority in 2015/16 will receive £3,044 grant funding from central government to cover the costs of introducing the Right to Move.

6. RISKS

6.1. Based on current demand and in view of the strict criteria for qualifying for the right, it is not considered that there will be many applicants seeking to exercise a Right to Move. However, the adoption of a quota for such allocations will enable demand to be moderated.

7. REASONS

7.1. The proposed changes will enable the Council's allocations policy to comply with statutory guidance and offer greater mobility to social tenants who need to move into the district in order to be closer to work.

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Background Papers:
None