



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>Cabinet 10 November 2021</b>
Report Number	<b>AGENDA ITEM 6</b>
Subject	<b>HomeseekerPlus Policy Update</b>
Wards affected	All
Accountable member	Cllr Merilyn Davies Cabinet Member for Housing and Communities Tel: 07966 796178 Email: <a href="mailto:Merilyn.davies@westoxon.gov.uk">Merilyn.davies@westoxon.gov.uk</a>
Accountable officer	Caroline Clissold - Housing Manager Email: <a href="mailto:caroline.clissold@publicagroup.uk">caroline.clissold@publicagroup.uk</a>
Summary/Purpose	To update Members on the legislative changes needed to ensure that the HomeseekerPlus Policy meets the Department of Levelling Up, Housing and Communities (DLUHC) Allocation of Accommodation standards and reflects the outcome of the stakeholder consultation
Annexes	Annex A – Draft HomeseekerPlus Policy (Pending Formatting) Annex B – HomeseekerPlus draft Policy 2019 approved for Consultation Annex C – Summary of Proposed Changes HomeseekerPlus Policy 2019 Annex D – Consultation outcome Annex E – 2019 Banding Table Annex F – New Banding Table 2021 Annex G – Equalities Impact Assessment
Recommendation(s)	<i>That Cabinet:</i> <i>a) Approves the Policy for adoption</i> <i>b) Give approval for the HomeseekerPlus Management Board to:</i> <ul style="list-style-type: none"><li><i>Confirm the date for adoption once all partners have approval through their individual authorities governance structure (likely to be early 2022)</i></li><li><i>Professionally format the Policy prior to publication</i></li></ul>
Corporate priorities	Strong Local Communities: Supporting and building prosperous and inclusive local communities Meeting the Housing Needs of our Changing Population Modern Council Services and Sustainable Finance: Delivering excellent modern services whilst ensuring the financial sustainability of the Council

Key Decision	NO
Exempt	NO
Consultees/ Consultation	<p>Chief Finance Officer  Cabinet Member with Responsibility for Housing  Monitoring Officer  Chief Executive  Head of Legal Services  Full Public Consultation including:</p> <ul style="list-style-type: none"> <li>• External Stakeholders (inc. Housing Providers, Support agencies, Social Media groups)</li> <li>• HomeseekerPlus applicants / users</li> <li>• Internal Stakeholders (inc. Members, Service and Senior Managers)</li> </ul>

## **1. BACKGROUND**

- 1.1 HomeseekerPlus is a Choice Based Lettings (CBL) scheme run by seven Local Authorities in partnership with social housing landlords operating within Gloucestershire and West Oxfordshire.
- 1.2 The seven Local Authorities are West Oxfordshire District Council, Cotswold District Council, Forest of Dean District Council, Tewkesbury Borough Council, Gloucester City Council, Stroud District Council and Cheltenham Borough Council.
- 1.3 Demand for affordable housing within the HomeseekerPlus area is very high and cannot be met in its entirety from the available social housing resources.
- 1.4 The Department of Levelling Up, Housing and Communities (DLUHC), formally the Ministry of Housing and Local Communities (MHCG), sets out Statutory Guidance relating to the fair and transparent allocation accommodation in the 'Allocation of Accommodation: Guidance for Local Authority's' document. The introduction of the Homelessness Reduction Act 2017 has also impacted on how those applicants who are threatened with homelessness or are homeless should be assessed.
- 1.5 Local Authorities are tasked with ensuring that all affordable and social rented accommodation made available through its Choice Based Lettings scheme is allocated fairly, transparently and to those in the highest housing need. The HomeseekerPlus Policy was therefore created to provide the framework for making those decisions and to ensure that all of its partners were acting in a consistent way
- 1.6 Each District's Housing Options Service also has a duty to give advice on a range of housing options including the private rented sector.
- 1.7 The Policy explains who is eligible and who qualifies to apply on HomeseekerPlus and sets out how applications will be assessed and awarded a subsequent Emergency, Gold, Silver or Bronze banding based on housing need (Annex E).
- 1.8 Due to legislative and other changes the Policy is in need of a refresh. It is considered good practice for the partnership to consult the public and associated stakeholders on the new Policy.
- 1.9 In late 2019, West Oxfordshire District Council's Cabinet approved the suggested changes set out in the 2019 draft Policy (Annex B) and that these should be made available for wider consultation. However, the consultation period was unavoidably delayed until Spring 2021 due to the impact of the Covid19 pandemic and resulting pressures on services.
- 1.10 The draft Policy was made available for consultation with the public and stakeholders for 8 weeks which ensured an open, transparent and fair process. The consultation sought to allow comments on the proposed changes in Policy and after fully reviewing the information provided, is now ready for final approval.
- 1.11 This report outlines the proposed Policy changes that have been consulted upon and sets out the legislative reasons for recommending the approval of the Final draft of the HomeseekerPlus Policy.

## **2. MAIN POINTS**

- 2.1 HomeseekerPlus enables Social Housing Landlords to advertise their homes and for applicants to bid for properties they are interested in.
- 2.2 To complement the scheme and ensure compliance with legislation, local strategies and Policies and the Statutory Code of Guidance on the Allocation of Accommodation, a HomeseekerPlus Policy has been implemented
- 2.3 The initial Gloucestershire Homeseeker Partnership was established in 2009 but was updated in 2016 to include West Oxfordshire District Council into the partnership. The

addition of a non-Gloucestershire Authority resulted in a name change to “HomeseekerPlus”. No other major changes to the HomeseekerPlus Policy have been undertaken since 2016.

- 2.4 This has led to Policy drift as legislation has changed, with it being at times interpreted and applied differently across the Partnership. Therefore to remove ambiguity, add clarity and also include the provision for accredited private landlords to advertise their properties, a new Policy is being proposed. (Annex A)
- 2.5 There are a number of other minor changes to the Policy which are predominantly housekeeping changes.
- 2.6 A detailed outline of proposed major changes to the Policy are set out in Annex C with the changes to the Banding table set out in Annex F:
- 2.7 A brief summary of the changes are outlined below:

Section	Current	Proposed Change
Introduction	Included outdated or legislation that has been superseded	Removes specific legislation and gives a more general introduction on the purpose of the policy. Current legislation moved to its own section
Legal	No current section	Set out current legislation, Data retention and tenancy definitions
Qualifying applicants	Set out but does not define ‘sufficient financial resources’  Limited information on resolution around home ownership and adaptations to current properties	Expanded explanation affordability checks and consideration of accommodation meeting needs
Suspending or Demotion	Implications of Rent arrears - former or current tenancy  Band demotion	Set out clearer time limits on former rent arrears or housing debts, suspension reasons and mitigating circumstances  Give clear definition and consequence
Local Connection	Gives outlines of legislation, but limited clarity on what this means	Clearer definitions of local connection, ‘normal residence’ Updated legislation around homelessness and sofa surfing Clearer definition of family or employment connections

		Outlines what could be considered as 'special circumstances' Includes updated legislation around Care Leavers and Armed Forces
The Verification Process	Undefined	Set out the reasons why each application needs to be verified Lists documents that could be requested
Medical and Welfare Banding	Has this as one banding reason	Banding split into Medical category and Welfare category
Move on from Supported Accommodation	Contained outdated information Did not include Care Leavers	Updated Care Leavers definition included
Bedroom Need Criteria	Missing Equalities and Diversity information	Updated to be fully inclusive as per our duties under the Equality Act 2010
Global Banding	No Current Section	Full explanation now included

### 3. Consultation

- 3.1 The main changes to the Policy constitute small adjustments to wording that haven't changed the overall document, meanings or how applicants are assessed or allocated housing.
- 3.2 There were two additional minor changes post consultation as set out in 3.3 and 3.5.
- 3.3 Section 4.35 of the Policy stated – ...“For example, a member of the household seeking accommodation is disabled and re-housing will enable that person to overcome urgent physical barriers created by current accommodation and it has been established that the home cannot be adapted to meet needs e.g. steps and stairs.”. The word 'urgent' has been added in for the distinction between those with minor non- housing related physical barriers to those with urgent housing related physical barriers.
- 3.4 Section 6.13 of the Policy has been removed as this is no longer relevant and not how the current IT system is designed. “If there is an occasion where two or more applicants have the same band start date and application date, the Social Housing Landlord will make a decision which applicant best meets the aims and objectives of HomeseekerPlus”.
- 3.5 Full details of the Consultation conclusion can be found in Annex D.

### 4. CONCLUSIONS

- 4.1 The HomeseekerPlus Policy required updating to reflect minor legislative changes
- 4.2 The Policy has been updated to widen its Equality and Diversity section to be compliant fully with the Equality Act 2010

4.3 Updating the Policy provides further clarity on various key points for both the client and Publica, designed to offer a more open and easier process for all

## 5. FINANCIAL IMPLICATIONS

5.1 The adoption of the updated HomeseekerPlus Policy will have no financial implications

## 6. LEGAL IMPLICATIONS

6.1 The Housing Act 1996, Part 6 ("the Act") sets out Local Authority responsibilities in the Allocation of Housing Accommodation. S166a of the Act states that 'Every local housing authority must have a scheme (their 'allocation scheme') for determining priorities and as to the procedure to be followed in allocating housing accommodation.'

6.2 The Localism Act 2011 introduced significant amendments to the Act including Section 166a, amongst others, but notably:

- To include assurance that certain categories of applicants are given reasonable preference.
- The requirement for an allocation scheme to contain a statement of the Authority's Policy on offering a choice of accommodation or an opportunity to express preferences about their accommodation (section 166a (2))

6.3 In 2018, one of our Partner Authorities was required to submit the HomeseekerPlus Policy to the Housing Ombudsman for review in relation to a complaint about how banding was applied in their case. The Housing Ombudsman found that the Authority had correctly applied the banding and commented that this was a good example of an inclusive, fair and transparent Policy that met the requirements of the Housing Act 1996 as amended by the Localism Act 2011.

6.4 The proposed Policy changes have not therefore changed the integrity of the 2016 version, but have instead incorporated the changes needed to bring this up to date with current legislation and thus avoid any legal challenges or criticism.

## 7. RISK ASSESSMENT

7.1 Should all seven HomeseekerPlus Partners not agree to the Policy update, this may result in dissolution of the Partnership

7.2 If the Partnership dissolves due to non-agreement, the financial implications would be significant, with increased costs for West Oxfordshire District Council.

7.3 The costs of the current IT system is approximately £90,000 per annum with an additional cost for a specialist full time shared officer to manage the system bringing the total to around £126,000 per annum.

7.4 As part of the Partnership, West Oxfordshire District Council currently contributes £12,000 per annum

7.5 The costs of managing a single Authority system would therefore increase from £12,000 per annum to a minimum of £90,000 per annum (for the IT system) plus additional staffing may be needed as West Oxfordshire District Council currently share staff with our Publica partners.

7.6 Should the Partnership dissolve, West Oxfordshire District Council will lose the benefits of cross County / boundary working and shared knowledge of clients and shared staff resources

**7.7** Although the current Policy was assessed as a good example by the Housing Ombudsman in 2018, there is also the risk that to not bring this up to date with recent legislation changes could leave the Partner Authorities open to legal challenge or criticism should a complaint escalate to the Housing Ombudsman

## **8. EQUALITIES IMPACT**

**8.1** An EIA has been completed and there are no unacceptable adverse effects on the protected characteristics covered by the Equality Act 2010 that have been identified (Annex G ).

## **9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

**9.1** None identified

## **10. ALTERNATIVE OPTIONS**

**10.1** West Oxfordshire District Council may wish to consider withdrawing from the current HomeseekerPlus Partnership and source its own Choice Based Letting system and design its own Policy

**10.2** This option would increase the financial commitment from £12,000 per annum to upwards of £90,000 per annum. The current staffing arrangements would also need to be reviewed which could incur further costs.

**10.3** Timescales to source a new provider, design a new system, create and consult on a new Policy would be estimated to be around 18 months to 2 years

**10.4** On this basis, this option is not recommended

## **11. BACKGROUND PAPERS**

**11.1** None