

**Response on behalf of North Yorkshire sub regional Choice Based lettings Board / partners: Ryedale DC, Selby DC, City of York, Scarborough BC, Hambleton BC, Richmondshire BC, Craven DC, Yorkshire Coast Homes, Broadacres Housing Association , Yorkshire Housing.**

**1. Does your allocation scheme/transfer policy already provide for social tenants who are under-occupying to be given priority?**

Current North Yorkshire Home Choice (sub regional Choice Based Letting NYHC) common allocation policy does provide for social tenants under occupying.

NYHC gives gold band to applicants presently under-occupying a home owned by a local authority or housing association that is situated within the partnership area. If they are willing to move to a property with at least two fewer bedrooms and gives silver band to applicants who are presently under-occupying a home owned by a local authority or housing association that is situated within the partnership area. If they are willing to move to a property with at least one less bedroom.

City of York Council has used and will continue to use other incentives to encourage downsizing but do not feel this will have a have a significant effect on releasing properties. Tenants are not actively wanting to downsize in large numbers and even if willing to do so often the want properties that are one bedroom larger than their needs. Other partners do on occasions use incentives. There is concern about the potential increase in demand for smaller properties as the effect of the proposed welfare benefit reforms take hold as this will also encourage people through financial constraints to downsize. The impact of this will vary across the region due to demographics, housing need and available / appropriate housing stock

**2. Do you intend to revise your allocation scheme in order to make it easier for under-occupying social tenants to downsize to more appropriately sized accommodation?**

NYHC choice based lettings system is transparent and easy to use. Help is available to assist where needed. NYHC does not intend to review the allocation policy for this specific reason of under-occupation

but it may be considered at later date when policy is reviewed. Overall believe NYHC has adequate incentives in place by virtue of banding but may need to look at barriers to down sizing eg low level rent arrears, availability of suitably sized properties

**3. If so, what changes to your allocation scheme will you be considering – to make it easier for under-occupying tenants to downsize?**

While not specifically looking to amend the policy the consultation highlighted the concerns of agencies and suggested that may need to main stream initiatives such as removals / decorations to encourage downsizing. There was some sympathy towards giving higher priority towards those wishing to downsize but felt unrealistic with all other demands and reasonable preference. It was felt that although the present policy is very generous in terms of prioritising those who are downsizing by two beds, there will need to be a review of what priority we give to those in silver band, as these are likely to be the ones most affected by proposed welfare reforms.

CYC/ NYHC may consider exceptional / individual cases freeing up a very large property (recently had 1 x 6 bedroom property) through use of emergency band to enable a move to their own choice of accommodation. Any future review of the NYHC policy will look at issue which gives customers the opportunity to bid for a property one bedroom above need – important that while this flexibility is important for some people it light of current welfare benefit proposals important that social tenants are aware of financial implications if housing benefit does not meet full rental costs (proposed “bedroom tax’) and who need to move as can not afford rented property.

**4. Do you agree that members of the armed forces and former service personnel should not be disqualified on residency grounds? Is 5 years from the date of discharge an appropriate time limit for this restriction? If not, what would be a more appropriate period?**

There was significant discussion around this question – largely because people were not clear about the meaning.

North Yorkshire has a large forces presence at Cattterick Garrison, Imphal Barracks and RAF Leeming and the present legislation and guidance already puts significant pressures on the housing authorities. NYHC is an open list – so anyone who is eligible (according to

immigration law, habitual residency test) and not excluded from register as result of arrears or anti-social behaviour can apply for housing but allocations are then made on need. Felt the proposed Housing Act 1996 (additional preference for former Armed Forces Personnel) Regulation 2012 to give ex-service personnel additional preference would be unworkable as put too much pressure on housing stock. Already in Richmondshire DC (where Catterick Garrison is situated) 40% of allocations are made to ex-service personnel or military wives.

Priority on NYHC is given according to need. Anyone is able to join NYHC but allocation of a property depends on need and if all equal in need further tie break taken into account including local connection to the partnership area

There was some recognition that local connection criteria should take account of forces personnel who are from the local area but have been stationed outside of the area so no longer meet the residence criteria. In addition they may no longer have family here (died, moved away) It seems unfair that they cannot qualify for local connection but someone who has been stationed at local barracks (eg Catterick) for 6 months does.

As per national agreement anyone living in barracks in local area is given local connection – subject to general criteria (6 out of 12 months, 3 out of 5 years etc). For NYHC local connection is to the partnership area (primarily North Yorkshire). Being stationed abroad only gives local connection if lived here 6 out of last 12 months, 3 out of 5 years of family connection.

Consultation considered HM Forces should not be treated any differently from other people in housing need. There was significant debate about the injustice of favouring service personnel over other services – nurses, fire personnel . It was felt that it was not reasonable to 'waive' local connection for 5 years as during this time many ex-forces personnel would establish a legitimate connection to an area and so should not be treated differently from anyone else. Felt 12 months is a reasonable amount of time to have local connection following discharge

**5 Does the draft guidance provide sufficient clarity on how to implement the new power for housing authorities to set their own allocations qualification criteria? If not, in what areas would more guidance be useful?**

Guidance is clear

**6. Do you agree that the bedroom standard is an appropriate measure of overcrowding for the purpose of according reasonable preference? If not, what measure do you consider would be more appropriate?**

Yes the following guidance is clear. No alternative measure required

The bedroom standard allocates a separate bedroom to each:

married or cohabiting couple

adult aged 21 years or more

pair of adolescents aged 10-20 years of the same sex

pair of children aged under 10 years regardless of sex.

but consultation raised several concerns that require flexibility in particular around considering

- disability
- health and care needs
- what constitutes a bedroom as legally a bedroom can be a room that is also used as a living room eg. dining room and should this be taken into account?
- bedroom size and property layout as the bedroom standard only disregards rooms that are less than 50sqm.
- risk issues around siblings sharing
- Unborn children are not taken into account and do not see any reason to change this.

**7. Should this guidance provide advice on how to define 'overcrowding' for the purpose of according additional preference? If so, would an appropriate measure be two bedrooms or more short of the bedroom standard?**

No further guidance is needed. If the bedroom standard is not appropriate then existing criteria then would apply statutory guidance for severe overcrowding.

Consultation felt current policy adequate – that is 2 bedroom short would be our severe shortage and go into gold band and 1 bed would be overcrowded and go into silver band . Statutorily overcrowded

would come through Housing Standards and would go into gold. All policies should have written into it exceptions.

**8. How does your allocation scheme currently define ‘overcrowding’ for allocation purposes? Does it, for example, use the bedroom standard, the statutory overcrowding standards in Part 10 of the Housing Act 1985, or another definition? If the last of these, please provide brief details.**

Current definition in NYHC policy is similar to bedroom standard (only slight difference with ages of children sharing):

*The following assumptions are made on overcrowding:*

*Each bedroom is assumed to be able to accommodate 2 people*

*Couples, married couples and civil partners will be expected to share a bedroom.*

*Single adults aged 21 or over will require their own bedroom.*

*A person aged 9 - 20 years will require a separate bedroom if they would otherwise have to share with the opposite sex.*

*A room intended as a bedroom but used for another purpose will still be classified as a bedroom*

*Discretion can be exercised by staff to adjust the number of bedrooms required if: -*

- *The bedrooms in the property are particularly large or small*
- *A child requires their own bedroom due to disability.*
- *An applicant needs a bedroom for a carer or to facilitate specialist medical treatment.*

*In cases of joint custody of a child or children, recent case law states that only in exceptional circumstances, such as where children have special needs, will it be reasonable for children who already have an existing home with one parent to be provided with another home to live with the other parent.*

*In cases where any child has a home elsewhere but chooses to live with another adult (eg sibling) this will be discounted when considering overcrowding*

*If an applicant with children wishes to apply for a property with the living accommodation at first floor or above, this is acceptable and is seen as a legitimate applicant choice.*

*Currently use slightly different interpretation of bedroom standard – but only around ages of children sharing.*

It was felt there may be reason to adapt NYHC policy as it attempts to combine the bedroom standard and the space standard together but it was felt the statutory overcrowding standards in Part 10 of the Housing Act 1985, to be adequate and no additional guidance was needed for severe overcrowding. Statutorily overcrowded would come through Housing Standards and would go into gold.

Would be better to adopt just the bedroom standard with local discretions.

**9. The Government proposes to regulate to require housing authorities to frame their allocation scheme to provide for former service personnel with urgent housing needs to be given additional preference for social housing. Do you agree with this proposal?**

No was the overwhelming response from professionals, felt that service personnel should be treated same as other people and that greatest priority should go to those in greatest need, thus protecting the most vulnerable in society. If former service personnel with urgent housing needs were given additional preference for social housing then those others in the same housing need would inadvertently suffer. Social housing is a service which has emerged to address housing need and should not be seen as a reward or entitlement.

Consultation felt that it was important that service personnel received adequate support and help from forces prior to leaving to help secure accommodation.

If this is introduced in policy several questions were raised about when someone served, for how long, reason for discharge, did training count as 'serving'.

The requirement to give former service personnel with urgent housing needs additional preference for social housing seems to contradict the Localism Act and setting your own allocation policy to meet local need.

**10. Does your allocation scheme already make use of the flexibilities within the allocation legislation to provide for those who have served in the armed forces to be given greater priority for social housing? If so, how does your scheme provide for this?**

No they are not given greater priority but given priority based on their housing need and not by virtue of their given profession.

**11. If not, do you intend to take advantage of the flexibilities in the allocation legislation to provide for former members of the armed forces to be given greater priority for social housing? If so, what changes might you be considering?**

While there is a great deal of support for MOD and serving personnel and the contribution that bases and personnel make to society and the local economy, there is also a degree of tension in the community which have large forces presence regarding equal opportunities for local residents to access scarce and valuable housing resources . Again it was re-iterated that any policy needs to be fair and equal for all and it was felt that it would be inappropriate that former members of the armed forces to be given greater priority for social housing.

**12. Does your allocation scheme already provide for some priority to be given to people who are in work, seeking work, or otherwise contributing to the community? If so, how does your scheme provide for this?**

NYHC has good neighbour scheme to enable tenants with no housing need to move (as no cost to authority) thus promoting mobility, encourage mixed communities stable communities and social integration.

Consultation felt that 'those trying to help themselves' should not be discriminated against but also recognised the need to protect the more vulnerable in society.

There was concern that in prioritising workers there may be income criteria which may conflict with some organisations charitable status

**13. If not, do you intend to revise your allocation scheme to provide for more priority to be given to people who are in work, seeking work, or otherwise contributing to the community? If so, what changes might you be considering?**

It was felt this was very difficult as while social housing should not only be for most vulnerable and disadvantaged in society, there was a great deal of empathy towards giving more priority to people who are in work, seeking work, or otherwise contributing to the community as this is impossible to assess objectively. Poses major concerns about subjective / judgemental aspect of this proposal.

In addition some of those consulted felt that this proposal was contrary to Human Rights and Equalities Act as for some of the people not working is not a lifestyle choice and they should not be discriminated against as result of mental / physical ill health.

Concern in current economic climate about impact of ongoing recession, job losses, welfare benefit changes, possible increase in poverty for some families, increased unemployment and lack of job opportunities to give priority to those working when there are few job prospects.

Housing supply was also discussed as there was concerns that by prioritising those in work, who may have more housing options than others the burden on the already limited numbers of voids may result in back log of preference categories – ie it would push those in more need further down the list. This proposal appears to contradict the principles of flexibility in allocations policies and may encourage those who are high income earners to use Right to Buy.

**14. Are there other ways in which housing authorities can frame their allocation scheme to meet the needs of prospective adopters and foster carers?**



Across the region we want to encourage and support adoption and fosters but also want to make best use of limited family housing. NYHC currently has the provision for applicants to bid for properties one bedroom size above need – so prospective adopters and fosters can prepare for future household size. Feel this is in line with other couples expecting a child or that . consideration for an extra bedroom should be at the time that they were approved for a particular child. Issue raised that like all other applicants they have other housing options besides social housing so can go and rent a bigger property privately, or purchase with shared ownership etc. Felt foster carers should be given an additional bedroom, but again this should only be when they are approved. It may be that the use of fixed term tenancy for prospective adopters and fosters would be a solution so if the adopters and fosters prove to be unacceptable or cannot cope could end tenancy at review stage. The strengthening of alternative grounds for possession clearly set out in the act may also be advantageous. Perhaps give priority for downsizing again when or if necessary. NYHC would not agree with quotas as not always best use of stock.

**15. Does the draft guidance provide sufficient clarity on the extent of flexibilities available to housing authorities when framing their allocation scheme?**

Yes provides clarify in current state but NYHC does not agree with all flexibilities and would not wish to be legally bound by them in current format, although further guidance on excluding applicants from the register based on their financial status may be useful.

Drafted by B. Ward on behalf of NYHC 29/2/12