



Notice of a public meeting of

Decision Session - Executive Leader (incorporating Housing & Safer Neighbourhoods)

To: Councillor Carr (Executive Leader)

Date: Monday, 17 October 2016

Time: 3.00 pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00pm on Wednesday 19 October 2016**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Policy and Scrutiny Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by at **5.00pm on Thursday 13 October 2016**.

1. Declarations of Interest

At this point in the meeting, the Executive Leader (incorporating Housing and Safer Neighbourhoods) is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or

- any disclosable pecuniary interests which he might have in respect of business on this agenda.

2. Minutes (Pages 1 - 2)

To approve and sign the minutes of the decision session held on 18 July 2016.

3. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is at **5.00pm on Friday 14 October 2016**. Members of the public may register to speak on an item on the agenda or an issue within the Executive Leader's remit.

Filming, Recording or Webcasting Meetings

Please note this meeting may be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at:

http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Update on the Laws relating to Private Rented Sector Housing (PRS) (Pages 3 - 24)

This report provides an update to the Executive Leader regarding the implementation of new laws introduced last year. Details of further changes have not been released by the government and a further report will be required when these are available.

5. **Review of Housing Registrations Service** (Pages 25 - 52)

A recent service review has highlighted the need for three significant changes to the current system and this report makes recommendations for changes to service delivery. The changes include the withdrawal from the sub regional partnership North Yorkshire Home Choice (NYHC), the reversion to allocating properties rather than using the Choice Based Lettings (CBL) system. Finally the amendment to the allocations and lettings policy which would be the subject of a further report.

6. **Urgent Business**

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officers:

Catherine Clarke and Louise Cook (job share)

Telephone No- 01904 551031

Email- catherine.clarke@york.gov.uk/louise.cook@york.gov.uk

For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council

Committee Minutes

Meeting	Decision Session - Executive Leader (incorporating Housing & Safer Neighbourhoods)
Date	18 July 2016
Present	Councillor Carr (Executive Leader)
In Attendance	Councillor Hunter

8. Declarations of Interest

At this point in the meeting the Executive Leader was asked to declare if he had any personal, prejudicial or disclosable pecuniary interests in the business on the agenda. He declared he had none.

9. Minutes

Resolved: That the minutes of the Decision Session held on 20 June 2016 be approved and then signed by the Executive Leader as a correct record.

10. Public Participation

It was reported that there were no registrations to speak under the Council's Public Participation Scheme.

11. Homeless Review 2015 - 2016

The Executive Leader considered a report that addressed the activity governed by the Housing Act 1996, the Homelessness Act 2002 and the City of York Council's Homelessness Strategy 2013-2018 in respect of the financial year 2015/16.

The Service Manager for Housing Options and Homelessness was in attendance to give an update and discuss the performance targets and priorities achieved for 2015/16 and the

projects and priorities for 2016/17. The Executive Leader noted that:

- 630 homeless prevention cases were reported in 2015/16 which contributed to a reduction in statutory homeless from 103 to 91.
- The target for reducing number of households placed in temporary accommodation for 2015/16 was 62 but the actual outturn achieved was 53.

The Executive Leader agreed the targets and priorities for 2016/17 which included continued:

- work with the Community Safety Hub to reduce the number of rough sleepers and to tackle street drinking and begging.
- exploration/work with Tees, Esk and Wear Valleys NHS Trust to provide appropriate housing, housing support and hospital discharge process for people with mental health issues.
- work to achieve the Gold Standard Challenge.

Resolved:

- i. That the report be noted.
- ii. That the priorities and targets for 2016/17, as set out in paragraph 16 of the report, be agreed.

Reason: To ensure the council continues to meet its statutory responsibilities and supports the most vulnerable in society.

Cllr Carr, Executive Leader

[The meeting started at 3.00 pm and finished at 3.05 pm]



**Decision Session - Executive Leader
(incorporating Housing and Safer
Neighbourhoods)**

17 October 2016

Report of the Assistant Director – Housing & Community Safety

Update on the Laws relating to Private Rented Sector Housing (PRS)

Summary

1. To provide an update report to the Executive Leader regarding the implementation of new laws introduced last year. Details of further changes have not been released by the government and a further report will be required when these are available.

Recommendations:

2. The Executive Leader (incorporating Housing and Safer Neighbourhoods) is asked to:
 - a) Note the findings of the officers and confirm that the fixed penalty fines remain at the maximum level in line with guidance to ensure that the laws introduced last year to deter poor practice within the sector and
 - b) Note that further changes to the law relating to the Private Rented Sector (PRS) are due to be introduced sometime in 2017 due to the provisions of the Housing and Planning Act 2016

Reason: To continue to impose the maximum monetary penalty will send out the right message to agents/landlords who need to ensure that they are providing transparency when setting fees and continue to improve the management/safety of the properties they let.

Background

- 3 Last August the Executive Member considered a report about three new laws affecting the PRS, namely

- a) The Redress Schemes for Lettings Agents and Property Management Work¹
- b) Duty of Letting Agents to Publicise Fees²
- c) The installation of Smoke and Carbon Monoxide Detectors³

The Executive Member agreed the approach outlined in the paper as to how the council would implement the new laws, having regard to the attached policy but asked that an update report be brought back in 12 months time.

Laws affecting Letting and Property Agents Redress Scheme and Publicising Fees

- 4 The first two laws were aimed at Letting and Property Agents and had been in place for a few months prior to the council adopting the new policy. Therefore the approach was to write to the 77 agents operating in the city reminding them about the laws and the financial penalties for not joining a redress scheme/publicising fees and enquiring what steps they had taken to be compliant. The letter was accompanied by a form which the agents were asked to complete. Initially 36 agents didn't complete the form but a follow up letter further reduced this to 9 non-responding agents, requiring an officer visit. We were able to establish that all known agents at that stage were compliant. However it maybe worth noting that some agents were more overt in their compliance e.g. displaying of fees varied from a large handwritten notice board to much smaller A4 typed small font sheets of fees displayed on the office wall, both of which are acceptable to the law but obviously the larger notice board was more transparent to their customers.
5. During the period since the introduction of the legislation we have received two complaints about agents not belonging to a redress scheme or not displaying fees and when investigated these were found to be fully compliant.
6. In June this year we carried out a random sample survey (10%) with an officer visiting 6 letting agents' premises in the city to see if they were displaying their fees. We found 4 letting agents to be fully compliant with copies of the fees etc on display and the agent belonging to an appropriate redress scheme. However 2 agents were found not to be

¹ The Enterprise and Regulatory Reform Act 2013 and The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014

² The Consumer Rights Act 2015 Chapter 3

³ The Smoke and Carbon monoxide Alarm (England) Regulations 2015

compliant regarding the requirement to advertise their fees at their premises. One had no tenants' fees displayed and the other had no fees displayed at all, requiring the penalty notice procedure to be invoked in both cases. Although this was only a small sample we were significantly concerned that 2 out of 6 letting agents who had told us that they were complying with the law were found to be failing in their duty to do so. We are now planning to visit the other agent's premises in the city to determine if they are complying with the laws and will take appropriate action. This intention will also be to risk assess the agents compliance which will determine the frequency of future visits to their premises i.e. where there are breaches in the law found we will be visiting annually, those who are compliant will be visited every 2 to 3 years.

Smoke and Carbon Monoxide Detectors

7. This piece of legislation affected landlords and came in to effect on the 1st October 2015. It became a requirement for all private rented properties, regardless of type or number of tenants, to have a smoke alarm fitted on each storey of a property where there is a room used wholly or partly as living accommodation. In addition, the law required carbon monoxide alarms to be fitted in any room which is used wholly or partly as living accommodation and which contains a solid fuel burning combustion appliance. Also, from this date, landlords need to ensure that each alarm is in proper working order on the day that a new tenancy begins.
8. The aim of the policy was to ensure that the new law was widely publicised to landlords, including letting agents, to ensure that they were aware of the new law. Working with North Yorkshire Fire and Rescue we publicised the law via press releases, our website and landlord events. In particular we used the opportunity of holding a series of smoke alarm "giveaway" sessions where landlords attended the session and received information about the changes to the law and other advice. More than 260 free fire alarms were provided to landlords to fit in their properties.
9. We also took the opportunity to promote the change in the law to tenants. Since then we have received 3 complaints to investigate properties lacking in alarms. The law provides a landlord with 28 days to fit any missing required alarms, before a penalty notice is served. To date the council has not served any penalty notices regarding the law as all landlords have responded to the initial contact by the council and revisits to the properties have ensured that the alarm has been fitted

Proposed new laws

10. The Housing and Planning Act 2016 received royal assent in May 2016 and amongst many provisions relating to changes to social housing there are a package of measures aimed at tackling rogue landlords in the private rented sector. These include:
 - a) Allowing council's to apply for a banning order to prevent landlords /letting agents from continuing to operate where they have committed certain housing offences;
 - b) To create a national database of rogue landlords/letting agents;
 - c) Allowing tenants or councils to apply for rent repayment orders where a landlord has committed certain offences, for example to continue to operate when they are subject to a banning offence, and
 - d) Extension of civil penalties
 - e) Tougher fit and proper person test for landlords
 - f) Tenancy deposit Protection Scheme data sharing
 - g) Introducing provisions relating to regular electrical safety checks.

11. The above changes won't impact the private rented sector until 2017 as they require secondary legislation to be introduced in the form of Regulations. We have been advised that these will be consulted upon later this year prior to their implementation. We will provide a further report when we have more detail about the impact to the sector and service delivery.

Consultation

12. When the government provides clarity there will be a requirement to consult on the implementation of the Housing and Planning Act 2016.

Options

13. There are two options being put forward:

Option 1- to continue with the adopted policy and level of fixed penalty fees to continue to raise awareness of the laws and to bring back a paper with details of the new Housing and Planning Act 2016 when they are known.

Option 2 - to continue with the adopted policy but seek to amend and lower the maximum fixed penalty fees and to bring back a paper with details of the new Housing and Planning Act 2016 when they are known.

Analysis

14. **Option 1** -. There is no discretion as to whether a council takes action where they become aware of non-compliance. We have, through our sample survey, found agents who have not complied fully with the law. In addition just the introduction of the three new pieces of legislation has provided helpful tools to raise awareness and improve safety and management standards in the sector. The maximum penalty should be imposed in all normal cases to send a clear message to the sector that transparency and safety matters. There are already provisions for the Housing Services Manager to lower the penalty if there are extenuating circumstances.
15. **Option 2** - Imposing a reduced fine may send out the wrong message and in turn may make it a more cost effective option to risk the fine rather than joining a scheme, providing adequate information or installing a detector. Again the policy already provides for the Housing Services Manager to lower the penalty if there are extenuating circumstances.

Council Plan

16. Enforcing these new laws supports and contributes towards the three council priorities
 - A prosperous city for all
 - A focus on frontline services
 - A council that listens to residents

Implications

17. The implications arising directly from this report are:
 - **Financial** –None
 - **Procurement** – None
 - **Human Resources** –None
 - **Equalities Implications** – Attached is the Community Impact Assessment (Appendix B)
 - **Legal Implications** – As discussed above the Council is under a duty to enforce this legislation in line with its enforcement policy. However there is discretion as to the amount of monetary penalty to be imposed for non- compliance. It is a legitimate position to adopt

to set a normal penalty at the £5,000 maximum level but the council must not fetter its discretion and therefore the power to impose a lower figure in suitable cases should be delegated to the person serving the Final Notice (see Appendix A)

Risk Management

18. The Council must make arrangements for the enforcement of these regulations as without doing so it will be in breach of the legislation.

Contact Details

Authors:	Chief Officer Responsible for the report:		
Ruth Abbott Housing Standards and Adaptations Manager 554092	Steve Waddington Assistant Director - Housing & Community Safety.		
	Report Approved	✓	Date 6 September 2016
Wards Affected: <i>All</i>			
For further information please contact the authors of the report			

Background Reports

None

Appendices

Appendix A – Redress Scheme

Appendix B – Community Impact Assessment

Abbreviations

PRS - Private Rented Sector (Housing)

New Legislation

The requirements:

1. for property managers and agents to register with a redress scheme, and the Council's duty to enforce the legislation, are introduced by The Enterprise and Regulatory Reform Act 2013 and The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.
2. for letting agents to publish the fees and the Council duty to enforce the legislation is introduced by the Consumer Rights Act 2015.
3. for landlords to install Smoke and Carbon Monoxide Detectors to enforce the legislation is introduced by The Smoke and Carbon monoxide Alarm (England) Regulations 2015

Elsewhere in this appendix these pieces of legislation are referred to together as, 'the law'.

It is not a criminal offence if a landlord or agent does not comply with the regulations. However the Council, has a duty to enforce compliance where it is satisfied, on the balance of probabilities, that a person who is required to register has not registered with a redress scheme, and in such cases the Council can apply a monetary penalty up to a limit of £5,000

There is a notice process that the Council must follow before imposing a penalty, giving the recipient the right to raise objections. Where the Council decides to apply a penalty there is a right of appeal to the first – tier tribunal. Where the Council decision is not appealed, or if appeal is not upheld, the Council may recover the penalty. If necessary, the Council may apply to the civil court for recovery.

There is no limit to the number of penalties that may be imposed on an individual letting agents, so further penalties can be applied if they continue to be in breach of the legislation

The proposed administration process for discharging the Council's statutory duties under the laws are set out below.

General

It is our intention to raise awareness of the laws with all letting agents and property managers advising them of their duties and responsibilities through a marketing and publicity campaign including letters to all known agents operating in the city.

The **first letter** will provide information and advice on the schemes and the financial penalties for not joining a redress scheme/publishing fees, a form will be included in the letter which will request details of which redress scheme they have joined and how they have fulfilled their duty to publish fees, allowing 21 days for its return.

If a satisfactory response is not received, to ensure compliance with the Council's general enforcement policy a second letter will be sent, allowing 14 days to contact the investigating officer to discuss the matter or to submit written representations. The second letter will explain that if an unsatisfactory response/no response is received that the issue will be formally investigated.

Investigation

Where information comes to the attention of the Housing Standards and Adaptations team (team) there may be non-compliance by a letting agent or property manager with the requirement to belong to an approved redress scheme, an investigation will be conducted by an officer from the team (the Investigating Officer). Information may be received from the public, external organisations or any other person, or arise from a proactive investigation.

The investigation will include consulting the public registers of all the approved redress schemes, and may include any other lawful investigation activity that the Investigating Officer considers appropriate to establish whether the requirements of the regulations have been met. When the Investigating Officer has completed his/her investigation he/she will need to decide on the balance of probabilities, whether he/she is satisfied that there has been non-compliance by the letting agent or property manager of the redress scheme requirements. Where he/she has decided that there has been non- compliance, he/she will serve a Notice of Intent.

A Notice of Intent

In line with the law and our enforcement policy a Notice of Intent will be served within 28 days of the date the Investigating Officer making (on the balance of probabilities) that the letting agent or property manager has

failed to comply with the requirement to belong to a redress scheme. The notice will be served on the letting agent or property manager.

The Notice of Intent must include:

- (a) the reasons for imposing the monetary penalty;
- (b) the amount of the penalty to be paid;
- (c) information as to the right to make representations and objections within 28 days beginning with the day after the date on which the Notice of Intent was sent.

A Notice of Intent will be served by the Investigating officer.

Representations and objections:

A person on whom a Notice of Intent is served has 28 days beginning with the day after the date on which the notice was sent, to make written representations and objections to the enforcement authority in relation to the proposed monetary penalty.

After the end of the period, the decision of the Investigation Officer, that there was non-compliance with the redress scheme requirements and the penalty imposed, will be reviewed by a more senior officer (the Reviewing Officer). The Reviewing Officer, will have regard to any representations and objections made by the recipient of the notice.

The Reviewing Officer can be any of the following officers:

- where the Notice of Intent was served by Enforcement Officer it will be reviewed by the Senior Officer
- where the Notice of Intent was served by a Senior Officer by the Team Manager.

The Reviewing Officer having taken into account any representations or objections made, will decide on the balance of probabilities whether or not to confirm the Investigation Officer's decision that there was a failure to comply with the redress scheme requirements. If he/she confirms the decision that there was non-compliance with either of the

scheme requirements, he/she will need to decide whether or not to confirm the decision to impose the financial penalty set in the Notice of Intent, with or without modifications.

Where representations or objections are received from a person who has been served a Notice of Intent, and the Reviewing Officer is satisfied from the information provided that, on a balance of probabilities, there are exceptional circumstances, and that as a consequence, the application of the full financial penalty will not serve the strategic goal of improving housing or management standards within the private rented sector in the city, he may impose a reduced penalty. Such circumstances could, for example include, but are not be limited to:

- the agent or manager not having set out to engage in property management, or estate agency, as a course of business,
- exceptional personal hardship, or
- having other reasonable excuse for failing to comply with the property redress scheme regulations (not knowing about the regulations will not itself usually amount to reasonable excuse).

Where the Reviewing Officer is satisfied, on a balance of probabilities, that a Letting Agent or Property Manager is being obstructive, in failing to answer reasonable questions put to them regarding their compliance with the requirement to register, or answers such questions falsely, or otherwise hinders the reasonable investigations of officers in relation to compliance, this will be taken into account where the Council is considering reducing the financial penalty and may be weighed, by the Reviewing Officer against any factors in favour of reducing the financial penalty.

Where the decision to impose a penalty is confirmed, a Final Notice will be service on the recipient of the Notice of Intent.

A Final Notice

Where it is decided to impose a financial penalty, a Final Notice will be

served on the recipient of the Notice of Intent.

The Final Notice must include:

- (a) the reasons for imposing the monetary penalty; .
- (b) information about the amount of the penalty to be paid; .
- (c) information about how payment may be paid;
- (d) information about the period in which the payment must be made, which must not be less than 28 days;
- (e) information about rights of appeal; and
- (f) information about the consequences of failing to comply with the notice.

The Final Notice may be served by a Senior Officer or Team Manager, but cannot be served by the Investigating Officer.

Withdrawing or amending a Notice of Intent or Final Notice

The Council, at any time, where it receives or becomes aware of information, not considered when it decided to serve a Notice of Intent or Final Notice, may review the decision. Where it decides on a balance of probabilities, that the recipient of the notice had complied with the redress scheme requirements or that he was not subject to the requirements, it may withdraw the notice. Further, where, upon review, the Council decides that there has been none compliance with the redress scheme requirements, but considers that the penalty should be reduced; it may reduce the amount specified in the notice. The decision to carry out a review, and the carrying out of that review, will be taken by a more senior officer to the officer who made the original decision to serve the notice in line with the service requirements above.

First tier Tribunal Appeal

Where the Council receives from the First-tier Tribunal notice that a recipient of Final Notice has made an appeal to it, the fine will not be enforced until the appeal is disposed of

Recovering the penalty monies

The monies will be recovered by using the council's existing debt

recovery processes. However, if the person subject to the penalty fails to pay the monies owed, the Council may choose to pursue court proceedings. Where there is a failure to pay a penalty, the matter will be consider in line with our Enforcement Policy, to decide whether enforcement action will be taken and if so, what form that action will take, including court proceedings.

SECTION 1: CIA SUMMARY
Community Impact Assessment: Summary

1. Name of service, policy, function or criteria being assessed: The retrofitting of energy efficiency measures to homes and non-domestic properties throughout the city

2. What are the main objectives or aims of the service/policy/function/criteria?

To implement the new legislation to ensure that all letting and management agents are part of a redress scheme and publicise their fees in a transparent manner both on their websites and in their premises and for landlords to ensure that smoke and carbon monoxide detectors are installed in their rented properties.

3. Name and Job Title of person completing assessment:

Ruth Abbott Housing Standards and Adaptations Manager

4. Have any impacts been Identified? (Yes/No)

Yes

Community of Identity affected:

Age

Summary of impact:

The new laws will provide a recognised and independent route through which tenants can complain about unfair practises including discriminatory behaviour and ensure that the fees are displayed on websites and where appropriate in commercial premises and that landlords are providing safer homes by providing smoke and carbon monoxide detectors **in their rented accommodations**. There is a significant Private Rented Sector in the city including a large student population, young professionals and people under 35 who are **on** benefit living in HMOs and an increasing number of young families

5. Date CIA completed: Ruth Abbott

6. Signed off by:

7. I am satisfied that this service/policy/function has been successfully impact assessed.

Name:

Position:		
Date:		
8. Decision-making body: Executive Member for Housing and Safer Neighbourhoods	Date: 17th October 2016	Decision Details:
Send the completed signed off document to ciasubmission@york.gov.uk It will be published on the intranet, as well as on the council website. Actions arising from the Assessments will be logged on Verto and progress updates will be required		

Community Impact Assessment (CIA)

Community Impact Assessment Title:

The retrofitting of energy efficiency measures to homes and non-domestic properties throughout the city

What evidence is available to suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people. NB. Lack of financial resources alone is NOT justification!

Community of Identity: Age

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Data from the Business Intelligence Hub BRE research 2015 Landlord Survey 2014 Private Sector Stock Condition Survey 2008		Longevity; Physical Security; Health; Standard of Living;	Positive	None
Details of Impact	Can negative impacts be justified?	Reason/Action	Lead Officer	Completion Date

<p>Positive</p> <p>To implement the laws fairly and consistently so that letting agents provide their services in a transparent way including any fees charged and access to an ombudsman service and for landlords to provide safe accommodation.</p>		<p>To ensure effective enforcement of these rights and duties having regard to the accompanying government guidance</p>	<p>Housing Standards and Adaptations Manager</p>	
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Community of Identity: Carers of Older or Disabled People

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)	
N/A				
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

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Community of Identity: Disability

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Data from the Business Intelligence Hub Private Sector Stock Condition Survey 2008		Longevity; Physical Security; Health; Standard of Living; Individual, family and social life	P	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
Positive Evidence shows that disabled people are more likely to suffer from fuel poverty. The green deal contract aims to alleviate this through retrofitting of energy efficiency measures including simple measures such as loft and cavity wall insulation to more complex installations such as solid wall insulation. This will result in reduce fuel bills, provide warmer homes and reduction in cold – related illnesses			The new sub regional post	Following the call off the contract

<p>Negative</p> <p>There may be some additional costs which are not fully covered by the scheme and disabled people maybe asked to contribute towards the shortfall. In addition we are aware from other schemes that disabled people are uncomfortable with the upheaval caused by the installation of measures such as loft insulation e.g. the creation of a loft hatch and the removal of items from the loft space.</p>		<p>Explore with the preferred bidder their support towards disabled people including financial assistance where there is a shortfall and practical support to help them have the measures installed.</p>		
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Community of Identity: Gender

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)	
N/A				
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

Community of Identity: Gender Reassignment

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A				
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

Community of Identity: Marriage & Civil Partnership

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A				
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

Community of Identity: Pregnancy / Maternity

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Data from the Business Intelligence Hub Private Sector Stock Condition Survey 2008		Longevity; Physical Security; Health; Standard of Living; Individual, family and social life	P	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

Community of Identity: Race

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A			P	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

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Community of Identity: Religion / Spirituality / Belief

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A			P	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

Community of Identity: Sexual Orientation

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A			P	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

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**Decision Session - Executive Leader
(incorporating Housing & Safer Neighbourhoods)**

17 October 2016

Report of the Assistant Director – Housing & Community Safety

Review of Housing Registrations Service

Summary

1. The City of York Council is a stock holding Local Authority and is required to maintain a housing register to allocate council properties.
2. A recent service review has highlighted the need for 3 significant changes to the current system and this report makes recommendations for changes to service delivery. The changes include the withdrawal from the sub regional partnership North Yorkshire Home Choice (NYHC), the reversion to allocating properties rather than using the Choice Based Lettings (CBL) system. Finally the amendment to the allocations and lettings policy which would be the subject of a further report.

Recommendations

3. The Executive Leader (incorporating Housing & Safer Neighbourhoods) is asked to:
 - a. Note the contents of the report;
 - b. Approve Option 1 to give delegated authority to officers to negotiate changes within the North Yorkshire Home Choice (NYHC) partnership to amend the system and return to allocating properties. To delegate to officers to withdraw from NYHC if negotiations are unsuccessful.

Reason – To offer a more efficient, targeted service to those in housing need.

Background and overview of service

4. In 2011 in line with Government policy, Local Authorities were encouraged and supported financially to develop ‘Choice Based Lettings’ policies / systems, whereby vacant properties were advertised (via web

based system) and individuals bid on the properties they wanted to live in. This led to the introduction of a North Yorkshire Home Choice Policy (NYHC) & Choice Based Lettings system. NYHC is a sub regional partnership¹ which enables movement between Local Authorities across North Yorkshire (apart from Harrogate).

City of York Council hosts the scheme and employs (joint funding) the NYHC Coordinator (0.6 FTE). NYHC operates a Board and an operations group. This partnership utilises the same IT system (Abritas), operates the same lettings and allocation policy (with exceptions for charitable status) and enables registered applicants to move freely across the partnership area (some restrictions of cross boundary movement for some applicants e.g. statutory homeless).

5. The department carried out review of the processing of housing application and current method of allocating social housing.
6. The review used a systems thinking approach it identified significant blockages in processes leading to duplication, waste and inefficiencies. It also identified that the existing raises unrealistic expectations with customers
7. In March 2016 the Communities & Environment Policy & Scrutiny Committee reviewed the housing registrations service to understand the Council's policy, process, systems and application criteria and considered national good practice, visits and findings of the Allocations Review work to date and finally considered the proposed changes to the Housing Registrations service, systems and policy and the implications associated with any change (Appendix A).

Consultation

8. Detailed consultation and service development has taken place as part of the Allocations Service Development Officer Review involving staff from Housing Registrations, Housing Options and Landlord Services. Staff representatives visited Bradford Metropolitan District Council and Portsmouth City Council who are championing alternative working practices. Conclusion to research, visits and discussions was that staff felt withdrawal from NYHC would be preferable, reducing administration, increasing responsiveness to change (legal and national), flexibility to adopt an alternative IT system with less 'back office' restrictions and felt that allocating properties is a better use of resources, reducing void times and meeting needs of applicant and the local community.

9. Customer's consultation. In May/June 2015 there was a customer survey carried out, through survey monkey and via direct phone calls from an independent member of staff to ask for their thoughts on the current system and the way things worked. The consultation was advertised in Streets Ahead (circulation 7500+), of which circa 500 new tenants in last 12 months, plus 6 week period of informing current NYHC customers of the consultation. Target was 100 responses, actual was 41. One of the questions posed to customers was "Do you think NYHC/CBL is the best way to allocate homes" In summary 39% of those asked stated that they thought CBL was the best way to allocate homes, 39% didn't know and 22% disagreed that CBL was the best way to allocate homes.
10. Recent consultation with customers about the current CBL system has been fairly inconclusive when it comes to satisfaction with the current system 389 customers were contacted to ask for their opinions with only a 5.6% response rate (22 people). Customers were asked if they preferred the current CBL system or would prefer an alternative system where properties were allocated by a team of staff,
 - 55% (12 people) of those who responded said they preferred CBL
 - 45% (10 people) stated they would prefer properties to be allocated through an officer allocation system based on customer information / preference
 - 94.6% did not respond and we can only conclude that they had no opinion either way
11. Given the limited number of customer responses this consultation has limited validity
12. The Communities & Environment Policy & Scrutiny Committee discussed the housing registrations service at 4 task group meetings and at committee on 18 July 2016 and made the following recommendations.
 - Regardless of changes to the council's Housing Registrations Policy, the Scrutiny Task Group recognised that a new IT system was required and acknowledged there would be a cost associated with replacing the IT system. However they recognised it would also help generate savings elsewhere in the process which would mitigate that cost.
 - The Scrutiny Task Group could see the benefit of having a mixed approach allocation system i.e. choice based lettings for some customer groups initially, with the option for officers to allocate if customers are not placing sufficient bids to resolve their housing need. However, they also recognised it had the potential to result in a

duplication of officer time, an increase in costs associated with running dual IT systems, and create confusion amongst customers.

- Customers should be offered personal appointments to assist them in their application for housing, in order to reduce the time it takes to successfully apply and to allow staff to provide realistic advice on their chances of being offered a home. An online waiting list 'account' should be made available to view so that customers can check it at their convenience and reduce the number of inquiries made.
- Proposed changes to allocation policy. It was agreed by Scrutiny Task Group that the changes to the allocation policy be considered in a comprehensive allocations review
- Scrutiny Task Group agreed that CYC should initially try to re-negotiate with their regional partners to revise the current Housing Registrations System and Policy but if unsuccessful should approach neighbouring authorities with a view of forming a mini partnership with Selby and/or Ryedale. Failing that the Scrutiny Task Group agreed CYC should initiate its own policy.

13. North Yorkshire Home Choice partnership Board have seen the reports from the review and the report of the scrutiny committee, acknowledging the failings of the current system. They wish to be involved in further discussions to see if changes can be made to the current partnership arrangement / NYHC system to address the inefficiencies.

Service Development

14. The proposed changes to service that require Executive Member agreement are

- a) Approval to negotiate changes within the North Yorkshire Home Choice partnership and delegated authority to withdraw from the partnership if negotiation is unsuccessful
- b) Approval to change from a 'Choice Based Lettings' (advertising and bidding) system to an officer allocation system based on customer preference.
- c) Amend and update the allocations and letting policy. A report will be brought to Executive Member following detailed consultation and production of new allocations and lettings policy in the future

The proposed changes to service that are operational decisions and are for information only are;

- d) The cessation of an on-line housing application system to be replaced by a personal (face to face or telephone) interview. An electronic register (managed by officers) will remain. This system is currently in place as a pilot scheme. Applicant would still be able to view their application on line
- e) To change ICT system currently used to manage the housing register. This is part of a housing wide review of IT.

Options

- 15. Option 1. Note the contents of the report and agreed the proposal noted in 14 (a) and (b)
- 16. Option 2. to note the contents of the report but to reject any changes

Analysis

Option 1 to withdrawal from North Yorkshire Home Choice partnership and to cease using 'Choice Based Lettings' (advertising and bidding system)

- 17. **Advantages of remaining in NYHC:** wide choice of accommodation types and locations for customers. Opportunity for those in less need to bid on "hard to let" properties out of area which enables applicants to access social housing (Data for the calendar year 2015 shows York exported 98 applicants and imported 57, leaving a net export of 41. York currently allocates around 6% (approx 40 homes) of its available properties each year to Bronze Band applicants (though a proportion of these will be imports). The only district York imported more households from than it exported to during 2015 was Ryedale. Sixteen of the 98 households leaving York during 2015 were in Bronze Band, 52 within Silver and the remaining 30 in Gold Band. Analysis of property type suggests Bronze Band applicants from York are likely to be moving to "harder to let" properties in other districts. Moving from a sub-regional approach is unlikely to impact greatly on York's ability to prevent homelessness , only 19 of the 98 exported applicants were potentially homeless (19%) . The impact on partners would also be minimal only 4 of the 57 imported applicants being potentially homeless .
- 18. If the authority moved to officer allocation scheme the customer would not see what is vacant (perceived less transparency), applicants would not have actual physical choice of what properties to bid on but would be offered a property based on the detailed information provided to officers at point of application

19. **Advantages of leaving NYHC:** Necessary to compromise on some points in a sub regional allocation policy in order to reach agreement across entire partnership, it is difficult / time consuming to change policy (it has to be agreed by all 10 partner boards / executive members), difficult to maintain consistency across the partnership regarding assessment and verification of applications, imported applicants are predominantly older people moving for care and support which puts some additional pressure on Adult Social Care, York as host agency acts as a referral point / training provider even when the Co-ordinator is not at work. Given that CYC hosts the coordinator post and chairs the board, if CYC withdrew it would impact on the partnership and may put entire scheme into jeopardy. The reaction to the council leaving the scheme may strain relations with other partners at a time when there are negotiations over devolution.

Currently in York there are 1600+ applicants on the register but we only have around 500 voids per year. Many applicants are never offered a property, many applicants are disappointed as there is only limited "choice" as housing providers may not own properties in an applicants preferred area, they may prefer a house but only flats are available. Under the policy a number of customer groups will not have this facility and offered a 'direct let' .

20. Whilst the CBL systems are perceived as being transparent the information that the current system is configured to provide to customers about lettings and their chances of accessing social housing in their chosen area of the NYHC partnership area is minimal, it advises who properties are allocated to by band, however this does not give an insight into time on the register or reason for priority banding award, nor does it summarise the number of vacancies per year by property type and size compared the number of available properties to give customers a realistic picture of social housing availability in the York and North Yorkshire Home Choice area.
21. Whilst there is perceived choice it is limited choice because the number of availability of properties is low, many people are unrealistic and do not use the bidding system effectively (often bidding for properties they are not eligible for), those with high housing need (emergency and gold band) continue to live in inappropriate accommodation in the hope that their „perfect“ house will come available.
22. The advantages of officer allocation means that more attention can be given to the individual needs and issues, that allocations can be made in real time (ie allocation at point of notice / not on a weekly cycle), possibly reduce void times allocation based on personal / detailed information

from customers, that those in most housing need will be offered a property as soon as possible rather than waiting to bid on the „ideal property“. To ensure transparency we would want to continue to produce regular and enhanced information which would be available for customers to view informing them of lets by area, property type and priority banding allocation. We would also like to ensure that customers can view their application on line to see if they are being skipped for offers and why so any issues they can make contact and address, such as outstanding current or former rent arrears. Officer allocations would ensure that the applicant is only offered properties that they are eligible for which would improve the turn around time and reduce void loss.

23. **Advantages of choice based lettings** - The applicant can see available properties and choose where they may want to live, applicants are aware of limited supply, their position on the shortlist, the likelihood of being offered the property they bid on. Whilst the CBL systems are perceived as been transparent the information that the current system is configured to provide to customers about lettings and their chances of accessing social housing in their chosen area of the NYHC partnership area is minimal, it advises who properties are allocated to by band, however this does not give an insight into time on the register or reason for priority banding award, nor does it summarise the number of vacancies per year by property type and size compared the number of available properties to give customers a realistic picture of social housing availability in the York and North Yorkshire Home Choice area.
24. There is the possibility of CBL for some customer groups – removing it for statutory homeless as this is a process and not a choice and removing it for those in higher bands (need) if they are not bidding on all suitable properties in order to resolve someone’s housing need as soon as possible.
25. **Disadvantages of choice based lettings** - Whilst there is perceived choice it is limited choice because the number of availability of properties is low, many people are unrealistic and do not use the bidding system effectively (often bidding for properties they are not eligible for), those with high housing need (emergency and gold band) continue to live in inappropriate accommodation in the hope that their „perfect“ house will come available.
26. **Advantage of allocating properties** -More attention can be given to the individual needs and issues, that allocations can be made in real time (ie allocation at point of notice / not on a weekly cycle), possibly reduce void times allocation based on personal / detailed information from customers, that those in most housing need will be offered a property as

soon as possible rather than waiting to bid on the „ideal property“. To ensure transparency we would want to continue to produce regular and enhanced information which would be available for customers to view informing them of lets by area, property type and priority banding allocation. We would also like to ensure that customers can view their application on line to see if they are being skipped for offers and why so any issues they can make contact and address, such as outstanding current or former rent arrears. Officer allocations would ensure that the applicant is only offered properties that they are eligible for which would improve the turn around time and reduce void loss.

27. **Disadvantage of allocating properties** - The customer would not see what is vacant (perceived less transparency), applicants would not have actual physical choice of what properties to bid on but would be offered a property based on the detailed information provided to officers at point of application 38. When we began the Service Development Review in May/June 2015 we did survey customers through survey monkey and via direct phone calls from an independent member of staff to ask for their thoughts on the current system and the way things worked.

Council Objectives

28. The Housing Registrations Service contributes to the priorities within the Council Plan 2015-19:
- A prosperous city for all where local businesses can thrive and residents have good quality jobs, housing and opportunities
 - A focus on frontline services to ensure all residents, particularly the least advantaged can access services and community facilities

Implications

Human Resources

29. City of York Council hosts the scheme and employs (joint funding) the NYHC Coordinator (0.6 FTE). If CYC withdraw from NYHC then the post may be at risk unless NYHC continue this post but it is hosted elsewhere.
30. The staff member is aware of these changes and has substantive post to return to.

Financial Implications

31. Cost savings (NYHC Coordinator) to CYC (proportion of post) is £2500, from HRA
32. There are additional costs implications in respect of change of IT systems but Housing is in process of reviewing / amalgamation / purchasing a new system regardless of this decision.

Equalities Implications

A community impact assessment (CIA) has been completed for the changes to the Housing Registration / NYHC system.

Legal Implications

33. A Local Authority is required under the Housing Act (1996) and Homelessness Act (2002) and Localism Act (2011) to have an allocations and / or lettings policy which sets out the criteria to allocate social housing.
34. There are risks via judicial challenge if the service does not meet its statutory duty and as a result of Ombudsmen complaints if CYC fails to act within its statutory duties regarding housing allocation.
35. That an agreement is in place to ensure CYC receive the appropriate level of nominations for RSL properties within CYC boundaries

Risk Management

36. The main risk is that in withdrawing from NYHC is that customers only have access to social / RSL properties within CYC boundaries and that local RSL's may adopt a more stringent allocations policy
37. There is the potential that relationships between partner RSL's and neighbouring Local Authorities may be stained due to the withdrawal from NYHC partnership
38. That a new ICT system meets the needs of the service.

Contact Details

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Tom Brittain
Assistant Director Housing and Community
Safety

**Report
Approved**



Date 6/9/16

Wards Affected:

All



For further information please contact the author of the report

Appendices

Appendix A - Communities & Environment Policy & Scrutiny Committee
Report

Background Papers: (provided upon request):

Phase I of the Allocations Service Development Officer Review
2013-18 Homelessness Strategy

Glossary

CBL - Choice Based Lettings (bidding process for vacant properties)

NYHC - North Yorkshire Home Choice (sub regional allocations and lettings
policy / system)

HRA – Housing Revenue Account

RSL – Registered Social Landlord

Communities & Environment Policy & Scrutiny Committee

18 July 2016

Report of the Housing Allocations Scrutiny Review Task Group

Housing Registrations Scrutiny Review – Draft Final Report Summary

1. This report presents the findings and recommendations from the Housing Allocations Scrutiny Review and asks Members to endorse the recommendations so that they may be fed into the ongoing Allocations Service Development officer review. This final report will subsequently be included as an annex to the officer review report due to be presented to the Executive Member for Housing & Safer Neighbourhoods in August 2016.

Background to Review

2. In March 2016 the Communities & Environment Policy & Scrutiny Committee received an overview of the council's Housing Allocations & Choice Based Lettings system. This provided an update on the ongoing officer review of the Council's current working methods, and the legislation and North Yorkshire Homes Choice (NYHC) allocations policy that governs those processes.

3. The Committee agreed they would like to participate in the ongoing review and a Task Group was formed. In early May 2016 the Task Group met for the first time to receive introductory information in support of their review and agreed the following review aim and objectives: „To actively engage with and contribute to the ongoing officer review, to help shape improvements to the Council's housing allocations process and contribute to the decisions and actions to be taken around the Council's Housing Allocation & Choice Based Lettings System. Objectives:

- i. To review the Housing Registrations service to understand the Council's policy, process, systems and application criteria.
- ii. To consider national good practice, visits and findings of the „Allocations Service Development Officer Review“ work to date.
- iii. To consider proposed changes to the Housing Registrations service, systems and policy and the implications associated with any changes.

Consultation

4. This scrutiny review has been supported by the Head of Housing Services, the Housing Registrations Manager and the Service Manager for Housing Options & Homelessness. Housing Services Staff and

customers have also been consulted as part of the ongoing officer review – see paragraph 21 below.

Information Gathered

Objective (i) - To review the Housing Registrations service to understand the Council's policy, process, systems and application criteria 5. Housing & the Law The Homeless Legislation Housing Act 1996 (Part 7) details the Council's duty to:

- Provide housing advice to all those who are homeless or at risk of homelessness.
- Accommodate those who have mental capacity to apply, who are eligible (immigration law), homeless within 28 days and **believed** to be in priority need (with children, pregnant or vulnerable, fleeing violence or other emergency – flood, fire). The duty at this point is to investigate and if homeless immediately to provide temporary accommodation (Ordnance Lane, Crombie House, Holgate Road, Howe Hill family block, B&B).
- Offer permanent accommodation if the applicant is eligible, homeless, in priority need, unintentional and has a local connection to York (exceptions are fleeing domestic violence, or no connection to anywhere). Homeless applicants are then re-housed under the North Yorkshire Home Choice policy.

6. A Local Authority is required under the Housing Act (1996) and Homelessness Act (2002) and Localism Act (2011) to have an allocations and / or lettings policy which sets out the criteria to allocate social housing. This Council's policy (NYHC) was designed to ensure that those in greatest need are housed, while at the same time balancing the need for sustainable communities.

7. There are a number of categories, to whom a Local Authority must give 'reasonable preference' (above other applicants) namely:

8. Reasonable Preference:

- People who are homeless within the meaning of Part 7 of the 1996 Act
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including grounds relating to a disability
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

- People who are owed a duty by any housing authority under section 190(2) 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under.192(3)

9. Additional Preference:

- Armed Forces who have urgent housing needs. Additional preference is deemed to be that the priority band date will be backdated by 6 months.
- Applications from foster carers, those approved to adopt, or those persons being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority.

10. In addition, a policy must have regard to the codes of guidance issued to local housing authorities in England, in exercising the functions under 167(1A) and 167(2) of the Housing Act 1996 and be compatible with obligations imposed by other existing legislation, in addition to Part 6 of the Housing Act 1996 including:

- The Human Rights Act 1998
- The Freedom of Information Act 2000
- Children Act 1989
- Data Protection Act 1998
- Crime & Disorder Act 1998
- Homelessness Act 2002
- The Equality Act 2010

11. It should also take into consideration the following guidance:

- Equality and Human Rights Commission (Code of Practice on Racial Equality in Housing – September 2006)
- Allocation of accommodation: guidance for local authorities in England 2012

12. City of York Council's Current Housing Policy Until 2011, the York had a Housing Registrations and Lettings Policy which dealt only with properties owned by City of York Council (Housing). Any Housing Association Properties were allocated via a nomination system, whereby those in greatest need on CYC 'waiting list' would be nominated to the Housing Association who would assess them in accordance with their own policy (often different from CYC). The overall principle of housing people in greatest need was still prevalent. Properties were let to the applicant in the highest band for whom the property was suitable and who had been waiting the longest unless they were bypassed for a

specific reason. Band A (“Very Urgent”) was the highest band and Band E (“No Priority”) was the lowest band. If this applicant refused the property then it would be offered to the next person on the list for whom the property was suitable unless the next person was bypassed for a specific reason. Properties were not advertised publically.

13. In 2011 in line with Government policy, Local Authorities were encouraged and supported financially to develop ‘Choice Based Lettings’ policies / systems, whereby vacant properties were advertised (via web based system) and individuals „bid” on the properties they wanted to live in. This led to the introduction of a North Yorkshire Home Choice Policy (NYHC) & Choice Based Lettings system. NYHC is a sub regional partnership¹ which enables movement between Local Authorities across North Yorkshire ¹(apart from Harrogate).

14. City of York Council hosts the scheme and employs (joint funding) the NYHC Coordinator (0.6 FTE). NYHC operates a Board and an operations group. This partnership utilises the same IT system (Abritas), operates the same lettings and allocation policy (with exceptions for charitable status) and enables registered applicants to move freely across the partnership area (some restrictions of cross boundary movement for some applicants e.g. statutory homeless).

15. At its first meeting the Task Group also received information on the Council’s comprehensive resettlement service for single homeless, whereby individuals are offered accommodation and support in 24 hour supported resettlement hostels (Arc Light, YACRO, Peasholme Centre, and Howe Hill for Young People). Once they have the relevant skills they will move onto less intensively supported shared housing and ultimate an independent tenancy. Independent accommodation may be in the private rented sector or via North Yorkshire Home Choice policy.

16. Officers went on to highlight the benefits and issues giving cause for concern associated with the NYHC sub regional choice based letting system:

Benefits:

- Cross Boundary movement – this does mean those typically in Bronze Band (no housing need) who would never be housed in York

¹ ¹ Made up of City of York Council, Selby DC, Scarborough BC, Hambleton DC, Ryedale DC, Craven DC, Richmondshire DC, Broadacres Housing Association, Yorkshire Housing Group and Yorkshire Coast Homes

do get housed in other areas of the partnership where demand for properties is lower.

- Customers get to see details of properties up front, they get basic information and in most cases a photo of the property or similar in the area.
- Letting of properties across North Yorkshire is accessed by one application and follows the same common allocations policy making this a more straight forward process for customers when registering.
- Applicants can see each week what properties are/are not available.
- The process gives applicants perceived choice.
- Applicants are in control of the properties they show an interest in.
- Resettlement category has proved to be a successful pathway to housing for customers who otherwise may have been excluded from social housing.
- Potentially Homeless Applicants (those who are proven to be homeless within 90 days) have more properties to choose from as they can move across the NYHC area, preventing them becoming accepted homeless, reducing stress to applicants and their families and cost to CYC.
- The review process gives customers an independent view on decisions made under the NYHC policy. Issues/Concerns
- NYHC is process driven, staff process rather than transact which can lead to missing some customer issues and turning all contact into an application for housing.
- Applicants see properties they want going to those in the highest Band – Gold so are looking for ways to achieve Gold Banding
- Whilst the aim has always been consistency with common goals, aims and a common allocations policy, there are differences across the partnership in how the policy is interpreted and implemented which has caused consistent issues for customers and staff.
- Due to the different demographics of the partners there are different aims and objectives, meaning the NYHC policy and application has tried to be all encompassing.
- For applicants in York perceived choice is not real choice due to a lack of property availability. Expectations are not being managed efficiently or effectively.
- A lot of time spent registering applicants who will never be re housed in York, however under the current NYHC policy they have a right to be registered.

17. Finally, in order to fully debate any proposed future changes to both the front-facing service and the allocation of properties the Task Group were provided with an overview of the demands currently being placed on council housing and the current policy – see Annex A.

Objective (ii) - To consider national good practice, visits and findings of the officer review work to date

18. In early June 2016 the Task Group met again. In consideration of national best practice, the Task Group received a „Report on Diseconomies“ produced by Locality² which suggested a response to the challenges facing public services in a time of austerity cuts, mounting demand and rising expectations.

19. Having considered current national practice, the report highlighted that far too many public service systems „assess rather than understand; transact rather than build relationships; refer on rather than take responsibility; prescribe packages of activity rather than take the time to understand what improves a life“. The result is that the problems people face are not resolved, that public services generate ever more „failure demand“, that resources are diverted to unproductive ends, and that costs are driven ever upwards – see report at Annex B.

20. The Task Group also received information on the ongoing Allocations Service Development Officer Review which had focussed on NYHC systems and processes rather than the workings of the sub-regional partnership and allocations policy, and employed a „check, plan, do“ methodology taking a systems thinking approach involving front line staff and service managers administering NYHC on a daily basis.

21. Officers provided a detailed presentation and report on Phase I of the Allocations Service Development Officer Review which focussed on „Checking“ and included gathering customer and staff insight, information on system inputs and outputs, and the type and frequency of customer demand - see the Phase I final report at Annex C.

Objective (iii) - Proposed changes to the Housing Registrations service, systems and policy & the associated Implications

22. Finally, the Task Group met again in mid June 2016 to consider officer proposals for Phase II („Plan“) of the Allocations Service Development Officer Review, which included the drafting of new operating principles, proposals for a fundamental system re-design, and feedback on staff and customer consultation – see Annex D.

² Locality is the leading nationwide network of community enterprises, development trusts, settlements and social action centres – for further information see www.locality.org.uk

Analysis

23. Proposed changes to housing registrations system and policy As a result of the officer review a number of blockages, systems waste, potential improvements were identified, which highlighted that there were a number of important points to be questioned, including:

- Delivery of the housing register. Should City of York council (CYC) remain in the sub regional partnership (North Yorkshire Home Choice) or form a mini partnership with other local authorities and local housing associations (Selby and / or Ryedale) or operate a stand alone – CYC system?
- Is a new IT system required?
- Should properties be offered via a „Choice Based Lettings“ system or via an allocation process by officers that is transparent for applicants?
- Should there be a physical (on-line and/or paper) waiting list application form or should there be an online system to log interest and then staff offer personal interviews asking relevant questions only. An IT system / „waiting list“ would still exist but as a back office function which customers could view?
- The allocations policy needs minor amendments to meet current needs and legal requirements but a more significant decision about denying those with no housing need from the register also needs to be considered?

Proposals for Change to Housing Registrations System & Policy

24. The table above details a number of options:

- Option 1 - 4 would remain in NYHC
- Option 5 - 6 CYC would stand alone.
- Option 7 - 10 would require the formation of a mini partnership with other Local Authorities and housing associations with a local presence (this has not been explored with neighbouring authorities).

25. **Decision 1**- Delivery of the register. Should CYC remain in the sub regional partnership (North Yorkshire Homechoice) or form a mini partnership with other local authorities (? Selby and / or Ryedale) or operate a stand alone – CYC system?

26. Advantages: wide choice of accommodation types and locations for customers. Opportunity for those in less need to bid on „hard to let“ properties out of area which enables applicants to access social housing (Data for the calendar year 2015 shows York exported 98 applicants and imported 57, leaving a net export of 41. York currently allocates around 6% (between 33 and 42) of its available properties each year to Bronze Band applicants (though a proportion of these will be imports). The only

district York imported more households from than it exported to during 2015 was Ryedale (23 out/31 in). Sixteen of the 98 households leaving York during 2015 were in Bronze Band, 52 within Silver and the remaining 30 in Gold Band. Analysis of property type suggests Bronze Band applicants from York are likely to be moving to „harder to let“ properties in other districts. Moving from a sub-regional approach is unlikely to impact greatly on York’s ability to prevent homelessness , only 19 of the 98 exported applicants were potentially homeless (19%) . The impact on partners would also be minimal only 4 of the 57 imported applicants being potentially homeless (7%)

27. Disadvantages: Necessary to compromise on some points in a sub regional allocation policy in order to reach agreement across entire partnership, it is difficult / time consuming to change policy (it has to be agreed by all 10 partner boards / executive members), difficult to maintain consistency across the partnership regarding assessment and verification of applications, imported applicants are predominantly older people moving for care and support which puts some additional pressure on Adult Social Care, York as host agency acts as a referral point / training provider even when the Co-ordinator is not at work. Given that CYC hosts the coordinator post and chairs the board, if CYC withdrew it would impact on the partnership and may put entire scheme into jeopardy. The reaction to the council leaving the scheme may strain relations with other partners at a time when there are negotiations over devolution.

28. **Decision 2** - Is a new IT system required?

29. Advantages to retaining the current system Abrisas delivers a sub regional IT system, accessed by all partners. An applicant can register in e.g. Scarborough and can be viewed by York if appropriate. The total cost pa to CYC of £12782 with any updates or changes to the system being chargeable in addition to this costs. The costs of changes can be considerable e.g. a standard small works order (1/2 day to a full days work) starts at £830 minimum (shared jointly amongst Local Authorities). Proposed changes to policy based on previous changes in 2013 would incur costs of circa £18000 (again shared jointly across the partner local authorities)

30. Disadvantages

The current process combined with the way the IT system is configured generates significant failure demand, 53% of customer contact failure demand has been identified as being due to the IT system, for example:

- Customers making contact for their application account being reset as they can not do it themselves,
- Customers requesting an update on their application as they have applied on line and when they log back into the system there is no visible update about what is happening with their application.
- Customers sending messages via the IT systems, with an average of 30+ messages a week being received directly onto the system, which all require investigation and follow up, again these are predominantly customers who have forgotten their login and can not re set it themselves, or who are having difficulty using the IT system or requesting an update on their application as the system gives them no visible update when they login.
- On line access for customers, does in nature invite applications from all, there is no way of filtering those in need and those not,
- the IT system does not give up front advice about the realistic chance of being housed into social housing in York.
- The IT system is not configured to talk to other CYC systems – Northgate (Housing and Benefits system) which deals with Council tax, housing benefit claims, housing management – rent accounts and homeless statistics. In addition, it does not talk to Flare (Housing Standards and Adaptations system) or Servitor (Building maintenance system). All this means there is duplication of inputting. When a customer is working with the Housing Options system they currently use the Northgate system for Housing Options cases and have to double input all information onto the CBL system to create an application for social housing, (approximately 20 applications per month being dual input onto systems). Abris is not currently set up to link intuitively with other IT systems, we do have basic interfaces set up but these do come with an additional cost and can fall over leading to further manual input by staff into the Abris and Northgate systems.
- The NYHC policy short listing criteria gives higher ranking to those applicants who are housing debt free. However, Abris is not currently configured to link to other systems and is not intuitive in the way it could use information from other systems which hold the debt information so all applications have to be manually checked for debt. In addition to this any partner landlord current tenant is not normally allowed to transfer when they have current rent arrears, this also requires manual checks as the systems are not linked, taking a substantial amount of staff time during the short listing process.
- CYC Housing are currently reviewing all IT systems to review our current systems and how they deliver service, interact with each other etc and look at what else is available that is integrated and can offer

efficiencies and deliver a more reliable system for both staff and customers.

31. **Decision 3** - Should properties be offered via a „Choice Based Lettings“ system or via an allocation process by officers that is transparent for applicants?

32. Currently the main system for allocating a vacant property, either owned by CYC or other social housing (Registered Social Landlord) is via Choice Based Lettings, whereby registered applicants can „bid“ on available properties. This gives applicants a clear understanding of what is available and what the likelihood of being offered a property is (they are ranked). When more than 1 applicant bids on a property, a tie break system will operate **housing need – assessed bedroom need - debt - time** in that order. Currently in York there are 1600+ applicants on the register but we only have around 500 voids pa. Many applicants are never offered a property, many applicants are disappointed as there is only limited „choice“ as housing providers may not own properties in an applicants preferred area, they may prefer a house but only flats are available

33. Advantages of Choice Based Lettings (CBL) The applicant can see available properties and choose where they may want to live, applicants are aware of limited supply, their position on the shortlist, the likelihood of being offered the property they bid on. Whilst the CBL systems are perceived as been transparent the information that the current system is configured to provide to customers about lettings and their chances of accessing social housing in their chosen area of the NYHC partnership area is minimal, it advises who properties are allocated to by band, however this does not give an insight into time on the register or reason for priority banding award, nor does it summarise the number of vacancies per year by property type and size compared the number of available properties to give customers a realistic picture of social housing availability in the York and North Yorkshire Home Choice area.

34. There is the possibility of CBL for some customer groups – removing it for statutory homeless as this is a process and not a choice and removing it for those in higher bands (need) if they are not bidding on all suitable properties in order to resolve someone’s housing need as soon as possible.

35. Disadvantages: whilst there is perceived choice it is limited choice because the number of availability of properties is low , many people are

unrealistic and do not use the bidding system effectively (often bidding for properties they are not eligible for), those with high housing need (emergency and gold band) continue to live in inappropriate accommodation in the hope that their „perfect“ house will come available.

36. Advantages of Officer Allocation

More attention can be given to the individual needs and issues, that allocations can be made in real time (ie allocation at point of notice / not on a weekly cycle), possibly reduce void times allocation based on personal / detailed information from customers, that those in most housing need will be offered a property as soon as possible rather than waiting to bid on the „ideal property“. To ensure transparency we would want to continue to produce regular and enhanced information which would be available for customers to view informing them of lets by area, property type and priority banding allocation. We would also like to ensure that customers can view their application on line to see if they are being skipped for offers and why so any issues they can make contact and address, such as outstanding current or former rent arrears. Officer allocations would ensure that the applicant is only offered properties that they are eligible for which would improve the turn around time and reduce void loss.

37. Disadvantages

The customer would not see what is vacant (perceived less transparency), applicants would not have actual physical choice of what properties to bid on but would be offered a property based on the detailed information provided to officers at point of application 38. When we began the Service Development Review in May/June 2015 we did survey customers through survey monkey and via direct phone calls from an independent member of staff to ask for their thoughts on the current system and the way things worked.

39. One of the questions posed to customers was “Do you think NYHC/CBL is the best way to allocate homes” of the 41 responses • 9.8% said they strongly agreed CBL was the best way to allocate properties

• 29.3% said they agreed that CBL was the best way to allocate properties.

• 39% said they did not know what the best way to allocate homes was

• 9.8% said they disagreed that CBL was the best way to allocate homes

• 12.2% said they strongly disagreed that CBL was the best way to allocate homes

- In summary 39% of those asked stated that they thought CBL was the best way to allocate homes, 39% didn't know and 22% disagreed that CBL was the best way to allocate homes.

40. Recent consultation with customers about the current CBL system has been fairly inconclusive when it comes to satisfaction with the current system 389 customers were contacted to ask for their opinions with only a 5.6% response;

- Customers were asked if they preferred the current CBL system or would prefer an alternative system where properties were allocated by a team of staff, 55% of those who responded said they preferred CBL whilst 45% stated they would prefer properties to be allocated to them.

41. **Decision 4** – Should there be a physical (on-line and/or paper) waiting list application form or is there an online system to log and interest and then staff offer personal interviews asking relevant questions only. An IT system / „waiting list“ would still exist but as a back office function which customers could view. A „view „ page would still exist so applicants could check their application details / history.

42. Advantages of Waiting List Application Form

Applicants can complete all details in own home / own time by either paper or on-line. Applicants can contact staff via IT system with updates / messages.

43. Disadvantages

Applications (especially on line) are often incorrect, incomplete, applicant is required to fill in entire application even when not relevant, applicant does not get realistic advice at first point of contact, unmediated access to registration raises expectations which cannot be fulfilled, due to cost / complexity of current IT system any changes to process / form is difficult / costly to implement. When looking at the application process a high level of failure demand was identified:

- All applications are turned into a demand for housing
- The website and applying on line encourages applications and does little to inform customers about their realistic chances of being offered a home.
- The initial assessment period can be open ended depending on whether the form is completed fully enough
- On line application forms can be lengthy as they aim to cover every eventuality within a policy, many applicants not needing to answer all of the questions.

- Due to the amount of information required up front there is scope for a significant proportion of incomplete applications resulting in delays to processing.

44. **Decision 5** - Regardless of decisions 1 - 4, CYC are required by law to have an allocations policy which sets out eligibility criteria, qualification criteria and gives reasonable preference to certain categories of applicants. Furthermore, there is no intention to fundamentally review the policy as it is fit for purpose. However, there are a small number of significant alterations which need consideration, in particular those denying access to the register where there is no housing need including:

- Introduction of 2 year local connection. Need to keep abreast of Government directives which are talking about 4 year residency?
- removing general need applicants with no housing need from the register (bronze band) but allow elderly who would not otherwise be able to resolve their own housing need who may not traditionally be classed as in housing need (owner occupiers, income / savings above £60k) to register as older persons accommodation is occasionally let to those with no housing need, alternatively having a „reserve list“ for people with no housing need who could only bid on „hard to let“ properties or intermediate rent, affordable homes.
- no Potentially Homeless Gold band for Family licence termination (living with family)
- no silver band for sharing with family with no other housing need,• reduce number of offers to 2 (1 for accepted homeless) to reduce number of refusals and void times, removal of good tenant. Customer consultation inconclusive
- Remove choice for accepted homeless

45. Other minor changes might include:

- Changing the criteria for 2 bed (age of sharing same sex suggested 16 not 21 in line with Housing Benefit criteria) as highest demand ,
- Adult children in residential care do not entitle someone to a 2 bedroom need
- The option to utilise auto bid for all applicants in emergency or gold band if bidding inappropriately or not bidding (if remain CBL)
- Other considerations e.g. Welfare Benefit reforms LHA. Looking at diversification of tenancies, reconfiguration of stock – need for shared accommodation (CYC Houses in multiple occupation), bedsits for under 35.
- Implications of Housing and Planning Act 2016. To define criteria and introduce fixed term tenancies. Consultation / links with LL services

46. Any changes to policy, either within NYHC or stand alone would be subject to customer consultation, legal opinion and NYHC partnership / Board and member agreement). Other proposals for changes may be identified following consultation.

47. While there are many minor changes which would be addressed when the allocation policy is changed, the main consideration for Scrutiny relates to the service review and the proposals to:

- i. Remove those who have no housing need – i.e. those currently in suitable accommodation (e.g. in private rented accommodation with no notice to quit and with no affordability issues, and those living in the family home with no housing need)
- ii. Remove the „potentially homeless“ gold band status for those living at home, restricting it only to someone with a legal notice (mortgage repossession, discharge from HM Forces – cessation notice, potential eviction from a tenancy). The applicant living at home would be assessed no housing need.

48. Cost of processing Bronze band applications:

Cost of processing Bronze band applicants					
New applicants per annum (2014/15)	No. placed in Bronze band (31%)	Staff time in hrs per application	Total staff time spent processing Bronze band applications per annum (excluding band appeal, ongoing Change in circs/Amends etc)	Average staff cost per hour £	Total staff cost per year for Bronze band applications £
2711	840	2	1681	13.30	22,355

49. Advantages of Amending the Allocations Policy Changes to current policy will meet legal and local needs and make lettings and allocation policy more focused on those in housing need. It will reduce demand for registration and thus improve efficiency within the team, contributing to the required budget savings (£50,000 in 2018/19 due to reduction in Housing Revenue Account income – 1% rent reduction), staff would have additional time as a result of efficiencies within the overall process

to give personalised advice to individuals, to develop alternative housing options (further develop starter home / affordable home register).

50. There could be an option should the waiting list be exhausted for a property, to take a property shop approach potentially utilising Home Swapper (CYC preferred Mutual exchange system) or any other general property rental web site to advertise the property and let on a first come basis, following the policy to check eligibility and qualification for social housing or activate the reserve list (see above).

51. Disadvantages

Some proposed changes would result in those with no housing need being removed from the register which would be unpopular, those living in family homes with no housing need being removed from the register, reduced choice, possible minor increase in homelessness (although current proposal at national level to change to homeless legislation to make prevention a legal duty).

52. Outside of the changes proposed to the policy above, there are a number of internal changes / improvements that do not require member decision at this point e.g.:

- Adult children in residential care do not entitle someone to an additional bedroom need
- Option to utilise autobid for all applicants in emergency or gold band if bidding inappropriately or not bidding (if remain CBL)
- Other considerations are - Welfare Benefit reforms LHA. Look at diversification of tenancies, reconfiguration of stock – need for shared accommodation (CYC Houses in multiple occupation), bedsits for under 35.
- Implications of Housing and Planning Act 2016. To define criteria and introduce fixed term tenancies. Consultation / links with LL services (which will be considered in Tenancy Strategy)

Scrutiny Review Conclusions

53. Having considered all of the information provided in support of this review the Task Group agreed the following:

- Regardless of changes to the council's Housing Registrations Policy, the Task Group recognised that a new IT system was required – one that was capable of talking to other CYC systems, would enable customers to view and update personal information, and provide customers with more information about lettings and their chances of accessing social housing in their chosen areas, thereby reducing failure demand. The Task Group acknowledged there would be a cost

associated with replacing the IT system. However they recognised it would also help generate savings elsewhere in the process which would mitigate that cost.

- The Task Group could see the benefit of having a mixed approach system i.e. choice based lettings for some customer groups initially, with the option for officers to allocate if customers are not placing sufficient bids to resolve their housing need. However, they also recognised it had the potential to result in a duplication of officer time, an increase in costs associated with running dual IT systems, and create confusion amongst customers. They therefore agreed they had insufficient information on the associated implications to recommend a mixed approach, and agreed this option needed exploring further by housing officers as part of their ongoing review.
- Customers should be offered personal appointments to assist them in their application for housing, in order to reduce the time it takes to successfully apply and to allow staff to provide realistic advice on their chances of being offered a home. An online waiting list should also be made available to view so that customers can check it at their convenience and reduce the number of inquiries made.
- Based on the reducing social housing stock, that general need applicants with no housing need should be removed from the register with some exceptions e.g. the elderly requiring older persons accommodation, together with those who are „potentially homeless“ i.e. those living at home. • In response to the removal of the „bronze band“ a reserve list for people with no housing need could be introduced to allow them to bid on „hard to let“ properties and affordable homes etc.

54. Overall, in regard to delivery of the register, the Task Group agreed that CYC should initially try to re-negotiate with their regional partners to revise the current Housing Registrations System and Policy to take account of the findings from the officer review. If this is not successful, CYC should withdraw from the partnership and look to form a mini partnership with Selby and/or Ryedale. Failing that the Task Group agreed CYC should initiate its own policy.

55. Finally, the Task Group agreed that:

- Consideration should be given to reconfiguring the council's social housing stock e.g. the introduction of multiple occupation social housing opportunities for suitable applicants;
- The need for additional social housing across the city needs addressing through the Local Plan.

- Planning guidance should better reflect the urgent need for more affordable family homes to alleviate the pressure on the city's 2/3- bed social housing stock.

Council Plan

56. The Housing Registration Scrutiny Review supports the council's priorities to listen to residents and deliver frontline services.

Review Recommendations

57. The Task Group recommends that the following be introduced / implemented:

- i) A new IT system
- ii) Personal interviews for new applicants
- iii) An online waiting list for applicants to view
- iv) That both the bronze band and the „potentially homeless“ gold band status be removed from the allocations policy, with some minor exceptions

58. The Task Group also recommends that:

- v) Housing officers give further consideration to the implications of introducing a mixed approach to allocations i.e. some choice based lettings for some customer groups initially, with the option for officers to allocate if customers are not placing sufficient bids to resolve their housing need.

59. Although not directly linked to the review of the allocations system, the Task Group also recommends:

- vi) That the council endeavours to add to its housing stock in the future through the introduction of multiple occupation properties.
- vii) That the council proactively increase the availability of social housing through the Local Plan
- viii) That revisions may be required to planning guidance in order to encourage the building of more affordable family homes and help address the pressure on the city's 2/3-bed social housing stock

60. Finally, in regard to the current the sub regional partnership, Task Group recommends that:

- viii) CYC re-negotiates the current arrangements in order to address the findings from CYC's officer review. Should this prove unsuccessful the Task Group recommends that CYC withdraw from that partnership and attempt to negotiate a new mini partnership with a reduced number of other specific local authorities in order to focus on the needs of York residents and those in the closest locality.

Reason: To inform the ongoing Allocations Service Development Officer Review and conclude the scrutiny review in line with scrutiny procedures and protocols, thereby enabling this draft final report to be presented to the Community & Environment Policy & Scrutiny Committee at its next meeting on 18 July 2016.

Implications & Risk Management

61. All implications and risks associated with any recommended changes to the council's current allocations policy will be assessed as part of the ongoing Allocations Service Development Officer Review. The findings from this scrutiny review will help to inform that assessment.