

Communities, Homes and Regeneration Scrutiny Committee Pre Task & Finish Group Report 2022-23

Emergency Interim Social Housing Allocations
Policy

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Cyngor **Sir Gâr**
Carmarthenshire
County Council



Contents

| | |
|---|-----------|
| Chair's Foreword | 3 |
| Background | 4 |
| Main Scopes and aims of the Task and Finish Group | 4 |
| Membership of the Task & Finish Group | 5 |
| Attendance at Meetings | 6 |
| Overview of Information Received by the Group | 6 |
| Background Information on the Case for Change | 8 |
| Proposals for the Development of an Emergency Allocations Policy | 12 |
| Emergency Social Housing Allocations Policy | 15 |
| Conclusion of the Task and Finish Group | 18 |
| Recommendations for Consideration by the Cabinet | 18 |
| Appendices: Draft Emergency Allocations Policy | 20 |

Chair's Foreword

I am pleased to present the report of the Communities, Homes and Regeneration Scrutiny Committee's Task and Finish Group established by the Committee in September 2022 to develop an Emergency Social Housing Allocations Policy for Carmarthenshire to address the unprecedented situation faced by both the Council, and its Social Housing Partners, where the increased demand for social housing was exceeding the level of supply

Members of the Committee, at that time, felt the development of the policy to be important to address the unprecedented demand and to present a report on policy options to the Cabinet and Council for their consideration, and adoption, as an interim Emergency Policy until such time as a full review of the Common Allocations Policy was undertaken, and adopted by the Council

As part of the review, we examined the current legislative duties placed on local housing authorities, the impact of impending legislation on the private rented sector, the operation of the Housing Choice register and the 'bidding process' via 'Canfod Cartref – Home Finder' for applicants seeking Social Housing together with the operation of the Current Social Housing Allocations Policy and whether it was fit for purpose in the current climate.

I hope the recommendations we have made will deliver improvements to the allocation of Social Housing within Carmarthenshire.

I am very grateful to my fellow members of this group for their input and commitment during this review.

I would also like to extend my thanks to the officers who have provided specialist advice and support throughout.

Councillor Deryk Cundy

Chair of the Task & Finish Group

Background

At its meeting held on the 29th September 2022 the Communities, Homes and Regeneration Scrutiny Committee agreed to establish a Pre-Scrutiny Task & Finish Group to develop an Emergency Interim Social Housing Allocations Policy for Carmarthenshire to address the unprecedented situation being faced by the Council, (as with all Welsh Local Authorities and Registered Social Landlords), where the increased demand for social housing was exceeding the level of supply. That situation had significantly worsened over recent weeks and months due to a number of external factors.

In selecting this topic for review the committee identified:

- A severe shortage of affordable housing across the county both in Social Housing and the Private Rented Sector
- The Authority had a duty to house persons who were presenting as homeless or threatened with homelessness
- With more and more applicants for social housing in severe need, the current letting policy was not fit for purpose and the Council needed to create an interim fairer, more transparent housing register better suited to the current situation in the county

Main Scope and Aims of the Group

The main Scope and Aims of the group were agreed as follows:

- To agree a simplified Interim Social Housing Allocations Policy based on data and evidence
- To create a transparent process for allocating homes during the current emergency period
- To align the development of a policy with the current review of the Social Housing Allocations Policy and the development of the Rapid Re-Housing Transition Plan in line with Welsh Government Policy to make homelessness rare, brief and unrepeated
- To develop an Emergency Interim Housing Allocations Policy and make recommendations to the Cabinet and Council for approval

Membership of the Task & Finish Group

The Communities, Homes and Regeneration Scrutiny Committee at its meeting held on the 29th September also agreed that the membership of the Task & Finish Group will comprise 6 Elected Members appointed to reflect the political balance of the Council as a whole, as far as possible:-



Cllr Deryk Cundy (Chair)

Labour



Cllr Betsan Jones (Vice chair)

Plaid Cymru



Cllr Ken Howells

Plaid Cymru



Cllr Martyn Palfreman

Labour



Cllr Russell Sparks

Plaid Cymru

*NOTE Councillor Hugh Shepardson was unable to take up his seat on the Task and Finish Group which then comprised the five remaining members

Attendance at Meetings

Attendance by members of the Task & Finish Group is shown in the table below. A total of 5 meetings were held during the period October 2022 to January 2023.

| Scrutiny Committee Member | Meetings Attended | % |
|---------------------------------|-------------------|-----|
| Cllr. Deryk Cundy (Chair) | 5 | 100 |
| Cllr. Betsan Jones (Vice Chair) | 5 | 100 |
| Cllr. Ken Howell | 5 | 100 |
| Cllr. Martyn Palfreman | 5 | 100 |
| Cllr. Russell Sparks | 5 | 100 |

Overview of information received by the group

The group received a considerable amount of information in the form of written and verbal reports, including details on current housing supply / demand, homelessness, Government legislation, Housing Choice Register and the bidding process for homes via 'Canfod Cartref – Home Finder'.

Listed below are some of the reports viewed by the group at each of its meetings-

1st Meeting - 11th October 2022 - Presentation on the 'Case for Change – Social Housing Allocation Policy'

Content –

- Homelessness – legal obligations and duties placed on the Local Housing Authority together with statistics on levels of, and current homelessness position
- Housing Choice Register – Operation of the register and the bidding process
- Case studies of homelessness
- Other pressures including:
 - the impact of Covid and Government legislation to protect tenants,
 - the impending introduction, in December 2022, of the Renting Homes (Wales) Act 2016 and its potential implications for the private rented sector
 - the impact of the Ukraine conflict and the impending Home Office Dispersal Scheme to disperse migrants throughout the United Kingdom
- Service Development and reconfiguration of the Housing HWB to prioritise prevention

2nd Meeting – 24th October 2022 – Proposals for the development of an Emergency Interim Allocations Policy

Content: - 9 Policy Proposals and Recommendations together with any associated risks and mitigating measures

3rd Meeting – 21st November 2022 – Draft Emergency Social Housing Allocations Policy

Content: Draft Emergency Interim Social Housing Allocations Policy for discussion

4th Meeting – 6th December 2022 –

Content – Draft Emergency Interim Social Housing Allocations Policy incorporating amendments made by the Group at its meeting on the 21st November 2022

5th Meeting – 10th January 2023

Content – Final Draft Emergency Social Housing Allocations Policy together with the Group's report on its findings and recommendations for consideration through the democratic process via the Communities, Homes and Regeneration Scrutiny Committee, Cabinet and ultimately Council for adoption as Council Policy

1. First Meeting 10th October 2022 - Background information on the 'Case for Change – Social Housing Allocation Policy'

The Group, as part of its consideration on the need for the introduction of an Emergency Social Housing Allocation Policy, received a power-point presentation detailing both the background to, and need for the introduction of an Emergency Allocations Policy divided into the following 5 distinct Sections:

- Homelessness
- Housing Register
- Case Studies
- Other Pressures
- Service Development

The main elements of these sections are outlined below.

Homelessness duties and Legislation

1. The recent, and on-going Covid 19 Pandemic, has resulted in a number of changes to the homelessness duties of Welsh Local Housing Authorities
2. In April 2020, Guidance was issued on widening the definition of vulnerability placing a duty on Housing authorities titled 'Everyone In' to provide a roof to everyone in need
3. November 2021, the Welsh Government launched its High-Level Action Plan to end homelessness Titled 'No Going Back', amending previous guidelines
4. May 2022, Consultation commenced on the Welsh Government's Interim Homelessness Measures and additional funding for homelessness prevention titled 'No One Left out'
5. October 2022 – Secondary Legislation came into force titled – Homelessness (Priority Need and Intentionality) (Wales) Regulations 2022.
6. The Housing (Wales) Act 2014 Sections 62, 66, 68, 73 and 75 places the following duties on Local Housing authorities:

Section 62 - Duty to Assess – anyone can present to the Local Authority who may be or, are about to be made homeless and we need to assess

Section 66 - Duty to help Prevent Homelessness. If there's a threat of homelessness e.g. landlord served notice, the duty on local authorities to help to prevent that homelessness will fall under this section.

Section 68 – Duty to secure Interim accommodation – If a person becomes homeless, and they lose the roof over their head, we have a duty to provide interim accommodation – for example if a landlord had served a Section 21 Notice and bailiffs were at the door

Section 73 - Duty to help to secure accommodation- We have a duty to find secure accommodation. That duty lasts for 2 months and then the onus will fall on Housing Authorities under Section 75 to find secure accommodation

Section 75 – Duty to secure accommodation – If people had been housed in temporary accommodation for 2 months the Local Housing Authority has a duty to provide secure accommodation

Housing Register and the ‘Bidding Process’

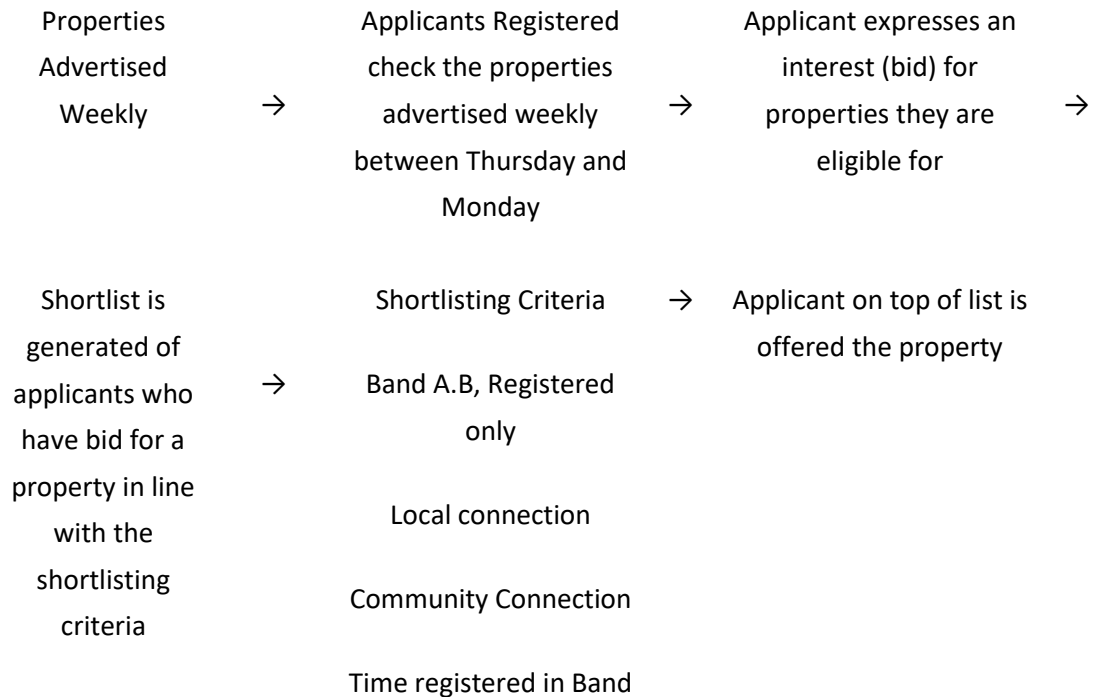
7. The Group noted that anybody can apply to be placed on the Housing Register, including persons falling within Section 62 of The Housing (Wales) Act 2014. However, whilst the Council must accept applications by law, it does not have to register them
8. All applicants requesting to be placed on the Register must provide appropriate information to enable their placement into the appropriate Council Band under Carmarthenshire’s Common Allocation Policy i.e.:

Band A – Homeless, including those falling within Section 75

Band B – Low level housing needs – e.g., overcrowding by one bedroom – people falling within Sections 66, 68 and 73

Registered only – No clear housing need with applicants requesting to be a Council Tenant

9. Once an applicant has been placed on the Register, they can bid for available properties on a weekly basis with the process being:



10. The current bidding process is not considered to be fit for purpose as some people are not bidding for properties or, are only bidding for properties that become available within specific streets/areas.

11. As of September 2022, there were more than 4,500 applicants for Social Housing on the Housing Register. Of those:

- 2,574 (60%) are registered only, with 1,078 (42%) of those not bidding for a property which equates to 25% of the Register
- 1,226 (28%) are in Band B, with 336 (28%) of those not bidding for a property which equates to 8% of the Register
- 537 (14%) are in Band A, with 89 (17%) of those not bidding for a property which equates to 2% of the Register
- Overall, 1,503 people (35%) on the Register are not bidding for properties

| Band | Total No. in Band | % of whole Register | No. Bidding | No. Not Bidding | % of register not bidding |
|------------------------|-------------------|---------------------|-------------|-----------------|---------------------------|
| Band A | 537 | 12% | 448 | 89 | 2% |
| Band B | 1,226 | 28% | 890 | 336 | 8% |
| Registered Only | 2,574 | 60% | 1,496 | 1,078 | 25% |
| Total | 4,337 | 100% | 2,834 | 1,503 | 35% |

12. The Council currently reviews the Register annually.

Other Pressures

- 1.1 Recent Changes to the Section 21 Notice Period relating to the periods of time landlords could serve on tenants to terminate their tenancy has changed. Initially, it was extended from August 2020 from 2 months to 6 months, before reverting to 2 months in March 2022
- 1.2 In December 2022, the Introduction of the Renting Homes (Wales) Act will come into force extending the S21 Notice period to 6 months for all new contracts
- 1.3 Private Sector Landlords are leaving the sector for a number of reasons including the implications of the new Act on Section 21 Notices and other cost of living pressures;
- 1.4 Since April 2022, the Council has lost 12% of the Simple Lettings stock it manages on behalf of private landlords.
- 1.5 While the Council actively looks to buy back the stock to enable tenants to remain in their tenancies, that is not sustainable long term
- 1.6 There are currently 102 Ukrainian Families living in Carmarthenshire. 73 of those are staying with hosts/sponsors and the remaining 29 in alternative accommodation, including hotels and temporary accommodation
- 1.7 The UK scheme for hosting Ukrainian families applies for a 6-month period. This is due to expire in December 2022 and there's a possibility after this time some families may be presenting themselves as homeless to the Council
- 1.8 The Home Office Dispersal Scheme is expected to result in approximately 141-185 people being dispersed to Carmarthenshire, of which, 75% are single males thereby increasing the demand for homes within the County

Service Developments

- 1.9 To help assist with these pressures, the Department has reconfigured the Housing HWB, offered incentives to private landlords to delay evictions and developed the Rapid Rehousing transition Plan to transform the homelessness service
- 1.10 Delegated authority has recently been granted to the Head of Homes and Safer Communities to directly match individuals to available properties thereby improving the time to allocate a property. To date 20 persons had been directly matched.

2. Second Meeting 24th October 2022 - Proposals for the Development of an Emergency Interim Allocations Policy

- 2.1 The Group having identified, and established, the need for the adoption of an Emergency Interim Allocations Policy to enable the Council to meet its Legal Obligations as a Social Landlord under The Housing (Wales) Act 2014, considered a proposals document examining various options and proposals to meeting that obligation
- 2.2 As part of that examination, the Group considered the following 9 proposals, assessing any risks associated with their introduction, how to mitigate any risk, assessing the impact of each proposal and what measures would be introduced to measure the impact of those changes.

Proposal 1:

Registered Only Band suspended to new applicants - People being assessed as having no housing need will not be able to join the housing register under the emergency interim allocations policy.

Proposal 2:

Homes will be matched to people in the greatest need first. Only if a property cannot be matched will it be advertised on Canfod Cartref - Home Finder.

Proposal 3:

Applicants will be offered a Reasonable or Suitable Offer. Applicants to whom we owe a Housing Duty will be given a reasonable offer; all other applicants will be given 2 Suitable offers

Proposal 4:

Direct Allocation - Eligibility

Direct Allocation framed in accordance with section 167(2) of the Housing Act 1996, permits local authorities to give additional preference to applicants who have urgent housing needs.

In order of Additional and Reasonable Preference the following applicants will be considered in greatest need and eligible for a direct offer:

- People who have been assessed as having an exceptional housing need and would qualify for an Emergency Direct Offer of accommodation;
- People who have been assessed under Part 2 of the Housing (Wales) Act 2014 and a section 75 duty has been accepted;
- People who are homeless or threatened with homelessness and who have been assessed under Part 2 and who are owed any duty by the authority under section 73 or 66 of the Housing (Wales) Act 2014;
- People in the existing urgent housing need 'Band A'; and
- People who have a specialist need for adapted accommodation and the availability of suitable accommodation is limited and are in 'Band A'.

Only Applicants:

- With exceptional circumstances, additional and reasonable preference (above); and
- Have a Local Connection will be considered for a direct offer for Social Housing where a property becomes available to let, by either CCC or an RSL Partner.
- Where we are unable to directly match an available home to people in greatest need, we will continue to advertise those properties on Canfod Cartref – applicants on the housing register can continue to bid for these homes.

When selecting applicants to be considered for nomination we will consider the size and type of property and whether the property has had disabled adaptations. People who have been assessed as having an exceptional housing need will be considered first. We will then prioritise applications in accordance with the prioritising factors below:

| Prioritisation Factors | Criteria | Process |
|------------------------|--|---|
| First | Community Connection Criteria | We will sort by Community Connection. People with a community connection will be considered in the first instance. |
| Second | Time Registered in Duty or the priority band | We will sort in Duty order (1 st S.75, 2 nd S.73, 3 rd S.66) or 4 th the time spent in the priority band. Offers will be made in Duty and date order. |
| Third | Support Needs | Only applicants who can be supported into settled accommodation will be considered. (See Appendix 2 for full details of support needs) |
| Fourth | Community Cohesion | To support a sustainable tenancy, we will consider the impact of any eligible applicant on the wider community before making the any nomination. |

Proposal 5:

Applicants who can financially meet their own housing needs will not be able to join the housing register.

Proposal 6:

Applicants who fail to re-register, log-on and access their accounts or bid for properties that meet their needs will be removed from the housing register.

Proposal 7:

For Existing Applicants: Band A remains; Section 73 and 66 move to Band A; Band B remains; Registered Only Band remains and frozen to new applications (except for 55+, extra care and low-cost home ownership applicants).

Proposal 8:

Existing Social Housing Allocations Policy is suspended during the period we operate an Emergency Interim Allocations Policy.

Proposal 9:

Welsh Government have confirmed their 'No one left out' approach will continue for 2022-23. Additional Priority Need category due to new Secondary Legislation.

A Public awareness campaign will be undertaken to build public recognition of the problem through targeted communications and highlighting the need for direct allocations.

- 2.3 The Group recognised the significant change the proposals would have on the existing Canfod Cartref system where people could bid for houses and that the new proposal could be seen as restricting tenants' choice.
- 2.4 In order to address this, the Group endorsed the need for an effective communications approach to demonstrate the proposals should be seen as being a positive step to providing homes for those in need.
- 2.5 With 4,500 people on the register and only 800 homes becoming available, the introduction of an Emergency Allocations Policy at this time was seen as being necessary to provide homes for those in need
- 2.6 The Group noted the Interim allocations policy, if adopted, would become operational in early 2023 for approximately one year while an exhaustive and thorough review was undertaken of the existing Common Allocations Policy.

- 2.7 The Group recognised the Common Allocations Policy was operated by the Council and its Social Housing Partners and their input and support for the introduction and operation of the Emergency Interim Allocations Policy was vital. In that regard it agreed officers should meet with those partners to gain their views/support

3. Third Meeting – 21st November 2022 - Emergency Social Housing Allocations Policy

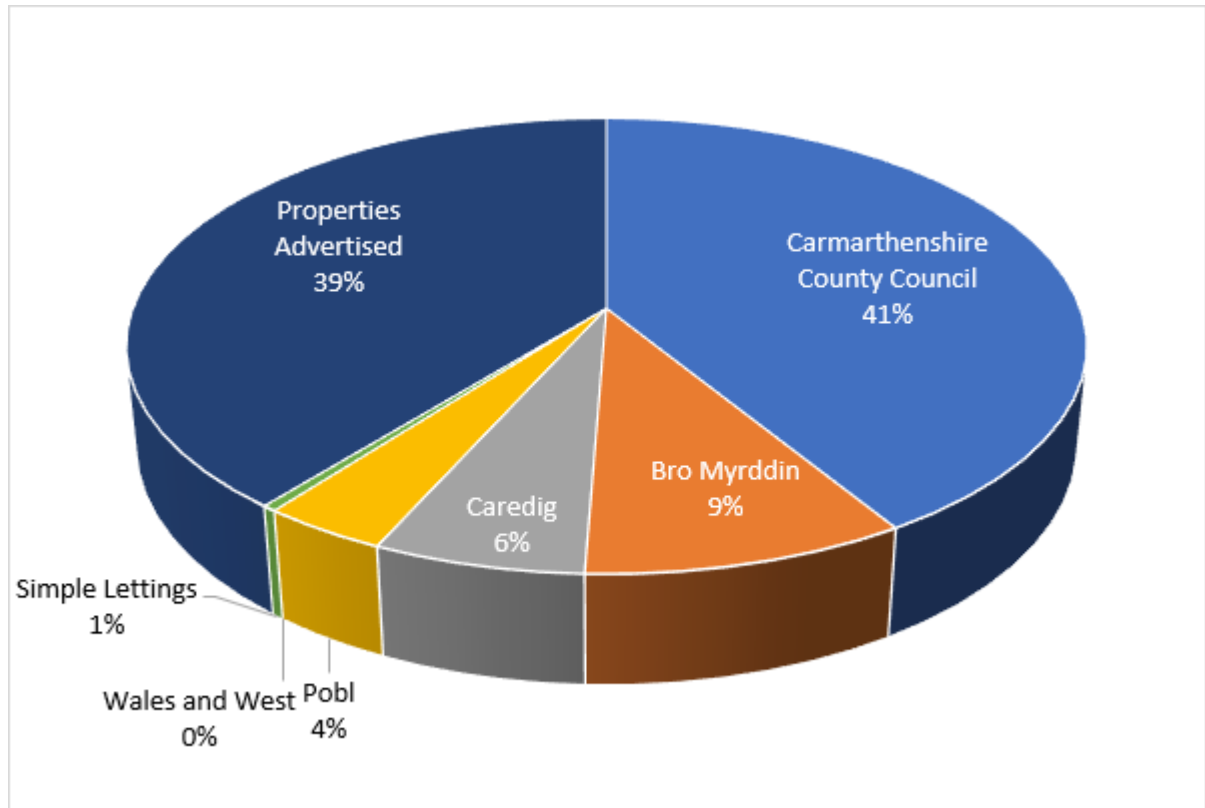
- 3.1 The Task and Finish Group, having considered the 9 Policy Proposals outlined in Section 2, turned its attention to the development of a Draft Emergency Social Housing Allocations Policy into a working document that could be accepted by the partner Registered Social Landlords as an interim arrangement, pending completion of a full review of the current Common Allocations Policy to be undertaken during 2023 for introduction in 2024
- 3.2 The Emergency Social Housing Allocations Policy (attached as an Appendix) has been developed in collaboration with the Council's Registered Social Landlords and tested with frontline staff and addresses the following main policy criteria: -
- Eligibility
 - Application and Assessment
 - Allocation Process
 - Offer of Accommodation
 - Governance Arrangements
- 3.3 If the Draft Emergency Allocations Policy is to be accepted, the Group noted the existing Common Allocations Policy, adopted by the Council in 2016, would need to be suspended to enable the Council, and its partners, to use the scarce housing resources to meet the needs of its vulnerable residents and those in greatest housing need
- 3.4 The Group noted the aims of the Emergency Allocations Policy will be to clearly set out arrangements for how social housing in Carmarthenshire will be allocated during the suspension of the Common Allocations Policy in a fair and transparent manner
- 3.5 The Draft Emergency Policy sets out how eligible people will be nominated for homes in an area in which they wished to be housed and where this is not possible, they will be offered a suitable home that meets their needs
- 3.6 The Group recognised the input of its Social Housing Partners in the development of the Emergency Allocations Policy i.e.: -
- Bro Myrddin Housing Association
 - Caredig Housing Association
 - Pobl Housing Association
 - Wales and West Housing Association

- 3.7 The Policy, if adopted will set out who is eligible for the emergency allocation of social housing, what will be considered in deciding, how an allocation and reasonable offer of a tenancy will be made together with a Right to request a review
- 3.8 The Group recognises that the Emergency Allocations Policy will meet the Council's legal responsibilities and has been developed in accordance with the Housing Act 1996 (Part 6), the Housing (Wales) Act 2014, the Social Services and Well-being (Wales) Act 2014 and the Code of Guidance for Local Authorities: Allocation of Accommodation and Homelessness (Welsh Government 2016)

4. 4th Meeting – 6th December 2022

- 4.1 The Group received a presentation regarding the impact of direct matching via exceptional circumstances since the beginning of October. Data included the number of direct matches compared to the number of properties advertised by property size/type and landlord, and the number of matches by Band. It also showed the number of matches that were unsuccessful and the reasons for this.
- 4.2 Between week ending 7th October 2022 and week ending 2nd December 2022, 146 people in Band A were directly matched to available properties under exceptional circumstances approved by the Head of Housing and Public Protection.
- 4.3 During this same period 96 properties were advertised on Canfod Cartref and available for eligible applicants to bid for. This represents 39% of the properties available during that period.

| Landlord | Direct Matches | Properties Advertised |
|---------------------------------------|----------------|-----------------------|
| Carmarthenshire County Council | 101 | 56 |
| Bro Myrddin | 23 | 19 |
| Caredig | 15 | 3 |
| Pobl | 9 | 17 |
| Wales and West | 0 | 1 |
| Simple Lettings | 1 | 0 |
| Total | 149 | 96 |



- 4.4 The group agreed that data similar to that included within the presentation should be used to monitor the effectiveness of the policy during the interim period. This monitoring information would be reported to the Scrutiny Committee on a regular basis.
- 4.5 The Group was reminded that at its previous meeting held on the 21st November, 2022 it had considered a Draft Emergency Interim Social Housing Allocations Policy and having proposed a number of amendments thereto agreed that a revised version, incorporating any suggested amendments from the Registered Social Landlords will be submitted to its next meeting. In accordance with that request, the Group accepted the Policy document, subject to some further changes to be submitted to its meeting in January 2023 for final approval pending its submission through the democratic process for adoption by the Council as an Emergency Policy document to be operational until such time as a formal review of the Common Allocations Policy was adopted

5. 5th Meeting – 10th January 2023

The Group Received and Endorsed the Final Draft Emergency Interim Social Housing Allocations Policy together with the report of its findings for submission through the democratic process.

As part of its consideration of the final report, the Group received Counsel's advice on the provisions of the New 'Renting Homes (Wales) Act 2022 which came into force in December 2022 and the impact that would have on both Section 2 – Eligibility Criteria and Section 3 - Application and Assessment Process within the draft policy. That advice related to the establishment of a separate band within the Housing Register of 'No Preference' whereby no preference would be given to applicants for social housing who:

- Have the financial resources available to meet their housing costs;
- Exhibit behaviour which affects their suitability to be a tenant which is not a decision of ineligibility for the register;
- Do not have a local connection to Carmarthenshire, unless they are exempt from the local connection criteria as set out in Appendix 3 to the policy.

Counsel's advice was accepted, and the draft policy was amended to reflect that advice

6. Conclusions of the Task & Finish Group

- 6.1.1 the Group, having examined the operation of the existing Common Allocations Policy and the Council's legal obligations to provide accommodation for persons presenting themselves as homeless, endorsed the need for the Introduction of the Emergency Allocations Policy via Direct Matching to enable the Council to allocate properties according to set criteria, to those presenting as homeless and in greater housing need,
- 6.1.2 The Group notes that while direct matching of people to available properties is proposed if, at any time, it's not possible to allocate all available properties at a given point, those unallocated properties would be made available via Canfod Cartref for people to bid for, as at present.
- 6.1.3 The Group also notes that the Emergency Allocations Policy is to operate for a period of approximately one year to allow for a full review to be undertaken of the existing Common Allocations Policy and its subsequent adoption by the Council

7. RECOMMENDATIONS

- 7.1 To recommend the Emergency Interim Housing Allocation Policy be approved by Council
- 7.2 To recommend that Council approve that the current Choice Based Lettings Policy be suspended for approximately one year, and the Emergency Interim Social Housing Allocations Policy be implemented
- 7.3 To recommend that the Scrutiny Committee receive updates at every meeting from officers on the effectiveness of the change
- 7.3.1 To recommend that the content of the update reports include data for the previous period referring to:

- Proportion of properties directly matched and those advertised
- Banding of clients directly matched
- Number of properties directly matched and advertised, by each community connection area, type of property, and landlord
- Proportion of direct matches that were successful
- Number of direct matches where the client requests a review of the allocation, and the outcome of those reviews
- Number of direct matches where the client refuses the allocation but doesn't request a review