



## Chelmsford City Council Cabinet

10<sup>th</sup> October 2023

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### Amendment to Housing Allocations Policy

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Report by: Cabinet Member for Fairer Chelmsford

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#### Purpose

To seek approval for an amendment clarifying the Council's policy for the allocation of homes that have been provided in addition to planned and existing general needs housing stock with funding intended to meet the need of a specific group from the Housing Register.

#### Options

- 1) Retain the existing policy as it is;
- 2) Amend the existing policy to expressly state how other allocations can be made without the need to rely on the delegated authority of the Strategic Housing Services Manager;
- 3) Amend the wording of the policy to specifically allow the Strategic Housing Services Manager to make decisions on the allocation of housing provided through additional funding for specific purposes in general.

#### Preferred option and reasons

Option 3 is the preferred option because it avoids the ambiguity of Option 1 and the operational problems of Option 2. The policy grants delegated authority to the Housing Services Manager in exceptional cases, this could be interpreted as events that are unforeseen and unplanned and therefore not apply to cases where additional homes are provided through funding to meet a specific purpose. Option 2 may need to be revised and updated as operational issues change, or new opportunities arise causing delay. Both of the other options could also create a risk of future challenges.

## Recommendations

Option 3 is approved and implemented as soon as possible and decisions made for the allocation of housing as a result of this amendment will be fully documented in accordance with the existing policy.

The wording of the policy would be changed by the inclusion of the words in italics to:

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“Allocations of social housing will be through the Housing Register in accordance with the provisions of the Allocations Scheme. The Council recognises that there may be some exceptional situations not covered by the Allocations Scheme. In such instances, The Strategic Housing Services Manager will have delegated authority to make decisions, as *they* consider appropriate, and these will be fully documented.

*This will include the allocation of homes that have been provided to meet the need of a specific group where funding has enabled an additional supply of homes specifically for this purpose.”*

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## 1. Background

- 1.1 The majority of the supply of affordable homes allocated through the Housing Register should come from the reletting of existing housing stock. Over the last 20 years this supply has gradually decreased and Members will be aware of a recent change to the Council's Housing Allocations policy and other actions that seek to remedy this.
- 1.2 The supply of new affordable homes has been delivered mainly through Section 106 Agreements with developers of new homes, requiring a proportion to be built with nomination rights given to the Council by legal agreement.
- 1.3 There has recently been announcements by central government of opportunities for local housing authorities and Registered Providers to acquire funding to create an additional supply of homes, whether new-build or through the purchase and change of tenure of existing homes, to meet the needs of a specific group. Although restricted in who may benefit, opportunities such as this do help to relieve the pressure and create more opportunities for others applying to the Housing Register. In some cases there is also the opportunity for the restriction to be lifted when these additional homes become available through reletting.
- 1.4 We expect that there would only be a very small amount of homes delivered where this amendment would apply and the allocation, whilst restricted to a specific group, would still follow the principles of meeting the most urgent need and taking into account the time households with that level of need have been waiting.
- 1.5 Naturally we want to be able to work with local Registered Providers to increase the number and supply of affordable homes for rent, especially larger family homes and take advantage of such opportunities. The current wording gives delegated authority

to the Strategic Housing Services Manager to make nominations outside of the express terms of the policy in “exceptional situations” and if relying on this with no amendment could be challenged for not being an appropriate description of housing that requires planning with partners for its funding, acquisition and use.

- 1.6 The growing gap between the need and supply of affordable homes has prompted government bodies such as Homes England and others to make funding available to ensure an additional supply of homes to meet the need of some vulnerable groups to whom the Council has a duty to house if homeless. We need to be confident that we can lawfully continue to allocate homes in the future whilst also making best use of every opportunity to increase the supply of homes that are needed.

## 2. Conclusion

- 2.1 As the housing crisis deepens, local housing authorities may come under greater scrutiny by those who remain in housing need and those supporting them as to how and why homes have been allocated to others and not them. The proposed amendment will help protect the Council from legal challenges and reduce the risk of being unable to benefit from new opportunities.
- 2.2 All local Registered Providers have been consulted about the proposed amendment and those that responded were positive about this change as it has prompted them to think of ways enabling an additional supply of homes could help alleviate housing need in a strategic way as well as for a specific group of people, for example older people who want to move to more appropriate housing.

### List of appendices:

None

### Background papers:

None

### Corporate Implications:

**Legal/Constitutional:** The Council has complied with its legal requirements for any proposed change to its allocation policy by consulting with Registered Providers. Ensuring an adequate supply of affordable homes is essential to the Council’s ability to meet its other legal duties as a local housing authority. All homes will continue to be allocated in accordance with Housing Act 1996 Part 6

**Financial:** There are no direct cost implications in changing the policy. Improving supply should reduce the rising need and cost of temporary accommodation especially for those needing larger affordable homes and increase the level of investment available for those who need affordable housing in Chelmsford.

**Potential impact on climate change and the environment:** none

**Contribution toward achieving a net zero carbon position by 2030:** none

Personnel: none

Risk Management: lack of affordable housing suitable to meet the most urgent housing need is a high corporate risk, as is the rising need for temporary accommodation and the impact this is having on applicants and staff.

Equality and Diversity: an improved supply and opportunity for housing will benefit those with protected characteristics such as disability and age.

Health and Safety: none

Other: none

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**Consultees:** Registered Providers with housing stock in Chelmsford

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**Relevant Policies and Strategies:** Chelmsford City Council Housing and Homelessness Strategies

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