

**Cheltenham Borough Council
Cabinet – 11th February 2020**

Approval to consult on revised Homeseeker Plus Policy

Accountable member	Councillor Peter Jeffries, Cabinet Member - Housing
Accountable officer	Martin Stacy, Lead Commissioner – Housing Services
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>The Homeseeker Plus Partnership consists of the six local authorities within Gloucestershire and West Oxfordshire District Council who work in partnership with social landlords to provide affordable homes for people to rent. Properties from these housing providers are advertised on the Homeseeker Plus website, which applicants can then apply for.</p> <p>The purpose of the Homeseeker Plus Allocations Policy is to explain who is eligible to apply for affordable housing and how their housing needs will be assessed. This assessment must be in line with relevant legislation and the statutory code of guidance on the allocation of accommodation, as these set out how applications will be assessed in a fair and transparent way based on housing need.</p> <p>Following the recent implementation of the Homelessness Reduction Act, it is now considered timely to review the current Homeseeker Plus Policy. This report highlights some of the key changes that we will be seeking consultation on. Following consultation, relevant approval will then be sought to adopt the agreed changes. The current Homeseeker Plus policy and the proposed policy are provided at appendix 2 and 3 respectively.</p>
Recommendations	<p>That Cabinet:</p> <p>Authorises this Authority to consult on the proposed changes to the Homeseeker Plus Allocations Policy; and</p> <p>Delegates authority to Executive Director – Place & Growth, in consultation with Cabinet Member – Housing, to approve the new policy after the consultation period has ended; provided that there are no further material changes other than those that have already been identified within this report.</p>
Financial implications	<p>None as a direct result of this report.</p> <p>Contact officer: Martin Burke</p> <p>Martin.burke@publicagroup.uk 01594 812544</p>

Legal implications	<p>As a Local Housing Authority the Authority has a statutory duty in respect of the allocation of housing to applicants with the Borough. These duties are contained in Part VI and VII of the Housing Act 1996 (as amended) and the Homelessness Reduction Act 2017.</p> <p>In addition to these duties the Authority has a duty to ensure that it operates in accordance with its duties under the Equalities Act 2010.</p> <p>When considering changes to the policy the Authority must undertake a fair, reasonable and transparent consultation and consider any responses to that consultation before determining whether or not to make changes to the policy.</p> <p>Contact officer: Sarah Farooqi legalservices@tewkesbury.gov.uk: 01684 272362</p>
HR implications (including learning and organisational development)	<p>There are no direct HR implications arising from this report.</p> <p>Contact officer: Kate Righton HumanResourcesCheltenham@publicagroup.uk @cheltenham.gov.uk 01285 623116</p>
Key risks	<p>Please see Risk Register- Appendix 1</p>
Corporate and community plan Implications	<p>The Homeseeker Plus Partnership supports the council's key corporate priority of 'Increasing the supply of housing and investing to build resilient communities'.</p>
Environmental and climate change implications	<p>None as a direct result of this report and it is anticipated that this will have a neutral effect on the council's carbon emissions.</p>
Property/Asset Implications	<p>None as direct result of this report</p> <p>Contact officer: Dominic.Stead@cheltenham.gov.uk</p>

1. Background

- 1.1** Homeseeker Plus is a choice based lettings (CBL) scheme run by the Homeseeker Plus Partnership, which consists of the six local authorities within Gloucestershire along with West Oxfordshire District Council, who work in partnership with social housing landlords to provide affordable homes for people to rent.
- 1.2** The seven local authorities within the Homeseeker Plus partnership are Cheltenham Borough Council, Cotswold District Council, Forest of Dean District Council, Gloucester City Council, Stroud District Council, Tewkesbury Borough Council and West Oxfordshire District Council.
- 1.3** Households who wish to apply to go onto Homeseeker are assessed for eligibility, and if eligible, they are then placed into one of four different ‘bands’ (Emergency, Gold, Silver and Bronze) depending on the nature of their housing need. Those in the highest housing need are placed in the Emergency band, whilst those with the lowest housing need are placed into the Bronze band. Please see Appendix 4 for more information on the banding matrix.
- 1.4** Homeseeker Plus enables affordable housing providers to advertise their homes on the Homeseeker Plus website, and applicants are able to express an interest in them. This is known as placing a “bid” for a property. Once a bid is placed, the system will generate a shortlist, placing applicants in order of: band, band start date and whether they meet the criteria of the advert. Priority for properties goes to those in the highest (i.e. Emergency) band, and then to people who have been waiting the longest within that band. If there are no bids from applicants in the highest band, then the local authority will look to those households in the Gold band, and so on until an applicant is identified. Priority is also initially given to people who have a local connection with the local authority in which the property is located, followed by those who have a local connection with any of the other Homeseeker Plus districts, and finally to anyone else.

2. Reasons for recommendations

- 2.1** The recent implementation of the Homelessness Reduction Act 2017 has introduced a wider focus for local authorities on preventing homelessness for everyone. The Act emphasises

working in partnership with a wider range of organisations and housing providers and changes need to be made to the Homeseeker Plus policy to ensure it reflects the aims of these legislative changes.

2.2 It has also become apparent that the Homeseeker Plus policy is open to interpretation and can be implemented differently across the partnership. It is therefore recommended that we provide greater clarification within the policy to ensure consistency throughout the partnership.

2.3 In addition, this review gives the Authority an opportunity to conduct a review of the Homeseeker Plus Policy more generally, and to consult on a number of proposed changes and additions to the scheme.

3. Proposed Main Changes

3.1 Local Connection Criteria:

It is proposed that greater clarification is given to the wording around local connection criteria.

These are summarised as follows:

3.2.1 Local Connection and the meaning of 'Normal Residence of Choice'.

It is considered that the wording for 'normal residence' in the current policy is confusing and open to interpretation. The proposed changes therefore seek to clarify that normal residence can include households placed in temporary accommodation by that housing authority. In addition, in the case of a person who is street homeless or insecurely accommodated (i.e. 'sofa surfing'), then provided the housing authority is satisfied that the person has no settled accommodation elsewhere and does in fact reside in the district, then he/she will be considered to be 'normally resident.'

3.2.2 Local Connection and Family Associations.

It is proposed the policy will make it clearer that family associations may extend beyond partners, parents, adult children or siblings, to include other family members such as step-parents,

grandparents, grandchildren, aunts or uncles; provided in all cases that there are sufficiently close links in the form of frequent contact, commitment or dependency, as per the Homelessness Code of Guidance. Family associations will therefore be determined with regard to the specific circumstances of each case.

3.2.3 Local Connection and Employment.

It is proposed the policy makes it clearer that for an applicant to satisfy the local connection criteria, it would not be sufficient that their employer's head office is located in the district within which the applicant intends to reside. Instead, the focus will be on an applicant's actual place of work. In the case of self-employment, local connection would be classified by the address their business is registered. For agency, casual or other types of employment, it will be necessary for the applicant to demonstrate that the employment contract is not short-term, casual or ancillary, reflecting case law and the Homelessness Code of Guidance on what is deemed to be employment for the purposes of local connection.

3.2.4 Local Connection and Special Circumstances.

3.2.5 This local connection provision has been amended to ensure that the need for households to be near special medical or support services which are available only in a particular district, and where transport links would not suffice in the ability to meet those needs, is explicitly covered within this category of local connection. Evaluating local connection as a result of special circumstances will continue to be assessed on the merits of each individual case.

3.2.6 Local Connection and Care Leavers.

3.2.7 The section on care leavers has been expanded to include the new care leaver duty which now states: 'In cases of care leavers who are owed a leaving care duty, they will now have a local connection to all districts within the area of the children services authority'. For care leavers who have been placed in a district which is different from that of their children's services authority, they will nevertheless be considered to have retained a local connection to their children's service authority area, provided that they have previously lived in that area for at least 2 years,

including some time before they turned 16. This local connection will continue to remain in place until they reach 21 years.

3.2.8 Local Connection and Members of the Armed Forces.

Members of the armed forces have a local connection to the district of their choice. This is the same for those currently serving and for those who have served within the immediately preceding 5 years. This provision will also be extended to include a bereaved spouse or civil partner who has to leave Ministry of Defence accommodation following the death of their service spouse, and the death was wholly or partly attributable to their service, as well as to existing or former members of the reserve forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

In addition, local connection will be awarded for divorced or separated spouses or civil partners of Service personnel who are required to move out of accommodation provided by the Ministry of Defence.

3.2.9 Local Connection and Households that are subject to immigration control.

It is proposed the policy makes it clearer that as soon as an applicant's immigration status entitles him/her to be eligible for assistance, then local connection will apply from the date they began living in the area. In addition, Refugees will be deemed to have a local connection to the area where they were last accommodated by the Home Office under asylum support.

3.3 Inclusion of housing providers delivering affordable housing via 106 affordable housing obligations

3.3.1 Housing providers who currently operate within the Homeseeker Plus boundaries are made up of: Registered Providers, an Arm's Length Management Organisation (i.e. Cheltenham Borough Homes) and a local authority that owns and manages its own housing stock (i.e. Stroud District Council). It is proposed that, in partnership with these housing providers, the policy is amended to also include provision for any housing providers delivering affordable homes via 106 affordable housing obligations, thereby maximising flexibility in accordance with any differing priorities

among our partners.

3.4 Changes relating to the Banding Table.

3.4.1 What we mean by 'Global Banding'

The current policy makes mention of 'global banding' but it does not explain what this is or when it is awarded. It is proposed that more information is provided on what we mean by 'global banding' and the circumstances when it is awarded.

3.4.2 Defining Welfare Needs

The amended policy now seeks to provide more detail regarding the circumstances when Welfare Need will be awarded against the different banding criteria (i.e. emergency, gold and silver bands). (Please see Appendix 4 for further details.)

3.4.3 Priorities for Care Leavers

The gold band criteria for Care Leavers has been amended to reflect the new care leavers duties and now states, 'A young person owed leaving care duties under section 23C of the Children Act 1989 and in a housing need who is deemed ready for independent living, as assessed by the local authority, will be awarded gold banding in the area of the children services authority that owes them the duties'. Homeseeker Plus is made up of both Gloucestershire and West Oxfordshire authorities – and these have different children services authorities. The proposed amendments will therefore ensure that gold banding is awarded within the area of the relevant children services authority.

3.4 Bedroom Eligibility.

3.4.1 The proposals now include more detailed guidance to cover the circumstances when an additional bedroom can be provided for an applicant who needs another person to live with them in order to meet their care and/or support needs. In summary, this need must be evidenced and reasons for the addition room must be provided by the applicant.

3.4.2 Furthermore, where there are two parents or guardians that have joint access to children, the proposed new policy will include wording which states that bedroom eligibility will only be awarded to the main care provider.

3.5 Other general changes/additional points of clarity – key points

3.5.1 A more detailed legal framework has now been provided within the policy, with a list of relevant duties. There is also a detailed paragraph about data retention and how the partnership will comply with all data protection legislation and the appropriate timescales for storing personal data.

3.5.2 The eligibility section of the proposed new policy makes it clearer that an applicant will not qualify for social housing if a local authority has undertaken an affordability check which has shown that the applicant has sufficient financial resources to adequately resolve his/her own particular housing need through outright purchase, lease or mortgage. This check will consider the type of accommodation needed to meet these needs to resolve their own housing need within their district.

3.5.3 It is also proposed that the new policy is revised to make it clearer when applications can be suspended or demoted; e.g. where there are significant rent arrears which have not been cleared and a repayment plan is not in place, or where an applicant has unreasonably disposed of financial resources that could have enabled him/her to purchase/obtain their own accommodation. The policy will also retain flexibility to allow local authorities to consider each case on its own merits. For example, if the rent arrears arose as a result of domestic abuse or affordability issues, an application under these circumstances would not be suspended.

3.5.4 Furthermore, it is proposed that clarification is given when a main homelessness duty is accepted, with the proposed changes now stating that due to limited resources, high demand and duties to provide accommodation to some groups of applicants in urgent housing need, the degree of choice that the local authority is able to offer may be limited. Linked to this is the role of 'direct matching'. The policy now makes it clearer that not all properties becoming available will

be advertised on Homeseeker Plus, where for urgent operational reasons there is a need to make direct offers of housing outside of the normal policy banding and date order criteria. This could be, for example, to alleviate pressures on temporary accommodation and to ensure the use of any emergency Bed & Breakfast accommodation is minimised.

3.6 Alternative options considered

3.6.1 Not to update the Homeseeker Plus policy. However, it is proposed this option is rejected for the reasons given in Section 2 above. The Homeseeker Plus policy needs to be reviewed to ensure it reflects the aims of recent legislative changes and that clarification is added to ensure that the policy is applied more consistently throughout the partnership.

4 How this initiative contributes to the corporate plan

4.1 The Homeseeker Plus Partnership supports the council's key corporate priorities of 'Increasing the supply of housing and investing to build resilient communities.' The proposed policy changes will provide greater consistency over how the policy is interpreted across the districts, whilst ensuring that we make best use of our affordable housing provision in terms of meeting local housing need.

5 Consultation and feedback

These proposals have been developed in collaboration with key stakeholders, including Cheltenham Borough Homes, and the other local authorities and housing providers who make up the Homeseeker Plus Management Board. It is proposed that our next steps will be to put the proposed changes out to consultation in order that we can establish a more fully informed local policy position.

6 Performance management –monitoring and review

6.1 The Homeseeker Plus Co-ordinator will run regular reports to monitor performance of the scheme in meeting the aims of the policy.

6.2 The Homeseeker Plus policy will be regularly reviewed to ensure that it takes into account

changes in demand and need within the district, and that it continues to meet its aims and objectives and complies with any legislative changes.

6.3 Any changes to the Homeseeker Plus Policy will be implemented only with the agreement of the members of the Partnership, as specified within the partnership agreement following any necessary consultation, and the relevant approvals being given by each Authority.

Report authors	<p>Contact officer: Caroline Sutcliffe, Housing Strategy & Enabling Officer</p> <p>caroline.sutcliffe@cheltenham.gov.uk</p> <p>Martin Stacy, Lead Commissioner – Housing Services</p> <p>Martin.stacy@cheltenham.gov.uk</p> <p>01242 264171</p>
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Homeseeker Plus Policy 3. Homeseeker Plus proposed policy 2019 4. Homeseeker Plus proposed policy banding table
Background information	None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the proposed changes do not take account of the Equalities Act, then the Homeseeker Plus Allocations Policy could be challenged and deemed unlawful.	Martin Stacy	August 2019	3	2	6	Reduce	A communities impact assessment has been carried out to alleviate against this and will be reviewed post consultation and then published once approval is given to make any relevant changes to the Homeseeker Plus Policy. The policy is drafted in such a way as to still enable flexibility to be retained around key issues.	Autumn 2020	Martin Stacy	
	If the proposed changes to Homeseeker Plus Allocations Policy are not consulted on, then opportunities for the changes to be carried out on an informed basis will be missed.	Martin Stacy	August 2019	4	3	12	Reduce	Cabinet approves recommendation to go out for consultation to stakeholders.	February 2020	Martin Stacy	
	If the council does not review the Homeseeker Plus Policy, then opportunities to reduce inconsistency in operational practices across the districts will	Martin Stacy	Sept 2019	2	4	8	Reduce	Recommendation to go out for consultation to reduce this risk.	February 2020	Martin Stacy	

	be missed and the policy will fail to reflect most recent case law and good practice.														

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6
(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close