

## RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

### \*PART 1 – PUBLIC DOCUMENT

#### SERVICE DIRECTORATE: REGULATORY

#### 1. DECISION TAKEN

- 1.1 Approval of minor amendments (set out at Appendix A) to the Common Housing Allocation Scheme.

#### 2. DECISION TAKER

- 2.1 Cllr Gary Grindal, Executive Member for Housing and Environmental Health.

#### 3. DATE DECISION TAKEN:

- 3.1 7<sup>th</sup> September 2020

#### 4. REASON FOR DECISION

- 4.1 Minor amendments to the Common Housing Allocation Scheme (CHAS) are required following the publication in June 2020 of new statutory guidance on improving access to social housing for members of the Armed Forces.
- 4.2 Two further minor amendments are also proposed to clarify policy and reflect existing practice.

#### 5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Amendments relating to the Armed Forces are required in order to comply with new statutory guidance. Other minor amendments may not be actioned, but this would leave elements of policy open to some degree of interpretation and challenge.

#### 6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1 The Executive Member and Deputy have been fully briefed on these proposals.
- 6.2 These amendments have been agreed with settle, which works together with the Council as the North Hertfordshire Housing Partnership (NHHP) to jointly manage and operate the CHAS and the Common Housing Register.
- 6.3 As the amendments to the CHAS are only minor in nature and do not reflect any major changes of policy, the Council is not required to consult more widely.

#### 7. FORWARD PLAN

- 7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

## **8. BACKGROUND/ RELEVANT CONSIDERATIONS**

- 8.1 The Council is required by law to have an allocation scheme for determining how the allocation of affordable housing is prioritised, and the procedures to be followed. The current version of the CHAS was approved by Cabinet at its meeting on 26<sup>th</sup> July 2016. Minor amendments have since been made under delegated authority in response to a changing legislative environment (notably the Homelessness Reduction Act 2017), local operational changes and as specific issues have come to light.
- 8.2 Further minor amendment is now required in order to bring local connection criteria in the CHAS into line with recently published statutory guidance on improving access to social housing for members of the Armed Forces. This new guidance *“strongly encourages local authorities to exempt from any local connection requirements divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence”*. Minor amendments to paragraphs 5.13.1 and 18.1 of the CHAS are proposed to bring our policy into line with this new guidance. The Council would have to demonstrate a convincing rationale if it chose not to comply with this guidance.
- 8.3 We also propose a further revision to the local connection residency criteria set out at paragraph 18.1 in response to recent practices of a small number of (typically London) local authorities who are placing homeless applicants in North Hertfordshire as a means of meeting their temporary accommodation duties. In practice, these homeless applicants do not meet the local residency requirements to join our Housing Register (although they may have another local connection to the district, e.g. immediate family in the area). However, the current wording of the CHAS could be viewed as open to interpretation and has led to challenge in the past.
- 8.4 Finally, a minor amendment to paragraph 5.8 is proposed to clarify the situation around the qualification of social housing tenants, specifically joint tenants, for the Housing Register.
- 8.5 The above proposed minor amendments are detailed in Appendix A, which sets out current and proposed amended text.

## **9. LEGAL IMPLICATIONS**

- 9.1. The Cabinet approved the current version of the CHAS at its meeting on 26<sup>th</sup> July 2016. The Cabinet also resolved at that meeting that authority be delegated to the Executive Member for Housing and Environmental Health, in conjunction with the Head of Housing and Public Protection, to make minor amendments to the CHAS.
- 9.2. Section 4 of the Homelessness Act 2002 confirms that the District Council is the Local Housing Authority (LHA) under the Housing Act 1985 Section 1 (1).
- 9.3. Section 14 (1) of the Homelessness Act 2002 provides that the LHA is no longer required to maintain a housing register. However, Section 166A (1) of the Housing Act 1996 states that every LHA shall have a scheme for determining local priorities and the procedure to be followed in allocating housing.
- 9.4. Section 160ZA(7) of the Housing Act 1996 gives LHAs the power to determine who qualifies, or does not qualify, to be allocated social housing, subject to any regulations made by the Secretary of State under section 160ZA(8).

## **10. FINANCIAL IMPLICATIONS**

- 10.1. There are no specific revenue, capital or other financial implications.

## **11. RISK IMPLICATIONS**

- 11.1 There is a risk of legal challenge, and also to the Council's reputation, if it does not comply with current legislative and regulatory requirements.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

- 12.2 No adverse equality implications are expected to occur as a result of the amendments set out in Appendix A. Outcomes from the operation of the CHAS are periodically monitored to ensure that no groups are unfairly disadvantaged by the operation of the Scheme.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 The Social Value Act and "go local" policy do not apply to this decision.

## **14. ENVIRONMENTAL IMPLICATIONS**

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

## **15. HUMAN RESOURCE IMPLICATIONS**

- 15.1 There are no human resource implications.

## **16. BACKGROUND PAPERS**

- 16.1 The current Common Housing Allocation Scheme can be viewed at: <https://www.north-herts.gov.uk/home/housing/find-home/apply-social-housing>

## **17. APPENDICES**

- 17.1 Appendix A – Minor amendments to the Common Housing Allocation Scheme August 2020.

## **NOTIFICATION DATE**

11<sup>th</sup> September 2020

**Signature of Service Director Consulted**



**Date 09/09/2020**

**Signature of Decision Taker**

**Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.**

**Call-in does not apply to NON-EXECUTIVE DECISIONS**