



Executive

22 April 2013

Report from the Director of Strategy, Partnerships and Improvement and the Director of Regeneration and Major Projects

Allocation Scheme

1. Summary

- 1.1 This report outlines proposed changes to the council's Allocation Scheme that flow from the approach set out in the Tenancy Strategy, which was approved by the Executive in July 2012. While the strategy set out the high-level policy aims, the Allocation Scheme addresses the detail of implementation as far as it affects the allocation of social housing and the management of the Housing Register. As it is a statutory document, formal consultation on the changes was required and this report seeks approval for the key changes to the current scheme following completion of the consultation period on 8th March 2013.

2. Recommendations

- 2.1 The Executive is asked to approve the revised Allocation Scheme.
- 2.2 In particular, the Executive is asked to:
- 2.2.1 Approve the proposals for the waiting list, including adoption of a residential qualification, and the revised banding system for the choice-based lettings scheme set out at paragraphs 4.1 – 4.7.
- 2.2.2 Note the proposals concerning tenure at paragraphs 5.1 – 5.3, which have already been approved through the Tenancy Strategy, and that tenants will be informed at the earliest possible point of the type of tenancy they can expect to be offered.

- 2.2.3 Approve the proposals on bidding, including the proposed limitations on the number and timing of bids, set out in paragraphs 6.1 – 6.2.
- 2.2.4 Approve the proposals relating to “community contribution” set out in paragraphs 7.1 – 7.4.
- 2.2.5 Approve the proposals for granting additional priority and local connection to households in employment and certain disabled households set out in paragraphs 8.1 – 8.7.
- 2.2.6 Approve the proposals for income and savings thresholds set out in paragraphs 9.1 – 9.5.
- 2.2.7 Approve the proposed approach to the treatment of overcrowding within the scheme set out in paragraphs 10.1 – 10.3.
- 2.2.8 Approve the proposed banding scheme set out in paragraph 11.1 and Appendix 1.
- 2.2.9 Approve the proposed approach to the consideration of household composition and, in particular, the age at which children would be treated as non-dependent, set out in paragraphs 12.1 – 12.2.
- 2.3 Note the content of the Equality Impact Assessment regarding the revised Allocation Scheme which is set out in Appendix 2.

3. Background

- 3.1 The overall context in Brent, as in London as a whole, is challenging. The current waiting list stands at over 18,000, of which around 11,000 households have some priority under the current allocation scheme. There are over 3000 households in temporary accommodation to whom a homelessness duty is owed. A total of 968 lettings is anticipated during 2012/13, with the majority becoming available through re-lets within existing social housing stock. A total of 438 homes (including 122 affordable home ownership) were delivered through the new build programme in 2012/13 although a number of these are dedicated to regeneration programmes such as South Kilburn. Future lettings will depend mainly on continued supply through the Affordable Rent programme. Homeless applications have shown an increase following several years of decline and this trend is expected to continue, at least in the short term, as the impact of welfare reform, in particular the restrictions on Housing Benefit levels and the introduction of the overall benefit cap from summer 2013, begin to be felt.

- 3.2 Brent is a borough with relatively low incomes, effectively excluding many households on low or moderate incomes from home ownership and access to lower cost alternatives such as shared-ownership. Rising private rents and limits on Housing Benefit are also restricting access to that sector, even though it has grown significantly in recent years. The 2011 Census indicated that it represented 28.8% of the total housing stock in Brent at that time and it is probably around 30% now. It is worth noting that the majority of this growth has been due to properties that would have been purchased in the past going into the rental market, with a corresponding drop in owner occupation – a pattern that has been repeated across London. In particular, there is a severe shortage of larger homes at affordable rents with, for example, households needing four bedroom or larger property facing waits that can extend to over ten years.
- 3.3 One result of shortage is that access has been increasingly restricted and disproportionate numbers of lettings have gone to the most vulnerable and to homeless households. It has been argued that shortage coupled with allocation through a hierarchy of need has led to “residualisation” of social housing, making it part of the welfare safety net for the poorest and most vulnerable rather than one option among a range tailored to a household’s needs at any given time. In part, housing reforms are intended to challenge existing approaches and look back to a time when working households on low wages could reasonably expect to get access to social housing, while encouraging movement within and between tenures that will, it is hoped, free up access. This implies a reshaping of definitions of need and the direction of some households away from social housing. The fundamental barrier is supply.
- 3.4 The essential question for local authorities is how social housing should be used. Although it should and will remain a means to meet urgent need, it is also an asset that can be used to support other priorities, for example around social mobility and inclusion, economic growth and tackling poverty through encouraging employment and promoting social cohesion through the development of mixed and sustainable communities. To this end, an approach that links housing with employment will be important and welfare reform introduces an additional incentive, since finding employment will be the most effective way for households to mitigate the impact of change. What is clear is that social housing on its own is not able to meet all demand and its capacity to do so in the future is severely limited by constraints on new supply, both in terms of resources and capacity. With limited funds and limited land supply, the council cannot rely on new provision to meet all its housing need. The social housing stock in Brent should therefore be seen in the context of the wider housing supply, with movement between tenures facilitated and encouraged by policy. The Allocation Scheme will be a crucial part of the

mechanisms through which the council can deliver its overall regeneration priorities.

- 3.5 The Tenancy Strategy was agreed by the Executive in July 2012. Following this decision, the strategy was submitted to the Mayor's office for confirmation, which has been received, that it is in conformity with the Mayor's housing and planning policies, as required by the Localism Act, although the Mayor's office has made some comments on particular issues that are noted later in this report.
- 3.6 The Allocation Scheme, along with the Tenancy Strategy, is one strand of a range of strategies and policies that respond to the government's housing and welfare reforms. A revised Housing Strategy has been developed for consultation, along with an Asset Management Strategy that will consider future use of the council's stock in relation to changes to the Housing Revenue Account subsidy system and the introduction of self-financing. The approach in these areas will need to be consistent and it will be a key aim of the overall housing strategy to ensure that the relationships between a range of areas of activity and policy are recognised and that the council's priorities around poverty and social inclusion drive the policy direction in housing and related areas. Further reports to the Policy Coordination Group and the Executive will address these issues.
- 3.7 The Localism Act requires that local authorities continue to follow guidance concerning "reasonable preference" to be given to identified categories of housing need, for example those living in inadequate accommodation. The scheme has been framed to ensure continued adherence to this guidance, although it should be stressed that reasonable preference does not mean that all people falling into one of the defined categories must be offered social housing. In particular, the Executive agreed to the approach set out in the Tenancy Strategy that supports use of the private sector to discharge duty to homeless households, although it should be noted that this does not apply to households to whom a duty had already been accepted prior to the introduction of the changes set out in the Localism Act.
- 3.8 There are two other essential points to note concerning the shaping of a scheme in relation to reasonable preference. First, it is possible for the council to award *additional* preference to households who already meet the reasonable preference criteria, giving them greater priority within the scheme. The main proposal concerning this in the Tenancy Strategy related to the grant of additional preference to households in employment. Second, it is not required that all allocations within the scheme are made to households with reasonable preference. Although there is no absolute rule as to what proportion of available housing may be allocated to households who do not

have reasonable preference, it is generally accepted that it would be reasonable to make anything up to 20% of allocations in this way without breaching the regulations. Allocations outside the reasonable preference criteria are already made within the existing scheme, the most common example being households who are under-occupying. Such households will usually have no particular housing need but it is in the council's interest to give them priority in order to make best use of the stock and tackle overcrowding and, in future, to assist households to avoid the under-occupation penalty that will restrict Housing Benefit payments to households judged to have spare rooms.

- 3.9 Finally, it should also be noted that Brent's approach to reform needs to develop in relation to the approaches adopted elsewhere in London and in West London in particular. An approach that is significantly out of kilter with neighbouring boroughs could have a distorting effect on demand. Although there are significant differences of emphasis, the broad approach taken by west London boroughs in their tenancy strategies and emerging allocation schemes is similar.
- 3.10 The following sections set out the main changes proposed, while Appendix 1 sets out the revised scheme.

4. Waiting List

- 4.1 In summary, the Tenancy Strategy states that:
- Access will be restricted to those with some housing need who are resident in Brent, or working in Brent for a defined minimum period, or with other significant connections.
 - Band D of the current Locata system will be abolished.
- 4.2 The council will no longer operate an "open" waiting list, allowing anyone to apply irrespective of their location or housing need. Statutory guidance means that a residence qualification cannot apply to armed services personnel, who will be able to register with any local authority from any location and, in some circumstances, will also be entitled to additional priority within the scheme. Other applicants will need to establish a local connection, subject to other specific exclusions that are addressed below and in the detail of the scheme.
- 4.3 During consultation, it was proposed that a five year residence qualification should apply, as has been proposed or implemented in a number of other London boroughs. While there was support for the principle of a residential qualification, there were also compelling arguments that this should take account of the realities of the housing market. For those renting privately or

staying temporarily with friends or family, it is often difficult to sustain residence in one location for a lengthy period. Where households are obliged to move on a frequent basis, remaining within the borough boundary may not be a priority or an option. It is therefore proposed that the residence qualification should reflect this and that residence should be established through living in Brent for three out of the last five years and six out of the last twelve months before being able to apply through the Housing Register. This also reflects the approach to qualification for local connection through the homelessness legislation and guidance.

- 4.4 Applicants are currently placed in Band D of the Locata scheme if they are considered to have no housing need and the band therefore has no real value in assessing priority. The Tenancy Strategy proposed that the band should be abolished and consultation supported the principle that households with no housing need should not be given any priority within the allocation scheme. However, straightforward abolition of the band raises some issues that emerged during consultation.
- 4.5 First, there is the mainly administrative difficulty that might arise from dealing with complaints or appeals from households excluded on the basis that they have no housing need. While it is difficult to quantify, there is a risk that abolition of the band could lead to disproportionate demands on staff time. Second, it is possible that households in the lowest band may be able to bid where a property has not been bid for by any households in the higher priority groups. Although such cases are rare, there have been a very small number of successful bids from households in the current Band D over the last few years.
- 4.6 There is also an issue concerning transfer applicants who are tenants of other housing providers. While BHP tenants seeking a move are clearly treated outside the scheme – for example where there is under-occupation as noted above – the position for Registered Provider (RP) tenants in the same situation is more uncertain. An RP tenant who is under-occupying would have no housing need, but supporting a move would make best use of the stock. Such transfers should therefore be either treated outside the allocation scheme or awarded some priority within it and it is proposed that, where there is an existing nomination or reciprocal arrangement through which the council would be able to access any resulting vacancy, RP tenants should be treated in the same way as council tenants. Finally, there is a need to consider the future development of the scheme and options to give additional priority. This might include, for example, specific schemes aimed at people in certain types of employment that are important to the local economy, where it may be felt that households with no traditional housing need should nevertheless be given opportunities to apply. Finally, it has been argued that a scheme that

excludes those with no need will give a more accurate picture of housing *need* in Brent but will not give an accurate picture of housing *demand*.

- 4.7 For these reasons, the following approach is proposed. Four bands would be retained, with bands A-C reflecting some level of housing need, while band D would be re-designated as an “inactive” band. This would enable households with no apparent need to register, to have access to housing options information, to update their position if circumstances changed and might entitle them to a higher banding and, in limited circumstances, to bid where no successful bid is made by an applicant in a higher band.

5. Tenure

- 5.1 The Tenancy Strategy, which the Executive approved in July 2012, endorses the use of fixed terms and states that:

- The term will be five years normally, but with shorter and/or longer periods for specified groups/circumstances.
- Introductory or starter tenancies of 12 months will be used for all new tenants, and in concert with fixed-term tenancies as relevant.
- There will be a presumption that the tenancy will be renewed at the end of the term in the majority of cases.

- 5.2 Although the use of fixed terms has no bearing on whether a household would get any priority and does not form part of the allocation scheme, it is important that households are aware of the type of tenancy they are likely to be offered and the allocation scheme needs to make this clear. A five-year fixed-term will be the norm within the council stock, in line with the approach taken by all the significant registered providers in Brent and by the majority of other London authorities, with an assumption of renewal at the end of the term provided the tenancy has been conducted properly and there has been no significant change in circumstances. Exceptions to this approach have been considered and, at this stage, it is proposed that these will only be made where a shorter term might be appropriate. During consultation, there was strong support for the use of shorter terms for young people, particularly those either looking to move on from supported or other short-term housing or being provided with other support by the statutory or voluntary sector, including employment support, especially where a move would also assist in tackling overcrowding. Specific schemes to take this forward are in development.

- 5.3 The Tenancy Strategy also states that the fixed-term will be preceded by a one-year introductory tenancy, in line with the practice adopted by the vast majority of registered providers.

6. Choice

- 6.1 The Strategy states that a maximum of three successful bids within the Locata system will be the norm. There is an expectation from government that prospective tenants will continue to be able to exercise choice, mainly through the continuance of existing Choice Based Lettings (CBL) arrangements. In principle, the Allocation Scheme will support this approach but with some caveats, for which there was strong support during consultation. Unlimited choice is felt to be unhelpful in ensuring that allocations are made efficiently and that urgent needs are met speedily, since the ability to turn down an unlimited number of properties after a successful bid causes delay in the system. Although the current allocation scheme does make provision for cases where a large number of bids are not followed through by a particular household, it is felt that the approach is not sufficiently clear. There is a need to strike a balance between offering choice and meeting the council's statutory obligations and in this context it is proposed that applicants will be allowed three successful bids, following which their application would be suspended for a specified period if none were followed through. For homeless households, the presumption will be that duty will be discharged into the private sector, with limited exceptions. Similarly, failure to bid at all within a reasonable time, depending on the band, will lead to suspension of an application for one year. In such cases it is proposed that households in Band A should be expected to bid within 6 months and those in other bands within 12 months.
- 6.2 Direct offers will continue to be made where appropriate, in particular in relation to decants associated with regeneration schemes and for homeless households where private sector discharge is not appropriate.

7. Community Contribution

- 7.1 The Tenancy Strategy did not propose that any additional priority should be granted for "community contribution", over and above what is already required with regard to armed services personnel as noted above.
- 7.2 The comments received from the Mayor include the following: *We would like to underline the Mayor's commitment to prioritising people who make an active and positive contribution to their community – e.g. through employment or volunteering – and who may also face barriers to accessing suitable housing in other tenures. It might be appropriate to take this into account when determining whether a tenancy is renewed or not, as well as the factors already set out in the tenancy strategy.* Note that this suggestion relates to renewal, rather than initial grant, of tenancies.
- 7.3 The Tenancy Strategy does recognise employment but not specifically as a community contribution. Other authorities grant, or are planning to grant,

additional priority to households who are, for example, engaged in voluntary activity in their communities but it was considered that developing a system that gives additional priority for volunteering or other worthwhile community contributions would be administratively very difficult for a number of reasons; for example developing a system that could distinguish between different kinds of activity and give them appropriate weight, which would be very difficult to assess objectively and probably equally difficult to evidence clearly. More importantly, it was not felt that community contribution, however valuable, was a reliable or justifiable factor in considering the relative positions of households on the register.

- 7.4 Consideration could be given to recognising community contribution when a fixed-term comes up for renewal but many of the same complications would remain, although in such cases it would not be a question of choosing between the merits of different applicants but of recognising that a tenant is active in the local community. It is proposed that this should be considered as part of the first review of the Tenancy Strategy, especially since it will be some time before the first tenancies come up for renewal..
- 7.4 The only proposed exceptions at this stage relate to carers, where recognition will be given to the need for an additional room where the tenant receives overnight or 24 hour care in the home. The needs of foster carers are addressed in the current allocations scheme and this arrangement will continue.

8. Employment

- 8.1 Consultation indicated strong support for the principle that employment should be recognised within the allocation scheme, principally because of the contribution it can make to overall prosperity and community sustainability. The Tenancy Strategy states that:
- Employment status will be taken into account, both in terms of achieving additional priority and with regard to renewal of any fixed term tenancy, alongside the established criteria for assessing housing need. Income will be taken into consideration when providing advice and support on future housing options either to housing applicants or existing tenants.
- 8.2 In order to gain priority on grounds of employment the applicant must be in employment at the time of application and must have been in employment (including self-employment) for at least 9 out of the previous 12 months. If in temporary employment, the applicant or a member of the household should have been in that employment for a period of 2 years.
- 8.3 Consultation also focused on the way in which employment status should be recognised. Initially, officers had proposed that households in employment

would move into a higher band than they would otherwise have qualified for purely on the basis of housing need. For example, a household in Band C on the basis of need would move into Band B if they were also in employment. However, modelling of this approach demonstrated a serious difficulty, since the effect was to increase the numbers in the higher band to an extent that would distort the system significantly. It should be noted that other boroughs are pursuing this approach but it has not been possible to establish whether they have undertaken any modelling or testing.

- 8.4 In the present scheme, households are prioritised within a band by virtue of the date of their application, with those on the register the longest achieving the highest priority. It is therefore proposed that additional priority for employment will be recognised through promotion in terms of notional waiting time within the appropriate band, with an additional five years awarded.
- 8.5 The Equality Assessment has indicated that this proposal may have an adverse impact on disabled households, who are less likely to be in employment, face greater barriers in securing employment and, in some cases, may not be able to work. To mitigate the potential impact, it is proposed that disabled applicants under retirement age, who have a permanent disability which prevents them from working and who are eligible for the support element of the Employment Support Allowance, should be granted the notional five additional years given to households who are in employment.
- 8.6 Waiting list data indicates that around 10% of applicants have a disability, with most of these households requiring a smaller 1 or 2 bedroomed property. It should be stressed that not all of these households will be in sufficient housing need to warrant the award of Band A or B status. It is also worth noting that some of these households will already have been on the register for longer than five years and may be near the front of the date-order queue and that households with both a housing need and a disability serious enough to prevent them from working are likely to have high priority. The numbers affected by the proposed changes are therefore likely to be quite small.
- 8.7 Households meeting the employment criteria above will also be able to establish a local connection enabling them to register if the employment is located in Brent.

9. Income / Asset Threshold

- 9.1 The Tenancy Strategy did not include a proposed income threshold, although it did recognise that income would be a factor in considering the options available to applicants and tenants whose fixed term is up for renewal. Subsequent discussion and comparison with the approach adopted by other

London councils indicates that consideration should be given to this option. It is proposed that households with an income above a certain threshold would not be offered social housing but would be advised of alternative housing options such as low cost home ownership. The threshold should be set at a level where the household can access shared ownership and should take account of the property size required. The following limits are proposed:

- 1 bed - £35k
- 2 bed 45k
- 3 bed 55k
- 4 bed 70k

9.2 The Mayor's office has commented: *It is noted that Brent proposes that a household's income should be taken into account when determining whether to grant a further tenancy or not. While setting out a specific income threshold may be too inflexible an approach, we would like to see this measure linked more explicitly to the Mayor's FIRST STEPS income thresholds to ensure that options for a clear tenure progression are articulated to tenants whose tenancies are due to come to an end.* The current First Steps limits are a gross household income of £64,300 for one or two bedroom homes and £77,200 for three bedroom or larger homes, although lower limits may apply for some schemes. These limits are slightly more generous than those proposed for Brent.

9.3 It is important that the scheme should strike an appropriate balance between a desire to encourage employment and considerations of affordability that recognise the particular conditions in Brent. As noted above, Brent is a borough with low average incomes and an income threshold set too low would leave many households with limited alternatives in a high-cost private sector. Too high a limit will mean that some households who could afford alternatives will compete with households who could not for scarce social housing. Any scheme should also recognise that many households entering employment will usually be at the lower end of the wage spectrum and the scheme should encourage movement into better paid employment without fear that this might jeopardise the grant or renewal of a tenancy. Having said this, households on higher incomes should be encouraged to consider their alternatives at the point of renewal. Although there were arguments in favour of lower limits during consultation, it is proposed that those outlined above should be adopted, subject to review alongside other elements of the scheme as the impact of implementation becomes clearer.

9.4 The government has consulted on the introduction of an upper income limit beyond which tenants in social housing would be obliged to pay market rents. The council has responded to this consultation, expressing the view that such a measure would add little value, be difficult to implement both legally and

practically and, in most cases, would simply result in a Right to Buy application from the tenant. Recent announcements suggest that the government intends to go ahead with this proposal but unless future legislation requires, it is not proposed that any such measure should be applied in Brent at this stage

- 9.5 Alongside the proposal on incomes, it is also necessary to consider savings. The current scheme already excludes, subject to exceptional circumstances, households who own a property or have access to significant savings or other assets, since the expectation is that they would be in a position to meet their own needs. It is therefore proposed that the revised scheme should take a similar but more explicit approach that will take account of the current DWP savings limit of £16,000.

10. Overcrowding

- 10.1 There are currently two main standards that apply: statutory overcrowding and the bedroom standard. The former is set out in legislation and, while it is a lower standard, action must be taken to address it where it is found (although this does not extend to an automatic right to rehousing). The latter is a more “common sense” standard that is set out in guidance from the Secretary of State and generally adopted across all providers to recognise overcrowding in all tenures. Although it is not a statutory requirement, it is proposed that the council should continue to use the bedroom standard as its benchmark, in line with the majority of other local authorities and registered Providers. This is what is recommended in the Guidance from the Secretary of State regarding the allocation of accommodation.
- 10.2 Consultation centred on whether those overcrowded by one bedroom under the bedroom standard should be given significant additional priority, since this is a very common situation in Brent and across London and other boroughs have adopted or are proposing an approach that does not grant significant additional priority, or in some cases any priority, to such households.
- 10.3 Consultation indicated that while households lacking one bedroom have an identifiable housing need that should be recognised there was a need to both distinguish it from more severe overcrowding and to acknowledge that such overcrowding is so common that it should not attract significant priority within the scheme. It is therefore proposed that those lacking one bedroom should be able to apply on the register but that they will be placed in Band C unless there is another factor, such as medical need, that would justify a higher placing in line with the scheme’s approach to reasonable preference.

11. Banding

- 11.1 As noted above, the Tenancy strategy proposed abolition of Band D but further consideration suggests that an “inactive” lower band may be a more appropriate approach. The full banding scheme is included in the draft scheme set out in Annex 1 to Appendix 1.

12. Household Composition

- 12.1 In terms of household composition and who can be included when considering an application, the revised scheme does not differ significantly from the current scheme but there is one area in which members are asked to confirm the proposal. This concerns the age at which children living with a household should cease to be considered dependent and therefore not considered in terms of the size of home that might be made available. Different age limits may be applied in different areas of social policy, for example when making an assessment of benefit entitlement or for tax purposes. The age limit in the current scheme is 18 but the revised scheme proposes to increase this to 21, unless there are particular circumstances that warrant a different approach; for example a young person with physical or learning disabilities who is cared for by family. However, the government has raised the prospect that Housing Benefit could be further restricted for under 25s in addition to the existing rules that govern the single room rate. If implemented, further changes could mean that under-25s will not be able to claim HB at all, severely limiting the options for young people who are not in employment. More generally, during consultation the rising average age at which children leave home and are able to secure independent housing was raised.
- 12.2 It is proposed that the age limit of 21 should be retained but subject to review if further HB changes are introduced.

13 Financial Implications

- 13.1 There are no immediate financial implications arising from this report.

14. Legal Implications

Allocation Scheme

- 14.1 The requirements regarding allocations schemes are set out in section 166A of the Housing Act 1996 (“the 1996 Act”), which has been inserted by section 147 of the Localism Act 2011.
- 14.2 Under section 166A(1) of the 1996 Act, every local housing authority (which includes Brent Council) shall have a scheme for determining priorities and as to the procedure to be followed in allocating housing accommodation. The allocations scheme must also include the authority’s statement on offering choice of accommodation or how people are offered the opportunity to express their choice.

- 14.3 Under section 166A(14) of the 1996 Act, a local housing authority shall not allocate housing accommodation except in accordance with their allocation scheme. In other words, if a Council pursues allocation policies that are outside its scheme, then it will be deemed to be unlawful.
- 14.4 Under section 166A(12) of the 1996 Act, a local housing authority must, in preparing or modifying their allocation scheme, have regard to: (a) its current homelessness strategy under section 1 of the Homelessness Act 2002, (b) its current tenancy strategy under section 150 of the Localism Act 2011, and (c) as Brent Council is a London Borough, the London housing strategy prepared by the Mayor of London.
- 14.5 Section 166A(13) of the 1996 Act states that before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, the Council must -
- (a) send a copy of the draft scheme, or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have nomination arrangements (see section 159(4)), and
 - (b) afford those persons a reasonable opportunity to comment on the proposals.
- These consultation requirements have been carried out.
- 14.6 Section 166A(3) outlines priorities to which the scheme must give reasonable preference. These categories are outlined in detail within the scheme, but in summary they are;
- Homeless households
 - Homeless households in temporary accommodation
 - People living in overcrowded or unsatisfactory housing
 - People who need to move on medical or welfare grounds (including any ground relating to a disability)
 - People who need to move to a particular locality within the district where to not move them would cause hardship (to themselves or others).

Additional preference may be given to any particular category where there is urgent housing need.

- 14.7 Subject to the content of section 166A(3) of the 1996 Act as set out in the previous paragraph, the allocations scheme may contain provision about the allocation of particular housing accommodation: (a) to a person who makes a specific application for that accommodation; (b) to persons of a particular description (whether or not they are within the categories set out in the previous paragraph). The Secretary of State has the power to make regulations to specify factors which a local housing authority in England must not take into account in allocating housing accommodation.
- 14.8 The allocations scheme must be framed so as to secure that an applicant for an allocation of housing accommodation has the right to request such general information as will enable him to assess— (i) how his application is likely to be treated under the scheme (including in particular whether he is likely to be

regarded as a member of a group of people who are to be given a reasonable preference); and (ii) whether housing accommodation appropriate to his needs is likely to be made available to him and, if so, how long it is likely to be before such accommodation becomes available for allocation to him.

- 14.9 The allocations scheme must also be framed so that an applicant for a housing allocation has the right to request the Council to inform him of any decision about the facts of his case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him and he also has the right to request a review of such a decision and to be informed of the decision on the review and the grounds for it. There is also the right to request a review against a decision of the Council by an applicant on grounds of being ineligible for an allocation and of not being a qualifying person to be allowed to be given an allocation of housing under section 160ZA(9) of the 1996 Act.

14.10 Section 160ZA of the 1996 Act sets out which classes of persons that local authorities shall not allocate housing accommodation under their allocations scheme and these are mainly on grounds of immigration status.

- 14.11 The Department for Communities and Local Government has issued statutory guidance in June 2012 and is entitled: Allocation of accommodation: guidance for local housing authorities in England. The Council has given regard to this statutory guidance when drafting its allocations scheme.

Council's Tenancy Strategy

- 14.12 Under section 150(1) of the Localism Act 2011, a local housing authority (which includes Brent Council) must prepare and publish a tenancy strategy setting out matters to which the registered providers of social housing are to have regard in formulating policies relating to the following:
- (i) the kinds of tenancies they grant;
 - (ii) the circumstances in which they will grant a tenancy of a particular kind;
 - (iii) where they grant tenancies for a term certain and the lengths of the terms; and
 - (iv) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

- 14.13 The Council's Executive approved the Council's Tenancy Strategy at its meeting of 16 July 2012 and the finalised Tenancy Strategy was published in January 2013.

Equalities – Public Sector Equality Duty

- 14.14 The public sector equality duty, as set out in section 149 of the 2010 Act, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and

foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic.

- 14.15 The “protected characteristics” are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.
- 14.16 Having “due regard” to the need to “advance equality of opportunity” between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimise disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons’ disabilities. Having due regard to “fostering good relations” involves having due regard to the need to tackle prejudice and promote understanding.
- 14.17 The Council’s duty under section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions on the provision of localised council tax support for the area of Brent. Due regard to the need to eliminate discrimination, advance equality and foster good relations must form an integral part of the decision making process. When the decision comes before the Executive, Members of the Executive must consider the effect that implementing a particular policy will have in relation to equality before making a decision. An Equality Impact Assessment will assist with this and an equality impact assessment is attached to this report.
- 14.18 There is no prescribed manner in which the equality duty must be exercised, though producing an Equality Impact Assessment is the most usual method. The Council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups and by gathering detail and statistics from the Council’s Housing Register.
- 14.19 Where it is apparent from the analysis of the information that the policy would have an adverse effect on equality, then adjustments should be made to avoid that effect and this is known as “mitigation”.
- 14.20 The public sector equality duty is not to achieve the objectives or take the steps set out in section 149 of the Equality Act 2010. The duty on the Council is bring these important objectives relating to discrimination into consideration when carrying out its public functions. The phrase “due regard” means the regard that is appropriate in all the particular circumstances in which the Council is carrying out its functions. There must be a proper regard for the goals set out in section 149 of the 2010 Act. At the same time, when the Members of the Executive make their decision on the content of its allocations

scheme to adopt, they must also pay regard to countervailing factors which it is proper and reasonable for them to consider. Budgetary pressures and economic and practical factors will often be important. The amount of weight to be placed on the countervailing factors in the decision making process will be for Members of the Executive to decide when it makes its final decision.

15. Diversity and Equalities Implications

An impact assessment is attached at Appendix 2 and members are asked to consider the content thereof. Some issues raised in the assessment and consequent changes to the proposed scheme are set out in the body of this report.

16. Staffing and Accommodation Implications

- 16.1 There are no immediate staffing and accommodation implications arising from this report.

Background Papers:

Tenancy Strategy – January 2013

Brent Allocation Scheme - 2009

Contact Officers

Andy Donald
Director of Regeneration and Major Projects

Tel 020 8937 1049
Andrew.donald@brent.gov.uk

Tony Hirsch
Head of Policy and Performance
Strategy, Partnerships and Improvement

Tel 020 8937 2336
Tony.hirsch@brent.gov.uk

Appendix 1: Allocation Scheme

BRENT COUNCIL

ALLOCATION SCHEME

April 2013

1. Purpose

1.1 This Scheme implements the policies set out in the Council's Tenancy Strategy and the wider Housing Strategy by establishing a framework that aims to:

- Meet housing need through provision of appropriate housing and give reasonable preference to the groups identified in legislation and guidance.
- Make best use of the existing social stock across all providers.
- Make best use of the private rented sector, intermediate and sub-market renting and shared ownership.
- Promote economic and social regeneration and social mobility, particularly through employment.
- Meet housing need through its approach to prioritisation and letting and the use of additional priority and qualification criteria.
- Be transparent, fair and easy to understand.
- Promote a consistent approach to the letting and management of social housing in the borough
- Manage resources effectively.

2. Legislative Context

2.1 This Allocation Scheme is governed by the following legislation and guidance, subject to the issue of any further guidance by the Secretary of State:

- Housing Act 1996 (as amended by the Homelessness Act 2002);
- Housing Act 2004, s223 Allocation of housing accommodation by local authorities
- Localism Act 2011 (Parts 6 and 7)
- The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2012
- Homelessness Code of Guidance for Councils (July 2006)
- The Homelessness (Suitability of Accommodation) (England) Order 2012
- Allocation of accommodation: guidance for local housing authorities in England, 2012
- The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012

2.2 Section 166A of the Housing Act 1996 provides that local housing authorities must have an allocation scheme for determining priorities and the procedure

to be followed in allocating housing accommodation. The scheme must be framed so as to give reasonable preference to any applicant who falls within the statutory reasonable preference categories in section 166A (3). Local housing authorities may frame their scheme so as to give additional preference to particular descriptions of people who fall within the reasonable preference categories and who have urgent housing needs.

2.3 While the Localism Act grants local authorities more flexibility over some aspects of allocations, the reasonable preference criteria still apply. This scheme therefore aims to ensure that reasonable preference is given to people with housing needs who fall into one or more of the following groups:

- Homeless people as defined by Part VII of the 1996 Housing Act, including people who are intentionally homeless and those who are not in priority need
- People who are owed a duty 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 s192(3)
- 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 disability
- People who need to move to a particular locality in the housing authority area, where failure to meet that need would cause hardship (to themselves or others)

2.4 Further detail on the interpretation of these criteria is set out later in this document.

2.5 S.166A (3) of the 1996 Housing Act (as amended), requires that housing authorities should have regard to the following points in framing an allocations scheme:

- The scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.166A(3) – that is, those who should be given reasonable preference - over those who do not

- Although there is no requirement to give equal weight to each of the reasonable preference categories, housing authorities will need to demonstrate that, overall, reasonable preference has been given to all the reasonable preference categories
- There is no requirement for housing authorities to frame their scheme to afford greater priority to applicants who fall within more than one reasonable preference category (cumulative preference) over those who have reasonable preference on a single non-urgent basis

2.6 This scheme aims to comply with these requirements and does not seek to give any additional priority to households falling into more than one of the reasonable preference categories.

3. Qualification

3.1 Subject to the requirement to give reasonable preference to the groups identified above, i.e. those with a housing need, and other exceptions noted below, the council will not operate an “open” waiting list. In addition to having a housing need, applicants must be resident in the borough and will normally need to establish a local connection through residence for three of the last five years and six of the last twelve months before being able to apply on the Register. Alternatively, a local connection may be established through working in the borough as set out in section 5 below.

3.2 Broadly, the following groups are able to join the Housing register:

- People over sixteen years of age who are resident in the borough
- People in hospital or prison whose last address was in the borough
- Members and former members of the armed services
- People who the council considers should be qualifying persons because of exceptional circumstances or special needs, on a case- by-case basis
- People referred by another local authority under homelessness rules where the council has a duty to assist
- Any other people who are entitled to qualify by law

3.3 The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012 provide that local connection criteria must not be applied to a person who:

- is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;

- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where—
 - (i) the spouse or civil partner has served in the regular forces; and
 - (ii) their death was attributable (wholly or partly) to that service; or
- is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

3.4 The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 amend section 166A(3) so that local housing authorities in England must frame their allocation scheme to give additional preference to persons who fall within the reasonable preference categories, have urgent housing needs and who meet one or more of the following criteria:

- the person is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service;
- the person formerly served in the regular forces;
- the person has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service;
- or the person is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

3.5 The Allocations Guidance states: *When deciding what classes of people do not qualify for an allocation, authorities should consider the implications of excluding all members of such groups. For instance, when framing residency criteria, authorities may wish to consider the position of people who are moving into the district to take up work or to escape violence, or homeless applicants or children in care who are placed out of borough.*

3.6 It is important to note that the need to establish a local connection will not affect the ability of applicants or existing tenants to make use of mobility schemes. Similarly, it will not prevent households who would otherwise not have a local connection from securing housing in Brent where there are particular circumstances that warrant it: for example, households moving from

another area under the Multi-Agency Witness Mobility Scheme. Such cases will be considered by the Allocations Panel (see below).

- 3.7 Legislation means that some people are unable to qualify and the scheme must comply with this.
- 3.8 Persons subject to immigration control cannot qualify. In order to qualify, a person must fall into one of the following groups of people who do not require leave to enter or remain in the UK:
- I. British citizens
 - II. certain Commonwealth citizens with a right of abode in the UK
 - III. Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area with the UK which allows free movement
 - IV. EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive)
 - V. persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.
- 3.9 Applicants should not be given reasonable preference under paragraph (a) or (b) of s.166A(3) of the 1996 Act if they would only qualify for reasonable preference by taking into account a 'restricted person' within the meaning of Part 7 (s.166A(4)). A restricted person is a person subject to immigration control who is not eligible for homelessness assistance because he or she does not have leave to enter or remain in the UK or has leave which is subject to a 'no recourse to public funds' condition (s.184(7) of the 1996 Act).
- 3.10 Full details of restrictions applying as a result of immigration status are set out in the guidance, with which this scheme is intended to comply.
- 3.11 The council also has to consider who would be considered to be part of the household of any applicant. In general, the scheme will take account of the Housing Benefit regulations on non-dependents and the homelessness legislation and guidance on who should normally be expected to reside with an applicant.
- 3.12 For the purposes of allocation of accommodation the Council will only consider the following as a household:
- A single person without dependents
 - A married couple

- An unmarried couple, who can prove that they have been resident together for at least 12 months at time of application and at time of offer.
- A lone parent and their dependent children
- A married or unmarried couple with dependent children
- A civil partnership with or without dependent children

A household's needs will be considered collectively when an application is assessed and when an allocation of accommodation is made.

3.13 The scheme distinguishes between Housing Register applicants and tenants as follows:

- Housing Register Applicants: persons who were part of the household at the date of registration, and are still in occupation. This also applies to customers who have been awarded a S193 duty under the Housing Act 1996 as amended under the Homelessness Act 2002
- Tenants: persons who were part of the household at the start of the tenancy, and are still in occupation.

3.14 The following would not usually be considered to be part of a household when considering qualification and priority for housing:

- Anyone subject to immigration control
- non-dependent adult children over the age of 21
- other adult relatives
- non-relatives and lodgers
- Extended family members such as cousins, nephews, aunts and uncles

Note that it is not mandatory to exclude a person subject to immigration control from a household, although a household cannot be regarded as having reasonable preference solely on the basis of the needs of a person subject to immigration control as noted above. This scheme will include such persons as part of a household other than where legislation or regulation prevents it.

3.15 For the purposes of allocation of accommodation the Council will consider the following:

- A child born since the registration date and children (under 21) within the household where it can be proved that the applicant is the sole legal guardian and that there is no other option for rehousing.
- If at the time of application the young person fell within the definition of child, in line with this scheme, then the council will consider them for allocation of accommodation as long as they continue to remain resident with the applicant.

- A child is not a member of a household while s/he is in local authority care and living away from home. If a child returns to the family under supervision, they are again part of the household.
- It may sometimes be unclear where a child normally lives (for example, children of separated parents). The council will consider such cases on a case-by-case basis but normally if a child spends equal amounts of time with both parents the council will consider the child to be resident with the parent who is in receipt of Child Benefit. If no one is in receipt of Child Benefit for the child, and it is not clear who has primary responsibility for them, it will be for the council to decide who is responsible.

3.16 This scheme excludes the following:

- A young person aged 21 or over and therefore not treated as a child would not normally be considered as part of a household and will usually be disregarded when considering applications for rehousing.
- If there are children aged 21 or over who are living at home, advice will be provided on housing options but they will not count towards any calculation of overcrowding. They will be able to apply for housing in their own right but may be disqualified if they do not fall within any of the priority groups defined in this scheme.
- Given the severe shortage of housing and in particular of larger homes, the council will consider whether people living in a household could move into smaller homes of their own, thereby creating a separate household. If a household member has already made a separate housing application they will not be included in any new or subsequent applications.

3.17 Legally adopted children are considered as part of a household in the usual way. Applications where a child is temporarily residing with a household under a fostering arrangement will be considered on a case-by-case basis, in liaison with the appropriate agencies.

3.18 This scheme recognises the role of carers as follows:

- Where a dependent relative has joined the household because they are unable to live on their own and there are no other available options for the family. For example, where the dependent relative has their own accommodation and where the adjoining household could reside at the address in a satisfactory way.
- The council will take advice from the District Medical Officer as to whether the relative needs to live with the family. Where this is not considered essential, other options, such as sheltered housing, will be discussed with the family before a decision is made by the appropriate senior officer. Normally, only adults in receipt of Disability Living Allowance, which includes the higher rate care component, or those receiving Attendance Allowance at the higher rate will be included (to be replaced by Personal Independence Payment as appropriate). The dependent relative must be eligible for an offer in order to be considered.

- Where an applicant can demonstrate that a live-in carer is required, has been identified and has moved in with the applicant or is ready to do so when accommodation is made available, and where the District Medical Officer agrees that a carer is essential.
- Where a carer, if agreed by the Allocations Panel, is required on social grounds.

3.19 The following groups will also not normally qualify:

- Anyone guilty of serious anti-social behaviour where a possession order is being sought or has been obtained
- Anyone who has assaulted a member of staff where an injunction has been sought or obtained
- Anyone who knowingly gives false or misleading information or withholds information that has been reasonably requested.
- Applicants with an income above the limits set out at 8.1 below

3.20 This scheme will take the following approach to households with rent arrears:

3.21 Transfers

- Tenants can apply for a transfer regardless of the length of their tenancy or the state of their rent account. Their applications are then processed normally. If they qualify for a transfer their rent account may be taken into account when an offer is made.
- Tenants with rent arrears of six weeks or more will be suspended from receiving the offer of accommodation. Consideration will be given to varying this rule in some circumstances including;
 - Tenants with urgent management or medical priority in band B or A may be transferred at the discretion of the Rehousing Manager.
 - Offers of accommodation may be made despite rent arrears to tenants who need to move because of statutory overcrowding or because of an overriding priority awarded by the Allocations Panel or where a permanent decant is essential
 - Tenants moving under the Incentive Scheme subject to the above guidelines may be made an offer with the incentive payment being set off against the arrears.

3.22 Households in temporary accommodation

- Homeless households in temporary accommodation may be advised that, if they fall into rent arrears, their housing register application may be suspended. Applications may be suspended when an applicant either
 - a) refuses to pay the rent

- b) fails to make a commitment to repay arrears or
 - c) fails to provide supporting information for a Housing Benefit claim.
 - d) accrues an excessive level of arrears
 - e) is in arrears such that the landlord is taking action to end the tenancy
- If an applicant falls into arrears, their application may be suspended. The application will remain suspended until the arrears are cleared or an agreement has been reached to clear the arrears and this agreement has been kept to for an agreed period. Depending on the amount of the arrears and the nature of the agreement, discretion may be exercised to review cases and lift suspensions. Exceptions may be agreed to this policy, in particular for those cases in bands A or B.

3.23 Applicants in the private sector

- Where an applicant is in the private sector, arrears will not be taken into account. However, where they have lost their previous accommodation through non-payment of rent or were previously council or housing association tenants and have been found to be intentionally homeless, they will be treated as ineligible for offers. An application for review of a decision on this point can be made on the anniversary of the decision.

3.24 The scheme recognises that recent and proposed reforms to the welfare system increase the risk that some households may not be able to cover their full rent and that, in such cases, a move may assist in tackling rent arrears. The impact of welfare reform will therefore be taken into account when considering individual cases.

3.25 Although homeowners are entitled to register, provided they meet the other conditions set out above, they will not normally be given any priority. The council would expect such households to use capital assets from a sale to resolve housing problems if necessary. Any exceptional circumstances will be considered by the Allocations Panel.

4. Transfer Applicants

4.1 In accordance with legislation and guidance, existing tenants applying for a transfer are not covered by this scheme unless:

- the allocation involves a transfer made at the tenant's request, and
- the council is satisfied that the tenant has reasonable preference.

4.2 A tenant can apply for a transfer on the basis of housing need – for example that the household is overcrowded – and the application will be treated in the same way as any other and assessed on the basis of reasonable preference.

However, the council is also able to set its own transfer policies in relation to tenants who have asked for a transfer but do not meet the reasonable preference criteria.

4.3 Although outside the remit of this scheme, the council's transfer policy will seek to give priority to existing tenants where a move would support the council's regeneration priorities and effective use of the housing stock. In particular, this will include moves that would:

- Reduce under-occupation
- Mitigate the impact of changes to Housing Benefit
- Promote mobility for employment purposes
- Tackle overcrowding

4.4 Other transfers outside the scope of this scheme include:

- Those initiated by the local authority for housing management purposes, for example to facilitate repairs and improvements or regeneration schemes
- Mutual exchanges between existing tenants, including exchanges between secure and assured tenants and those with flexible tenancies (under s.107A of the Housing Act 1985)

5. Priority

5.1 This scheme will award priority based on housing need.in line with the reasonable preference criteria but will also grant additional priority in certain circumstances.

5.2 The scheme will give additional priority to households in employment on the following basis:

- The applicant must be in employment at the time of application and must have been in employment for at least 9 out of the previous 12 months.
- Self employment will also be given additional priority, subject to mechanisms to verify employment status.

5.3 Within the overall banding scheme, applicants are prioritised in date order. Additional priority for employment will reflected by the award of an additional five years notional waiting time, effectively backdating the application by that period and moving applicants further ahead within the appropriate band, which will be awarded according to need as noted above and set out in the banding scheme.

5.4 In addition, a quota of lettings will be established outside the scheme to meet the needs of young people in employment or undertaking apprenticeships who would otherwise not have priority under the reasonable preference criteria.

6. Assessment of Applications

- 6.1 In this scheme, applications will be assessed and placed into one of four bands. Priority within each band will depend on the date of qualification for that band and employment status as noted above. Applicants who have no identifiable housing need will be inactive.
- 6.2 The proposed banding structure is set out in Annex 1.

7. Choice

- 7.1 The Allocation Scheme aims to maintain choice while balancing it against the very high demand for social housing and ensuring that unnecessary delay is avoided and that impact on other households bidding for homes is minimised.
- 7.2 Where a household does not take up the offer of a tenancy following three successful bids, their priority will be suspended for one year, after which they will be able to make further bids on the same conditions.
- 7.3 Households will be expected to bid within a reasonable period, depending on the urgency of their need as reflected in the band they are placed in. The proposed time limits are:
- Band A: within 6 months
 - Bands B-C: within 12 months
 - Band I: Since it will be very unusual for Band I applicants to be able to bid, no time limit will apply.
- 7.4 If a household does not bid within the required period, the application will be reviewed and may be suspended. Alternatively, a direct offer will be made where appropriate.
- 7.5 The council expects to make an increased proportion of lettings directly, outside the Locata system, particularly where this would support regeneration priorities and best use of stock and helps manage the council's resources.

8. Income / Asset Threshold

- 8.1 The council's strategic approach to housing aims to make the most effective use of all tenures in the borough. To this end, income thresholds will apply to ensure that households who could afford alternative options - private renting, or shared ownership for example - are directed towards those alternatives. The thresholds have been set at a level where a household could reasonably expect to access shared ownership, taking account of the Mayor's First Steps

scheme, and will be adjusted regularly in line with incomes, rents and house prices. The income thresholds are:

- 1bed - £35,000 a year
- 2bed - £45,000 a year
- 3 bed - £ 55, 000 a year
- 4 bed - £70,000 a year

9. Exceptions, Reviews and the Allocations Panel

- 9.1 While this document sets out the overall basis on which applications for housing will be considered, the council recognises that there may be exceptional circumstances in which an allocation needs to be made outside of the normal process. As each situation is likely to be different and will need to be assessed on its merits, the council does not propose to list the circumstances that might be considered in detail in this document beyond the definitions covering the reasonable preference categories set out below. Any exceptions to the policies set out above will be considered by the Allocations Panel.
- 9.2 Section 166A(9) of the Act includes a new requirement for an allocation scheme to give applicants a right to review a decision on qualification in s.160AZ(9), and to be informed of the decision on the review and the grounds for it. This is in addition to the existing right to review a decision on eligibility
- 9.3 By virtue of s.160ZA (9) and (10) housing authorities must notify an applicant in writing of any decision that he or she:
- is ineligible for an allocation of accommodation under s.160ZA (2) or (4), or
 - is not a qualifying person under s.160ZA (7).
- 9.4 The notification must give clear grounds for the decision based on the relevant facts of the case. Section 160ZA(10) provides that, where a notification is not received by an applicant, it can be treated as having been given to him or her, if it is made available at the housing authority's office for a reasonable period. Where an authority considers that an applicant may have difficulty in understanding the implications of a decision on ineligibility or disqualification, it would be good practice to make arrangements for the information to be explained verbally in addition to providing a written notice.
- 9.5 Applicants also have the right, on request, to be informed of any decision about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them (s.166A(9)(b)).

9.6 This scheme aims to follow the guidance outlined above. The following process will be adopted for reviews:

- Applicants must request a review within 21 days from the date that they are notified of the decision unless exceptional circumstances apply, in which case the Allocations Panel will consider extending the deadline.
- Requests for a review should be made in writing and submitted by the applicant or someone appointed by them to act on their behalf.
- Requests should indicate the reasons why a request for a review is being submitted and any points that the authority is requested to take into account and the details of any representative they have appointed. Where an applicant is unable to provide a written submission, verbal representations will also be accepted.
- Reviews will be carried out by the Allocations Panel. Where the original decision was made by an officer who is normally a member of the panel, that officer will not take part in the review.
- The review will take account of the allocation scheme, the relevant legislation and guidance, any information provided by the applicant or his/her representative and any other relevant circumstances.
- Reviews will be completed within eight weeks of the application.
- If for any reason it is not possible to reach a decision within that time, the applicant will be notified of any revised timescale and the reasons for it.
- Applicants will be notified in writing of the outcome of the review and the reasons for the decision.

9.7 The Allocations Panel will be chaired by the Assistant Director of Housing or, in his absence, by a senior officer nominated by him, and made up of officers from the Housing Needs division. Where appropriate, for example in cases where there is involvement from Social Services, other staff will join the panel to offer specialist advice. .

9.8 The terms of reference for the Panel will be as follows:

- To consider and determine applications where it is considered that making an exception to normal policy and practice should be considered.

- To consider and determine management transfer applications and council tenants who are statutorily overcrowded.
- To consider and determine rehousing requests for individual cases which are not covered by the allocations demand groups.
- To consider urgent decant requests.
- To determine if an applicant should be in Band A including consideration of cumulative need
- Any other matters within the scope of this scheme

10. Local lettings policies

- 10.1 Section 166A(6)(b) of the 1996 Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of s.166A(3). This is the statutory basis for so-called 'local lettings policies' which may be used to achieve a wide variety of housing management and policy objectives.
- 10.2 Some circumstances in which a local lettings approach will be employed – for example for younger people in apprenticeships or employment – have been addressed earlier. In addition, there are some properties where conditions will apply and these are listed in Annex 4. The council will keep this list under review and consider any additions or deletions within the overall context of this allocation scheme. In addition, the council will consider requests by partner organisations to implement lettings plans for particular new developments on a case-by-case basis.

ANNEX 1– DEMAND GROUPS

Demand Group	Band	Qualification Criteria
Band A: Urgent need to move due to reasonable preference (S.167(2)(d) plus additional priority and a local connection		
Decants	A	<p>Brent Council tenants where the property is imminently required (within 9 months) because of lease expiry or for essential work (e.g. Redevelopment scheme) as agreed by the Assistant Director of Housing.</p> <p>Brent Council tenants who need to be moved to allow major repairs or full scale rehabilitation/conversion work to be carried out.</p>
Emergency Medical	A	Emergency banding granted only in exceptional circumstances as recommended by the Medical Officer, when the applicant/tenant or member of their household has a life threatening condition, which is seriously affected by their current housing.
Management Transfer	A	Agreed in exceptional circumstances by the Allocations Panel due to significant and insurmountable problems associated with a Brent tenant's occupation of a dwelling and there is imminent risk to the tenant or their family if they remain in the dwelling.
Exceptional Social Grounds	A	Agreed in exceptional circumstances by the Allocations Panel due to significant and insurmountable problems

		<p>associated with the applicant's occupation of a dwelling and other avenues to housing have been exhausted.</p> <p>This will include Homeless households who are owed a homeless duty by Brent under Housing Act 1996 Part VII section 193(2).</p>
Statutory Duty	A	Private sector tenants where the Council's Private Housing Services has determined that the property poses a Category 1 Hazard and a Closing Order has been issued. Furthermore the Allocations Panel is satisfied that there is no alternative solution and that the problem cannot be resolved by the landlord within 9 months.
Social Services (Children in need)	A	To enable fostering or adoption by Brent residents where agreement has been reached to provide permanent accommodation on the recommendation of the Director of Brent's Children Services and agreed by the Assistant Director of Housing.
Release Adapted Property	A	Where a Brent Council or RP tenant is willing to transfer to a suitable non-adapted property and is releasing an adapted property and where the vacant property is given to Brent Council under a reciprocal agreement..
Under occupation Incentive Scheme	A	<p>Where a Brent Council tenant is willing to move to an alternative property and is giving up one or more bedrooms.</p> <p>Where a RP tenant is resident in Brent under an assured tenancy and is willing to move to smaller accommodation and where the vacant property is given to Brent Council under a reciprocal agreement.</p>
Succession to	A	Where succession has occurred and the succeeding

tenancy		tenant is willing to move to alternative smaller accommodation in line with succession policy as agreed by the Allocations Panel.
Housing Register	A	Urgent need to move agreed by housing in liaison with social services/police/other welfare agency, to give or receive care or support for child protection reasons or other urgent social/welfare reasons as assessed and agreed by the Allocations Panel
Former Service Tenants	A	Council employees who have been a service tenant for at least five years prior to August 1 st 1990 and need to be moved from accommodation which goes in accordance with the job but who retire due to old age or medical reasons, or who are made redundant as part of a Council decision.
Band B: A need to move (residential qualification will apply)		
Urgent Medical	B	<p>An urgent medical need as recommended by the Medical Officer where the current housing of an applicant or a member of the applicant's household is having a major adverse effect on their medical condition.</p> <p>It will not apply where the effect of housing conditions on health is comparatively moderate, slight or variable.</p>
Management Transfer	B	Agreed in certain circumstances by the Allocations Panel due to fear of violence or reasonable fear of violence, and/or due to exceptional social, educational or economical circumstances associated with a Brent tenant's occupation of a dwelling and there is a serious risk to the tenant or their family if they remain in the

		dwelling.
Statutory Overcrowding	B	Where Brent Council tenants have been assessed as being statutorily overcrowded in accordance with Part X of the Housing Act 1985
Severe Overcrowding	B	Where an applicant is lacking 2 or more bedrooms
Stonebridge Regeneration	B	Tenants of the Stonebridge Regeneration Scheme nominated to the Council through the nominations agreement.
Sheltered Housing	B	Those who require sheltered housing or designated older person accommodation
Armed Forces	B	Ex-member of Armed Forces in accordance with regulations
Quota	B	<p>As agreed under the Quota policy for the following services (employment exceptions may apply):</p> <p>Children Leaving Care - Young people referred by Brent Social Services who are unable to make alternative arrangements.</p> <p>Probation Service - Applicants nominated to Brent</p>

		<p>Council by the Probation Service to avoid the risk of reoffending and where housing is a particular issue as judged by the Probation Service in Brent.</p> <p>Children Services - Existing tenants and non-tenants referred by Brent Social Services where accommodation is needed on grounds of children's welfare e.g. child protection cases.</p> <p>Adult Social Care - To release supported housing and approved for independent living by Brent Social Services and The Housing Department.</p> <p>Young People in employment or apprenticeships</p>
<p>Band C: Reduced Priority: Need to Move - Reasonable Preference but with reduced priority</p>		
Homeless	C	<p>Homeless households who are owed a homeless duty by Brent who are occupying long term temporary accommodation provided under Housing Act 1996 Part VII section 193(2).</p> <p>Other homeless households where the above duty applies but the customer is not in temporary accommodation.</p>
Overcrowding	C	<p>Where a Brent tenant/resident is lacking 1 bedroom in line with Brent's Allocations Policy.</p>

Poor conditions	C	Where a Brent resident is living in poor accommodation and this has been assessed and accepted by the Private Housing Services.
Band I - Inactive		
All other households	I	

ANNEX 2 - ALLOCATIONS DWELLING SIZE CRITERIA

In assessing the number of bedrooms required by a household, the following criteria apply:

- One double bedroom for a cohabiting couple
- One double bedroom for two additional persons/children of the same sex and generation.
- One double bedroom for two children of the opposite sex, where both children are under 10 years.
- One double bedroom for two children of the same sex unless one is over 10 years of age and there is an age gap of more than 5 years.
- One double bedroom for two dependents of the same sex over 18 years of age.
- One single bedroom for each person who the Council's Medical Officer considers should have their own bedroom on health grounds.
- One single bedroom for any other person included as part of the household.
- Single people will normally be considered for bedsit accommodation.
- A couple or single parent with a child under two years of age can be offered a one bedroom property.
- Where a child is expected and will affect the assessment of the number of bedrooms needed, an extra bedroom will only be allocated when the child is born. (Birth Certificate needed).

Under the Locata scheme applicants will have more choice regarding the size of accommodation that they wish to be offered. Properties will be advertised with a maximum size of household which will allow applicants to overcrowd themselves according to the Council's standard.

Double bedrooms are defined as being 110 square feet or more in area. Single bedrooms must be at least 50 square feet. Rooms smaller than this do not count as a bedroom.

In July 1998 the Housing Committee reintroduced the policy of offering a one bedroom property to couples or single people who are expecting a child or who have a child under two years of age at the time of the offer. This policy applies to all cases on the Housing Register Points Scheme (not to tenants). It applies to cases approved before and after the decision was taken.

ANNEX 3 - CRITERIA FOR REASONABLE OFFERS

A reasonable offer is one where the dwelling concerned is appropriate in terms of its size, floor level, special needs features, condition and location. The criteria used to assess appropriate size are set out in Annex 2. This Annex deals with the other four aspects.

1. Floor Level - for most applicants' floor level is not a factor in determining reasonableness.

2. Specific Needs - for offers to applicants with specific needs to be reasonable the rules set out below have to be complied with:

(a) The dwelling should have no physical characteristics which make it unsuitable for any member(s) of the applicant's household. Judgement of unsuitability is based on Occupational Therapist advice in the case of physical disability, on Medical Assessor advice in the case of medical factors and other specialist advice as appropriate.

(b) Accommodation adapted for people with disabilities should only be offered to appropriate applicants. Dwellings can be adapted to suit the particular needs of individual households.

(c) On the basis of Medical Assessor advice, certain types of dwellings can be regarded as unsuitable for particular applicants.

(d) For visually impaired people with guide dogs an exception is made to the tenancy condition which prohibits dogs in flats or maisonettes. This means that an offer of these dwelling types is reasonable. Restrictions in the Conditions of Tenancy on the keeping of pets are not acceptable as grounds for claims that offers are unreasonable.

3. Condition - The condition of an offered dwelling is considered to be reasonable if it either:

(a) matches the ready to let criteria specified in the voids procedure; or

(b) fails to match the ready to let criteria but the work necessary to achieve compliance has been specified and details of this are available to the applicant.

Where internal decoration is required, this would only be included in the works specification where applicants, due to age or disability, could not decorate for themselves or where the decorative condition is particularly bad. In all other cases the availability of vouchers under the 'Get You in Service' is considered to be sufficient to make an offer reasonable in terms of its internal decoration.

ANNEX 4 - DWELLINGS WITH ALLOCATIONS RESTRICTIONS

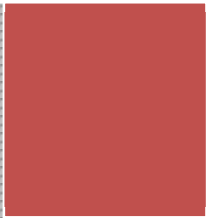
Over 50's Blocks - At Elms Gardens, Macmillan House, Midlothian House Bellamy House and John Perrin Place dwellings are only let to people who are 50 or older.

Sheltered accommodation and bungalows - let to those aged 60 years or older, although there is discretion to allocate flats to slightly younger applicants if necessary.

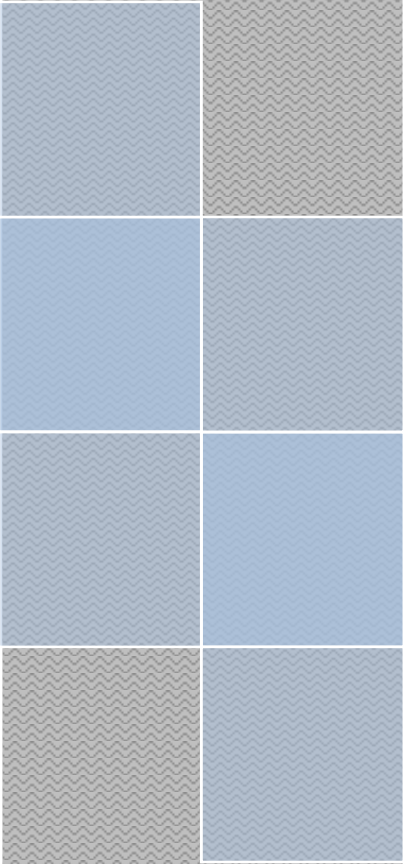
Lodge Court, Manor Court, Wembley Central - no children under 16 years old allowed. This restrictive covenant was included when the leasehold title was drawn up and overrides normal council policy.

Crispian Close, Neasden - no children under 16 years old allowed above the ground floor. A maximum of 10 children under 16 years are allowed in the ground floor properties. These restrictions were imposed at the planning stage because of the high level of traffic and the close proximity of the road which could be a danger to children.

Private Finance Initiative Properties The Executive agreed on 8th October 2007 to amend the Allocations Scheme to allow for the introduction of a temporary to permanent scheme within the Borough. The advantage of such a scheme is that it avoids some of the uncertainty that can occur for homeless households by having to move on a regular basis. The scheme allows for homeless households to remain in their temporary accommodation and for it to be converted into a permanent assured tenancy with a registered social landlord. Such lettings are therefore not advertised through Locata. All lettings will be made in accordance with the eligibility criteria which will ensure that the appropriate size and type of property will be offered to households where there is a full and continuing duty to house. `



Equality Analysis



Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
Directorate: Regeneration and Major Projects Service Area: Housing	Person Responsible: Name: Tony Hirsch Title: Head of Policy and Performance Contact No: 020 8937 2336  Signed:
Name of policy: Brent Allocations Scheme	Date analysis started: March 2013 Completion date 5 th April 2013 Review date: April 2014
Is the policy: New <input type="checkbox"/> Old <input type="checkbox"/> Revision of existing policy with new policies added	Auditing Details: Name: Elizabeth Bryan Title: Principal Diversity Officer Date Contact No: 0208 937 1190 Signed:
Signing Off Manager: responsible for review and monitoring Name: Perry Singh Title: Assistant Director of Housing Date Contact No: x 2332 Signed:	Decision Maker: Name: Executive Committee: Date: 22 nd April 2013

2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?

This Equalities Analysis examines the impact of proposed changes to Brent's Allocation Scheme brought about by the introduction of the Localism Act 2011 and the adoption of the Tenancy Strategy.

Brent's Allocation Policy

Brent, along with every local housing authority in England, must have in place a scheme for allocating homes. The policy must be fair, logical and transparent and be a mechanism for managing access to the housing waiting list and determining which households will be prioritised. Brent must allocate housing in accordance with this scheme.

The Localism Act 2011

In November 2010 the government published *Local Decisions: a fairer future for social housing* which outlined significant reforms in key areas of housing policy. The reforms included proposals which gave local authorities more flexibility when managing waiting lists and allocation. Specifically

- Local authorities are given the power to decide who qualifies to go on the waiting list subject to reasonable preference categories¹. Previously, councils were required to keep open waiting lists, which in effect meant any household could apply for housing whether or not they were in need or resident in Brent.
- Local authorities will be able to establish separate policies and a waiting list for council and registered provider tenants who **wish** to move but do not fall into one of the reasonable preference categories. In effect these households do not need to compete for housing via the main waiting list unless they fall into a reasonable preference category. Where this is the case, e.g. severe overcrowding, they will be placed on the main waiting list and receive the appropriate level of priority.

Brent context

In July 2012 Executive approved the Tenancy Strategy which set out our response to the housing reforms enacted through the Localism Act, regulation and guidance. The strategy considered reforms to affordable rents, tenure and discharge of homelessness duty into the private sector and sets the context for Brent's approach to the waiting list and allocations.

The aim of Brent's Allocation Scheme is to:

- Meet housing need through provision of appropriate housing and give reasonable preference to the groups identified in legislation and guidance.
- Make best use of the existing social stock across all providers
- Make best use of the private rented sector, intermediate and sub-market renting and shared ownership.
- Promote economic and social regeneration and social mobility, particularly through employment
- Meet housing need through its approach to prioritisation and letting and the use of additional priority and qualification criteria
- Be transparent, fair and easy to understand

¹ Reasonable preference still applies with regard to the housing waiting list and allocations. Households that are considered to have a reasonable preference include homeless households, those who are overcrowded in insanitary conditions or need to move on welfare grounds where failure to do so would cause hardship

- Promote a consistent approach to the letting and management of social housing in the borough.

These aims provide a framework within which the following key changes are proposed to Brent's Allocation scheme.

Waiting List

- The council will no longer operate an open waiting list. Instead access will be restricted to those who have either a reasonable preference (as noted above) or some housing need
- Previously, any household could apply to join Brent's housing waiting list whether or not they had a local connection with the borough. The proposed policy requires that households now need to have a local connection through living / working in Brent for three out of the last five years and six out of the last twelve months before being able to apply. It is worth noting that the government has proposed that a 2-5 year residence test may be applied nationally. Any change in regulations will need to be taken into account in the scheme once it is introduced, if it affects the local approach.
- Band D of the current Locata choice-based lettings scheme, which predominantly includes households with little or no housing need, will be abolished and replaced with Band I (Inactive)
- A clear definition of who should be considered to be part of a household has been developed and therefore with regard to allocations policy the council will only consider the following as a household
 - A single person without dependents
 - A married couple / A civil partnership
 - An unmarried couple who can prove that they have been resident together for at least 12 months at the time of application and at time of offer
 - A lone parent and their dependent children
 - A civil partnership with or without dependent children
 - A married or unmarried couple with dependent children

Conversely the proposed scheme excludes

- Anyone subject to immigration control (as required by regulation)
- Non-dependent adult children over the age of 21 (NB the current scheme excludes non dependent children over the age of 18)
- Other adult relatives
- Non-relatives and lodgers
- Extended family members such as cousins, nephews, aunts and uncles.

Priority

The council has chosen to exercise the additional freedoms granted by the Localism Act by awarding additional priority to households in employment, some disabled people and setting aside

a quota of properties for young people in employment or undertaking apprenticeships. Households who are in employment must be in employment at the time of application and must have been in employment (including self-employment) for at least 9 out of the previous 12 months. If in temporary employment, the applicant or a member of the household should have been in that employment for a period of 2 years.

Once the household has met this criterion they will be granted promotion in terms of a notional waiting time within the appropriate band, with an additional five years awarded.

It should be noted that reasonable preference i.e. awarding priority based on need still applies

Revision of the banding scheme and recognition of employment status

Locata is the scheme which households use to identify and bid for available properties that suit their needs. Locata operates not only in Brent but throughout the west London area. The bands are ranked from A to C with A representing the highest need and C the lowest. There will be a further band – Band I (inactive) for cases with no need . Priority will be based on need, employment status and, within each band, the date of qualification.

Choice

Choice is an integral part of the allocation scheme and we wish to retain this .The mechanism used to bid for a property is Locata and households can currently bid for as many properties as they wish, subject to limited qualifications. There is no time limit within which they are required to make these bids. Furthermore, there are no sanctions when an applicant makes a successful bid then chooses not to accept the property. The revised proposals require that:-

- a) A maximum of three successful bids for a home via Locata will be the norm. Where an applicant fails to accept a home after 3 successful bids, sanctions, including a one year suspension of the application, will be applied.
- b) Households that fall into the following bands must, where an appropriately sized property is available, bid within the following time limits:
 - a. Band 1 within 6 months
 - b. Band 2 -4 within 12 months

Failure to bid within these limits will also lead to a suspension of the application.

Income/ Asset threshold

The current allocation scheme acknowledges that households with a 'high income' can find alternative housing options in other sectors such as shared ownership or the private rented sector but 'high income' is not defined. The revised allocation scheme aims to set clear income / asset limits. The limits take into account affordability criteria as set out within the Mayor's First Steps shared ownership scheme.

The income limits for households requiring:-

- 1 bed - £35,000
- 2 bed - £45,000
- 3 bed - £55,000
- 4 bed - £70,000.

An asset limit of 16K has also been set, in line with that set by Housing Benefit regulations.

3. Describe how the policy will impact on all of the protected groups:

See appendix 1

Please give details of the evidence you have used:

See appendix 1

4. Describe how the policy will impact on the Council's duty to have due regard to the need to:

(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;

The proposed scheme is needs based and aims to eliminate discrimination by ensuring that housing is allocated on the basis of clear criteria. It also aims to widen the scope of allocation to households outside of the reasonable preference categories by, for example, setting aside a quota of properties for young people in employment or apprenticeships, thus enabling a wider range of households to gain access to social housing.

(b) Advance equality of opportunity;

The proposed allocation scheme advances equality of opportunity by virtue of the fact that it is a fair and transparent means of allocating homes, recognising that some households require housing more urgently than others as their needs are greater. Furthermore, the scheme widens access - e.g. to young people - thus advancing equality of opportunity

(c) Foster good relations

The new scheme widens the distribution of properties available to a wider range of households on the basis of a transparent set of criteria. This will assist in ensuring that unfair perceptions about the way households are prioritised, among both users of the scheme and residents in general, are addressed.

5. What engagement activity did you carry out as part of your assessment? Please refer to stage 3 of the guidance.

Who was consulted on the plan, which protected characteristics were included in consultation?

i. Who did you engage with?

Extensive consultation was undertaken involving

- 18,000 households on the housing waiting lists.
- 200 Voluntary Organisations operating in Brent
- Brent's Registered Providers
- Local Authority tenants
- Brent Housing Partnership board
- Brent residents
- Brent managers in Adult Social Care , Children's Services and officers in the Housing Needs Unit
- Members of the following forums: Disabled Users and Private Sector
- Members briefing , Policy Co-Ordination Group (PCG), Corporate Management Team (CMT)

ii. What methods did you use?

- Housing waiting list applicants – Details together with a link to the consultation portal were placed on Brent's Locata home page and on the individual pages of all waiting list applicants
- Email together with details and a link to the consultation portal was sent to Voluntary Agencies and Brent's Registered Providers
- A consultation event for Voluntary Agencies and Brent's Registered Providers was held in March 2013
- Brent tenants - Information together with a link placed on Brent ALMO website , newsletter and poster campaign
- Information together with link placed on Brent's website, Facebook and Twitter. Article placed in Brent Magazine
- Presentations made to Members, PCG , CMT, Brent Housing Partnerships board, Managers in Adult Social Care, Children Service and to Disabled Users and Private Sector Housing Forum.

iii. What did you find out?

The following issues were raised

- Consultees raised concerns about disregarding under 21's as part of the household. 50% of respondents to the on line consultation favoured 25 as the age when a non dependent child should be disregarded with the remainder indicating either 18 (24%) or 21(26%). Many felt that these young people didn't have the resources to find their own housing and the age should be raised to 25. They were particularly concerned about the Government's proposal to remove under 25's from housing benefit.
- 53% of online consultees indicated that the period for establishing a local connection with the borough should be 5 years, just under 20% favoured 2 years; and 16% 7 years

- On the whole, consultees were in favour of Brent offering incentives to employed households on the waiting list but felt the original proposal to award a higher banding was too generous and would result in a longer wait for social housing for unemployed households
- Unemployment amongst certain sections of the community was raised. Consultees commented that e.g. Somali women faced particular difficulties in finding even entry level jobs due to discrimination in the employment market.
- Many felt that awarding homeless households the lowest band was unfair and gave them little chance of being rehoused
- Income limits as based on the Mayor's first steps shared ownership scheme were considered to be set too high. Many consultees felt that the levels should be lower, thereby ensuring that homes were allocated to those who could not afford alternative options.
- Elderly and Disabled people should not be adversely affected by the policy proposals, in particular when bidding for properties. The council should ensure that mechanisms are in place to ensure that they are adequately protected

iv. How have you used the information gathered?

The information gathered has been used to review our proposed policies; and consider how we strengthen and focus our approach in certain areas e.g. provision of advice and assistance

v. How has it affected your policy?

The following changes to the proposed policy were made as a result of consultation

- Disregarding under 21's as part of the household for allocation purposes will remain in place as it is more generous than the current scheme where the age is 18. Officers have undertaken to revisit this decision should the government remove Housing Benefit from under 25's.
- Officers are proposing that the period for establishing a local connection through either residence or employment should be 3 out of the last 5 years and 6 months out of the last 12, which is more generous than the criterion favoured by consultees.
- The option to grant additional years rather than moving households in employment up an additional band is now being presented to members for their consideration.
- A quota of properties will be made available to young people in employment or apprenticeship, who would not have priority under the reasonable preference criteria
- Officers have placed homeless households in Band C, which is no longer the lowest band, thus providing these households with a reasonable preference. Furthermore, for new

homeless households the council can now discharge its homelessness duty via finding appropriate private rented sector accommodation and will make additional use of direct offers to discharge duty to homeless households in temporary accommodation under the old regulations.

- Officers working with unemployed households will make full use of the Employment and Enterprise team to assist households into work. The 'Navigator Service' forms part of this team and their remit includes working with a minimum of 300 of the most socially excluded families in Brent with a view to empowering them to access services which will support them into work.
- Households who face difficulties in bidding for a home through Locata will continue to be offered additional support as required. Locata is available in a range of minority languages and as audio. Furthermore for Elderly and Disabled applicants, officers will make bids on their behalf where it is evident that they are unable to do so themselves.
- With regard to priority, Elderly and Disabled clients will not be disadvantaged. Elderly clients, particularly those requiring Sheltered Housing, will be granted Band B, the second highest priority on the waiting list.
- Disabled applicants under retirement age, who have a permanent disability which prevents them from working and who are eligible for the support element of the Employment Support Allowance, will be granted the notional five additional years which is allocated to households who are in employment.

6. Have you have identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate against this impact.

Please see appendix 1

Please give details of the evidence you have used:

Please see Appendix 1

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age			x
Disability			x
Gender re-assignment			X No data currently available
Marriage and civil partnership			X No data currently available
Pregnancy and maternity		x	
Race			x
Religion or belief			X No data currently available
Sex		x	
Sexual orientation			X No data currently available

8. The Findings of your Analysis

Please complete whichever of the following sections is appropriate (one only).
Please refer to stage 4 of the guidance.

No major change

Adjust the policy

Continue the policy

Sex– Lone parents

For most protected groups the proposals are largely positive with any adverse impacts mitigated by actions or a change in policy. The group of concern is that of unemployed lone parents, typically female-headed households, where lack of affordable childcare is a barrier to finding employment, especially where the children are under 2. These households may face a longer wait for housing as they will not gain the waiting list advantage of being in employment

The council recognises this but also acknowledges that at this time every effort, including incentives, must be made to encourage households into employment of at least 16 hours per week in order to avoid the impact of welfare benefit changes.

It is worth noting that the majority of lone parents are in employment and the council aims to increase these numbers through initiatives being progressed by the Employment and Enterprise team. We will also establish specific monitoring of this group in order to fully assess the impact of this policy

Pregnancy and Maternity

This group may be adversely affected by the employment advantage as it is unlikely that they would find employment at this stage. However, if in housing need they would fall into a reasonable preference category where they would be granted Band C priority. The council could therefore assist these households via finding suitable housing in the private rented sector.

Young People

The increase in youth unemployment has been well documented, although Brent data suggests that the numbers are now levelling off following a sharp increase last year. If the waiting list reflects local trends it suggests that young people are more likely than the general population to be economically inactive whether through unemployment or training / education.

These young people will not benefit from the employment incentive and in effect if accepted onto the waiting list will wait longer for housing. Nevertheless, officers wish to encourage and support employment thorough the allocation scheme even though economic conditions and the labour

market make this challenging.

This drive is further brought into sharp focus by forthcoming welfare reforms, which are designed to make work pay. In response the council has in place a number of initiatives that are designed to assist young people into work including an apprentice scheme and a specific quota of homes specifically for young people who do not have a reasonable preference.

Stop and remove the policy

If there are adverse effects that are not justified and cannot be mitigated, and if the policy is not justified by countervailing factors, you should consider stopping the policy altogether. If a policy shows unlawful discrimination it must be removed or changed.

Please document below the reasons for your conclusion and the information that you used to make this decision.

9. Monitoring and review

Please provide details of how you intend to monitor the policy in the future.

Please refer to stage 7 of the guidance.

All waiting list applicants will be required to re-register their applications. It is anticipated that this exercise will be completed by September 2013 and the information gained will be used to provide a full analysis of the outcomes of the Allocations Policy in April 2014

10. Action plan and outcomes

At Brent, we want to make sure that our equality monitoring and analysis results in positive outcomes for our colleagues and customers.

Use the table below to record any actions we plan to take to address inequality, barriers or opportunities identified in this analysis.

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
Review data arising from the implementation of the new policy	April 2014	Perry Singh	Identify serious impacts on the protected characteristics Look at potential mitigation		

			Recommend changes where necessary		

Response to Questions 3&6

1. Age

1.2 Young People

The Census 2011 indicates that Brent has a relatively young population, however this distribution is not reflected in Brent's Housing waiting list, which shows that the majority of households are likely to be aged between 30-59 . (see chart 2)

1.3 Predicted Impacts – Young People

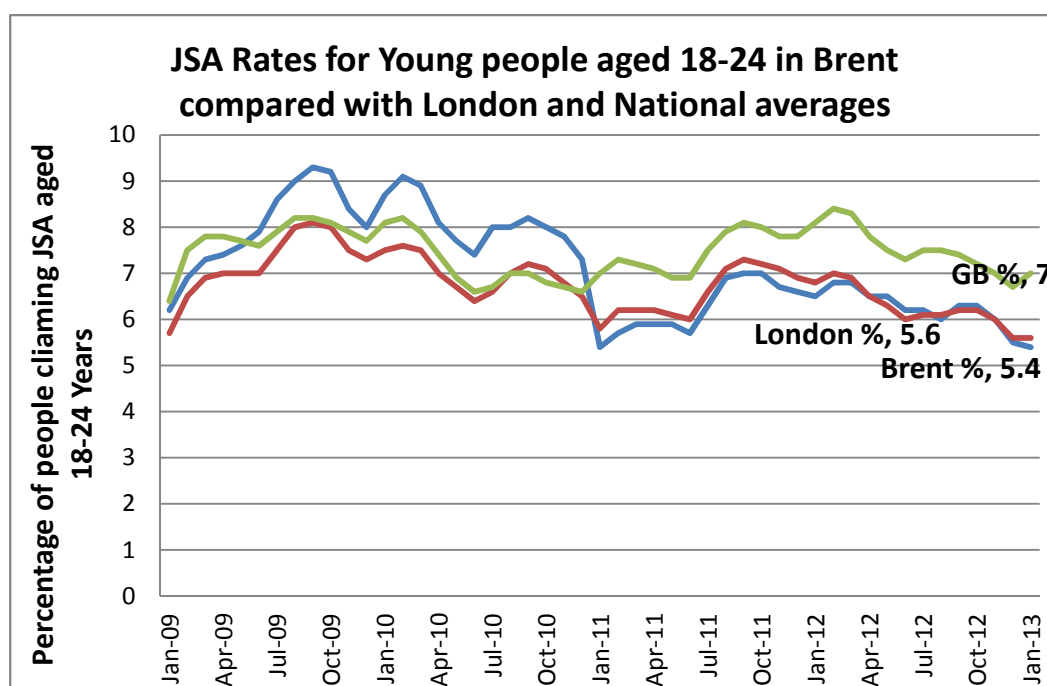
- **Local connection 3 out of 5 years & 6 months out of the last 12, gained through residence or employment**

Officers initially proposed a local connection of 5 years; however consultation responses suggested that it may be more difficult for young people to attain the years required due to increased mobility arising from the need to move around or out of the borough for education, training and employment. In response, the revised scheme proposes a residence qualification of three out of the last five years and 6 out of the last 12 months.

- **Households in employment will be given additional priority**

The increase in youth unemployment has been well documented although Brent data suggests that the numbers are now levelling off following a sharp increase last year.

Chart 1



Source: NOMIS – Office for National Statistics

Of note is the level of youth unemployment amongst BAME young people, which remains stubbornly high when compared to the general population. Media reports suggested that in October 2012 1 in 4 black young people were unemployed

1.4 At this stage officers do not have accurate waiting list data which shows the proportion of young people in employment. However, should the waiting list reflect local trends they suggest that young people are more likely than the general population to be economically inactive, whether through unemployment or via training / education. Consequently, these young people will not benefit from the employment incentive and in effect, if accepted, onto the waiting list, it is possible that they will wait longer for housing.

1.5 Nevertheless, officers wish to encourage and support employment through the allocation scheme even though economic conditions and the labour market make this challenging. This drive is further brought into sharp focus by forthcoming welfare reforms which are designed to make work pay.

1.6 In response the council has in place a number of initiatives that are designed to assist young people into work, including an apprenticeship scheme and a specific quota of homes specifically for young people in employment or undertaking apprenticeships, who do not have a reasonable preference.

Household definition – over 21 will no longer be recognised as part of the household for allocation purposes

1.7 Household members aged over 21 will not be counted as part of the household for allocation purposes. This age limit is more generous than the current scheme, where the limit is 18. In effect, household members aged over 21 will be required to make their own housing arrangements either in the private sector, which may be difficult to access, or via remaining in the family home, which in some cases could lead to overcrowding. This is particularly relevant to certain BAME communities where extended families residing in one home are more prevalent

1.8 There could be further impacts if, as suggested by the government, Housing Benefit is withdrawn from the under 25's. Should the government implement this measure then officers will review this definition.

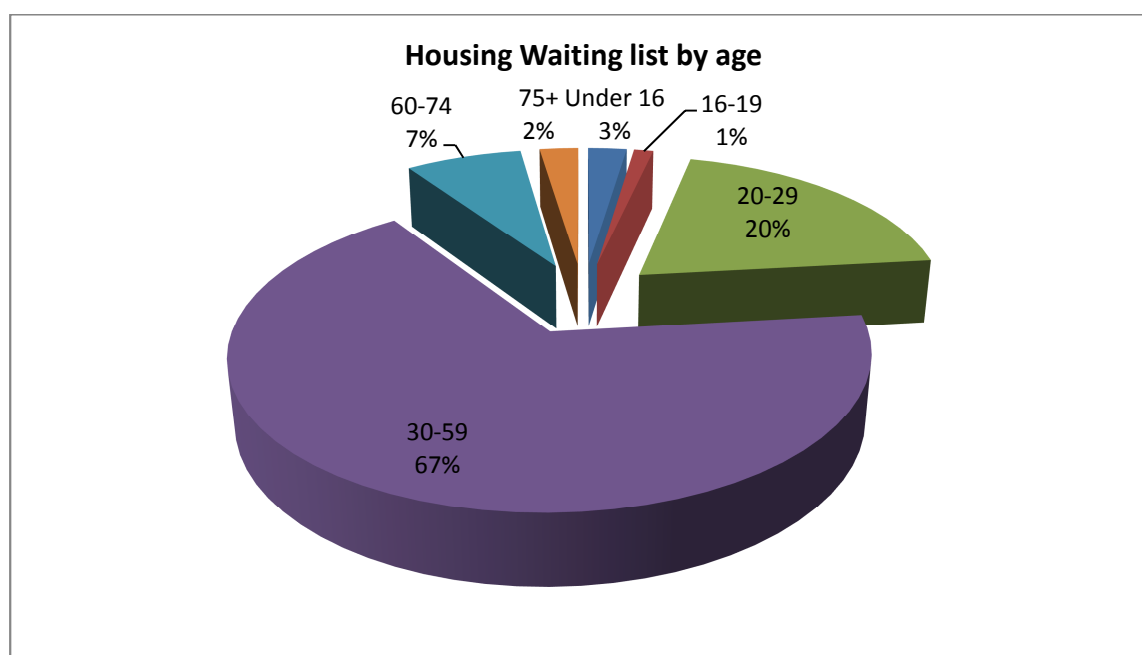
1.9 Members may wish to note the shortage of larger properties (3 bed+) which would be exacerbated by taking into account household members aged over 21. This could result in the main household waiting in excess of 5 years if

not significantly longer for an appropriately sized property. In response Brent is making available a quota of properties for young people who are undertaking apprenticeships or in employment. Furthermore, the council will continue to provide advice and assistance to help young people access the private rented sector

1.10 Older People

Chart 2

Housing waiting list by age



Source: Brent Council – Housing Options – Northgate April 2012

1.11 Waiting list data indicates that older people make up a small proportion of households on the list, largely as at this age most are settled in their homes and have little or no housing need. Those older households that are on the waiting list are more likely to have a housing need due to disability and will benefit from the council's move towards a needs based waiting list and the proposed banding scheme. Elders who have a disability / health concern will be granted Band A (highest banding) or B, with those requiring sheltered housing granted Band B

1.12 One area of concern is bidding under the choice based letting scheme. Older people may find it more difficult to meet the proposed time limits as many do not have access to the internet at home and are less likely to be computer literate. To meet this concern Brent will ensure that officers are available to make bids on behalf of households who are unable to do so. Applicants are also able to make bids via the telephone or post.

2.0 Disability

2.1 The move towards a needs based allocation scheme will, on the whole, benefit households with a disability as not only will they be granted access to the waiting list if they have a housing need, but are also likely to be granted a high priority. Waiting list data indicates that around 10% of applicants have a disability, normally requiring a smaller 1 or 2 bedroomed property. It is anticipated that most of the proposals detailed will have either a positive or neutral impact, but the following areas of concern remain.

- **Households in employment will be granted additional priority on the waiting list.**

2.2 It has been well documented that disabled people are more likely to be unemployed and in receipt of benefits when compared to the general population.

Chart 3

Working age client group – key benefit claimants – August 2012

	Brent numbers	Brent %age*
Total claimants	31,130	14.4
Job seekers	9840	4.5
Employment Support Allowance (ESA) and Incapacity benefits	12,580	5.8
Lone Parents	3840	1.8
carers	2020	0.9
Others on income related benefits	950	0.4
Disabled	1540	0.7
Bereaved	350	0.2

*% age is a proportion of the resident population of the area aged 16 -64

Source – NOMIS – Office for National Statistics

2.3 Not all claimants on ESA, Incapacity and Disability benefits require social housing but the table above serves to illustrate that disabled people find it more difficult to access the employment market and there is the potential for them not to benefit from the employment incentive as they will not be granted any additional advantage on the waiting list.

2.4 Conversely, employed disabled people will gain a greater advantage from being in work. Many will be awarded a high priority due to their disability and

will also receive extra years on the waiting list through employment. These households could be housed sooner under the proposed scheme.

2.5 Officers acknowledge that there are some disabled households who, due to the nature of their disability, will not be able to work. In recognition officers propose that disabled applicants under retirement age, who have a permanent disability which prevents them from working and who are eligible for the support element of the Employment Support Allowance are granted the notional five additional years which is allocated to waiting list households who are in employment.

2.6 The proposed allocations scheme also sets aside a number of properties to meet the needs of adults referred by Adult Social Care. Last year 20 properties were made available and the revised scheme will ensure that a quota of properties continues to be available.

3. Gender

3.1 Lone Parents – awarding additional priority to households in employment.

There are no accurate statistics detailing the number of working households on Brent's housing waiting list. However, Census data indicates that a significant proportion of lone parent households, which are typically headed by women, are not in employment and this is likely to be reflected in the housing waiting list

Chart 4

All Lone Parent Households with Dependent Children where the lone parent is aged 16 – 74 (Households)

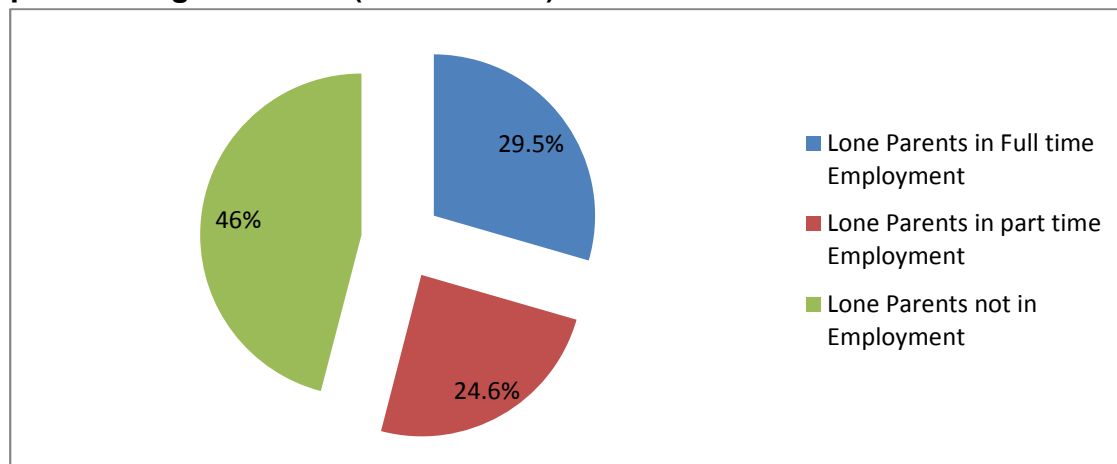


Chart 5

Household types accepted as homeless and in priority need Oct 1 to 31st Dec 12 –

Household Type	Number of households
Couple with dependent children	50
Lone parent - male	5
Lone parent - female	65
One person household - male	8
One person household - female	6
All other household groups	20

Source: P1E

3.2 The predominant reason for this high level of unemployment is lack of affordable childcare, particularly for those with responsibility for children under 2. However, the council's ability to address this is extremely limited. Incentivising employment through the allocations scheme will disadvantage unemployed lone parent households. However, welfare benefit reforms mean that it is crucial that these households work, even part time (16 hours per week), as the consequences of not being in employment are significant.

3.3 Brent is working hard to increase the level of employment in the borough and has recently established an Employment and Enterprise team designed to bring a variety of services together under one umbrella in order to assist households to find work. Furthermore, Brent Adult Education Services are providing courses which will enable households to develop skills which will enable them to find work. In some cases childcare is provided to enable households to participate. Both of these initiatives will go some way towards assisting lone parents back into work

3.4 Concerns have been raised during consultation regarding the impact of the residence criteria on women who are fleeing domestic violence. It is important to stress that the residence criteria will not apply in these cases.

4.0 Pregnancy and Maternity

4.1 Households within this group are likely to have accessed the housing waiting list via the homelessness route (Part 7) and the proposals regarding incentivising employment are likely to affect them adversely .

The new banding scheme places homeless households in band C which recognises that these households have a reasonable preference and therefore priority for housing

5.0 Marriage and Civil Partnership

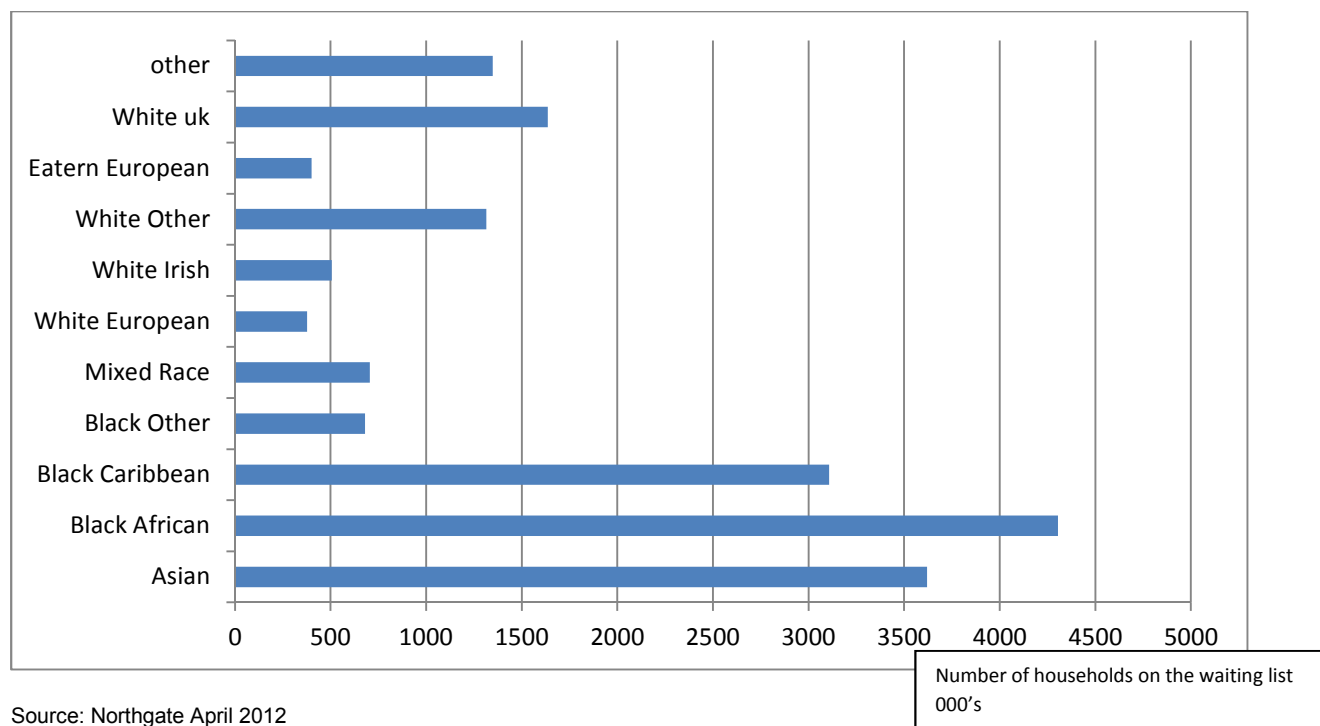
5.1 There is insufficient data to assess the impact of these changes on this group. The re-registration exercise underway should, on completion, provide data which will be analysed

6.0 Race

6.1 Data indicates that BAME communities are over represented on the housing waiting list when compared to the census and therefore any change in allocations policy will have an impact on these groups.

Chart 6

Racial Origin of households on the housing waiting list



6.2 It is anticipated that the proposals will have both positive and adverse impacts which will, to an extent, balance each other out.

- Introducing an income limit for example will make available homes which may previously have been allocated to households with incomes above the proposed limits. This will increase the number of homes available to all groups.
- In addition, the scheme recognises the role of carers which will benefit certain BAME communities where traditionally older members of the household continue to reside with the family rather than be placed in sheltered housing / residential care. The proposed allocation policy will ensure that an additional bedroom is available for those undertaking caring responsibilities

6.3 On the other hand, the proposed household definition which excludes extended members of the family such as aunts uncles etc. may impact adversely on BAME communities who traditionally have lived together in this way. Brent recognises this but there is a scarcity of larger sized social housing in Brent which could accommodate these households. It is not unknown for larger households to be on the waiting list for many years due to this shortage. The council working together with Registered Providers is endeavouring to produce larger homes but the demand will always far outweigh supply. Officers will therefore continue to provide advice and assistance to enable extended family members to make their own arrangements

6.4 Changes to residence qualifications are likely to have an adverse impact on migrants who are often in low paid insecure employment. This kind of employment results in the need to move more frequently to find work, with households running the risk of not meeting the residence criteria not only in Brent but in London as a whole. At this stage it is worth noting that out of all the local authorities in England and Wales, Brent has the lowest proportion of residents born in the UK, 45%, demonstrating that the majority of Brent residents migrated to the borough at some time, although the number migrating in the very recent past is relatively low. The majority do not require social housing and Brent is fortunate insofar as there is a substantial private sector which provides a range of accommodation for differing household types. All west London authorities are implementing residence criteria and officers do not want to be out of step with our neighbouring boroughs. Therefore officers have recommended that the residence criteria remain in place

6.5 It should be stressed that some migrants will be unable to register for housing owing to immigration restrictions and restrictions on access to public funds as set by the government and it is anticipated that further restrictions may be applied by them in the future. For other recent migrants, there is an expectation that they will secure accommodation in the private rented sector, particularly where the reason for migration is employment related. The majority of those falling into this category are young and single and unlikely to fall into any of the reasonable preference groups. The council's preferred approach in assisting those who do experience housing problems will be to offer advice and assistance in securing private rented housing.

6.6 NOMIS data confirms that unemployment levels are higher amongst Brent's ethnic minorities and therefore the employment incentive will have an impact on those who are accepted onto the housing waiting list. As previously stated, given the raft of welfare benefit changes due, the council has little choice but to encourage households into employment. Officers will ensure close monitoring is undertaken in order to properly assess the outcomes for this group.

7. 0 Religion / belief

Chart 7

Religion	Number	%age
Christian	129,080	41.48
Buddhist	4,300	1.38
Hindu	55,449	17.82
Jewish	4,357	1.40
Muslim	58,036	18.65
Sikh	1,709	0.55
Any other religion	3,768	1.21
No religion	33,054	10.62
Religion not stated	21,462	6.90

Source: Census 2011

The census provides us with accurate data regarding religion in Brent but current waiting list data is insufficient. As previously stated, the re- registration exercise should generate religion information which can be assessed and analysed. Meanwhile, we do not expect any significant impacts resulting from these proposals

8.0 Sexual orientation

8.1 There is no accurate data regarding the sexual orientation of applicants on the waiting list. We do not however consider there will be any adverse impacts on this group.

9.0 Transgender / Gender reassignment

9.1 There is no accurate data available for this group, however the on-going re registration exercise will identify any household with these protected characteristics.