

BABERGH DISTRICT COUNCIL

To: Strategy Committee	Report Number: M149
From: Housing Panel	Date of meeting: 14 February 2013

REVISED LOCAL CONNECTION CRITERIA FOR LOCAL NEEDS HOUSING SCHEME ALLOCATIONS

1. Purpose of Report

- 1.1 This report proposes a change to the Local Connection criteria for the allocation of Local Needs housing schemes that are developed through the Council's Rural Exceptions policy or where Council- owned land has been developed for affordable housing for local needs.
- 1.2 The proposed change is designed to simplify the process and to be clearer to those who apply the criteria and by those who are applying for housing.

2. Recommendations

- 2.1 That the new Local Connection Criteria for Local Housing Needs Survey for all Local Housing Needs Housing Schemes be approved as proposed in Appendix 1.
- 2.2 That the new Local Connection Criteria be included in all S106 planning agreements for Local Needs Housing Schemes.
- 2.3 That officers explore the opportunities to revise existing S106 agreements in line with the recommendations in 2.1 and 2.2 above.

The Committee is able to resolve these matters.

3. Financial Implications

- 3.1 None

4. Risk Management

- 4.1 This report is most closely linked with the Council's Corporate / Significant Business Risk No. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
By implementing the local allocations criteria the Council is accused of discriminating against people without specific connections to a parish/es	Unlikely	Low	Planning policy and the implications of Section 106 of the Town and Country Planning Act 1990 require Rural Exceptions Sites to be restricted to local people. The Council seeks to provide a range of affordable housing across the District to meet the local and general affordable housing needs of the District.

5. Consultations

- 5.1 The proposed Local Connection Criteria have been sent out to all parish Council's in Babergh via the bi-monthly Affordable Housing e-newsletter in June/July edition and again in the August/September edition. A few responses were received back and in all cases were in support of the revised criteria.
- 5.2 Housing Panel considered this report on 25 January and supported the recommendations.

6. Equality Analysis

- 6.1 All allocations will be made using the Gateway to Homechoice Choice-Based Lettings (CBL) system. An Equality Analysis has been completed for the CBL system and is available upon request.
- 6.2 It is recognised that restricting allocations on Rural Exception Sites to applicants with a strong connection to a parish positively discriminates against other applicant's on the Council's Housing Register.

6.3 It is important to note that the Council is seeking to achieve a balance between meeting affordable housing needs of local people and local communities within Babergh and the affordable housing needs of the district as a whole. This is achieved by developing schemes for general and local housing needs and encouraging schemes in both forms across the range of rural communities.

7. Shared Service / Partnership Implications

7.1 The revised criteria proposed mirrors the one used in Mid Suffolk for all S106 agreements for rural exception housing schemes. Having one system in place for staff in the Strategic Housing Team, Allocations Team and Legal Services Team will be an improvement and ensure greater consistency for the housing associations allocating properties in the two districts.

8. Key Information

8.1 There is an existing Local Connection criteria in place which is incorporated into the S106 legal agreements for affordable homes developed on rural exception sites or on Council-owned land where schemes have been developed to meet specific local housing needs. The criterion is used by the allocating Registered Provider (RP) to make sure that only eligible applicants are considered for housing. The proposed criteria will also mean that the Council's Allocations Team will have the final sign off that an applicant meets the eligibility criteria.

8.2 There have been several examples over the past 12 - 24 months where the wording of the Local Connection criteria has caused allocation difficulties in so far as the criteria have been too open and uncertain. The outcome of the difficulties has meant that in some instances, inappropriate offers have been made and have then had to be withdrawn – causing considerable problems due to lack of compliance with the S106 agreement and has led to complaints from Parish Councils and applicants.

8.3 The issues have also caused some difficulties and loss of faith in the allocation system by the local Parish Council. As a result of discussions with Parishes to overcome these difficulties/issues and the lack of problems encountered by the criteria used in Mid Suffolk – the revision to the wording for qualifying persons is being proposed.

8.4 We have recently had an issue with a property in Tattingstone, which was a new build local needs scheme, subject to a deed of covenant. The covenant under the existing criteria only covered Mother or Father and didn't include Brother or Sister as proposed under the revised criteria. A family, which were initially shortlisted, then became ineligible once it was discovered Mother had moved out, even though Sister was still resident there.

8.5 Whilst we continue to have a number of different criteria's for scheme it can be confusing and difficult to shortlist. It also always leads to a large number of calls and often complaints. Often complaints come from applicants whose parents may have passed away and who rely on siblings for support. Unfortunately, they often miss out on these local schemes because the existing Babergh criteria are limited.

- 8.6 In the Tattingstone case, it has led to an Ombudsman enquiry, which is still on-going but the Ombudsman has implied that there will be recommendations made on how we deal with allocations for properties like this in the future.
- 8.7 The existing wording and proposed wording is compared and shown in Appendix 1.

9. Appendices

Title	Location
(a) Appendix 1 – Comparison of existing and proposed Local Connection Criteria for Local Needs Housing Schemes.	Attached
(b) Appendix 2 – HP 229 report dated 24.9.10	Attached

10. Background Documents

- 10.1 A previous report revising the criteria was considered by Housing Panel on 24 September 2010 amending the Local Connection Criteria.

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HP Report 296 – Local Connection Criteria report – Appendix 1.
Comparison of existing criteria and proposed criteria.

Existing Local Connection Criteria	Proposed Local Connection Criteria
A nominee must be either:-	Affordable Housing Units shall not be occupied or permitted or suffered to be occupied other than as affordable housing by a person who falls within one of the following categories of persons who immediately before taking up occupation of one of the dwellings:-
1. A person on the Council's Common Housing Register, who is living or working in the Parish and who is in housing need according to the Council's current housing lettings policy or	1. Had his/her only or principal home in the parish of (name of Parish) for a continuous period of not less than 2 years and in the event that there are no or insufficient individuals qualifying under this sub-paragraph then the choice of person shall default to those individuals fulfilling the criteria set out in the following sub-paragraphs
2. A person who has lived or worked in the Parish, but is currently not resident or working in the Parish or	2. Has or a member of whose household has a parent adult child brother or sister whose only or principal home is and has been for a continuous period of not less than 2 years in the parish of (name of Parish) and wishes to be near that relative or
3. An immediate descendant of a person currently resident in the parish in which the property is situated or	3. Is employed in the parish of (name of Parish) on the date of the consideration of the individual's entitlement for an Affordable Housing Unit and has been continuously so employed for 2 years or
4. A person living outside the parish, in either private rented or social housing, who can demonstrate a strong connection with the Parish through their community involvement. There must also be a need for that person to reside in the Parish in order to perform their community duties, which must have been ongoing for at least 5 years.	4. Who during the period commencing from the date on which an Affordable Housing Unit to which such individual is eligible becomes available and can provide satisfactory written evidence to the Council of his or her former residency in the parish of (name of Parish) for either (i) six months out of the preceding twelve months or (ii) three years out of the preceding five years and in either case such period of former residency shall end with the date the affordable unit to be allocated becomes available
This list is not in any order of priority	Paragraphs 2, 3 and 4 are in no order of priority
Accommodation must be let in accordance with the Council's current housing letting policy	In the event that there is no person qualifying in the parish of (name of Parish) or one of the other parishes referred to in the preceding paragraph then nominees from

Existing Local Connection Criteria	Proposed Local Connection Criteria
	elsewhere in the Babergh District who are on the Choice Based Lettings Scheme can occupy the Affordable Housing Units subject to the other provisions of this criterion.
<p>Applicants will be offered according to the length of time they have had a connection with the Parish. There will be 3 time bands through which applicants will be prioritised.</p> <ul style="list-style-type: none"> • Band “A” will be those in housing need who have a proven connection of between 5 and 10 years. • Band “B” will be those in housing need with a proven connection of between 2 and 4 years. • Band “C” will be those in housing need with a proven connection under 2 years. <p>In the case of applicants who are a descendant of a current resident of the parish it is the resident who must meet the criteria.</p> <p>Properties may be reasonably under occupied in order to accommodate local people in housing need, provided both the Council and the partner Housing Association are in agreement that the lettings is appropriate in the circumstances.</p>	<p>Applicants will be offered accommodation suitable for their housing needs and in accordance with the Local Connection Criteria and Allocations Policy for the Gateway to Homechoice scheme.</p>
<p>Bungalow accommodation developed on exceptions or local needs sites will be for flexible letting to people of all age groups unless specifically specified otherwise.</p>	<p>If any of the Affordable Housing Units are designed or adapted for people with disabilities then any such dwelling may be first offered to a person or persons with disabilities who requires such accommodation even where such a person has a lesser local connection under paragraphs 1 to 4 of this Schedule than someone who does not have disabilities.</p>
<p>Where there are two or more applicants seeking rented accommodation, who have the same points on the Housing Register, where all of the applicants meet the local lettings criteria as detailed above, and are in the same time band, preference must always be given to the applicant/s that have been on the Common Housing Register for the longest time.</p>	<p>Where there are two or more applicants applying to occupy one of the Affordable Housing Units, all of the applicants must meet the local lettings criteria set out in paragraphs 1 to 4 of this Schedule and preference must be given to the applicant/s who have the highest housing need according to Babergh District Council’s current allocations policy (Gateway to Homechoice).</p>
<p>Applicants from adjoining parishes follow on in priority from those qualifying in the main parish using the same eligibility criteria.</p>	<p>In the event that no person qualifying under the criteria set out above who is willing and able to accept the terms of an occupancy of</p>

Existing Local Connection Criteria	Proposed Local Connection Criteria
	one of the Affordable Housing Units is identified at the relevant time then the criteria shall be applied to a person who is in housing need and references to the parish of (name of Parish) shall be substituted with references to “one of the surrounding parishes of (names of surrounding parishes to be inserted).
Employment in the parish can be either full or part time work. Where on a part time basis a minimum number of 14 hours or 2 working days is required.	
Community involvement must have been ongoing for 5 years or more. It must form a substantial connection with the village through the degree of work done. Examples are (1) Weekly work in a community shop (2) Active and longstanding participation in a good neighbour scheme (3) Working with young people in the village – Brownies, Guides, Ranger Boys, Youth Clubs (4) Rapid Responder.	

BABERGH DISTRICT COUNCIL

TO: HOUSING PANEL

REPORT NUMBER: HP229

**FROM: Strategic Housing and Economic
Development Manager**

DATE OF MEETING: 24 September 2010

NEW ELIGIBILITY CRITERIA FOR LOCAL NEEDS HOUSING

1. PURPOSE OF REPORT

- 1.1 To seek Housing Panel support for the introduction of new eligibility criteria for local needs housing on Rural Exceptions Sites in Babergh.

2. RECOMMENDATIONS

- 2.1 That the Housing Panel supports the new eligibility criteria for local needs housing on Rural Exceptions Sites in Babergh.

2.2 FINANCIAL IMPLICATIONS

- 2.3 There are no financial implications arising from this report.

3. EQUALITIES AND DIVERSITIES

- 3.1 The revised eligibility criteria for local needs housing in Babergh, are designed to replace the existing criteria and respond positively to the housing and sustainability needs of rural communities.
- 3.2 The existence of eligibility criteria for local needs housing is required by the Council's planning policy. This is set down in our Local Plan and links to Section 106 of the Town and Country Planning Act 1990. The relevant policy in the Local Plan requires that Rural Exceptions Sites are permitted only where there is a proven need for affordable housing and that this is provided in perpetuity for local people.
- 3.3 It is recognised that restricting allocations on Rural Exceptions Sites to applicants with a strong connection to a parish positively discriminates against other applicants on the Council's Housing Register.
- 3.4 It is important to note that the Council is seeking to achieve a balance between meeting the affordable housing needs of local people and local communities and the affordable housing needs of the Babergh District as a whole and beyond. This is achieved by developing both general needs and local needs affordable housing schemes and encouraging both forms of affordable housing in all our rural communities.

4. RISK MANAGEMENT

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
By implementing the local allocations criteria the Council is accused of discriminating against people without specific connections to a parish/s	Low	Critical	<p>Planning policy and the implications of Section 106 of the Town and Country Planning Act 1990 require Rural Exceptions Sites to be restricted to local people.</p> <p>The Council seeks to provide a range of affordable housing across the District to meet the local and general affordable housing needs of the District and beyond</p>

6 BACKGROUND INFORMATION

- 6.1 At its meeting on 27 January 2006 the Housing Panel first considered revised eligibility criteria for local needs housing on Rural Exceptions Sites in Babergh.
- 6.2 At that time a set of criteria was agreed as detailed at Appendix 1 attached to this report.
- 6.3 Since this time further revisions have been made to the criteria in order to make them more concise and manageable. These are now presented for consideration by the Housing Panel.
- 6.4 The eligibility criteria are part of the Local Plan and can therefore only be modified through consultation with our Planning Policy Team, who confirm their willingness to recommend a review of the eligibility criteria and now seek the Housing Panel's views on the proposals recommended in this report.

7 CURRENT LETTINGS CRITERIA

- 7.1 The current policy has been used for the letting of vacancies in the Council's 25 Rural Exceptions Sites and local needs housing schemes developed on Babergh land, for over 20 years. A review of the lettings criteria has recently been undertaken to ensure that they continue to be made in an equitable way which meet the needs of local people and communities.
- 7.2 The review has shown some areas of inconsistency within the current lettings criteria and the intention of the revised policy is to ensure these are removed from the process.

8 PROPOSED ELIGIBILITY CRITERIA FOR LOCAL NEEDS HOUSING ON RURAL EXCEPTIONS SITES

- 8.1 To produce a set of local allocations criteria that reflects national planning policy, is easy to understand and implement and reflects the needs of our local rural communities a revised set of criteria has been drafted for consideration by the Housing Panel. This is detailed at Appendix 2 attached to this report.

9 IMPLEMENTATION

- 9.1 As part of the Council's Annual Monitoring Report, planning policy issues are reviewed and it is recommended in the report that the proposed changes to the eligibility criteria be implemented once the Housing Panel's support for this is confirmed.
- 9.2 A report about the proposed eligibility criteria can be submitted to Strategy Committee if the Housing Panel requires this.
- 9.3 If the proposed changes to the local allocations criteria are supported it is suggested that a consultation exercise should be undertaken with all of Babergh's 76 parish councils, to establish their views and support for the revised criteria.
- 9.4 Any comments from the parish council consultation would be reported back to the Housing Panel at the close of the consultation process.
- 9.5 The parish council consultation can be delivered through the monthly affordable housing 'e' newsletter.

10 APPENDICES (to be distributed at the meeting)

Appendix 1 – Local Allocations Criteria Agreed 27 January 2006

Appendix 2 – Revised Local Allocations Criteria

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Local Allocations Criteria Agreed 27 January 2006:

4.1 A nominee must be either:-

A person on the Council's Common Housing Register, who is living or working in the Parish and who is in housing need according to the Council's current housing lettings policy

Or

A person who has lived or worked in the Parish, but is currently not resident or working in the Parish

Or

An immediate descendant of a person currently resident in the parish in which the property is situated

Or

A person living outside the parish, in either private rented or social housing, who can demonstrate a strong connection with the Parish through their community involvement. There must also be a need for that person to reside in the Parish in order to perform their community duties, which must have been ongoing for at least 5 years.

4.2 The following must be taken into account:

- This list is not in any order of priority
- Accommodation must be let in accordance with the Council's current housing letting policy
- Applicants will be offered according to the length of time they have had a connection with the Parish. There will be 3 time bands through which applicants will be prioritised.

Band "A" will be those in housing need who have a proven connection of between 5 and 10 years.

Band "B" will be those in housing need with a proven connection of between 2 and 4 years.

Band "C" will be those in housing need with a proven connection under 2 years.

In the case of applicants who are a descendant of a current resident of the parish it is the resident who must meet the criteria.

- Properties may be reasonably under occupied in order to accommodate local people in housing need, provided both the Council and the partner Housing Association are in agreement that the lettings is appropriate in the circumstances.
- Bungalow accommodation developed on exceptions or local needs sites will be for flexible letting to people of all age groups unless specifically specified otherwise.
- Where there are two or more applicants seeking rented accommodation, who have the same points on the Housing Register, where all of the applicants meet the local lettings criteria as detailed above, and are in the same time band, preference must always be given to the applicant/s that have been on the Common Housing Register for the longest time.
- Applicants from adjoining parishes follow on in priority from those qualifying in the main parish using the same eligibility criteria.
- Employment in the parish can be either full or part time work. Where on a part time basis a minimum number of 14 hours or 2 working days is required.
- Community involvement must have been ongoing for 5 years or more. It must form a substantial connection with the village through the degree of work done. Examples are (1) Weekly work in a community shop (2) Active and longstanding participation in a good neighbour scheme (3) Working with young people in the village – Brownies, Guides, Ranger Boys, Youth Clubs (4) Rapid Responder.

Appendix 2

Revised Local Allocation Criteria:

1. A nominee must be:

1.1 A person on the Council's Choice Based Lettings Register; who cannot afford to buy a dwelling; is in housing need according to the Council's current housing allocations policy, and who is either:

- living in, or
- undertakes paid employment in, or
- is a Key Volunteer* in, or
- who has a Family Member** living in, or who has previously lived in the parish in which the property is situated.

*A Key Volunteer is a person who provides essential or valued voluntary services in a parish community e.g. volunteer play leader, Lay Preacher, Parish Councillor or First Responder

**A Family Member means the mother or father, or a brother, sister, son or daughter of the nominee

2. The following must be taken into account:

2.1 This list is not in any order of priority.

- Accommodation must be allocated in accordance with the Council's current housing allocation policy.
- Residents must have lived in the parish for a minimum of 2 years
- Employees and Key Volunteers must have worked in the parish for a minimum of 2 years
- Family members must have resided in the parish for a minimum of 2 years
- Previous residence should have been for a minimum period of 2 years within the last 5 years

2.2. Properties may be under occupied by one bedroom in order to accommodate local people in housing need, provided both the Council and the partner Registered Social Landlord are in agreement that the allocation is appropriate in the circumstances.

2.3 Bungalow accommodation developed on exceptions or local needs sites will be for flexible letting to people of all age groups unless specified otherwise within the Registered Social landlord's property portfolio.

- 2.4 Where there are two or more applicants seeking accommodation, who are assessed as having the same housing need and where all of the applicants meet the local allocations criteria as detailed above, preference must be given to the applicant/s that have been on the housing register for the longest time.
- 2.5 When all applicants from the core parish have been considered, according to the above criteria, applicants from abutting parishes, as detailed in the Section 106 Agreement, will be considered under the same criteria as detailed above.