

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

*PART 1 – PUBLIC DOCUMENT

SERVICE DIRECTORATE: REGULATORY

1. DECISION TAKEN

- 1.1 A minor amendment to the Common Housing Allocation Scheme.
- 1.2 Allocation of remaining Homelessness Prevention Grant for 2022/23 to contribute towards the cost of hotel placements for local homeless households.

2. DECISION TAKER

- 2.1 Ian Fullstone, Service Director - Regulatory.

3. DATE DECISION TAKEN:

- 3.1 15 June 2023

4. REASON FOR DECISION

- 4.1 A minor amendment to the Common Housing Allocation Scheme (CHAS) is required to clarify existing policy on qualification to join the Common Housing Register for affordable housing in the district.
- 4.2 Allocation of Homelessness Prevention Grant (HPG) for 2022/23 was approved at Cabinet on 31 January 2023. £7.7k of HPG remains, which will be used to contribute towards the cost of funding hotel placements for local homeless households.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 None.

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

- 6.1 The amendment to the CHAS has been agreed with settle, which works together with the Council as the North Hertfordshire Housing Partnership (NHHP) to jointly manage and operate the CHAS and the Common Housing Register. As the amendment is minor in nature and relates only to clarification of existing policy, the Council is not required to consult more widely.
- 6.2 The Executive Member for Housing and Environmental Health, Cllr Sean Prendergast, has been consulted and is supportive of this decision.

7. FORWARD PLAN

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

8. BACKGROUND/ RELEVANT CONSIDERATIONS

- 8.1 The Council is required by law to have an allocation scheme for determining how the allocation of affordable housing is prioritised, and the procedures to be followed. The current version of the CHAS was approved by Cabinet at its meeting on 26 July 2016. Minor amendments have since been made under delegated authority in response to a changing legislative environment (notably the Homelessness Reduction Act 2017), local operational changes and as specific issues have come to light.
- 8.2 A further minor amendment is now required in order to clarify existing policy on qualification to join the Common Housing Register for affordable housing in the district.
- 8.3 The following sentence is to be added into the CHAS immediately after the bullet points in paragraph 5.5 of the CHAS:
- “For further detail on qualification under other, specific circumstances, please refer to paragraphs 5.6 - 5.16.”*
- 8.4 The purpose of this additional sentence is to make it clear that further information relating to qualification is contained within paragraphs 5.6 – 5.16 of the CHAS and should therefore be read in conjunction with paragraph 5.5 of the CHAS if relevant to the potential applicant. Paragraphs 5.6 – 5.16 detail specific qualification criteria relating to: applicants aged 16 and 17 years; homeowners; holders of social housing tenancies; homeless households and those threatened with homelessness; agricultural workers; applications from households in institutions; care leavers; members of the Armed Forces; prospective adoptive or foster parents; households in employment and intentional worsening of housing circumstances.
- 8.5 This amendment therefore seeks to clarify existing policy; it does not signify any change in policy. A broader review of the CHAS will be undertaken later in the year to ensure that it accurately reflects relevant changes in national policy, best practice, and local conditions.
- 8.6 Cabinet at its meeting on 31 January 2022 approved the allocation of HPG received for 2022/23. Due to lower than anticipated subsidy loss associated with Housing Benefit payments to homeless households, there remains £7.7k of HPG unspent. This will be used to contribute towards the overspend associated with the cost of hotel placements in 2022/23.

9. LEGAL IMPLICATIONS

- 9.1. The Cabinet approved the current version of the CHAS at its meeting on 26th July 2016. The Cabinet also resolved at that meeting that authority be delegated to the Executive Member for Housing and Environmental Health, in conjunction with the Head of Housing and Public Protection (now the Service Director Regulatory), to make minor amendments to the CHAS.
- 9.2. Section 4 of the Homelessness Act 2002 confirms that the District Council is the Local Housing Authority (LHA) under the Housing Act 1985 Section 1 (1).
- 9.3. Section 14 (1) of the Homelessness Act 2002 provides that the LHA is no longer required to maintain a housing register. However, Section 166A (1) of the Housing Act 1996 states that every LHA shall have a scheme for determining local priorities and the procedure to be followed in allocating housing.

- 9.4. Section 160ZA(7) of the Housing Act 1996 gives LHAs the power to determine who qualifies, or does not qualify, to be allocated social housing, subject to any regulations made by the Secretary of State under section 160ZA(8).
- 9.5. Cabinet at its meeting on 31 January 2023, agreed that any remaining HPG for 2022/23 be allocated by the Director of Regulatory Services in consultation with the Executive Member for Housing and Environmental Health.
- 9.6. LHAs' homelessness duties are contained within the Housing Act 1996 Part VII, as amended by the Homelessness Reduction Act 2017, including duties to provide interim (emergency) accommodation for specified homeless applicants.

10. FINANCIAL IMPLICATIONS

- 10.1 The £7.7k of unspent HPG will be used to contribute towards the net cost of hotel placements in 2022/23.

11. RISK IMPLICATIONS

- 11.1 Without the clarification to the CHAS, there is a low risk the Council in terms of challenge.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 No adverse equality implications are expected to occur as a result of the amendment proposed. Outcomes from the operation of the CHAS are periodically monitored to ensure that no groups are unfairly disadvantaged by the operation of the Scheme.

13. SOCIAL VALUE IMPLICATIONS

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

14. ENVIRONMENTAL IMPLICATIONS

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

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications.

16. BACKGROUND PAPERS

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

17. APPENDICES

- 17.1 None.

NOTIFICATION DATE:

Signature of Executive Member Consulted:

Cllr Sean Prendergast confirmed his support via email on 25/5/23

Signature of Decision Taker 

Date 15/06/2023

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

Call-in does not apply to NON-EXECUTIVE DECISIONS