

<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	<b>ALLOCATIONS POLICY AND GYPSY &amp; TRAVELLERS SITE ALLOCATION POLICY</b>		
<b>DATE OF DECISION:</b>	<b>17 SEPTEMBER 2019</b>		
<b>REPORT OF:</b>	<b>CABINET MEMBER FOR HOMES AND CULTURE</b>		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>
None
<b>BRIEF SUMMARY</b>
The Allocations Policy and Gypsy & Travellers Site Allocation Policy are linked policies, both of which require updating to reflect latest legislation and local processes. The Allocations Policy represents an overarching policy, with the Gypsy & Travellers Site Allocation Policy as a linked policy which sets out specific processes and considerations for individuals applying for a pitch at the Kanes Hill Caravan Site.
The Allocations Policy sets out Southampton City Council's approach to allocating social housing in Southampton pursuant to Section 166A of the Housing Act 1996. It sets out how the council determines priorities and the procedure for allocating housing accommodation in Southampton.
There is a huge demand for social rented homes in Southampton. The purpose of the Allocations Policy is to define a consistent framework, which can be used to allocate the limited number of vacancies that are available. The council aims to: <ul style="list-style-type: none"> <li>• provide affordable housing, for local residents, in housing need;</li> <li>• ensure homes are allocated fairly and efficiently, taking into account the applicant's individual needs;</li> <li>• make best use of all the available social housing homes; and</li> <li>• give people the opportunity to express preferences about housing accommodation to be allocated to them.</li> </ul>
The Allocations Policy will allow the council to continue to allocate the city's social housing stock on a fair and consistent basis, and ensure it is used to its best effect. Meeting the greatest possible degree of housing demand whilst having regard for the needs of individual households, enhancing community stability and recognising the difficulties parts of our community face.

The Gypsy and Travellers Site Allocation Policy sets out the council's approach to allocating pitches at the Kanes Hill site, located in Botley Road, Thornhill. It sets out how the council determines priorities and the procedure for allocating pitches.

The development of this policy will allow the council to clarify its position on how it intends to allocate pitches at Kanes Hill and will reflect the latest position in terms of regulation and processes.

**RECOMMENDATIONS:**

	(i)	To consider and approve the Allocations Policy
	(ii)	To consider and approve the Gypsy & Travellers Site Allocation Policy.
	(iii)	Subject to recommendations (i) and (ii) being agreed, to delegate authority to the relevant Service Director to, following consultation with the relevant Cabinet Member, make minor technical amendments to the policy in line with any legislative changes or for the purpose of clarification.
	(iv)	Subject to recommendations (i) and (ii) being agreed, to delegate authority to the relevant Service Director to, following consultation with the relevant Cabinet Member, update the points systems in either policy to respond to local demand.

**REASONS FOR REPORT RECOMMENDATIONS**

1.	The Allocations Policy has not been reviewed since 2016 and, therefore, does not reflect the council's latest position in terms of regulation and processes. The updated policy does not represent any fundamental changes to the policy or service, but instead clarifies what the council is already doing and brings together a number of incremental changes brought forward through delegated powers. The policy has also been updated to reflect the latest legislation in terms of the allocation of social housing.
2.	The Gypsy & Travellers Site Allocation Policy does not represent any significant change service and has been brought in line with processes and legislation. This will allow the council to continue to allocate pitches at Kanes Hill and ensure they are allocated fairly and proportionately.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

3.	An alternative option is to not review and update the two policies. This option is not recommended as it could put the council at risk of legal challenge, as current policies do not accurately reflect processes or latest legislation.
4.	An alternative considered and rejected was to add a section to the general Allocations Policy which would address allocation for travellers at Kanes Hill, with a procedure for staff. This is different to what is being proposed, which is two completely separate policies, one for general allocations and another for the allocation of pitches at Kanes Hill. The differences are substantial enough to warrant their own policies. Namely, to be eligible for a plot at Kanes Hill a person must be: <ul style="list-style-type: none"> <li>From a gypsy / traveller background (not a stipulation in the general policy)</li> </ul>

	<ul style="list-style-type: none"> <li>• There is no residential condition applied to travellers requesting pitches at Kanes Hill. This differs from the main Allocation Policy requirement of 3 years residence within the Southampton boundary</li> <li>• Specific consideration given to additional relevant legislation relating to Gypsies &amp; Travellers</li> <li>• Assessment of applications is managed by the Thornhill Housing Office not the Allocations Service</li> <li>• There is a separate application form.</li> </ul>
<b>DETAIL (Including consultation carried out)</b>	
<b>Allocation Policy</b>	
5.	<p>As the largest social landlord in Southampton, the council has a responsibility to ensure that housing stock is fully utilised and allocated fairly and proportionately so that homelessness is avoided wherever possible. Furthermore, the council is also expected to maximise the opportunity for Southampton residents to access housing suitable for their needs. The council recognises that there is far more demand for social housing than current supply can meet and that social housing providers in the city will look to a range of housing options in response to this.</p>
6.	<p>Officers have reviewed the council's allocation policies (including the overarching Allocations Policy and linked Gypsy and Traveller Allocations Policy) to ensure that they are up-to-date and reflect the latest position in terms of legislation and regulation as well as current processes. This review also provided opportunity to align the Gypsy and Travellers Site Allocation Policy with the overarching Allocations Policy, ensuring that either were mutually discriminatory or exclusive in terms of how housing or pitches are allocated.</p>
<b>Changes to the Allocations Policy</b>	
7.	<p>The Allocations Policy has been updated to reflect the council's current position and legislation, following a series of incremental changes under delegated powers. The latest version of the policy therefore bring together these incremental and technical changes into a single document for Cabinet consideration.</p>
8.	<p>Clarifications and amendments from previous published version include:</p> <ul style="list-style-type: none"> <li>• Clarification of council aims and reference to our public sector duty and human rights added.</li> <li>• Legal scope has been widened in the new policy to include the Housing and Planning Act 2016, the Homelessness Reduction Act 2017 and the Homes (fit for habitation) Act 2018. Also, reference has been made to additional guidance relied on to develop this policy.</li> <li>• Preventing fraud section has been expanded so there is more information regarding the council's discretion to enforce these policies where it believes fraud has taken place.</li> <li>• Slight change from 'Annual Lettings Plan' to just 'Lettings Plan' as this is updated as and when required and does not need annual updates.</li> <li>• Scope has been expanded and makes reference to Gypsy &amp; Travellers, explaining that this is dealt with under the Gypsy &amp; Traveller Site Allocation Policy.</li> </ul>

	<ul style="list-style-type: none"> <li>• Included the regulation 3 of the allocation of housing and homelessness regulations 2006. Added also is a section regarding the relationship between the EU and UK following Brexit.</li> <li>• More detail has been added to the section on qualifying applicants.</li> <li>• Definition of housing need added and more general information for how points are awarded for housing need (Fitness for Human Habitation Act included).</li> <li>• Change to the number of points awarded to homelessness from 5 to 30.</li> <li>• New criteria added for applicants who meet the homelessness prevention or relief duty.</li> <li>• Bullet point included stating all members of the household must live together to be included on the application for rehousing.</li> <li>• Added sentence extending this provision to applicants detained under the mental health act.</li> <li>• Brought in line with GDPR and data legislation.</li> <li>• Removed any mention of exclusion as we are not allowed to exclude people.</li> <li>• The position on Children's Services identifying families and young people who may benefit from alternative accommodation has been clarified.</li> <li>• A new section has been included in the 2019 policy outlining the council's position on direct lets for adapted properties.</li> <li>• A further additional section has been added to the updated policy with regards to urgent adapted lets.</li> <li>• An appendix included in the new policy to convey what defined unsatisfactory housing categories are, including the Homes (Fitness for Human Habitation Act 2018).</li> </ul>
9.	Updating this policy will allow the council to clarify its position on how it intends to allocate social housing in Southampton and will reflect the latest position in terms of regulation and processes. This policy does not represent any significant changes to service, but will outline what the council is already doing.
10.	The policy has been drafted with input from Legal Services, the Policy Team, Housing Management, and Housing Allocations and consideration has been given to the Allocation policies of other authorities. This policy will be reviewed when legislative changes come into force that effect the council's responsibilities with regards allocation of social housing.
<b>Gypsy &amp; Travellers Site Allocation Policy</b>	
11.	The council has one Gypsy and Traveller site which is located in Kanes Hill, Botley Road, Southampton, comprising of 14 pitches. In order to ensure that pitches at Kanes Hill are used to their best effect and maximise opportunities for gypsies and travellers who wish to reside there, the council should have a policy which defines a consistent framework, which can be used to allocate the limited number of vacancies that are available.
12.	At present, the approach currently being used is outlined in a procedure document from 2003. A decision was taken to review the document due to changes in legislation since that date e.g. the Equality Act 2010, and ensure it reflected the council's latest position in terms of regulations and process and

	ensure that both the Allocations Policy and Gypsy & Travellers Procedure were aligned and not unlawfully discriminatory or exclusive. It was agreed to develop a Gypsy & Traveller Site Allocation Policy and a best practice guidance document for staff, rather than just a detailed procedure so the council is clear about how it will allocate pitches at Kanes Hill.
<b>Changes to the Gypsy &amp; Travellers Site Allocation Policy</b>	
13.	This policy is linked to the general Allocations Policy and has been updated to reflect the council's current position and legislation. Amendments from previous versions of policies and procedures include: <ul style="list-style-type: none"> <li>• Removal of terminology regarding the exclusion of applicants and instead referring to the fact that applicants need to be "eligible" but also "qualify" through meeting the council policy requirements.</li> <li>• A move away from the more general way that the policy document assessed the needs of applicants. The new policy assesses applicants on a points based system, reflecting the general Allocations Policy but specific to gypsy / traveller circumstances.</li> <li>• The addition of relevant legislation.</li> <li>• The creation of a revised gypsy traveller application form.</li> </ul>
14.	The council acknowledges that the right to choose to lead a nomadic existence is in law and that it is not the role of a local authority to endorse, disrupt or discourage this lifestyle. The policy has been drafted with input from Legal Services, the Policy Team, Housing Management, Housing Allocations, and consideration has been given to the Allocation policies of other authorities.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
15.	There is no fundamental change to the approach or service, as such, the proposed change in policy is not expected to have an adverse financial impact.
<b><u>Property/Other</u></b>	
16.	None
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
17.	The council have a statutory duty to have an allocation scheme for allocating housing accommodation pursuant to Part 6 Section 166A of the Housing Act 1996 (as amended). The Allocation discretion was extended by the Localism Act 2011.
18.	Planning Policy for Traveller Sites (PPTS) August 2015, paragraph 3 confirms that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
<b><u>Other Legal Implications:</u></b>	
19.	Local authorities have the power to provide Gypsy and Traveller sites but are under no duty to do so. Government guidance under the Planning Policy for Traveller Sites (PPTS) August 2015 advises that local planning authorities

	should ensure that sites are sustainable economically, socially and environmentally.
20.	Section 8 of the Housing Act 1985 requires local authorities to assess the housing needs of their district. Local authorities are required to include policies to address the needs of Gypsies and Travellers in their local development documents Local authorities are required to assess the need for accommodation of Gypsies and Travellers when undertaking a review of housing needs in their district pursuant to Section 225 Housing Act 2004 (HA 2004).
21.	In March 2016 the Department for Communities and Local Government issued draft guidance to local housing authorities on the periodical review of housing needs Caravans and Houseboats.
22.	The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006 sets out the meaning of Gypsies and travellers for the purposes of Section 225 Ha 2004.
23.	A local authority's policy for the allocation of pitches must comply with the requirements of Part 6 of the Housing Act 1996.
24.	The Mobile Homes Act 1983 (as amended by the Housing and Regeneration Act 2008) imposes duties on Local Authorities to give each occupier a written statement on the pitch agreement. The agreement would also include implied terms set out in Schedule 1 of the 1983 Act. The implied terms include improved protection against eviction.
25.	The Council must have due regard to the Public Sector Equality Duty under the Equality Act 2010 when carrying out any functions including developing any policies that may have any effect on any protected persons, in particular the duty to eliminate discrimination, harassment and victimisation and advance equality of opportunity and fostering good relations. Local Authorities also have a duty under the Human Rights Act 1998, when carrying out any function, not to act incompatibly with rights under the European Convention for the Protection of Fundamental Rights and Freedoms.

**RISK MANAGEMENT IMPLICATIONS**

26.	If the council does not adopt these policies, and outline a consistent framework for how it intends to allocate social housing and pitches to its residents then that could leave the council open to legal challenge over future decisions in respects of allocation.
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**POLICY FRAMEWORK IMPLICATIONS**

27.	The Allocation Policy and Gypsy & Travellers Site Allocation Policy supports Southampton City Council's Strategy (2016-2020) outcomes: <ul style="list-style-type: none"> <li>• People in Southampton live safe, health, independent lives</li> <li>• Southampton is a modern, attractive city where people are proud to live and work</li> </ul>
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<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	ALL
<u>SUPPORTING DOCUMENTATION</u>	

<b>Appendices</b>	
1.	Allocations Policy
2.	Gypsy & Travellers Site Allocation Policy
<b>Documents In Members' Rooms</b>	
1.	ESIA - Allocations Policy
2.	ESIA - Gypsy & Travellers Site Allocation Policy
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	
<b>Yes</b>	
<b>Data Protection Impact Assessment</b>	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	
<b>No</b>	
<b>Other Background Documents</b>	
<b>Other Background documents available for inspection at:</b>	
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	
2.	