

Minutes

Community Service Scrutiny Panel

17th March, 2008

Present: Councillors Howarth (in the Chair) Lightley, Mavin, Norman, D. Smith, Walton and Young

Also Present: Councillor Thomson – Portfolio Holder for Communities,
Councillor Kelly
Lynne Boyd – Housing Manager, City of Durham
Anne Delandre – Strategy & Development Manager, City of Durham

1. Apologies

Apologies were received from Councillors Crooks and Laverick

2. Minutes

Minutes of the meeting held on 12th February, 2008 were confirmed as a correct record

3. Follow up Report on Homelessness

The Strategy and Development Manager advised the Panel that two new members of staff had taken up their respective posts and they would be able to deal with preventative issues as well as homelessness as the need arises. As the officer's post is mainstreamed funds can be used on other initiatives. £40,000 will be awarded from Communities and Local Government (CLG), which will go towards a housing options assistant. The creation of this post has made a huge difference to the work load of senior officers.

Sub-regional homelessness legislation in 2002 required Local Authorities to have a homelessness strategy in place. Homelessness Action Partnership have established a sub-regional strategy and the CLG has agreed that as long as a sub region is in place there will be no requirement for the seven districts to give annual updates. The Panel agreed that this information should be included in the report and that a recommendation asking the new authority to monitor the Homelessness Strategy and Action Plan be added.

Homeless Action Partnership has awarded £40,000, £20,000 of which is going toward a rent deposit scheme.

Members asked what impact have immigrants had on homelessness in the district and were informed that there is not a problem in Durham.

In view of this update there is no requirement for the panel to further review homelessness in July 2008.

4. Review of Council Garages

The Housing Manager advised Members that other than the one report from Brandon Councillors there had been no further reports of misuse received. There had been no demolitions of Council Garages. Members were advised that in the past unused blocks of garages had been demolished to make way for development projects. Unused blocks in Brandon had been identified.

The Panel agreed that the review report should recommend the continued management of council garages in accordance with the Council Garage Policy and Tenancy Agreement and that these should be commended to the new authority.

The Chair thanked The Strategy and Development Manager and Housing Manager for their attendance and their excellent work.

5. Draft Report of Unauthorised Encampments of Gypsies and Travellers

That subject to the necessary amendments and the inclusion of two additional recommendations,

- 5.3 *That the Travellers Liaison Services contact details are supplied to Environmental Health as soon as possible and made available to Councillors and Parish Councils.*
- 5.7 *That Councillors and relevant Council Officers and the Travellers Liaison Service should endeavour to identify stop over sites for travellers.*

the report be sent to Scrutiny Committee for consideration.

6.20 p.m. Councillor Mavin left the meeting

6. Any Other Business

The next meeting will be held in the Mayor's Chamber of the Town Hall and the business will be the draft report on Council Garages and scoping of the next Scrutiny topic –The New Allocations Policy (a copy of the new Allocations Policy will be sent out to panel members to assist with the Scrutiny)

Meeting terminated at 6.25 p.m.

REPORT OF COMMUNITY SERVICES SCRUTINY PANEL

Review of Council Garages

1 Background

- 1.1.1 The Community Services Scrutiny Panel first reviewed the letting of Council garages in 2005, following concern that some garages were being used inappropriately.
- 1.2 The Panel's report and recommendations were approved and adopted by Cabinet in October 2005, and the Policy on Council Garages was approved in September 2006. The topic had previously been reviewed November, 2007.

2 Actions/Outcomes

- 2.1 The Council's Housing Manager was in attendance at the Panel's Meeting on 13th March, 2008, and advised Members that Garages continue to be managed in accordance with the Policy.
- 2.2 Other than one report from Brandon, there had been no further reports of misuse received and no demolitions had taken place. Where misuse was suspected, this can be reported to Housing Officers who can involve the Tenancy Enforcement Officer where necessary, and refer the matter to the regular Zonal Meetings.

3 Recommendations

The Community Services Scrutiny Panel therefore recommend:-

- 3.1 That Council Garages continue to be managed in accordance with the Council Garages Policy and Tenancy Agreement.
- 3.2 That the Council Garages Policy be commended to the New Authority.

City of Durham

ALLOCATIONS POLICY

This document sets out City of Durham Council's policy regarding the Housing Register, the allocation of the housing stock owned by the authority and for nominations to Registered Social Landlords (RSLs).

The document outlines:

1. who is eligible to apply to be placed on the Housing Register
2. the choice of areas and accommodation available for applicants
3. the processes involved in the Policy
4. the categories of people who may be given preference over other applicants
5. the way accommodation is allocated
6. removal from the Housing Register
7. the rights of applicants to information
8. the rights of applicants to a review of a decision
9. information about false statements and the withholding of information
10. information about equal opportunities

1. Eligibility

Any person over the age of 16 years may apply for accommodation, however, some conditions of eligibility may apply to certain categories of people. These categories are prescribed in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006.

The Council holds a Housing Register of applicants. This register is used to make allocations to housing stock owned by City of Durham Council and provide nominations to rented housing owned by Registered Social Landlords.

All eligible applicants will be placed on the housing register for accommodation unless the City of Durham determines that they have been guilty of serious unacceptable behaviour that makes them unsuitable to be a tenant.

Serious unacceptable behaviour is regarded as behaviour by the applicant or by a member of his/her household that would, if the applicant had been a tenant of City of Durham Council at the time, have entitled the Council to an outright or immediate possession order.

If an applicant is guilty of serious unacceptable behaviour then they will not usually be allowed onto the Housing Register. Examples of unacceptable behaviour include anti-social behaviour, domestic violence, racial harassment, intimidation, drug dealing or substantial rent arrears. Persons who are not accepted will be notified in writing explaining the reason for the decision and advising them of their right to appeal.

Some eligible applicants whose behaviour is not serious enough to make them unsuitable to be a tenant may, nevertheless, be guilty of unacceptable behaviour. These applicants will be accepted onto the Housing Register but their application will not be given preference for an offer of accommodation until their behaviour is no longer considered unacceptable. Unacceptable behaviour includes rent arrears or other breaches of tenancy. These applicants will also be advised in writing of this decision.

2. Choices of Area and Accommodation

Choice of Area

Applicants may choose up to ten localities from the 33 available throughout the District, listed below.

Bearpark	Esh Winning	Pittington
Bowburn	Framwellgate Moor	Pity Me
Brandon	Gilesgate	Quarrington Hill
Brasside	Gilesgate Moor	Shadforth
Carrville	Kelloe	Sherburn Hill
Cassop	Langley Moor	Sherburn Road
Claypath	Littletown	Sherburn Village
Coxhoe	Ludworth	Shincliffe
Crossgate	Meadowfield	Ushaw Moor
Croxdale	Nevilles Cross	West Rainton
Elvet	New Brancepeth	Witton Gilbert

Choice of Accommodation

Applicants may apply for a property type and size of their choice but properties will firstly be allocated only to those applicants who have a need for that type and size e.g. bungalows to those applicants over 60 years of age, properties adapted for people with disabilities to those applicants who have a specific need for the adaptations, properties of 2 or more bedrooms to households who require that number of bedrooms (see Appendix 2 and 3 for more details).

3. Processes involved in the Policy

Initial assessment of application

The policy is based on five bands, ranging from "Urgent" to "No Priority"; each band contains a set of criteria (see Appendix 1 for more details).

Applicants' circumstances are assessed and applicants placed on the Housing Register in the highest band for which their circumstances qualify.

Within each band applicants are ranked in date order according to the date they were assessed as being in this category of need.

Acknowledgement

Following acceptance by the Council applicants will receive an acknowledgement letter which states the band the applicant has been placed in.

Annual Review of Housing Register

Twelve months after an application is accepted, and every twelve months thereafter, the applicant will be sent an Annual Review Form which must be completed and returned within twenty-eight days in order to remain on the Housing Register. If this form is not returned, the application will be removed from the Housing Register.

4. Categories of people who may be given preference over other applicants

The structure and format of bands is based on reasonable preference as defined in the Housing Act 1996 (as amended by the Homelessness Act 2002). The City Council has to ensure that, when allocating housing, reasonable preference is given to the following groups:

- people who are homeless;
- people owed a re-housing duty by the authority (for example where a demolition order or compulsory purchase order is made);
- people occupying unsanitary or overcrowded housing or else living in unsatisfactory housing conditions;
- people who need to move on medical or welfare grounds (including grounds relating to a disability); and
- people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

Furthermore, the Allocations Policy seeks to address particular priorities identified in local policies and strategies. These priorities include: the need to reduce under-occupation of family housing; homelessness prevention; resettlement; and the provision of appropriate housing with support for specific needs groups as identified by the Supporting People Strategy 2005-2010.

5. Allocation

Applications will be assessed according to need and placed in the appropriate band as outlined above.

Offers of accommodation will be made to the applicant who is ranked the highest in the highest band, who has chosen the locality and is eligible for the type and size of property available.

Applicants will be made a maximum of two offers of accommodation within their chosen locality(s).

Following two refusals of accommodation applications will be cancelled but the applicant may re-apply by completing a new application form.

In the case of Council or RSL tenants, an offer of accommodation will not be made if the applicant has not conducted their tenancy in a satisfactory manner e.g. has rent arrears/sundry debts (including rechargeable repairs) or is in breach of a condition of tenancy.

Also, if the Council or RSL has applied for a Court Hearing or there is a Court Order in force, an offer of accommodation will not be made and the application will be removed from the waiting list.

Local Lettings Policies

The Authority reserves the right to introduce Local Lettings Policies for particular localities or property types as and when supply and demand or estate management circumstances dictate.

Difficult to Let Properties

The Authority reserves the right to go outside of the normal re-housing criteria in order to fill difficult-to-let stock. For example age restrictions may be relaxed or smaller households may be considered for larger properties.

6. Removal from the Housing Register

Applicants will be removed from the Housing Register if any of the following occur:-

1. the applicant requests that they be removed from the Housing Register,
2. the applicant accepts an offer of accommodation,
3. the applicant refuses two offers of accommodation within their chosen locality(s),
4. the applicant ceases to be an eligible person,
5. the applicant becomes ineligible for an allocation on the basis of unacceptable behaviour,
6. the applicant fails to return their Annual Review Form.

The applicant will be notified in writing if their name has been removed from the housing register for reasons 3 - 6 detailed above, and of their right to a review of this decision.

7. Right to information

Applicants have the right to certain general information, i.e.

- (a) information that will enable them to assess how their application is likely to be treated under the scheme and, in particular, whether they are likely to fall within the reasonable preference categories; and
- (b) information about whether accommodation appropriate to their needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available.

The Council is prohibited under the Data Protection Act 1998 from divulging to other members of the public that a person is an applicant for social housing, unless they have the applicant's consent and therefore personal information about individual applicants will always be kept confidential.

8. Decisions and the right to a review of a decision

Applicants are entitled to a review if:-

- The Council decides not to treat them as an eligible person and therefore they are not placed on the Housing Register.
- The Council accepts the applicant onto the Housing Register but does not give the applicant any preference for an offer of accommodation until their behaviour is no longer considered unacceptable.
- Their application is cancelled other than at their request.
- They do not agree with the Band which they have been placed in.

The review will be undertaken by an officer who was not involved in making the original decision and who is senior to the officer(s) involved in making the original decision.

9. False statements and withholding information

Section 171 of the Housing Act 1996 makes it an offence for anyone seeking assistance from the Council to:-

- a) Knowingly or recklessly give false information, or
- b) Knowingly withhold information which the Council reasonably requires in connection with an application for housing.

Circumstances in which an offence is committed could include:-

- a) any false information given on an application form;
- b) any false information given in response to subsequent review letters or other updating mechanisms;
- c) any false information given or submitted by applicants during the proceedings of a review.

A person guilty of an offence under this section is liable to a fine not exceeding level 5 on the standard scale.

The Council can seek possession of a tenancy which it has granted as a result of a false statement by the tenant or a person acting on the tenant's instigation.

10. Equal Opportunities Policy

- (a) City of Durham Council is committed to the elimination of unfair treatment through the establishment of equal opportunities in relation to all aspects of the Allocations Policy.
- (b) No applicant for housing should be unjustifiably or unlawfully discriminated against and in particular no applicant should be treated less favourably on the grounds of race, ethnic/national origin, class, gender, marital status, sexual orientation, disability, HIV/AIDS status, age or religious beliefs.
- (c) To achieve the same, City of Durham Council will ensure that its housing allocations practices and procedures comply with the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

Structure and format of Bands

Band A Urgent Housing Need

- Homeless applicants where there is a statutory duty to re-house and an urgent need e.g. living on the street, fleeing violence, high medical need.
- Applicants awarded urgent medical priority (to reduce the effects of the current housing on the applicant's health or where the applicant's, or a member of their household's, medical condition affects their ability to live in their current accommodation). (See Appendix 5)
- Applicants who would be in immediate danger if they continued to live in their current accommodation.
- Applicants living in properties subject to a Compulsory Purchase Order or where the City of Durham Council requires the property to be demolished or vacated for other special reason (e.g. for modernisation).
- Applicants who meet two or more of the criteria set out in the High Housing Need band.

Band B High Housing Need

- Homeless applicants where there is a statutory duty to re-house but not an urgent need (e.g. Homeless at Home).
- Applicants awarded high medical priority (to reduce the effects of the current housing on the applicant's health or where the applicant's, or a member of their household's, medical condition affects their ability to live in their current accommodation). (See Appendix 5)
- Applicants leaving a local authority care placement.
- To prevent statutory homelessness where the applicant is not due to be homeless within the next 28 days.
- Applicants who, in the criteria shown for determining overcrowding, require an additional two or more bedrooms.
- Applicants who are currently tenants of City of Durham Council and, using the criteria shown for bedroom requirements, have two or more bedrooms than they need i.e. underoccupation.
- Applicants lacking one or more basic amenities such as an inside toilet, hot water, kitchen, bath or shower.
- Applicants who are currently living in hostel type accommodation or supported accommodation in the district and require move-on accommodation.

- Applicants who meet two or more of the criteria set out in the Medium Housing Need Band.

Band C Medium Housing Need

- Applicants who are unintentionally homeless but not in priority need.
- Applicants awarded medium medical priority (to reduce the effects of the current housing on the applicant's health or where the applicant's, or a member of their household's, medical condition affects their ability to live in their current accommodation). (See Appendix 5)
- Applicants who, in the criteria shown for overcrowding, require one additional bedroom.
- Applicants who have been Members of the Armed Forces in excess of six years and will be discharged within 12 months.
- Applicants who need to move either to give or to receive support (evidence required).
- Applicants who meet two or more of the criteria set out in the Low Housing Need Band.

Band D Low Housing Need

- Applicants awarded low medical priority (to reduce the effects of the current housing on the applicant's health or where the applicant's, or a member of their household's, medical condition affects their ability to live in their current accommodation). (See Appendix 5)
- Applicants currently living outside the district who have obtained permanent employment in the district and who need to live in the area.
- Applicants who are deemed to be intentionally homeless.

Band E No Priority

- All applicants not falling into any of the above bands.
- All applicants not meeting the local connection criteria. (See Appendix 4)
- All applicants who have deliberately worsened their own circumstances.
- All applicants who owe former tenants arrears.

Table showing suitable accommodation

Household Type	Property Type
Single person under 60 years of age	1 bedroom general needs flat 2 bedroom general needs flat 2 bedroom house
Couple	1 bedroom general needs flat 2 bedroom general needs flat 2 bedroom house
Household with 1 child or pregnant with no other children	2 bedroom flat 2 bedroom house
Household with 2 children under 10 years old	2 bedroom flat 2 bedroom house 3 bedroom flat 3 bedroom house
Household with 2 children over 10 years old, same sex	2 bedroom flat 2 bedroom house 3 bedroom flat 3 bedroom house
Household with 2 children over 10 years old, different sex	3 bedroom flat 3 bedroom house
Household with 3 children	3 bedroom flat 3 bedroom house
Household with 4 children	3 bedroom flat 3 bedroom house 4 bedroom house
Household with 5 or more children	4 bedroom flat 4 bedroom house 5 bedroom house 6 bedroom house
Single person aged 60 years or over	Bedsit 1 bedroom elderly persons flat 2 bedroom elderly persons flat 1 bedroom bungalow 2 bedroom bungalow Sheltered Unit
Couple with one or both persons aged 60 years or over	Bedsit 1 bedroom elderly persons flat 2 bedroom elderly persons flat 1 bedroom bungalow 2 bedroom bungalow Sheltered Unit
Applicant assessed as requiring accommodation suitable for persons with disabilities	Accommodation suitable for persons with disabilities

Overcrowding/Under Occupation Criteria

Overcrowding/Under occupation

The criteria for determining overcrowding and under occupation will be based on the following:

One bedroom is deemed to be required for each of the following:

- Single person in the household over the age of 18
- Single person in the household over 16, if it is not the family home
- Each couple (unless medical evidence supports the need for an additional bedroom)
- Two children of either sex under the age of 10
- Each child of opposite sex aged 10 or over
- Where there is only one child in the household, a separate bedroom is required once the child is over 12 months old
- Two children of the same sex who are aged over 10 years but under 18 years

Local Connection Criteria

An applicant will be classed as having a local connection with the City of Durham if any of the following apply:

1. Has lived in the City of Durham district for 6 of the last 12 months
2. Has lived in the City of Durham district for 3 of the last 5 years
3. Has a family connection in the City of Durham district
4. Has permanent employment in the City of Durham district
5. Has a connection with the City of Durham district because of any special circumstances

For the purposes of (5) above, special circumstances might include the need to be near special medical or support services which are available only in the district.

Priority Bands Medical Criteria

In all cases, the award of medical priority will only be given where the applicant is applying for a property which will alleviate their medical circumstances.

Band A Urgent Housing Need

Applicants awarded urgent medical priority (to reduce the effects of the current housing on the applicant's health or where the applicant's, or a member of their household's, medical condition affects their ability to live in their current accommodation).

Criteria for awarding Urgent medical priority

- The applicant (or member of the household) cannot be discharged from hospital because of the unsuitability of their current home.
- The applicant (or member of the household) does not have access to toilet facilities.
- The applicant (or member of the household) cannot manage the stairs in their current property, resulting in sleeping in a downstairs room which is unsuitable because it has a gas appliance.
- The current home cannot be adapted to enable the applicant (or member of the household) to access the property safely, provide wheelchair mobility within the home or to receive the necessary care and support.
- The current home has a severe detrimental effect on the mental health of the applicant (or member of the household). Evidence would need to be provided by a mental health professional.
- Features of, or the condition of, the current home has a severe detrimental effect on the physical health of the applicant (or member of the household). Evidence would need to be provided by a health professional.

Band B High Housing Need

Applicants awarded high medical priority (to reduce the effects of the current housing on the applicant's health or where the applicants, or a member of their household's, medical condition affects their ability to live in their current accommodation).

Criteria for awarding High medical priority

- The applicant (or member of the household) has severe difficulty managing the stairs in their current property (even with adaptations) and the only toilet is upstairs.
- The applicant (or member of the household) does not have access to bathing facilities and the current home cannot be adapted to provide this.
- The applicant (or member of the household) cannot manage the stairs in their current property, resulting in sleeping in a suitable downstairs room without access to bathing facilities.
- The current home has a detrimental effect on the mental health of the applicant (or member of the household). Evidence would need to be provided by a mental health professional.
- Features of, or the condition of, the current home has a detrimental effect on the physical health of the applicant (or member of the household). Evidence would need to be provided by a health professional.

Band C Medium Housing Need

Applicants awarded medium medical priority (to reduce the effects of the current housing on the applicant's health or where the applicant's, or a member of their household's, medical condition affects their ability to live in their current accommodation).

Criteria for awarding Medium medical priority

- The applicant (or member of the household) has moderate difficulty managing the stairs in their current property (even with adaptations) and the only toilet is upstairs.
- The applicant (or member of the household) has moderate difficulty accessing bathing facilities and the current home cannot be adapted to provide this.
- The applicant (or member of the household) cannot manage the stairs in their current property, resulting in sleeping in a suitable downstairs room with access to bathing facilities.
- The current home has a moderate effect on the mental health of the applicant (or member of the household). Evidence would need to be provided by a mental health professional.
- Features of, or the condition of, the current home has a moderate effect on the physical health of the applicant (or member of the household). Evidence would need to be provided by a health professional.

Band D Low Housing Need

Applicants awarded low medical priority (to reduce the effects of the current housing on the applicant's health or where the applicant's, or a member of their household's, medical condition affects their ability to live in their current accommodation).

Criteria for awarding Low medical priority

- The applicant (or member of the household) has difficulty managing the stairs in their current property (even with adaptations) and the only toilet is upstairs.
- The applicant (or member of the household) has difficulty accessing bathing facilities and the current home cannot be adapted to provide this.
- The current home affects the mental health of the applicant (or member of the household). Evidence would need to be provided by a mental health professional.
- Features of, or the condition of, the current home affects the physical health of the applicant (or member of the household). Evidence would need to be provided by a health professional.
- The applicant has difficulty managing the upkeep of their current property and does not have other members of the household who are able to assist.
- The applicant is currently living in suitable accommodation but needs to move nearer to relatives/friends in order to receive support to alleviate the effects of their medical condition.

CITY OF DURHAM
QUESTIONING PLAN



PLANNING SHEET

TOPIC FOR SCRUTINY: Allocations Policy
Purpose of Review
Specific issues to be looked at
Required Outcomes
Possible Risks

KEY TASKS	
Documents/evidence/research <i>What?</i> <i>Why?</i>	When

**CITY OF DURHAM
QUESTIONING PLAN**



<p>Consultation</p> <p><i>Who/what?</i></p> <p><i>Why?</i></p>	<p>When</p>
<p>Witnesses</p> <p><i>Who?</i></p> <p><i>Why?</i></p>	<p>When</p>
<p>Project start date:</p>	<p>Draft report deadline:</p> <p>Project completion date:</p>



**CITY OF DURHAM
QUESTIONING PLAN**

CITY OF DURHAM

<i>Issue 1</i>	Main Question	Supplementaries
	1 _____	_____
	2 _____	_____
	3 _____	_____

<i>Issue 1</i>

<i>Issue 2</i>	Main Question	Supplementaries
	1 _____	_____
	2 _____	_____
	3 _____	_____

<i>Issue 2</i>

<i>Issue 3</i>	Main Question	Supplementaries
	1 _____	_____
	2 _____	_____
	3 _____	_____

<i>Issue 3</i>
