

ALLOCATION OF COUNCIL HOUSING – DISCRETIONARY POWERS IN EXCEPTIONAL CIRCUMSTANCES

1 SUMMARY

1.1 Members to consider, as a matter of Corporate urgency, authorising the Corporate Director (Finance and External Services) to have discretionary powers to admit applicants to the Housing Register who would otherwise not be admitted as a 'qualifying person' under existing policy.

2 BACKGROUND

2.1 Section 106, Housing Act 1985 requires Housing Authorities to publish a summary of their rules for determining priorities in the allocation of housing. Section 168, Housing Act 1996 requires all Housing Authorities to publish a summary of their allocation schemes.

2.2 The Council is in the middle of a consultation exercise following a review of its allocations policy in February 2000. Subject to representation and amendment, the new policy is likely to become effective in July 2000.

2.3 Current policy is quite specific as to whom is excluded from the Housing Register.

They are:-

- a) tenants of other local authorities or assured tenants of a registered social Landlord
- b) a previous tenant who knowingly withheld or gave false or misleading information in their application for housing within the previous 5 years
- c) owner-occupiers except:-
 - i) those of pensionable age
 - ii) those who are considered to be homeless

2.4 Currently, no discretion exists to accept other types of applicant or to treat each individual case on its merits.

3 EXISTING ARRANGEMENTS

- 3.1 Applicants who are refused admission to the Housing Register have a right to a review of their case which must be undertaken by a senior member of the Housing Team. The person so designated to undertake this review is the Head of Service.
- 3.2 Reference to Council, Minute 532/96 (see appendix) suggests that there is a further right of appeal to a Panel of Members.

4 THE CASE

- 4.1 Applicant M is a single parent with two children who fits all the other qualifying criteria for admission to the Housing Register but for the fact that she is a tenant of a housing authority in the Midlands.
- 4.2 The applicant is a cancer sufferer with parents in this District who would normally be able to provide family support but for the distance between them.
- 4.3 The Head of Service reviewed the case upon request from the applicant after an initial refusal from a Housing Team member. Again, it was felt that the applicant was specifically excluded from the Register as an existing tenant of a housing authority. A further 'refusal' letter was sent which set out the last 'appeal' route to a Panel of Members.

The applicant exercised this appeal route by writing to the Head of Legal Services a few days later.

- 4.4 The Head of Legal Services advised that Section 161(4) Housing Act 1996 does allow discretion to consider each case on its merits but that this does not appear to have translated to Council policy when the new act provisions were considered in November 1996.

The Code of Guidance wording is as follows :-

“Whatever general rules local authorities use to define who can appear on the register, they are encouraged to make provision to enable others to appear on the register if their individual circumstances merit itthere could be exceptional cases across the whole range of potential applicants”.

- 4.5 In appeal terms, the Head of Legal Services advised that there are no further rights of appeal other than the Senior Officers review. The Minute 532/96 which refers to further appeal rights to a Panel of Members is clearly incorrect as the Council has no powers to constitute such a Panel.

5 TEMPORARY SOLUTION

- 5.1 The situation will naturally remedy itself when the new Allocations Policy comes into effect but in the meantime the case of Applicant M needs to be considered. This might be best achieved by authorising the Corporate Director (Financial and External Services) to consider exceptional circumstances in any case which might arise until the new policy is agreed. This will bring a fresh pair of eyes to this particular case as the Head of Service has previously undertaken a review.

6 RECOMMENDED

- 6.1 It is proposed that the Sub-Committee **RESOLVES** to authorise the Corporate Director (Finance and External Services) to consider the exceptional circumstances of any applicant for admission to the Housing Registrar.

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Background Papers:

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