

Portfolio Holder decision record sheet

Name of decision maker: Cllr Margaret Griffiths

Portfolio: Housing

Date of Portfolio Holder decision: March 2016

Title of decision: Minor amendment to Mutual Exchange

Part II:

Part II reason:

Decision made and reasons:

To amend the Mutual Exchange Policy to align its bedroom standard to the Housing Allocations Policy.

Reports considered: (here reference can be made to specific documents)

Housing Allocations Policy

PH decision record sheet 'Minor amendment to Housing Allocations Policy' February 2016

Mutual exchange 'Grounds for refusal' (Housing Act 1985)

Housing benefit regulations

Officers/Councillors/Ward Councillors/Stakeholders consulted:

Elliott Brooks – Assistant Director, Housing

Natasha Brathwaite – Group Manager, Strategic Housing

Andy Vincent – Group Manager, Tenants and Leaseholders

Housing Team Leader Group

Tenants and Leaseholders Committee

Monitoring Officer comments:

No comments to add to the report.

Deputy S151 Officer comments:

The impact of the proposed minor amendment will need to be regularly reviewed to measure the potential impact of additional arrears and to determine their impact on the in-year budget and on the business plan.

Implications:

Financial risk

[NB: The below financial implication is not a change from the current situation under the current policy, however this policy has not been reviewed since before the 'spare room subsidy' so this implication has been noted.]

- Mutual Exchanges can only be refused by housing providers by reference to 'Grounds for refusal' set out in legislation. One of the grounds is that the property is considered too 'extensive' for the household. Case law has demonstrated that housing providers are not expected to be too strict in applying this.
- This means that mutual exchanges allow some households to move to a property where they will be impacted by the housing benefit 'spare room subsidy' rule. This could mean that households make a decision to move that negatively impacts on their ability to pay their rent. The service will aim to pro-actively offer advice and support to these families, however in some cases this may result in arrears.

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Value for money

- The proposed change removes the need for officers to measure bedroom sizes to determine whether a mutual exchange request can proceed. This allows the Council to make its Mutual Exchange procedure more efficient, therefore allowing officers to spend more time on other more value-adding tasks.

Options considered and reasons for rejection:

The option of not changing the policy is not considered an option as the current policy results in inefficiencies to current processes and inconsistencies with related housing service policies.

Portfolio Holder's signature:

Date:

Details of any interests declared and any dispensations given by the Standards Committee:

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Date decision record sheet received from portfolio holder:

Date decision published:

Decision no:

Date of expiry of call-in period:

Date any call-in received or decision implemented:

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1.0 Background

The Housing Allocations Policy and the Bedroom Standard

At the time of the Housing Allocations Policy review in 2012/13, the Government had released its new 'bedroom standard'. This standard treats all bedrooms (beyond the primary bedroom) as a 'bedroom' and does not distinguish between 'single' and 'double'. This standard was adopted by the Council's Housing Allocations Policy in 2013.

For the purposes of the Housing Allocations Policy bedrooms are allocated as follows:

- One bedroom for the primary applicant and their partner
- One additional bedroom for:
 - Every pair of siblings under 10
 - Every pair of same-sex siblings 0 – 20
 - Every household member 21 and over

Current demand for Council properties is concentrated on two bedroom properties. To try and reduce some of this demand, the PH decision record sheet 'Minor amendment to Housing Allocations Policy' February 2016 introduces a second standard that will also be recognised and which will allocate bedrooms as follows:

- One bedroom for the primary applicant and their partner
- One additional bedroom for:
 - Every pair of siblings under 5
 - Every pair of same-sex siblings 0 – 15
 - Every household member 16 and over

Households who fall between the two standards will be able to bid for properties in two size categories to provide maximum choice (e.g. a family with a girl aged 4 and a boy aged 6 can bid on both two and three bedroom properties).

Mutual Exchange Policy, 'Grounds for refusal', and measuring bedrooms

The Mutual Exchange Policy is necessarily more 'generous' than the Housing Allocations Policy in terms of bedroom allowances. This is because a housing provider can only refuse a Mutual Exchange request by reference to 'Grounds for refusal' set out in legislation. One of the grounds is that the property is considered too 'extensive' for the household. Case law has demonstrated that housing providers are not expected to be too strict in applying this.

The current Mutual Exchange Policy has continued with the requirement for officers to measure bedrooms, so that 'double' and 'single' bedrooms can be identified before requests to exchange are approved. This approach has been taken in order to prevent the 'generosity' of the policy leading to a family getting both an additional bedroom and a property with multiple 'double' bedrooms (e.g. a family with two children getting a property with three 'double' rooms).

The task of measuring bedrooms to determine 'single' or 'double' status is time-consuming for officers (officers were able to be more efficient once this requirement was removed from the Empty Homes and Allocations procedures with the introduction of the new Housing Allocations Policy in 2013).

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Current demand for Council properties is concentrated on two bedroom properties, and the lower demand for properties with three or more bedrooms means that the benefit of continuing to measure bedrooms (occasionally preventing a family from getting a property with 'one additional' bedroom, and multiple 'double' rooms), does not outweigh the procedural benefits of removing the need to measure bedrooms.

There is also a benefit to the Council from having a clear policy position relating to a 'bedroom', which can then be clearly communicated.

2.0 Proposed policy amendment

The proposed change is highlighted on page 2 of Appendix 1.