

CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

Decision Ref. No:

Responsible Officer: Kelly Ansell, Senior Strategic Housing Manager

Subject: Right to Move

Decision taken:

To amend the Housing Register and Allocations Policy to accommodate the new Right to Move.

Reasons for the decision:

This decision is required in order to ensure that the Council's Housing Register and Allocations Policy is compliant with the new statutory instrument and Code of Guidance in relation to the newly introduced Right to Move which comes into effect on 20th April 2015. Failure to adopt this policy change will leave the council open to legal challenge.

Call-in and Urgency:

This decision is subject to the councils call in procedures.

Background:

Section 160ZA(7) of the Housing Act 1996 as inserted by the Localism Act 2011 provides that Local Authorities may decide who does or does not qualify for an allocation of social housing. In December 2013 statutory guidance was issued to encourage local authorities to apply a residency test (local connection) for social housing. The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967), which comes into force on 20th April 2015, provides that local authorities must not disqualify certain persons on the grounds that they do not have a local connection with the authority's district, in particular a local connection may not be applied to existing social tenants seeking to transfer from another local authority in England for work related reasons.

Following consultation, the Government have issued the above Statutory Instrument and accompanying Code of Guidance in relation to Right to Move. The intention of Right to Move is to remove local connection tests that could disadvantage tenants who need to move across local authority boundaries for work related reasons. As a result, the Council is required to amend its Housing Register and Allocations Policy in order to;

- 1) Ensure that local connection is not applied to applicants who qualify under the Right to Move
- 2) Expand the definition of the 'hardship' Reasonable Preference category
- 3) Set aside a quota of 1% of lettings per annum for this group

The new regulations come into effect on 20th April.

The current Housing Register and Allocations Policy contains a Local Connection criteria which is applied to consider eligibility. This includes the ability to join the housing register if the applicant has employment in Bournemouth. Right to Move will require us to go a step further than this and amend the policy as follows;

Where an applicant who is a current social housing tenant needs to move to Bournemouth to take up employment, there will be no requirement for a local connection. Specifically, the applicant must have Reasonable Preference because of a need to move to Bournemouth to avoid hardship.

The applicant must demonstrate that they need, rather than wish, to move for work related reasons. In this regard the following factors will be taken into account;

- *the distance and/or time taken to travel between work and home*
- *the availability and affordability of transport, taking into account level of earnings*
- *the nature of the work and whether similar opportunities are available closer to home*
- *other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move*
- *the length of the work contract*
- *whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship*

The following forms of work are excluded;

Short-term - whether work is regular or intermittent - the period of employment and

whether or not work was intended to be short-term or long-term at the outset. Employment contracts of less than 12 months will be considered to be short term.

Marginal - the number of hours worked - unless exceptional circumstances apply, employment of less than 16 hours a week will be considered to be marginal in nature.

Ancillary - whether the main place of work is in Bournemouth or not

Voluntary work - where no payment is received or the only payment is in respect of any expenses reasonably incurred.

In determining whether an application qualifies under Right to Move, we will require the applicant to provide one or more of the following;

- *a contract of employment*
- *wage/salary slips covering a certain period of time, or bank statements*
- *tax and benefits information*
- *a formal offer letter*
- *satisfy the authority they have a genuine intention of taking up the offer of employment (if they have not yet started the employment) as set out in Regulation 5 (1b).*

It may also be necessary for us to contact the applicant's employer to confirm qualification.

Applicants who meet the Right to Move criteria will be placed into the Silver band to reflect Reasonable Preference. Any additional housing need elements will be considered at banding stage and may result in increased priority.

A quota of 1% of lettings will be allocated in the Allocations Plan for Right to Move. The quota will be reviewed on an annual basis and set according to demand.

Consultations undertaken:

Legal services have been consulted on the proposed changes and have approved them. They have also confirmed that no statutory consultation is required in this instance.

Finance/Resource Implications:

The Department for Communities and Local Government have confirmed that they will be providing new burdens funding of £3,044 to each Local Authority in April 15 to accommodate the costs of the changes required. It is anticipated that this will cover implementation costs.

Name: *JAN MILLER*
Date: *23.4.15*


Signature: (of Chief Finance Officer)

Legal implications:

The Council is required by virtue of Part 6 of the Housing Act 1996, as amended by the Homeless Act 2002 and the Localism Act 2011 to publish and maintain a Housing Allocation Policy. In setting its Housing Policy the Council must have regard to the above statutes and any subsequent regulations and the Code of Guidance. The Allocation of Housing (Qualification Criteria for Right to Move)(England) Regulations 2015 comes into force on 20th April 2015. The changes recommended in this report comply with these.

Any major changes to the Published Allocation Policy require formal consultation. However, the changes recommended in this report are not major changes and therefore no consultation is required.

Name: TANYA CONNOR
Date: 23/4/15



Signature: (of Monitoring Officer)

Risk assessment:

- A risk assessment has been completed and is available as a background paper.

Name: KELLY ANSELL
Date: 22/4/15



Signature: (of Officer completing assessment)

Impact Assessments:

- An Equality Impact Assessment has been completed and is available as a background paper.

Information for/not for publication:

- N/A

Background papers:

- Allocations Policy as amended July 2014
- Allocations Code of Guidance (Department of Communities and Local Government)
- Right to Move Code of Guidance (Department of Communities and Local Government)
- Equality Impact Assessment
- Risk Assessment

Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
No*			

* Delete as appropriate

Decision taken by:

Councillor Robert Lawton

Cabinet Portfolio - Housing

Signe



Date of decision:

20.4.15

Date of publication of record of decision: (to be inserted by Democratic Services)

Date decision effective - that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel: 1st May 2015

