

Executive Report



Delegated Decisions - 7 January 2025

Milton Keynes Housing Allocation Policy

Name of Cabinet Member	Councillor Ed Hume (Cabinet member for Housing)
Report sponsor	Victoria Collins Director of Adult Services
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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive Summary

Every local housing authority is required by law to have a housing allocations scheme (or policy) which determines how available social housing is allocated to those on the housing register.

The Milton Keynes housing allocation scheme was last reviewed in 2022, since that time, it has become apparent that there are elements to the scheme that require a further review.

An officer decision was approved to enter a consultation phase to seek feedback from stakeholders and residents on the proposed new allocation scheme and this commenced on 10 September 2024 and ended on 2 December 2024. Views were gathered via an online questionnaire as well as meetings with key stakeholders including MK ACT, Milton Keynes Homeless Partnership, Milton Keynes Registered Provider Forum and the Health, Housing and Adults Scrutiny Committee.

Responses to the online questionnaire were published at the end of each month of the statutory consultation period. A summary of the consultation responses is included with this report at **Annex B**.

Following consultation the following amendments have been proposed:

- a) That women fleeing domestic abuse who are accommodated in refuge accommodation will be given a priority A banding provided they meet the qualifying criteria (local connection) to join the Milton Keynes Housing Register. This recognises that women supported in refuge accommodation are likely to be at high risk and should be considered alongside those people who are assessed as high risk via a Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH) tool.
- b) The term domestic violence be removed and replaced with domestic abuse.
- c) Band A, B, C, and D be included in the new scheme. Band D will consist of Applicants from Band A, B or C, who have exhausted their right to refuse an allocation of social rented housing. Applicants will remain in Band D for a period of 12 months from date of final refusal. During this time period applicants will not be entitled any offers. At the end of the 12-month period, they will then be moved to whichever Band is applicable to their circumstances at that time.
- d) Clarify that those households placed by the Council in temporary accommodation outside of the City will not lose their qualifying local connection for the Housing Allocation Scheme. This will include any person who has a qualifying local connection to Milton Keynes but is placed in a refuge outside of the City.
- e) The Council tenants wanting to downsize and therefore in Band A will receive more than one offer of alternative accommodation to ensure that the council is able to regain larger properties for other families in need.

1. Proposed Decision(s)

- 1.1 That the Milton Keynes Housing Allocation Scheme (2024) be adopted.
- 1.2 That authority be delegated to the Director of Adult Services (in consultation with the Cabinet member for Housing) to:
 - a) to make consequential and minor typographical amendments to ensure that the Housing Allocation Scheme remains compliant with the statutory and operational obligations;
 - b) authorise the use of the Emergency Band contained in section 3.11 of the Housing Allocation Scheme; and
 - c) authorise the temporary suspension of the Housing Allocation Scheme referred to in section 1.4 of the scheme, to comply with government guidance (both statutory and non-statutory) or to enable the Local Authority to meet an urgent need. In these circumstances, allocations will be made through an Exceptional Decision Panel.

2. Reasons for the Decision?

2.1 All local authorities have a public law duty to operate a housing allocation scheme. The Milton Keynes Housing Allocations Scheme was last reviewed in 2022. Since that time, it has become apparent that there are elements of the scheme that require a further review. The current scheme is long, complicated and does not address some of the housing challenges in Milton Keynes, for example, encouraging move on from supported accommodation to ensure that the limited capacity in these services is optimised.

2.2 Given that the demand for social housing in Milton Keynes is high and exceeds supply, the Council wants to ensure the Housing Allocation Scheme gives priority to households in the greatest need with allocations being made in a fair, transparent, and efficient way.

2.3 As we are proposing changes to the allocation scheme, we have formally consulted with residents, partners and stakeholders, and registered providers (housing associations). An online consultation survey that was launched on 10 September 2024 to 2 December 2024. The survey was also advertised on the Council's website.

2.4 The key changes to the new Housing Allocations Scheme are:

- a) We are proposing to enable the council to suspend the allocations scheme to comply with government guidance (both statutory and non-statutory) or to enable the Local Authority to meet an urgent need. In these circumstances, allocations will be made through an Exceptional Decision Panel.
- b) We are proposing to exempt the following persons from specific qualification criteria:
 - i) Persons who are currently serving or have served in the regular Armed Forces, their spouses, civil partners, divorced or separated spouses and or civil partners will be exempt from qualifying criteria regarding local connection, rent or service arrears, and financial resources will be disregarded.
 - ii) Families of armed forces personnel who die in service and whose death was not attributable (wholly or partly) to that service are included in the exemption from the local connection criteria.
- c) We are proposing to remove exemption from specific qualification criteria:

Applicants who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm, will not be exempt from local connection requirements; however, those applicants who have sought a place of safety in a refuge will receive additional priority under Band A of the scheme.

- d) Council tenants wanting to downsize and therefore in Band A will receive more than one offer of alternative accommodation to ensure that the council is able to regain larger properties for other families in need.
- e) Anyone currently living outside of Milton Keynes will not be included on or placed into a priority band on the Housing Register. Anyone wishing to apply to Milton Keynes who currently resides outside of the city boundaries should in the first instance seek the support of their own local authority or social housing provider (if applicable) to resolve their housing needs.
- f) A person who owns their own home will not be included on the housing register. They will be offered advice and be signposted to suitable agencies to resolve their underlying housing difficulties. Only in exceptional circumstances, where a person has a need for rehousing in accordance with the reasonable preference categories and where all other options have been fully explored and ruled out will a person who owns their own home be included onto the housing register.
- g) Applicants who are severely overcrowded by two or more bedrooms will be given additional preference (Band B). Social housing tenants who are lacking one bedroom will be given additional preference (Band C).
- h) The inclusion of a new emergency band that will enable the council to target the allocation of social housing to meet policy, legal or budgetary constraints. It is proposed that decision to use of the emergency band will be delegated to the Director of Adult Service (in consultation with the Cabinet member for Housing). The emergency band may used for the following reasons:
 - i) Where a vacant adapted property, or a property designed to disability standards, becomes available and that property could be allocated to an applicant whose disability needs best match that property regardless of the date they were registered.
 - ii) Where an applicant is homeless and in temporary accommodation and owed a section 193(2) Main duty under the Housing Act 1996 and the council wishes to make a direct let to move applicants out of temporary accommodation to manage any budgetary or legal impact
 - iii) Applications agreed via our exceptional decisions panel where discretion is applied and agreed as an urgent move. This includes urgent management transfers for Council tenants.
- i) To give additional preference (Band B) to those applicants who are moving on from short term supported housing and hostels, including specialist accommodation for those with mental health issues.

- (j) The number of offers (choice) has not been changed for Bands A to C, however, to encourage Milton Keynes City Council tenants to downsize additional flexibility will be allowed so that the council is able to reuse a larger property.

2.5 An analysis of the consultation responses is provided in **Annex B**, however, in summary respondents indicated:

- a) 79% of respondents agreed with the proposal to disqualify certain people from the allocation scheme.
- b) 79% of respondents agreed that the number of years an applicant will need to qualify for residency increase from three to four years?
- c) 83% agree with the proposals for affording additional preference to persons in particular circumstances.
- d) 79% of respondents agreed with the proposal to give additional preference to those people fleeing high risk domestic abuse and armed forces personnel and their families.
- e) 80% agree with the proposals for prioritising people waiting for an allocation of social housing by banding them in priority groups A to C.
- f) 73% of respondents agreed that applicants afforded a priority A banding, as well as those households who are homeless should be limited to one offer of accommodation.

2.6 There was a noticeable demand for housing to be prioritised to local people. This has been included in the policy in the form of a local connection requirement, which can be met by having either lived in Milton Keynes for a four-year period prior to application or by working here full time in a permanent role. There are certain exceptions to this rule, such as members of the armed forces.

3. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	Y
Legal	Y	Policies or Council Plan	N
Communication	Y	Procurement	N
Energy Efficiency	N	Subsidy	N
Workforce	N		

a) Financial Implications

Some minor changes will need to be made to the allocation scheme software to take account of the proposed changes to the scheme. These are not significant and will not require a software upgrade.

b) Legal Implications

The allocation of social rented housing is a public law duty. Failure to administer housing allocation duties in accordance with relevant statute, could result in the Council being found guilty of maladministration by the Local Government and Social Care Ombudsman and/or being found to have made unlawful decision by the courts.

There is a statutory duty to consult as a local housing authority with registered providers of social housing with which it has nomination arrangements and afford those persons a reasonable opportunity to comment on the proposals.

Further, there is an expectation that the local authority will meaningfully consult on changes to policy which affect residents. Under Part 6, as amended of the Housing Act 1996 requires local authorities to have an allocations policy that sets out: a) who is eligible to apply for housing. b) how the Council prioritises applicants for rehousing ensuring that 'reasonable preference', is given to certain people who fall within the statutory preference categories set out in S167(2) of the 1996 Act. c) the basis on which the Council will allocate accommodation; and d) the Council's policy on applicant choice and preference.

Any allocations policy must have due regard to the Allocation of Accommodation Guidance for Local Housing Authorities in England 2012 and Providing Social Housing for Local People 2013, and to the Council's Homelessness and Tenancy Strategies under s.1 Homelessness Act 2002 and s. 150 Localism Act 2011. An allocation policy must also comply with the Homelessness Reduction Act 2017 and the extension of duty owed to those threatened with homelessness, who are in turn entitled to 'reasonable preference'. As the Allocation Scheme is a statutory document, formal consultation is required when any major changes to the allocation scheme are proposed, which reflect a major change of policy (section 166A (13) of the 1996 Act).

c) Human Rights, Equality and Diversity

Regard has been had to the public sector equality duty when formulating amendments to the Housing Allocation Scheme and it will inform decision making on individual cases, so far as the law requires. It is intended to always ensure that non-discriminatory decisions will be made about the allocation of social rented housing. And equality impact assessment has been undertaken to avoid discrimination and to demonstrate compliance with the public sector equality duty. The administration of the Housing Allocation Scheme will be undertaken in a non-discriminatory manner so as not to treat any person directly or indirectly less favourably than others because of a protected characteristic.

Applicants will be informed of their rights to seek assistance from the Equality and Human Rights Commission, if they believe the Council has breached the Human Rights Act 1998, by contravening their human rights or unlawfully discriminating against them. An equality impact assessment was completed when considering the impact of proposed changes to the scheme, this is included at **Annex C**.

d) Communications

The amendments to the housing allocation scheme will need to be communicated to any person wanting to be allocated social rented housing in Milton Keynes. They will need to be informed of what changes are occurring, why the changes are being made and when the changes will come into force. This will need to include tenants and the wider public, not just those currently on the Council waiting list. Applicants who already on the waiting list for social housing will not need to reapply.

4. Alternatives Considered

4.1 Agree and Approve the Housing Allocation Scheme (**recommended**)

The new Allocations Scheme has been written to ensure the Council is compliant with current legislation and statutory guidance. The Scheme sets out the Council's local housing priorities, and outlines the procedures used to assess and prioritise applications for, and the allocation of social rented housing located within the city of Milton Keynes. The scheme aims to be fair, transparent, and accessible whilst offering choice and providing applicants with a clear and realistic view of the housing assessment process, waiting times and housing availability.

4.2 Propose Amendments to the Proposed Scheme

Amendments can be proposed but must have due regard to the legal implications of any amendment(s).

4.3 Do Nothing

This is not the recommended option. The current Allocation Scheme requires extensive amendments to ensure it is legislatively and statutorily compliant and reflects current practice. The Scheme must make effective use of the Council and Registered Provider social housing that becomes available. This is important due to the limited supply of homes in circulation, and the increasing demand on the Council for the provision of social and affordable accommodation.

5. Timetable for Implementation

- 5.1 Amendments to the scheme will be implemented as soon as the new scheme is approved. Existing applicants will not need to reapply. Applicants who join the scheme under the new Housing Allocation Scheme will be identified via a flag on the allocation software system, enabling applicants to be assessed using the new criteria.

List of Annexes

Annex A	Milton Keynes Allocation Scheme (proposed)
Annex B	Consultation Summary
Annex C	Equality Impact Assessment
Annex D	Consultation Plan

List of Background Papers

None