

# Brighton & Hove City Council

## Housing & New Homes Committee

## Agenda Item 37

**Subject:** Lettings Plan: Mobility classified properties

**Date of meeting:** 15 November 2023

**Report of:** Executive Director for Housing, Neighbourhoods and  
Communities

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**Ward(s) affected:** All

**For general release**

### **1. Purpose of the report and policy context**

1.1 To seek authority to make minor amendments to the existing Allocations Policy which will better meet the needs of disabled households.

### **2. Recommendations**

2.1 That Committee notes the requirement for compliance with the public sector equality duty in respect of the needs of disabled persons.

2.2 That Committee agrees Option 1 as minor amendments to the Lettings Plan and Allocations Policy, set out at paragraph 4.2 below, to be effective from 20 November 2023.

### **3. Context and background information**

3.1 Local authorities can only let social housing in line with Part 6 of the Housing Act 1996. The legislation requires local authorities to maintain a housing register, and to make lettings only to those on this register, and in accordance with a published policy which has been approved by Members ('the Allocations Policy').

3.2 The current Allocations Policy was agreed in 2016. The Allocations Policy places households on the housing register into one of four queues. Applicants can only bid for those lettings which have been assigned to their queue. The Allocations Policy contains a Lettings Plan. The Lettings Plan specifies the percentage of the total available lettings that will be assigned to each queue in a financial year.

3.3 In January 2023, the Committee agreed the following Lettings Plan:

Queue	Proportion of lets advertised
Homeless	50%
Transfers	30%
Homeseekers	10%
Council Interest Queue	10%

Table 1: Percentage of lets to each queue under current Lettings Plan

- 3.4 As of 30 November 2022, there were 4,589 households on the housing register. Table 2 provides a breakdown of each of the queues. To understand the equality impact, the proportion of households identifying as Black and Minority Ethnic (BME) or with a disabled member of the household are provided.

Queue	Total	BME (%)	Disabled (%)
Homeless	1,358 (29.2%)	11.9%	12.9%
Transfers	1,124 (24.3%)	8.2%	62.1%
Homeseekers	2,022 (43.7%)	10.4%	21.3%
Council Interest Queue	85 (1.8%)	14.0%	2.7%

Table 2: Percentage of BME and Disabled households in each queue Nov 22

- 3.5 The Allocations Policy awards a Mobility Group coding to those households which include a person who has a disability which makes them unable to manage climbing stairs or steep gradients. Properties which meet the needs of Mobility Group households are given a mobility classification. These properties are typically ground-floor or lift-accessible flats which are level-access within. Mobility Group households receive priority for an allocation of mobility classified properties in their queue.
- 3.6 Local authorities must have allocations policies which takes steps to meet the needs of disabled people, and which do not put disabled people at a disadvantage when compared with people who are not disabled<sup>1</sup>. There is a possibility that the lettings plan puts disabled applicants at a disadvantage when compared with non-disabled applicants. This is because, at present, some properties which meet the particular needs of an applicant with a Mobility Group coding may not be available to them, if those properties are only available to those applicants who are in another queue. As mobility classified properties meet the needs of disabled households, this disadvantage is not one which would be faced by applicants who are not disabled.
- 3.7 The current lettings plan allocates 50% of properties through the housing register to the homeless queue. The current lettings plan reduced the allocation to the homeless queue from 80% to 50% to more equitably share the allocation of housing with the other queues. However, even at 50%, this proportion runs the risk of the unintended consequence of a homeless candidate being more likely to succeed than a transfer candidate, including in relation to mobility classified properties.

<sup>1</sup> Sections 19 and 149 of the Equality Act 2010.

- 3.8 This impact of the queue system is greater for disabled applicants than non-disabled applicants because more properties are allocated to the homeless queue (of which only 12.9% are disabled) than to the transfer queue (of which 62.1% are disabled.) Being in the transfer queue therefore puts applicants with a Mobility Group coding at a disadvantage when compared with both disabled and non-disabled applicants in the homeless queue. In the transfer queue, applicants with a Mobility Group coding are competing against a higher proportion of disabled applicants for a smaller number of properties.
- 3.9 The current policy permits priority transfers of existing social housing tenants in the city where there is imminent personal risk to the household if they remain in the property. This occurs on page 31 of the policy, under the Band A band reason which starts, '*Priority transfers...*' However, the only example given in the policy of when imminent personal risk is likely to occur is when a tenant is at risk of violence, abuse and harassment. This puts disabled applicants at a disadvantage in gaining a priority transfer. The data shows that disabled applicants are a group who are likely to need a priority transfer. However, the power to transfer these tenants is not transparent in the wording of the current policy. To reduce the potential disadvantage faced by disabled by the existing wording of the priority transfer band reason – and to increase transparency in the operation of the scheme – it is necessary to expand the priority transfer band reason examples to include those cases where a home is unreasonable to continue to occupy. This would make it clear that the policy permits a broad discretion for an urgent priority transfer, such as where the adverse impact of a disability has made a tenant's home unreasonable for them to continue to occupy.
- 3.10 The current policy does not permit applicants with a Mobility Group coding to be given additional priority over other applicants with a similar need for properties which are not mobility classified, but have the potential to be adapted. This may put disabled applicants at a disadvantage where they have needs with regard to factors such as location or a number of bedrooms, but no mobility classified properties are available which meet these needs.
- 3.11 To reduce the potential disadvantage faced by disabled applicants under the current system, to address disproportionate impact, and to advance the equality of opportunity and access, we ask that the Committee agrees to amend the Allocations Policy to allow mobility classified properties to be available to applicants in any queue, and to permit the service to exercise the discretion to offer priority transfers and direct lets.

#### **4. Proposal**

##### **4.1 Option 1**

Make the following minor amendments to the Allocations Policy:

On page 31, make the following addition to the Band A band reason which starts, '*Priority transfers...*':

Existing policy	Proposed change
<p>Priority Transfers, agreed in exceptional circumstances due to significant and insurmountable problems associated with the tenant's occupation and there is imminent personal risk to the household if they remain. This may include, but not be limited to, Domestic Violence, Racial Harassment, Homophobic, transphobic, biphobic abuse or harassment.</p>	<p>Priority Transfers, agreed in exceptional circumstances, at the discretion of the Homemove Manager, due to significant and insurmountable problems associated with the tenant's occupation and there is imminent personal risk to the household if they remain. This may include, but not be limited to, Domestic Violence, Racial Harassment, Homophobic, transphobic, biphobic, ableist, faith or migrant-related abuse, victimization, or harassment. This may also include, but not be limited to, households which are existing tenants of Brighton &amp; Hove City Council or registered providers in the city with a nomination agreement with the Council whose accommodation would be likely to be assessed as being unreasonable to continue to occupy if they made an application for homelessness assistance under Part 7 of the Housing Act 1996.</p>

Add a new paragraph to the bottom of the section, 'How the council allocates properties' on page 36 of the Allocations Policy:

*'To better meet the accessibility needs of households impacted by a disability, properties with a mobility classification will be made available to be bid on by any applicant in the relevant mobility group, regardless of the four queues they are placed in. Accordingly, properties with a mobility classification will not be bound by the proportions of the Lettings Plan.'*

On Page 44, add the following new paragraph: 'Direct Let/Management Transfer Discretion'

*Where an applicant in Band A with a Mobility Group coding has needs with regard to factors such as location or a number of bedrooms, but no mobility classified properties are available which meet these needs within 3 months, the Homemove Manager or Tenancy Services Manager may at their discretion make an offer of a direct let or a management transfer to a property that can be adapted to meet the mobility needs of the household. This property will not be advertised through the Homemove Choice Based Lettings system.'*

This option is **recommended**. This option makes multiple minor amendments to the existing Allocations Policy, and it proportionately addresses all the issues outlined in paragraphs 3.1 – 3.9.

## 5 Analysis and other options considered.

### 5.1 Option 2

Make the following minor amendment to the Allocations Policy:

Add to the bottom of the section, 'How the council allocates properties' on page 36 of the Allocations Policy:

*'To better meet the accessibility needs of households impacted by a disability, properties with a mobility classification will be made available to be bid on by any applicant in the relevant mobility group, regardless of the four queues they are placed in. Accordingly, properties with a mobility classification will not be bound by the proportions of the Lettings Plan.'*

While this option goes some way to reducing the potential disadvantage faced by some disabled applicants on the Housing Register, it is **not recommended** because it does not address the bidding by disabled applicants on properties which are not adapted, and which are not mobility classified.

### 5.2 Option 3

Make no amendments to the Allocations Policy at this time, as the Council is in the process of producing a completely new Allocations Policy in the next 24 months.

This 'wait and see' approach will reserve limited officer time for drafting the completely new Allocations Policy. However, this option is **not recommended**. If the concerns that the existing policy disadvantages disabled applicants are correct, Option 1 would result in disabled applicants being disadvantaged until a whole new policy is produced. Implementing an entirely new policy would constitute a major change which would require lengthy public consultation, so this disadvantaged could continue for a further 24 months.

## 6 Community engagement and consultation

6.1 The Council is required to consult with stakeholders in line with Part 6 of the Housing Act 1996, on any major changes to the Allocations Policy. The proposed changes are not a major change and therefore no community engagement or consultation has been carried out. The minor amendments proposed will create more equity and are expected to have an overall positive impact for disabled and disabled Black and Racially Minoritised residents based on current data.

## **7 Conclusion**

- 7.1 Making the changes recommended in paragraph 4.1 will reduce the potential disadvantage that the current Allocations Policy poses to disabled applicants. These recommended changes should be approved for immediate change so as to ensure that the Council complies with the public sector equality while the new Allocations Policy is made.

## **8 Financial implications**

- 8.1 The change to the allocations policy outlined in this report could lead to extra spend on adaptations in the HRA where a household is allocated a property that requires an adaptation when previously the property may not have been allocated to a disabled applicant. However, the numbers of mobility-category households in the transfer queue are small and it is anticipated that this can be met within existing budgets. This will need to be monitored as part of the Targeted Budget Management (TBM) process.

Name of finance officer consulted: Monica Brooks      Date consulted  
(dd/mm/yy): 23/10/2023

## **9 Legal implications**

- 9.1 It is within the committee's powers to review and agree minor changes to the allocation plan. We have taken advice from a specialist barrister, who has confirmed their view that the recommended changes would not be a major change to the Allocations Policy, so consultation is not required.

Name of lawyer consulted: Juliet Escombe      Date consulted: 05/10/2023

## **10 Equalities implications**

- 10.1 The recommendations of the report directly support the council's legal obligations to advance opportunity of equality and have a pro-active approach to meeting the need of disabled people. An Equality Impact Assessment has been completed for the proposals in this report.

## **Supporting Documentation**

### **1. Appendices**

1. Equality Impact Assessment

### **2. Background Documents**

1. Brighton & Hove City Council Housing Allocations Scheme and Guidance (referred to as 'Allocations Policy' in this document.) - <https://www.brighton-hove.gov.uk/sites/default/files/2022-05/Allocations%20policy%20final%202018%20web.pdf>