

# EAST AYRSHIRE COUNCIL

## HOUSING COMMITTEE – 23 MAY 2001

### HOUSING ALLOCATIONS POLICY

#### Report by the Director of Homes and Technical Services

#### 1.0 PURPOSE OF REPORT

- 1.1 To advise Committee of proposed changes to the Housing Allocations Policy to take into account the requirements of the Human Rights Act 1998 and to request Committee recommend approval of an amended Policy incorporating the proposed changes.

#### 2.0 BACKGROUND

- 2.1 An outline report was submitted to the Policy and Resources Committee on 1<sup>st</sup> May 2000 and a presentation on the background concepts and principles of the Human Rights Act 1998 was given to Members following the Policy and Resources Committee of 5<sup>th</sup> October 2000.
- 2.2 A briefing paper analysing the Human Rights Act 1998 and its implications for the Department of Homes and Technical Services was provided to Members at the Housing Committee of 8<sup>th</sup> November 2000.

#### 3.0 CURRENT POSITION

- 3.1 A Working Group comprising officers from Homes and Technical Services and Legal Services has been established as recommended within the briefing paper submitted to the Housing Committee of 8<sup>th</sup> November 2000 to further discuss the implications of the Human Rights Act.
- 3.2 The Working Group has been charged with the responsibility of carrying out a Human Rights audit within the Department of Homes and Technical Services to include:-
- training on the Act with management and front-line service providers
  - a further detailed examination of all housing policies, practices, procedures and documentation to check for compliance including tenancy allocation and management, repairs and maintenance and homelessness on a prioritised basis
  - identification of risk areas and assessment of the degree of risk
  - a planned timetable to monitor rectification programme of change in those areas found to be deficient
- 3.3 In compliance with its remit the Working Group has carried out a detailed examination of the Council's current Housing Allocations Policy. The Allocations Policy of a Local Authority on which decisions are based requires

to conform to the Human Rights Act 1998 and Article 8 in particular, i.e. the Right to Respect for Private and Family Life, the Home and Correspondence. It is essential that an Allocations Policy is contained within written procedures and based on reasonable and objective criteria. Further Article 14 prohibits discrimination based on a person's status in the implementation of allocations decisions if an Article/Right is affected. It is the purpose of allocations policies to enable choice to be made between competing applications. This is permissible subject to a) like treatment in comparable circumstances and b) justification on reasonable and objective grounds (eg protection of family or local attachment.)

- 3.4 The Allocations Policy has been revised to take into account the above criteria. The revised Allocations Policy is attached as Appendix 1 to this report. The revised Policy contains criteria relating to the exercise of discretion which must always be shown to have been exercised reasonably and objectively. Of necessity the document is now rather unwieldy and will in due course be re-visited to make it more user-friendly, and to examine any other changes which might be required to meet the Council's housing objectives.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications directly resulting from this report.

#### **5.0 LEGAL/POLICY IMPLICATIONS**

- 5.1 The revised Housing Allocations Policy ensures compliance with the Human Rights Act 1998.

#### **6.0 RECOMMENDATION**

- 6.1 It is recommended that Committee:
1. Recommend approval of the terms of the revised Housing Allocations Policy detailed in Appendix 1 to this report and,
  2. otherwise note the contents of the report.

James Lavery  
Director of Homes and Technical Services

8 May 2001  
BH/AG/CMCT

#### **LIST OF BACKGROUND PAPERS**

Report to Policy and Resources Committee 1<sup>st</sup> May, 2000  
Briefing Paper to Housing Committee, 8<sup>th</sup> November, 2000

Members wishing further information should contact Chris McAleavey, Head of Homes, Tel: (01563) 554876

Implementation Officer: James Lavery

**AGENDA**