



To: Executive Councillor for Housing: Councillor Kevin Price  
Report by: Alan Carter  
Relevant scrutiny committee: Housing 24/9/2015  
Scrutiny Committee  
Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge East Chesterton King's Hedges Market Newnham Petersfield Queen Edith's Romsey Trumpington West Chesterton

## LETTINGS POLICY REVIEW

### Key Decision

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#### 1. Executive summary

The purpose of this report is to explain, and seek approval for proposed revisions to the Council's Lettings Policy. The policy was last reviewed by Community Services Scrutiny Committee in January 2013 following guidance issued by the Department of Communities and Local Government.

Aside from recent guidance to ensure that certain applicants who are seeking or gaining employment in an authority's district are not denied access to the register (*Right to Move: statutory guidance on social housing allocations for local housing authorities in England*), the current policy review is stimulated more by the need to reflect on how the policy is working in practice since the 2013 review. There is also a need to re-evaluate whether housing need in a district with high housing demand relative to supply, is being fairly reflected by the policy.

#### 2. Recommendations

The Executive Councillor is recommended:

- 1) To approve the draft Lettings Policy set out at Appendix 3
- 2) To grant delegated authority to the Head of Strategic Housing, in consultation with the Executive Councillor for Housing, Chair and Opposition Spokesperson, to approve further changes to the policy, if required, in the light of the High Court judgement outlined in 3.7 of this report
- 3) To approve these changes as effective from 1<sup>st</sup> April 2016

### 3. Background

3.1 The Council is one of 7 local authority partners in the sub-regional choice based lettings system, Home-Link. If one or more local authorities submit proposals to change their lettings policy the process for doing this is governed by the Home-Link Partnership Guide.

3.2 The Home-Link Partnership Guide states that 'Each Local Authority has its own Lettings Policy and is responsible for implementing any changes to that policy. Many elements of the policy have been agreed across the sub-region. Those elements cannot be amended in any allocation policy without agreement sub-regionally by the Home-Link Management Board.

These areas include:

- Eligibility criteria
- The banding structure and assessment of need
- Local connection criteria
- Sub-regional allocations
- Intentionally worsening housing circumstances
- Registration date and date in band definitions
- The shortlisting process'

3.3 Authorities can make 'local changes to its own policy without reference to other local authority partners as long as they do not fall under one of the categories outlined in 3.2 above. Appendix 1 provides clarification on which changes required sub-regional approval.

3.4 The proposed changes to the Lettings Policy outlined in this report have already been approved by the Home-Link Management Board and each local authority is responsible for taking these changes through its own approvals process.

3.5 A detailed list of the changes is contained at appendix 1, the existing policy is at appendix 2 and a full, clean copy of the revised policy can be found at appendix 3.

3.6 The most significant amendments to the policy are as follows:

- i. When applicants, who are seeking to join the register, include on their application as members of their household people who are not eligible for an allocation of social housing in their own right because they are subject to immigration control the Council will, taking into account the individual circumstances of each case, decide whether the ineligible

person forms part of the applicant's household for the purposes of housing allocation. Paragraph 3.1.3 of the draft policy sets out matters that the Council can take into account. This proposal has been made because allowing housing applicants to add these individuals may favourably affect the priority the Council would give them and the number of bedrooms they would be entitled to and, it is felt that this is fair and reasonable given that housing is in short supply in the district.

- ii. The Council has provision in its policy to ensure that housing applicants who have intentionally made their own circumstances worse should not get additional priority as a result. We are proposing to change the policy slightly to ensure that applicants do not need to have known the policy before taking the action that 'worsened their circumstances'.
- iii. The Council has proposed that housing applicants in the highest priority group (band A) may be prevented from bidding for up to 6 months if they refuse 3 reasonable offers of accommodation or make little or no attempt to bid for accommodation. This change is recommended because band A is considered to be an 'urgent' housing status and regular refusal of accommodation offers or failing to bid may call this into question. This provision would be at the discretion of the Council and not automatic and would only be applied if the refusals or failure to bid evidenced a change in assessed needs. The Council would consider the circumstances of each refusal of accommodation.
- iv. There is a proposal within the revised lettings policy to prioritise people who are in band A and are terminally ill above all others in band A and give them an 'emergency status'. This is because the date a banding priority is awarded determines which bid for accommodation finishes highest. People who are terminally ill do not have the luxury of time to wait for their priority date to become a significant factor in the bidding process.
- v. The Council is also proposing to award 'emergency status' (see explanation in the previous proposed change) or make direct offers of accommodation to Council tenants who are losing their homes because the Council wishes to redevelop the houses where they live.

The Council needs to rehouse people affected by redevelopments quickly so that the costs of improving such housing schemes are minimised.

- vi. The Council wants to minimise expenditure on the temporary accommodation it provides to housing applicants who are homeless. Under the existing policy the Council has to wait 3 months before making direct offers of accommodation to homeless applicants it has a duty to house. This change would mean that a direct let could be offered as soon as a duty is accepted. It would, however, mean that homeless applicants would have a shorter period of choice to bid for accommodation but will reduce the overall cost of temporary accommodation.

3.7 In addition to the key changes outlined in 3.6 officers have made additional changes to the policy based on the findings of R (on the Application of HA) v London Borough of Ealing (28<sup>th</sup>/29<sup>th</sup> July 2015) <http://www.bailii.org/ew/cases/EWHC/Admin/2015/2375.html> , which has implications for local authorities applying residence criteria in considering whether applicants can join the register. Accordingly, there are additional categories added at 3.3.1 (i), (j) and (k) in the new policy submitted for approval at appendix 3. These additional criteria reflect the examples of special circumstances given in the Statutory Guidance “Providing social housing for local people” An additional statement confirming that the Council will have regard to the need to safeguard and promote the welfare of children in applying the Lettings Policy has also been included at 1.6. As this is a very recent piece of case law Legal Services and the Home-Link partnership will be continuing to assess whether further changes are required.

3.8 The revised policy, if approved, will apply to all applicants including those already on the housing register.

#### **4. Consultation**

4.1 The responses to the consultation are set out in Appendix 4. Following consideration of the consultation responses the following further amendments are recommended:

Paragraph 3.1.3 – add the words “The Council will consider each application individually”

Paragraph 4.14.1 (d) add the words “where the applicant has refused more than three reasonable offers of accommodation or made little or no attempt to bid for accommodation and following review, the Council considers that there has been a change in assessed need.

The Council will have regard to the circumstances of each refusal of accommodation.”

## **5. Implications**

### **(a) Financial Implications**

There are no direct financial implications arising from the proposed changes. However, amendments to the policy for making offers to homeless households to whom the Council owes a statutory duty will reduce temporary accommodation costs incurred by the Council. This assumes statutory homelessness demand remains static.

Changes to the policy for residents affected by Council redevelopments should save the Council money by ensuring that sites become empty at an earlier stage, thus reducing redevelopment costs.

### **(b) Staffing Implications (if not covered in Consultations Section)**

There are no staffing implications

### **(c) Equality and Poverty Implications**

An Equality Impact Assessment has been completed and is attached as Appendix 5

The Council must have due regard to:

- the need to eliminate discrimination, harassment, victimisation or any other conduct that is prohibited by or under the Equality Act 2010
- the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
  - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
  - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

This may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Equality Act 2010

The Council must also have due regard to the need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and to promote understanding.

**(d) Environmental Implications**

Nil

**(e) Procurement**

None

**(f) Consultation and communication**

Local authorities and registered providers (RPs) who sit on the Home-Link Operations Group and Home-Link Management Board (HLMB) have been fully consulted on the changes outlined in appendix 1 and HLMB approved these changes at its meeting on 11<sup>th</sup> June 2015.

Other RPs, housing applicants, the wider public and key homelessness strategy delivery partners have been consulted on the significant changes outlined in 3.6 above. A summary of the responses to the consultation is contained at appendix 4

**(g) Community Safety**

None

## **5. Background papers**

These background papers were used in the preparation of this report:

R (on the Application of HA) v London Borough of Ealing (28<sup>th</sup>/29<sup>th</sup> July 2015)

<http://www.bailii.org/ew/cases/EWHC/Admin/2015/2375.html>

## **6. Appendices**

Appendix 1 – Summary of all Lettings Policy changes

Appendix 2 – Current Lettings Policy

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Appendix 3 – Revised Lettings Policy  
Appendix 4 – Consultation response summary  
Appendix 5 – Equality Impact Assessment

## **7. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact:

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