

**Public**  
**Key Decision - Yes**

## **HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** Lettings Policy Review

**Meeting/Date:** Cabinet – 18th March 2021

**Executive Portfolio:** Executive Councillor for Housing and Economic Development

**Report by:** Housing Needs and Resources Manager

**Wards affected:** All

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### **Executive Summary:**

The Council's Lettings Policy provides the legal allocations framework as to who is accepted onto the register, how the register is administered and how the majority of social rented housing in the district is let.

The policy must be reviewed and amended periodically, including making necessary changes in light of new legislation, new statutory guidance or precedents and rulings made in the Courts.

The policy forms the basis for how the Home-Link scheme operates, the scheme whereby residents apply to the housing register and bid on the social rented properties becoming available. The scheme spans six local authorities and the stock holding housing associations across those areas. The policy has been reviewed by the scheme's partners with a small number of minor changes being identified. Each of the local authority partners must now take the revised policy through their Member processes for formal adoption.

### **Recommendation(s):**

That Cabinet is:

### **RECOMMENDED**

To approve the amended Lettings Policy, attached as Appendix 1 to the report.

## **1. PURPOSE OF THE REPORT**

- 1.1 As the local Housing Authority, the Council is required by law to have an allocations scheme for determining priorities in the allocation of social rented housing. The Lettings Policy is the Council's allocations scheme.
- 1.2 Although the Council is no longer a stock holding authority it has a housing register of people wishing to be considered for the allocation of social rented housing and a choice based lettings scheme (the Home-Link scheme) which is the vehicle for letting the majority of these properties in the district. The Lettings Policy dictates how the housing register and the letting of properties operates and the six partner local authorities within the Home-Link scheme each operate a Lettings Policy that follows the same broad principles.
- 1.3 The purpose of this report is to advise of necessary changes to the Lettings Policy in light of new legislation and recent caselaw relating to allocation schemes. The proposed amendments to the Policy are to ensure that it minimises the risk of legal challenge.

## **2. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 It is good practice to periodically review the policy to ensure that it continues to meet its intended aims although most reviews take place as a result of changes in legislation or caselaw rulings where the legality of a lettings policy has been challenged. The last review of the policy and the amendments were driven by the introduction of the Homeless Reduction Act (HRA) and new data protection regulations introduced in 2018. The changes at that stage were not considered to be major and so a full consultation exercise with customers and wider partners was not carried out.
- 2.2 The partnership agreed at that time to review whether there was any impact from the introduction of the HRA on the letting of social housing across the area. The review would also include a full consultation. This is what has prompted the current review.

## **3.0 THE REVIEW PROCESS AND WHAT IT HAS HIGHLIGHTED.**

- 3.1 Representatives from the local authority and housing association partners have participated in and contributed to the review process. It included looking at recent caselaw rulings, judgements made by the Ombudsman, amendments to the relevant Codes of Guidance published by Government and commitments made through other avenues such as the Military Covenant. The opportunity was also taken to clarify areas of the policy where there may have been some ambiguity contributing to differences in interpretation of the policy by partners.
- 3.2 There are two specific changes in policy being proposed:

## **Armed Forces - Ex Partners/Spouses**

It is proposed that ex-partners/spouses of armed forces personnel receive the same priority that we give their former partners where they must move out of a Ministry of Defence property due to a relationship breakdown. This change is to ensure the partnership is compliant with the requirements of the Military Covenant.

## **Local connection through employment**

The employment criteria has been changed to clarify where certain types of work may count towards a local connection. For example, someone would be considered to be employed in the area if they are on a zero hours contract and can demonstrate that they have consistently worked more than the 16 hours per week minimum threshold over a reasonable period of time.

- 3.2 There are numerous other areas of the policy where wording changes are being suggested for clarification purposes that do not change the policy intention. These include amongst others:

### **Multiple Applications**

We have clarified the wording around multiple applications to explain that an applicant can have only one active application on the housing register at any time where they are the applicant or joint applicant. They may however be considered on other applications where they are eligible to be considered as part of another applicant's household, for example where living with a parent.

### **Sufficient Financial Resources**

The revised policy also offers greater clarity on how applications from those considered to have sufficient financial capital or other means to find an alternative housing solution would be assessed. An assessment of 'sufficient financial means' will override the priority band needs assessment placing them below others without financial means, even if they fall within one of the reasonable preference categories.

## **4.0 COMMENTS OF OVERVIEW & SCRUTINY**

- 4.1 The Panel discussed the Lettings Policy Review at its meeting on 4th March 2021.
- 4.2 Members thanked Officers for the production of the Policy and stated that it reads well and is clear to follow.
- 4.3 A comment was made that applicants who require additional support should receive that support during the renewal process. It was noted that applicants could receive assistance from a support worker or a family member so long as they have indicated that they require support at the point of original application.

4.4 Members commented that the wording could be clearer in relation to an applicant's connection with the area via Ministry of Defence. It was clarified that where it states, 'death was attributable to that service', this means death in service.

4.5 The Panel fully support the policy and encourage the Cabinet to endorse the recommendation contained within the report.

## **5.0 KEY IMPACTS / RISKS**

5.1 As the suggested amendments to the Policy are minor there are no risks associated with these changes.

## **6.0 WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**

6.1 Each of the Home-Link partners are taking the revised Lettings Policy through their Member processes in order for it to be adopted. This will be completed in March & April, with the Home-Link Management Board then setting a date for the formal introduction of the Policy by the partnership.

## **7.0 LINK TO THE CORPORATE PLAN**

7.1 Supporting people to improve their health and well-being by meeting the housing and support needs of our population is a strategic priority of the Council. By keeping our Lettings Policy up to date with both legal requirements and government policy this will enable us to provide the most appropriate advice and assistance to customers wishing to apply to the housing register and access social rented housing.

## **8.0 CONSULTATION**

8.1 The Council, together with the wider Home-Link partner local authorities, has consulted applicants on the housing register, the housing associations with stock within the sub region area and partner organisations about these changes, with the majority of respondents being supportive of the proposed amendments.

8.2 In total 623 responses were received from across the sub region. The majority of the responses (305) were from existing applicants, although a range of people replied including Home-Link partners and representatives from interested organisations such as the Probation Service and Domestic Abuse support services.

8.3 Respondents were asked whether they agreed with each of the stated policy objectives. In all at least 79.9% of respondents agreed with each stated objective, suggesting that there should be no change to those objectives already in place.

8.4 Overall, there were high levels of agreement for the proposed amendments. As a result, the policy consulted on remained unchanged

with the exception of some further, minor wording changes relating to the support of those experiencing domestic abuse.

## **9.0 LEGAL IMPLICATIONS**

- 8.1 The Home-Link partners have sought legal opinion about the proposed Lettings Policy changes and have been advised that they will ensure the policy remains legal in light of the legislation and recent caselaw precedents.

## **9. RESOURCE IMPLICATIONS**

- 9.1 There are no resource implications associated with this report.

## **10. REASONS FOR THE RECOMMENDED DECISIONS**

- 10.1 The Lettings Policy must be amended in light of new legislation and statutory guidance. This report recommends the necessary changes to ensure that the Lettings Policy remains legal and minimises the risk of legal challenge.

## **11. LIST OF APPENDICES INCLUDED**

Appendix 1 – HDC's Lettings Policy

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