

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Review of the Council's Lettings Policy
Meeting/Date: Cabinet - 19 November 2015
Executive Portfolio: Customer Services – Councillor D Tysoe
Report by: Head of Customer Services
Ward(s) affected: All

Executive Summary:

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

The Policy must be reviewed and amended where necessary in light of changes in legislation, new statutory guidance or precedents and rulings made in the Courts. Government has introduced a 'Right to Move' to enable certain households who may otherwise suffer hardship if they are unable to access or take up an offer of employment and the Council's Policy has been amended to reflect these statutory changes.

Recommendation(s):

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

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 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 changes in government's statutory guidance relating to allocation schemes. The Policy has also been reviewed in light of recent caselaw relating to allocation schemes to ensure that it does not fall foul of precedents or rulings that have been set by the Courts.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 Government published additional statutory guidance followed by a statutory instrument in April 2015 requiring Councils to review their allocation schemes and cater for social tenants who need to move to be closer to work, or take up an offer of work, where failure to meet that need would cause hardship to themselves or others. The Council's Policy already caters for those people that are in work within the district, providing them with a local connection to the area. It does not, however, specifically cater for those that have a genuine offer of employment in the district and may suffer hardship if they are unable to take up that offer. The Secretary of State has instructed that households that meet this criteria and need to move between local authorities should not be disadvantaged by local connection criteria within a local authority's allocations scheme. This is therefore being introduced as new local connection criteria within the Lettings Policy (see 3.4.1(h) in Appendix 1).
- 2.2 Councils are also being required to set aside a proportion of their lettings to households within this 'Right to Move' category, with the Secretary of State recommending that an appropriate quota being at least 1%. This would equate to four to six lettings per year in this district and it is suggested that this quota system and percentage be included within the Lettings Policy (see 7.2.2 in Appendix 1).
- 2.3 In July 2015 the High Court considered a case against the London Borough of Ealing which challenged the legality of their Lettings Policy and in particular the local connection element that was applied to applicants. Although our Lettings Policy does not fall foul of the rulings made within this particular case there is the potential for further challenge on related issues and officers will consider whether additional policy amendments should be brought forward in light of further legal rulings in this area.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The introduction of additional statutory guidance and a statutory instrument in this policy area means that the Council is required to amend its Lettings Policy. The proposed changes to the Policy will introduce these changes.

4. COMMENTS OF OVERVIEW & SCRUTINY PANEL

- 4.1 There are no comments from the Overview and Scrutiny (Social Well-Being) Panel to consider as the Panel did not feel it necessary to consider these changes to the Lettings Policy as they implement a statutory requirement placed on the Council.

5. KEY IMPACTS/RISKS? HOW WILL THEY BE ADDRESSED?

- 5.1 The change to the Lettings Policy will lead to a small number of households, which may not have previously met the Lettings Policy local connection criteria being accepted onto the housing register if they meet the 'Right to Move' criteria. The 'Right to Move' quota will mean that at least 1% of lettings (approximately four to six lettings per year) will have to be made to this group. The impact of this will be minimal in terms of resources to administer although it may result in a small number of households receiving offers under the quota system that may not have been considered as having sufficient priority for housing under the previously adopted policy.

6. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 6.1 Once the policy has been approved processes will be put in place to ensure that households meeting the criteria are identified and allocations considered in light of the quota system. Monitoring systems will be introduced in order to be able to report on the number of households meeting and receiving offers of accommodation under the 'Right to Move' criteria.

7. LINK TO THE CORPORATE PLAN

- 7.1 Meeting the needs of those households in greatest housing need falls under the strategic theme of ensuring we are a customer focused and service led 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. CONSULTATION

- 8.1 The Council, together with the wider Home-Link partner local authorities, has consulted the housing associations with stock within the sub region area about these changes, with no objections received to these policy changes. As the suggested changes do not affect a large proportion of applicants on the register, or constitute a significant alteration to procedure, this is not considered to be a major change of policy and a wider consultation exercise is therefore not required.

9. LEGAL IMPLICATIONS

- 9.1 The Home-Link partners have sought legal opinion about the proposed Lettings Policy changes and have been advised that they will ensure the policy incorporates the necessary 'Right to Move' changes and remains legal.

10. RESOURCE IMPLICATIONS

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

11. OTHER IMPLICATIONS

- 11.1 The Home-Link partnership is currently in the process of moving to a new IT supplier for the software system that administers the housing register and the advertising and letting of properties. These policy changes will be incorporated into the new system as part of the change project.

12 REASONS FOR THE RECOMMENDED DECISIONS

- 12.1 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.

13. LIST OF APPENDICES INCLUDED

- 13.1 Appendix 1 – The Council's Lettings Policy

BACKGROUND PAPERS

Right to Move - Statutory guidance on social housing allocations for local housing authorities in England. [Right to Move Statutory Guidance](#)

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 - <http://www.legislation.gov.uk/uksi/2015/967/made>

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