

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Lettings Policy Review

Meeting/Date: Overview and Scrutiny Panel (Performance and Customers)
5th March 2018
Cabinet – 22nd March 2018

Executive Portfolio: Executive Member for Housing and Planning

Report by: Housing Needs and Resources Manager

Wards affected: All

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 where necessary in light of changes in legislation, new statutory guidance or precedents and rulings made in the Courts.

The Council's policy has been amended to reflect changes as a result of:

1. The introduction of the Homelessness Reduction Act in April 2018 and the amendments to duties that the Council must perform and the various sections within the homelessness legislation.
2. Decisions in caselaw that have clarified that Councils are unable to exclude from their housing register applicants that fall within defined 'reasonable preference' categories, as defined within the Housing Act 1996.

Recommendation:

That Cabinet approve the amended Lettings Policy, as 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 The Homelessness Reduction Act 2017, due to be implemented in April 2018, amends various sections of the Housing Act 1996 (the homelessness legislation) and introduces new duties that the Council must perform in order to help prevent and relieve homelessness. The Lettings Policy makes reference to the various duties contained within the 1996 Act, as well as quoting particular sections. As a result of the amendments due to be brought in by the 2017 Act it is necessary to amend the Lettings Policy so that the correct sections of the Act and the new duties are quoted within the Policy.
- 2.2 There have been three cases considered by the Courts relating to whether Councils are able to exclude various categories of people from their housing registers. The rulings in these cases have clarified that Councils' allocations schemes are illegal if they exclude people that fall within the 'reasonable preference' categories defined within the Housing Act 1996. This includes applicants that may not have a connection with the Council area.
- 2.3 The Lettings Policy has been amended to allow applicants that fall within the 'reasonable preference' categories to be accepted onto the register, even where they have no connection with the district. The amended Policy, however, ensures that these applicants will not be considered for an allocation of housing ahead those that have a connection with the district and fall within the reasonable preference categories. This amendment ensures that the Lettings Policy is considered to be legal and therefore less likely to face challenge as a result of these Court rulings.

3. COMMENTS OF OVERVIEW & SCRUTINY

- 3.1 The comments of the relevant Overview and Scrutiny Panel will be included in this section prior to its consideration by the Cabinet.

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

- 4.1 In terms of the proposed changes to the Policy as a result the implementation of the Homelessness Reduction Act, it is suggested that applicants who would otherwise be owed the main homelessness duty, be placed in priority band B whilst the Council is working with them under the new Prevention and Relief

Duties. The current Policy already awards this level of priority to applicants that are being assisted under prevention measures and therefore the impact of this particular change is expected to be minimal. It is likely that other changes within the Act will highlight more households under the possible threat of homelessness at an earlier stage. The risk is that this could increase the number of applicants on the register awarded this particular priority. Increasing the number of affordable housing options available, rather than relying purely on social rented housing as the solution, will help mitigate against increases in the number of households identified as at threat of homelessness. The Council's Housing Strategy sets out the actions to increase the supply of affordable housing solutions available to the Council.

- 4.2 The impact of accepting applicants falling within a reasonable preference category but with no connection to the district may increase the number of households on the register. Under a previous policy change where the connection policy was introduced just under 300 households were removed from the register, although not all these would have necessarily fallen within a reasonable preference category. It is therefore anticipated that this policy change over time may increase the numbers accepted onto the register. However, by ensuring that those with a connection are prioritised ahead of those without a connection, the Council will ensure that the Policy continues to meet local housing needs first.

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 5.1 The Home-Link partnership is currently in the process of starting a procurement exercise for 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.

6. LINK TO THE CORPORATE PLAN

- 6.1 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.

7. CONSULTATION

- 7.1 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.

8. 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 new 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 – The Council’s Lettings Policy

BACKGROUND PAPERS

Homelessness Reduction Act 2017– legislation and briefing:

<http://www.legislation.gov.uk>

<https://www.homeless.org.uk>

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