

CABINET

14 January 2009

LOCAL LETTINGS PLANS & CHARGING AGREEMENT FOR CHOICE BASED LETTINGS

REPORT OF HEAD OF STRATEGIC HOUSING

Contact Officer: Andrew Palmer Tel No: 01962 848152

RECENT REFERENCES:

SO72 - Social Issues Scrutiny Panel 29 September 2008 – Pre-Scrutiny Discussion Paper, Local Lettings Policies.

EXECUTIVE SUMMARY:

Cabinet agreed at its meeting on 15 May 2008 to adopt a Common Scheme of Allocation in conjunction with the introduction of a sub-regional Choice Based Lettings Scheme (CBL), with a request that a further report be brought back concerning the subject of Local Lettings Policies (LLPs). LLPs are specific area-based allocation plans designed to facilitate a wide variety of housing policy objectives: specifically, they may include policies to reduce concentrations of deprivation or reduce numbers of older children to prevent anti-social behaviour. This Paper recommends how a Local Lettings Policy might work in the Winchester District and seeks authority to enter into a charging agreement for Registered Social Landlords for the use of the CBL system.

RECOMMENDATIONS:

- 1 That the introduction of Local Lettings Policies in accordance with the three criteria set out in paragraph 2.1 of the report be approved, and the Head of Strategic Housing (in consultation with the Portfolio Holder for Housing) be given delegated authority to determine the details of such policies and the areas where they are to be introduced.
- 2 That the Head of Strategic Housing (in consultation with the Portfolio Holder for Housing) and Head of Finance be given delegated authority to enter into a charging agreement for Registered Social landlords using the CBL system.

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DETAIL:

1 Introduction

- 1.1 The following are extracts from the recently published Code of Guidance for Local Authorities on Choice Based Lettings (CBL) schemes that set out the legal context and purpose of LLPs.

Section 167(2E) of the 1996 Housing Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. This is the statutory basis for so-called "local lettings policies". Local lettings policies may be used to achieve a wide variety of housing management and other housing policy objectives. So for example, local lettings policies may be used to reduce the proportion of older children/young adults on an estate to reduce the incidences of anti-social behaviour; or to deal with concentrations of deprivation by setting aside a proportion of vacancies for applicants who are in employment.

Local lettings policies may be operated in conjunction with a choice based lettings scheme. However, authorities need to bear in mind that any local lettings policy will restrict the choice available to some applicants, and may lead to choice based lettings schemes which are more complex and less transparent.

Where operating local lettings policies, housing authorities will need to ensure that, overall, reasonable preference for allocations is given to applicants in the reasonable preference categories; and that their local lettings policies do not discriminate, directly or indirectly, on racial or other equality grounds. Consequently, it will not usually be appropriate to apply local lettings schemes to more than a limited part of a local authority's stock (or stock to which the authority has nomination rights). Local lettings policies should be monitored as to their effectiveness and reviewed regularly so that they can be revoked where they are no longer appropriate or necessary.

1.2 As the extract points out these policies are not designed to cover all of the Council's stock of housing. However, there may be appropriate circumstances where they can legitimately be used to facilitate better use and management of the Council's stock.

2 Proposals for Local Lettings Policies within the Winchester District

2.1 The following bullet points are examples of LLPs that may be appropriate to use locally within the Winchester District. They were outlined and then discussed by the Social Issues Scrutiny Panel at a special meeting on 29 September 2008. It was resolved "That the Panel welcomes the approach on Local Lettings Policies as set out in the Report as the basis of a future Cabinet Report on this subject".

- Specific Area Based Regeneration Schemes
 - When redeveloping existing Council stock it would be beneficial to firstly give priority to displaced households to have the option to return to the area and secondly to carefully consider new applicants so that concentrations of particular types of households can be avoided. The need to regenerate an area might have arisen in the first place due to poor quality housing with concentrations of anti-social behaviour.
- Significant New Developments
 - With large scale new developments it is essential that the mix of housing is carefully considered but also who occupies that housing. A certain degree of under-occupation of dwellings may be appropriate in order that households that increase in size can stay in the community and not have to transfer out, this in turn creates stability and community cohesion. Additionally a mix of working and non working households with a mix of ages helps to avoid concentrations of poverty and anti-social behaviour. Examples of schemes where a LLP of this type would assist are Major Development Areas such as West of Waterlooville and large scale new settlements like Knowle Village.
- Rural Settlements
 - New housing developments in rural settlements (population below 3000) will either be windfall sites within policy boundaries or rural exception schemes. Rural exception schemes are protected by planning conditions and obligations to ensure first preference for allocation always goes to a local person. However there are examples of where a successful applicant for an exception scheme property has transferred from a council property within the same village, and the

resulting vacancy is allocated to the next person on the waiting list who may have no local connection. It has been suggested that 50% percent of the resulting vacancies that are created through the provision of an exception site should also be subject to allocation to a local family by way of a LLP.

- Some rural settlements see no new provision of affordable housing for years. A LLP is therefore proposed that specifies that if a settlement has seen no new affordable accommodation provided over the last 10 years and a windfall development site is subsequently developed, 50% should be reserved for local families.

2.2 The examples above are suggestions of where LLPs can be used. However, Members must be mindful of the Code of Guidance and the implications of having policies that are too restrictive. It is also relevant to point out that the CBL scheme that has been adopted is a sub-regional scheme and it would not be within the spirit of the agreement with the Council's partners (East Hampshire DC and Havant BC) to restrict a disproportionate amount of its stock to applicants moving from other parts of the sub-region.

2.3 Following discussions at the Sub-Regional CBL Board, neither East Hampshire District Council nor Havant Borough Council object to the proposals for LLPs as set in this report.

3 Charging Agreement

3.1 The sub-regional CBL Board has discussed the issue of charging the largest RSLs operating across the sub-region for the use of the CBL system. The Council already collects a charge locally from its main RSL partners: however, the new policy will operate sub-regionally and any charge should therefore be connected to the running costs on the CBL system. The basis for the actual amount charged has not yet been agreed with the RSLs, although East Hampshire District Council are preparing a draft charging agreement on behalf of the sub-regional CBL Board. Delegated authority is requested for the Head of Strategic Housing in consultation with the Portfolio Holder for Housing and Head of Finance to enter into the charging agreement when the negotiations between the various parties are concluded.

OTHER CONSIDERATIONS:

4 CORPORATE STRATEGY (RELEVANCE TO):

- 4.1 Safe and Strong Communities – Promoting an inclusive society by enabling the provision of and access to affordable housing.

5 RESOURCE IMPLICATIONS:

- 5.1 None in connection with LLPs. Within the budget process for 2009/10, the assumption has been made that potentially £20,000 of income will be received by the Council from RSLs charged for the use of CBL.

6 BACKGROUND DOCUMENTS:

Choice Based Lettings Code of Guidance for Local Housing Authorities

7 APPENDICES:

None.