

THE OVERVIEW AND SCRUTINY COMMITTEE

23 January 2012

APPLICATION AND WEIGHT OF LOCAL CRITERIA IN ALLOCATING HOUSING
INFORMAL SCRUTINY GROUP - FINAL REPORT

REPORT OF HEAD OF STRATEGIC HOUSING

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This is the final report of Application and Weight of Local Criteria in Allocating Housing Informal Scrutiny Group (ISG).

The ISG met on four occasions commencing in July 2011, evidence was heard from Test Valley Borough Council and written evidence provided from East Hampshire District Council concerning Community Lettings Plans. All Members were invited to contribute their thoughts and concerns about current allocation policies.

From the evidence gathered at these meetings, the ISG have agreed the following report and the recommendations. The main recommendations are set out below for The Overview and Scrutiny Committee to consider and recommend in turn to Cabinet to endorse and action. The recommendations refer to changes in the Council's Scheme of Allocation and performance reporting.

RECOMMENDATIONS:

That The Overview and Scrutiny Committee recommend to Cabinet the following:

1. That the option to adopt Community Lettings Plans (CLP) be considered in the following circumstances:
 - a) Any new-build development on Council-owned land where it is important for the stability of the community that local families are given priority. In these circumstances up to 50% of the initial lets will be prioritised for established local households.

- b) Any new-build developments in villages and market towns where no significant development has recently occurred. In these circumstances up to 50% of the lets will be prioritised for households living, working or providing some benefit to that community (this could include neighbouring Parishes and Wards).
- c) Vacancies created in existing Council stock in a village caused by tenants moving to a rural exception scheme. In these circumstances up to 50% of the resulting vacancies will be prioritised for local people in that community.
- d) Major Development Areas (MDAs) where it is critical for the stability and future success of the community that careful consideration is given to child density and socio-economic profile.
- e) New vacancies in existing Council-owned stock in communities that have particular local issues that need to be addressed. In these circumstances evidence would need to be provided about the issues faced by the community and how a CLP would help alleviate these. The evidence threshold would be set at a high level and any subsequent CLP would be time-limited and reviewed at the end of that period to evaluate its outcomes.

2. That key statistical information on allocation of affordable properties in the Winchester District be presented on a six monthly basis to Cabinet (Housing) Committee.

That The Overview and Scrutiny Committee agree that:

3. The action taken on the ISG's recommendations be reviewed one year after receiving this report.

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Report of Head of Strategic Housing

Detail

1. Meetings of the Informal Scrutiny Group
 - 1.1 **1st Meeting** – agreed the scope and terms of reference for the Group. The principal area of investigation, that of local allocation policies, was extended to look at the issue of cross-boundary moves. The purpose of the Group was agreed as “To explore the Council’s existing allocation policies including those of our partners in our joint Choice Based Lettings scheme and make recommendations of any changes required to Cabinet”.
 - 1.2 A paper was prepared by Officers outlining the legislative provisions for the allocating of Social Housing in England. This paper also set out the legal context in which Community Lettings Plans operated. The meeting reconfirmed that Rural Exception Sites were always let to local families and that these provisions are set out in the accompanying S106 legal agreement. The Group felt the current approach of working with Parish Councils to determine what was meant by the term ‘local’ was appropriate in the circumstances. The Group also agreed that they would like to investigate ‘local’ criteria and the possibility of Community Lettings Policies (CLP) within the District’s allocation scheme
 - 1.3 **2nd Meeting** – investigated cross-boundary moves and received evidence from East Hampshire District Council and Test Valley Borough Council (TVBC) about their use of Community Lettings Plans.
 - 1.4 With regards to cross boundary moves, 197 households had moved into the District from outside and 32 households had been ‘exported’. There was therefore a net loss of 165 properties. Of these, 50 were sheltered accommodation units for which there had previously been low demand. 58 of properties were located within the MDAs at West of Waterlooville and at Knowle. The ISG were in agreement that the CBL system potentially offered tenants more choice and was also an extremely ‘transparent’ process: however, there was a need to regularly scrutinise the extent of cross-boundary moves to ensure Winchester applicants were not disadvantaged through disproportionate numbers of households moving into the area.
 - 1.5 A report on the circumstances in which it would be reasonable and appropriate to have a Community Lettings Plan was debated giving examples as set out in the Government’s statutory guidance “Fair and Flexible”.
 - 1.6 The ISG heard how TVBC had applied a CLP six years ago in the Valley Park development. This was in response to some problems experienced in affordable housing where there were large numbers of young families with children. In response to this, as part of the phase 2 of the development, lessons were learnt to improve the mix of the new communities to avoid concentrations of particular household types. TVBC has only a few CLPs in existing

developments, including some blocks of flats where the policy helped to avoid an accumulation of tenants with high support needs in one block.

- 1.7 **3rd Meeting** – open invitation to all Members to address the ISG with any issues relating to the Council’s current allocation procedures. Questions were raised about the ability of applicants on the waiting list to move up the list and the ability to give extra preference to local applicants for housing. The ISG heard an explanation of the current Banding system and how applicants’ Banding was assessed.
- 1.8 A draft report was discussed on the circumstances of use of Community Lettings Plans (sometimes referred to as Local Lettings Plans) and the Group endorsed the 5 examples set out and reiterated their view that they should be referred to as Community Lettings Plans. The reason was to avoid the potential misconception that calling them Local Lettings Plans would infer that their sole aim was to help local people. In explanation of example 5 in the report (the recommendation 1 (e)), the high level of evidence required in order that a CLP was enacted would be, for example, a Neighbourhood, Community or Parish Plan that set out the evidence and the issues of the community. An example of a community that had carried out this type and level of work was Stanmore.
- 1.9 **4th Meeting** - to consider the report recommendations to The Overview and Scrutiny Committee and to seek the views of TACT.
2. Legislative background and other matters
 - 2.1 Section 167(2E) of the Housing Act 1996 (as amended) enables local authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, so long as they do not dominate the scheme.
 - 2.2 Statutory guidance on social housing allocations for local authorities in England exists in the form of ‘Fair and Flexible’ released in December 2009 to explain the operation of Community Lettings Plans. Provision exists within the Council’s current scheme of allocation to consider Community Lettings Plans. The ISG set out to investigate and agree in what circumstances Community Lettings Plans would be appropriate to use and the Group’s recommendations are set out at the beginning of the report.
 - 2.3 The Group felt that the Council has benefited from cross-boundary moves (that is the allocation of properties to applicants of one of the other three local authority partners involved in Hampshire Home Choice) but this needed to be monitored on a regular basis. If the movement of applicants into Winchester became significantly greater than the movement out, the current policy allowing free movement would have to be reconsidered.

OTHER CONSIDERATIONS:

3. SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

The Community Strategy and Active Communities Change Plan promote fair access to affordable housing.

4 RESOURCE IMPLICATIONS:

None.

5 RISK MANAGEMENT ISSUES

The principal risk of placing greater weight on the housing of applicants with a local connection or any other non need-related priority is that the applicants in the greatest need have fewer chances to access affordable housing. There is a considerable shortage of affordable housing locally as well as nationally and policies that restrict applicants' access may generate more complaints and legal challenges.

BACKGROUND DOCUMENTS:

Meeting minutes held in the Democratic Services Team.