

REPORT TITLE: WINCHESTER CITY COUNCIL – LANDLORD LETTING POLICY

01 MARCH 2022

REPORT OF CABINET MEMBER: COUNCILLOR KELSIE LEARNEY CABINET MEMBER FOR HOUSING AND ASSET MANAGEMENT

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WARD(S): ALL

PURPOSE

This report proposes changes to improve the council Landlord Letting Policy as part of a policy review.

The council is a member of the Hampshire Home Choice sub-regional choice based lettings scheme. Each local authority within the scheme maintains its own landlord Scheme of Allocation which contains separate policies to reflect local priorities and to address housing need specific to its location. As a stock holding authority the council also has its own landlord letting policy for its council owned social and affordable properties.

It is the review of the council's Landlord Letting Policy that sits outside of the Hampshire Home Choice Framework that Committee are asked to comment upon.

RECOMMENDATION:

1. That the Policy Committee are asked to comment upon the review and proposed improvement changes made to the Landlord Lettings policy.

1 RESOURCE IMPLICATIONS

- 1.1 There are no resource implications associated with the revised council Landlord Letting Policy or the proposed changes contained within the document.

2 SUPPORTING INFORMATION:

Introduction

- 2.1 The council is a member of the Hampshire Home Choice sub-regional choice based lettings scheme in partnership with East Hampshire District Council, Eastleigh Borough Council, Havant Borough Council and Test Valley Borough Council.
- 2.2 The scheme operates through a jointly agreed Hampshire Home Choice Framework. The policy details all aspects of the allocation process, including the responsibility for decisions, policy on offering choice to applicants, how application will be assessed, processed and how decisions will be made across the partnership.
- 2.3 Each local authority maintains its own local Scheme of Allocation which contains separate policies to reflect local priorities and to address housing need specific to its location.
- 2.4 As a stock holding authority the council has its own landlord lettings policy for its council owned social and affordable properties. The policy outlines the measures in place from initially advertising a property to signing up the successful applicant. To cover the measures in place when offering a tenancy, the suitability of applicants and the circumstances in which the council may refuse an applicant nominated through the Hampshire Home Choice Framework. The policy provides consistency of practice and ensures council homes are let in a fair and equitable manner.
- 2.5 It is the review of the council's Landlord Letting Policy that sits outside of the Hampshire Home Choice Framework that Committee are asked to comment upon.
- 2.6 The proposed revised lettings policy (with changes highlighted) is provided in Appendix 1.

2.7 Policy Review

- 2.8 In 2021 the council undertook a review of its current landlord lettings policy. The review came about as a result of a small number of challenges in relation to how older persons housing was allocated. One area of challenge was grounds for refusal in relation to unacceptable behaviour. There were other parts of criteria within the policy that needed strengthening and some sections needing to be updated to reflect changes in practices and/or new issues, for example adopting a different approach when letting less popular properties.
- 2.9 As part of the policy review other local social housing landlords policies were considered, in particular Sovereign, Aster and Vivid. Views were also sought from housing colleagues within the Strategic Housing Options and Allocations teams.

Key Areas of Change

- 2.10 The policy has not been significantly amended and most criteria remains current. The changes made are as follows:
- 2.11 Refusals (6.3.) – A new clause added providing a timescale of when refusal decisions will be re-assessed. This may be applied when an applicant has been refused a property on the grounds of their behaviour and the council would not wish to consider them again in the near future due to the nature of their behavioural issues. In these cases it is unlikely the council's landlord position will change until significant behaviour change is demonstrated and this is now set to be reviewed at 6 months.
- 2.12 Advice and Support (8) – A new section is added outlining the advice and support provided to those seeking access to council housing. The section includes information about support offered, including access to translation services and assistance for those with identified vulnerabilities.
- 2.13 Older Persons Housing (11.2) – In this section the age restrictions for sheltered housing and housing designated for older persons, for example bungalows has been be further clarified. The definition is set out as *'applicants must be 60 years or over and anyone else in their household must be over 50 years of age. Exceptions may be applied for carers and/or partners on a case-by-case bases.*
- 2.14 Hard to let (12) – This section is expanded to include further criteria regarding how the council landlord will let hard to let properties, in particular two bedroomed general needs flats. Bidding on 2 bedroom flats has reduced in the last 3 years. Compared to 2019/20 bids have reduced by 62% on properties in the Winchester City Centre and 44% in all other Winchester district areas.

Average number of bids on council housing stock properties in the past 3 years. (Excluding age designated properties, adapted and direct matched properties):

Areas	2019/20	2020/21	2021/22
Winchester City Centre	26	18	10
All Other Areas	25	16	14

With the exception of Havant Borough Council (which has significantly less properties available), 3 other local authorities within the Hampshire Home Choice sub-region have also seen a reduction in the number of bids on 2 bed flats. Winchester has seen the biggest reduction in bids at 48% compared to other Hampshire Home Choice partner councils.

In order to address hard to let properties, optimise void performance and minimise rental loss occupancy, criteria has been changed to allow under occupancy providing applicants can meet the affordability test. This change in position has already been adopted by other social landlords operating within the local district such as Vivid and Sovereign.

- 2.15 Grounds for Refusal Categories (Appendix 1) – The categories for the refusal grounds have been amended to make them clearer. ‘General Grounds’ has been removed and ‘Suitability’ and ‘Eligibility’ have been added.
- 2.16 Behaviour Grounds for Refusal (Appendix 1) – The grounds for refusal in relation to behaviour have been both strengthened and made clearer. This includes clauses (26 & 29) in relation to applicants who have been previously evicted for ASB and who have a history of substance misuse which may have resulted in ASB or criminal proceedings. Previously action was limited to committing serious ASB and/or criminal behaviour within the last 2 years. Additional clauses (33, 34 & 35) have been added to address previous concerns in relation to allocations at supported housing properties (designated units at White Wings).
- 2.17 Conclusion

The proposed revised lettings policy seeks to provide greater clarity and transparency on how the council landlord allocates and lets its housing stock, the support it can provide and to set out clearer definitions and circumstances in which an applicant may be refused a property.

Committee members and TACT views are sought on the proposed policy changes before the policy is finalised.

3 OTHER OPTIONS CONSIDERED AND REJECTED

3.1 To not review and update the Landlord Letting Policy is rejected as it leaves the council with an outdated policy, potentially unsuitable letting of council homes, and open to policy challenge.

3.2 BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

None.

Other Background Documents:-

None.

APPENDICES:

Appendix 1 – Draft Lettings Policy

APPENDIX 1 – Lettings Policy

**Winchester City Council – Housing Services
Policy and Procedure**

Title	Lettings Policy
Housing Team	Housing Management
Author Name & title	Laura Doyle
Version Number & Date Finalised	V2. February 2022

Review Date	3 years
Title of officer with responsibility for maintaining and updating	Laura Doyle, Tenancy Services Manager

Headline Summary of Lettings Policy

Introduction

The policy sets out our approach to how we let our social and affordable housing and the checks carried out prior to offering a tenancy with Winchester City Council. The policy is relevant to applicants on the Council's housing register, ensuring consistency of practice in the allocation and letting of our properties, supporting tenants to sustain their tenancies and minimising the risk of anti-social behaviour or rent arrears.

Purpose/Aim

We are committed to providing good quality, affordable homes to people in communities where they want to live and the aim of this policy is to outline how Winchester City Council allocates its general needs and sheltered housing.

The Council will aim to allocate its rented housing in a fair and non-discriminatory way to ensure that all sections of the community regardless of the protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity) have equal access to housing.

Scope

We want to offer housing solutions to customers through a range of housing products. We will do this by:

- Letting our homes in a fair and transparent way
- Making the best use of available stock
- Minimising rent loss and maximising income
- Letting our homes in accordance with our Void standard
- Identifying and providing assistance for those customers who are vulnerable or require additional support

Ratification Details - i.e. where policy decision was finalised and by whom

e.g. Committee paper references, Portfolio Holder Decision Ref, policy determined under scheme of delegation, DMT or other relevant meeting details & dates where policy

Date

determined. Include details in order that context of policy can be checked if necessary	
Other Related Policy and Procedures	Tenancy Policy 2018 – 2023 Sign Up Policy & Procedure Extra Care Policy & Procedure Garage Policy & Procedure Hampshire Home Choice Allocations Framework WCC Scheme of Allocation

1. Introduction

- 1.1 This policy outlines how we let our social housing from initially advertising a property to signing up the successful applicant. It outlines the measures we take to ensure the suitability of applicants to properties and confirms the circumstances in which we may refuse an applicant.
- 1.2 This policy should be read in conjunction with the Tenancy Policy which sets out our approach to tenancy management and the types of tenancy we offer.

2. Advertising a Vacant Property

- 2.1 We will advertise our empty properties through the Hampshire Home Choice, choice based lettings scheme. This is a sub-regional scheme which includes Winchester City Council, East Hampshire District Council, Eastleigh Borough Council, Havant Borough Council and Test Valley Borough Council where a common approach for the allocation of social housing across the five local authority areas has been agreed.
- 2.2 We aim to provide as much detail as possible on the advert about a property and will include a photograph of the exterior to enable applicants to make an informed choice when bidding. Wherever possible we will highlight any specific features, for example potential access concerns, where there is a separate dining room, large garden and so on.
- 2.3 In certain circumstances we may request that a property be directly allocated to an applicant which is known as a direct match. The advert will clearly state that the property has already been allocated to an applicant with a specific need. This could relate to an applicant requiring a specifically adapted property to an applicant being subject to Multi-Agency Public Protection Arrangement, requiring specific accommodation in a specific area.
- 2.4 In a small number of cases it may be appropriate to request that a property be let sensitively. This is in order to create sustainable and cohesive communities in relation to individual lettings where there may be a need to redress the balance of the community. The details of the sensitive letting will be clearly displayed on the property advert.
- 2.5 Where a property is adapted for the needs of a disabled person/s we will attempt to let the property to a person/s that also requires such aids and adaptations. This is to ensure we make best use of existing adaptations in properties and avoid costly removal and re-installation of adaptations wherever possible. Details of the adaptations will be provided in the property

advert together with a notification that priority for the property will be given to applicants who require the adaptations in the first instance.

2.6 All village vacancies (S106 and non S106) will be advertised with priority given to those with a local connection to the village/parish. A local connection is met through residency, previous residency **with close family still resident there**, employment or close family. Information regarding village vacancies will be clearly displayed on the property advert.

2.7 On occasion we may request a Local Lettings Plan be implemented for first lets, for example on a new build development scheme. This can be an important tool to either create balance and mix of communities. It can allow priority to applicants with a local connection and can protect existing stable communities. Information regarding Local Lettings Plan allocations will be clearly displayed on the property advert.

3. Nominations

3.1 On receipt of a nomination we will contact the applicant promptly to discuss the property, arrange a viewing and make an appointment to complete a pre-tenancy assessment. If we are unable to make contact with the applicant within 2 working days of the first attempt, we will refuse the nomination. We will try to contact the nomination by 'phone and email where these contact details are provided, and also the Hampshire Home Choice message system.

4. Pre-tenancy Assessments

4.1 Before we offer an applicant a tenancy we will meet with them to ensure they meet our lettings criteria. It is important we ensure the property is suitable and affordable for the applicant. We will ask for general information about the applicant and any other members of their household including pets, support needs, current and/or previous criminal convictions and/or anti-social behaviour, previous tenancy/housing history and other relevant information. We will also undertake a financial assessment including a benefits check.

4.2 **We will ask for proof and verify the identification of all applicants, preferably photographic ID such as a passport or driving license.**

5. Making an Offer

5.1 Once we are satisfied that an applicant is suitable and can afford the tenancy we will offer them a tenancy. The applicant will be issued with an offer letter

and will be provided with a copy of the tenancy agreement so they can make sure they understand this before signing up for the tenancy.

- 5.2 We will endeavour to show applicants around the property they have been successful for or a similar property. Where this is not possible, we will provide as much information as possible to the applicant, such as photographs and floor plans of the property.

6. Refusals

- 6.1 We may refuse a nomination for reasons set out in **Appendix 1**. In making our decision we will:

- Consider each case on its own merit and take into account all relevant information
- Assess the applicant to see if they are able to sustain their tenancy
- Allow a move to proceed in exceptional circumstances, even if the person falls into one of these categories. This will be at the discretion of the Tenancy/Income Services Manager or where necessary the Service Lead - Housing Operations & Community Safety
- Allow applicants the right to appeal to the Tenancy Services Manager/Income Services Manager against the decision within 10 working days to ensure we are applying our Lettings policy and grounds for refusal correctly. If they are dissatisfied with this response they can appeal through the Council's formal complaints procedure. A manager (not involved in the initial refusal) will carry out the review and their decision is final.

- 6.2 If an applicant is refused a tenancy, the Housing Officer will explain the reasons for this and give advice and guidance on how they can seek to improve their housing situation. This will be done verbally and confirmed in an email or letter if there is no facility to email. If appropriate, information will be provided about Council teams/services and statutory/voluntary agencies which may be able to offer assistance.

- 6.3 We may include a timescale for when our refusal decision will be re-assessed. This will not normally be less than 6 months from after our original decision date. The applicant will not be considered for any of our properties during this period.

7. Sign Up

- 7.1 During the sign up, a clear explanation will be given explaining the rights, responsibilities and obligations on the part of the landlord and tenant, before

asking the applicant to sign the tenancy agreement and associated tenancy documentation.

- 7.2 We will ask all applicants being offered a property to pay one month's rent in advance prior to us signing them up for a tenancy.
- 7.3 A photograph will be taken of the tenant to help us manage the tenancy and reduce the risk of tenancy fraud.

8. Advice and Support

8.1 We will:

- Provide applicants for our homes with advice and guidance on accessing housing, including support with the application process and bidding process when needed.
- Provide information on becoming a Winchester City Council tenant and holding a tenancy with us, the services we offer and the support available.
- Offer translation services to applicants who do not speak English as their first language and others who have difficulties with written English.
- Work closely with applicants and partner agencies to identify any vulnerability or support needs and ensure support is in place.

9. Tenure Type

- 9.1 We currently offer introductory and secure tenancies in accordance with our Tenancy Policy.

10. Property Size

- 10.1 We aim to maximise the occupancy of our properties and will apply the criteria set out in the Hampshire Home Choice Allocations Framework and Council's Scheme of Allocation with regards to bedroom entitlement.
- 10.2 Our property adverts will confirm the maximum and minimum number of permitted occupants. We may allow our properties to be over or under occupied in exceptional circumstances. This will be dependent on the household situation, including the ages of children and will be at the discretion of the Housing Operations and Community Safety Service Lead.
- 10.3 We classify our properties as having a double bedroom if the room is 10 sq. meters or more. Single bedrooms ideally are over 7 sq. meters. Where a bedroom is smaller than 7 sq. meters we will highlight this on the property advert.

- 10.4 Where our properties have a separate dining room these can be used as an additional bedroom and our adverts, including the permitted occupancy will reflect this and advise accordingly.
- 10.5 We will make applicants know if they will be impacted by Welfare Reform, particularly with respect to affordability, under occupancy charges and the benefit cap.

11. Housing Type

- 11.1 Some of our properties are designated for particular groups, for example sheltered housing, extra care housing, housing designated for older persons and supported housing.

Accommodation in sheltered housing schemes and housing designated for older persons

- 11.2 **As this accommodation provides housing for older people, applicants must be 60 years or over and anyone else in their household must be over 50. Exceptions may be given for carers and/or partners on a case-by-case basis and with the consent of the Service Lead for Housing Operations and Community Safety.**

- 11.3 We may allow housing register applicants (this does not include members of the applicants household) who are under 60 to be housed in our older person's accommodation in special circumstances, for example those in receipt of higher rate mobility benefit who would benefit from this housing type. Each request is carefully considered, taking into account proof of benefit entitlement, support from medical professionals and any other relevant information.

- 11.4 For those requiring extra care accommodation, we will assess the applicant's needs with the assistance of Hampshire County Council and care provider in accordance with our Extra Care Policy & Procedure.

- 11.5 For those requiring supported accommodation, we will assess the applicant's needs with the assistance of Hampshire County Council and support provider in accordance with our Supported Housing Policy & Procedure.

12. Hard to Let

- 12.1 We recognise that from time to time some of our housing stock may be difficult to let. By this we mean that a property is consistently refused by

applicants or no/low number of bids are placed. We may in these circumstances look to allocate the property differently.

12.2 We may extend our hard to let properties to any applicant within the Hampshire Home Choice sub-region. In these circumstances we will continue to give first priority to applicants with a local connection to the Winchester district.

12.3 We may allow our hard to let properties to be under occupied. In the case of our hard to let 2 bedroom general needs flats, we may extend these properties to applicants with an assessed one bedroom need. In these cases, priority for under occupancy will be given to couples/joint applicants in employment. Applicants will be required to pass our financial assessment to ensure affordability and will be made aware of potential under occupancy charges should their circumstances change. We will still give first priority to applicants with an assessed two bedroom need.

12.4 Any such cases will be reviewed and determined by the Service Lead - Housing Operations & Community Safety.

13. Tenancy Policy

13.1 Please refer to our Tenancy Policy for information on our approach to tenure types, minors and tenancies, rent setting, tenancy agreements and responsibilities, tenancy reviews and visits, tenancy rights (succession, assignment, mutual exchange), tenancy changes, tenancy sustainment and tenancy fraud. Our Tenancy Policy can be found on our website using the following link <https://www.winchester.gov.uk/assets/attach/18132/tenancy-policy.pdf>

14. Garages

14.1 We have a portfolio of garages we let to existing tenants and the wider community. Charges to our tenants will not incur VAT. Private renters will be charged VAT on all garages they rent. Garages will be allocated with priority given to Council tenants, Council leaseholders and persons with a disabled parking badge and will not be allocated to current and former tenants and garage licensees where they owe outstanding monies to us. Further information about our approach to letting our garages is contained within our Garage Policy & Procedure.

15. Monitoring & Review

15.1 We will monitor the performance of our lettings service by:

- Periodic reports via our performance monitoring scorecard and systems
- Core reports
- Local Authority Housing Statistics (LAHS) returns
- Equality monitoring
- Team/service meetings to discuss performance
- Team checking procedures to ensure the quality and accuracy of adverts/lettings

Appendix 1 – Grounds for Refusal

We may refuse an applicant for housing if:

Suitability

1. The property is unsuitable if the applicant would be overcrowding or under occupying without agreement or may be impacted by benefit restrictions.
2. The property is subject to a local lettings plan and the applicant does not meet the agreed criteria for letting.
3. The property is subject to a Town and Country Planning Act Section 106 Agreement and the applicant does not meet the required criteria.
4. The applicant has pets that are not permitted at the property.
5. The property is subject to a sensitive letting and the person is not considered suitable or does not meet the criteria as set out in the letting advert.

Eligibility

6. We've been unable to make contact with the applicant by either phone, email or systems messaging within 2 working days of our first attempt about their nomination for a property.
7. We have no documentary evidence that the applicant has the right to reside in the UK and/or has no access/recourse to public funds.
8. The applicant has not provided documentation supporting their application or requested by us as part of the assessment process within a set timescale.
9. There has been a change in the applicant's circumstances which means they are no longer the successful bidder.
10. The applicant has an interest in an alternative property and they are legally and reasonably able to reside in it. This includes properties owned by the applicant where they have let the property. Exceptions will be considered, these include but are not limited to circumstances where someone is applying for extra care accommodation.
11. The applicant is under 18 years of age and has failed to provide an appropriate guarantor.

12. The applicant (or anyone else in the household) has failed to provide accurate disclosure of their circumstances to Winchester City Council and therefore have attempted to obtain a tenancy by fraud or deception.
13. The property is designated for older people and/or there are restrictions in place in relation to age of the applicant and/or members of the household.

Financial Status

14. The applicant is an existing Winchester City Council tenant or leaseholder who owes money to us, either for rent, service charges, court costs, rechargeable works orders, garage charge or any other debt - unless agreed as part of an approved management move or a downsizing move.
15. New applicants or our former tenants who have a housing related debt such as rent arrears, court costs, recharges, either with us or another housing provider, including private landlords.
16. The applicant has an interest in an alternative property, either by way of a financial interest, being named on a mortgage agreement or named as a tenant of another property and, can reasonably be expected to raise funds to secure alternative accommodation in the private sector. Exceptions will be considered, these include but are not limited to circumstances where someone is applying for extra care accommodation.
17. The applicant or households financial status is in excess of £60,000 per annum and/or has savings/assets over £16,000 and there is no overriding medical condition or other exceptional circumstances. These include but are not limited to circumstances where someone is applying for extra care accommodation.
18. The applicant is not able to produce evidence of access to sufficient funds to show they can afford the property, which includes rent, service charges and associated living expenses.
19. The applicant is assessed as not being able to afford the property and/or there are other concerns regarding the applicant's finances. This could include a history of rent arrears or other debt that hasn't been repaid on a regular basis. Where this has been the case it's expected that they will work with a charity or a support agency for a period of time until they can demonstrate improved money management.

Support Needs

20. A suitable confirmed support package is not in place which would provide the help needed to maintain the tenancy.
21. The applicant has failed, or is refusing to engage with relevant support services in relation to an existing or proposed support package.
22. The applicant's needs (either physical or mental health) exceed what our service can provide after considering all relevant information from key support providers.
23. Where we do not have the ability to reasonably adapt the property to the specific needs and requirements of the applicant.
24. The applicant has applied for a property that does not meet their immediate need, e.g. an adapted property where the applicant does not need the adaptations provided or needs adaptations which are not deemed not to be reasonable and practical to complete at the property.
25. An applicant for extra care has complex behaviours or needs which may impact on the welfare, safety or wellbeing of other residents or staff. This may include applicants with:
 - severe mental health issues
 - a history of drug and/ or alcohol abuse
 - complex behavioural needs
 - a history of violence
 - convictions for serious offences
 - a requirement for nursing care

Behaviour

The applicant/s, or member/s of the household:

26. Have been evicted for ASB, another breach of tenancy or abandoned a previous tenancy.
27. Have been subject to tenancy enforcement action in the last five years for ASB. This could include domestic abuse, harassment or other violent criminal offences.
28. Have committed ASB or criminal activity in the last 2 years, or in the 2 years since being released from prison. If the behaviour was very serious, we may refuse applicants even if it occurred more than 2 years ago. A previous conviction does not mean that we will automatically refuse an applicant housing.

29. Have a history of or have existing substance (including drugs and/or alcohol) misuse which could have resulted in ASB or criminal proceedings.
30. Have previously used rented accommodation for illegal or immoral purposes.
31. Have behaved unacceptably in their current or previous home/s and we would have considered tenancy enforcement action if they had been our tenants.
32. Have been assessed as presenting a considerable risk to neighbours or the wider community and/or our staff/contractors/partner agencies.
33. Have been assessed as being unsuitable for communal living.
34. Have been assessed as requiring more support than would be available at the supported accommodation.
35. Are a Scheduled Offender as defined by Multi-Agency Public Protection Arrangements (MAPPA) or are a Registered Sex Offender (RSO). This will be considered on a case by case basis in consultation from MAPPA and other agencies.
36. Have been threatening, abusive, or has been persistently vexatious towards an employee or contractor of the Council, or any partner agency.
37. Have not maintained their current property and it does not meet our lettable standard.
38. Have caused significant damage to a property during a tenancy.

Discretion maybe given in cases where the applicant/s, or member/s of the household, have shown a commitment to rehabilitation. We will take into consideration engagement with support agencies and any references supporting the application. This will be done on a case-by-case basis.