

DECISION TAKER: Deputy Leader and Cabinet Member for Community and Housing – Councillor Paula Ferguson

REPORT TITLE: LANDLORDS LETTINGS POLICY

13 JUNE 2022

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WARD(S): ALL

PURPOSE

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 landlord lettings policy which has undergone a review in consultation with officers, members, the district wide tenant and leaseholder forum Tenants and Council Together (TACT) and other housing partners. This report highlights the key changes to the landlord lettings policy which include providing greater clarity to the eligibility for some types of housing, strengthening grounds for refusal in relation to anti-social behaviour plus changes in practice and/or emerging issues facing the housing service.

RECOMMENDATION:

1. That the revised landlord lettings policy be adopted.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Homes for All – Sets out how the councils housing stock will be let in a fair and equitable manner.

2 FINANCIAL IMPLICATIONS

- 2.1 There are no financial implications associated with the revised landlord lettings policy.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 As a landlord the council is required to set out how its properties are let and provide information on how decisions are made. This is to ensure consistency of practice and that homes are let in a fair and equitable manner.
- 3.2 The requirement under the Housing Act 1996 for housing authorities to publish a Lettings Policy detailing how and to whom the authority allocates its properties / make nominations to other landlords' properties remains. No obligation has been placed on the Council by the Localism Act 2011, or any other legislation, to amend the current Landlords Lettings Policy which is being done as a matter of good practice.
- 3.3 This Cabinet report proposes amending the current Landlords Letting policy in a number of ways. All the amendments are lawful under the Localism Act.

4 CONSULTATION AND COMMUNICATION

- 4.1 On 1st March 2022 the proposed changes to the landlord letting policy were presented to members of the Business and Housing Policy Committee. These were well received and discussions centred on clarifying the age restrictions for older persons housing and how an individual with previous behavioural issues could demonstrate positive change. Members also gave feedback on the structure and grammatical content of the policy and their comments have been incorporated into the revised policy.
- 4.2 The policy was also presented to members of TACT on 17th March 2022. TACT understood the elements of the policy which have been amended and support the approach taken, particularly in respect of strengthening of the grounds for refusal in relation to behaviour.
- 4.3 No wider tenant or customer consultation has taken place although the policy has been amended to take into account concerns raised by customers through the council's complaints process.
- 4.4 The views of relevant officers from both the housing landlord and strategic teams have been taken into account as part of the review. Also, feedback

from other register social landlords, including Sovereign and Aster regarding how their policies operated have been considered.

5 ENVIRONMENTAL CONSIDERATIONS

5.1 There are no environmental implications associated with the revised council landlord lettings policy.

6 PUBLIC SECTOR EQUALITY DUTY

6.1 As part of the review, an Equality Impact Assessment was undertaken was undertaken for the revised landlord lettings policy. The assessment identified the following issue:

a) Potential impact on individuals on the basis of age due to the restriction of some specific properties to older persons.

6.2 The justification for this ring fencing of some accommodation for a specific age group was as follows:

a) Restrictions are only applied to properties specifically designed to meet the needs of older people. This protects the properties from being let to households unable to derive the full value from the design and also generates a healthy movement within the stock, releasing under occupied homes for use by families. In addition, experience has demonstrated that when restrictions have been relaxed this can lead to complaints due to conflicting lifestyles. For example noise nuisance has been raised as a concern by older residents living in older person's bungalows when neighbouring households had younger relatives residing with them. However, there is still provision within the policy in for discretion in exceptional circumstances. Examples would include when younger household members provided care or other essential support.

7 RISK MANAGEMENT

7.1 The main risks are outlined as follows:

Risk	Mitigation	Opportunities
Financial Exposure <i>None</i>		
Exposure to challenge <i>Challenges may come from persons refused or ineligible for council housing</i>	Policy is in place, has undergone review, has been EIA screened and consulted on Comparable with other	All member briefing on the policy

	social housing providers and Meets requirements as set out in the Council's Tenancy Strategy	
Innovation <i>None</i>		
Reputation <i>Failure of staff to not follow or misinterpret policy</i>	Staff training on policy Monitoring of quality of property adverts Refusals must signed off by a service manager	Housing complaints monitored by tenant service delivery group
Achievement of outcome <i>None</i>		
Property <i>Increased void times, impact on rent loss</i>	Policy allows for under occupation of hard to let properties Systems in place to monitor performance	Void KPIs to be included in council weekly metrics
Community Support <i>None</i>		
Timescales <i>Not applicable</i>		
Project capacity <i>Not applicable</i>		
Other <i>None</i>		

8 OTHER KEY ISSUES

8.1 None.

9 SUPPORTING INFORMATION:

- 9.1 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.
- 9.2 The scheme operates through a jointly agreed Hampshire Home Choice Framework. The framework 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.
- 9.3 Each local authority also maintains its own local Scheme of Allocation which contains separate policies to reflect local priorities and to address housing need specific to its location.
- 9.4 In addition, as a stock holding authority, the council has its own landlord lettings policy for its council owned social and affordable properties. It is this policy that has undergone a review.
- 9.5 The landlord lettings policy outlines the measures in place from initially advertising a property to signing up the successful applicant. It details 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.
- 9.6 The policy has not been significantly amended and most criteria remains current. The changes made are as follows:
- a) Refusal Criteria - A new clause added providing a timescale of when refusal decisions will be re-assessed.
 - b) Advice and Support - A new section added outlining the advice and support provided to those seeking access to council housing.
 - c) Older Persons Housing - The age restrictions for sheltered housing and housing designated for older persons, for example bungalows has been be further clarified.
 - d) Hard to Let - This section has been expanded to include further criteria regarding how the councils landlord service will advertise and let hard to let properties, in particular two bedroomed general needs flats.
 - e) Grounds for Refusal Categories - The categories for the refusal grounds have been amended to make them clearer.

- f) Behaviour Grounds for Refusal - The grounds for refusal in relation to behaviour have been strengthened and made clearer. Additional clauses have been included.

9.7 The revised Landlord Lettings Policy provides greater clarity and transparency on how the council landlord service allocates and lets its housing stock, the support it can provide and sets out clearer definitions and circumstances in which an applicant may be refused a property.

10 OTHER OPTIONS CONSIDERED AND REJECTED

10.1 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.

10.2 The comments of the Business and Housing Policy Committee were considered and suggested changes have been incorporated into the final draft. The housing service will organise an all member briefing on the subject as requested.

BACKGROUND DOCUMENTS:-

Previous Cabinet/Committee Reports or Cabinet Member Decisions:-

BHP027 Winchester City Council - Landlord Letting Policy 01 March 2022

Other Background Documents:-

None.

APPENDICES:

Appendix 1 – Landlord Lettings Policy (separate document)