

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

<b>Title</b>	<b>Landlord Lettings Policy</b>
<b>Housing Team</b>	Tenancy Services
<b>Author Name &amp; title</b>	Laura Doyle, Tenancy Services Manager
<b>Reference Number where appropriate</b>	N/A

<b>Policy Narrative</b>	This policy sets out the approach to advertising and letting the Council's social and affordable rented housing stock
<b>Basis of Policy</b>	As a landlord, the Council is required to document its approach to letting its properties ensuring consistency of practice, fairness and equitability
<b>Ratification Details</b>	BHP027 1 <sup>st</sup> March 2022 DD46 6 <sup>th</sup> June 2022
<b>Other Related Policy and Procedures</b>	Tenancy Policy 2018 – 2023 Sign Up Policy & Procedure Extra Care Policy & Procedure Garage Policy & Procedure Hampshire Home Choice Allocations Framework WCC Scheme of Allocation
<b>Details of Performance Indicators</b>	LAHS – Section D Lettings & E Vacants
<ul style="list-style-type: none"> <li>• Relevance to statutory returns (e.g. CORE, H-CLIC, LAHS)</li> <li>• Relevance to non statutory returns (locally agreed indicators and HouseMark Benchmarking club)</li> </ul>	Housemark – Lettings Performance Service specific KPIs for Void Management

### Review and Version Control

Review Date	June 2025
Title of officer with responsibility for maintaining and updating	Tenancy Services Manager
<p>Briefing &amp; Training</p> <p>Property Lettings Officers and Tenancy Housing Officers to be trained on changes to the Policy and Procedure</p> <p>Briefing for relevant Housing teams and Members</p>	

### Version Control

Version	Date	Description of changes made	Ref id if required
1	11/2021		
2	06/2022	<ul style="list-style-type: none"> <li>• Refusals (6.3) - new clause giving timescale when refusal decisions will be re-assessed</li> <li>• Advice &amp; Support (8) - new section</li> <li>• Older Persons Housing (11.2) - clarification of age restrictions</li> <li>• Hard to Let (12) - additional criteria</li> <li>• Grounds for Refusal (Appendix 1) - general grounds removed and suitability and eligibility grounds added</li> <li>• Behaviour Grounds for Refusal - new clauses (26, 29, 33, 34 &amp; 35). Overall strengthening and clarity of refusal grounds</li> </ul>	

## Headline Summary of Lettings Policy June 2022

### 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

## 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 where a common approach for the allocation of social housing has been agreed by Winchester City Council, East Hampshire District Council, Eastleigh Borough Council, Havant Borough Council and Test Valley Borough Council.
- 2.2 We aim to provide as much detail as possible about a property on the advert and will include a photograph of the exterior to enable applicants to make an informed choice when bidding. We will try to 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 with a specific need which is known as a direct match. The advert will clearly state that the property has already been allocated to such an applicant. This could relate to an applicant requiring a specifically adapted property, being subject to Multi-Agency Public Protection Arrangement or requiring specific accommodation in a specific area.
- 2.4 In a small number of cases it may be appropriate to request that a property is let sensitively. This aims to create sustainable and cohesive communities in relation to individual lettings where there may be a need to redress the balance of the community. Details of the sensitive letting will be clearly displayed on the property advert.
- 2.5 Where a property is adapted for the needs of disabled person/s we will wherever possible attempt to let the property to a person who 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. Details of 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.
- 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 that a Local Lettings Plan is implemented for first lets, for example on a new build development scheme. This can be an important tool to 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 aim to 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 our first attempt, we will refuse the nomination. We will try to contact the applicant by phone, email and SMS 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 identity of the applicant, preferably photographic ID such as a passport or driving licence although other forms of ID may be accepted depending on the applicants circumstances.
- 4.3 A photograph will also be taken of the applicant to help us manage the tenancy and reduce the risk of tenancy fraud.

### **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 an applicant/s for reasons set out in **Appendix 1**. In making our decision we will consider each case on its own merits and take into account all relevant information. We will allow applicants whose nomination is refused to appeal to the Tenancy Services Manager/Income Services Manager within 10 working days to ensure we are applying our Lettings Policy and its grounds for refusal correctly. If any refused applicant is dissatisfied with the outcome of this decision 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 We may allow a move to proceed in exceptional circumstances, even if the applicant/s falls into one of the categories for refusal. This will be at the discretion of the Tenancy/Income Services Manager or where necessary the Service Lead – Housing Operations and Community Safety.
- 6.3 If an applicant is refused a tenancy, the appropriate Housing Officer will explain the reasons for refusal 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.
- 6.4 We may include a timescale after which 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 sign up, a clear explanation will be given explaining the rights, responsibilities and obligations on the part of the council 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.

## 8 **Advice and Support**

- 8.1 We will:
- provide a person centred approach.
  - 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 seek to assist others who have difficulties with written English.
- work closely with applicants and partner agencies to identify any vulnerability or support needs and ensure appropriate 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 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. metres or more. Single bedrooms ideally are over 7 sq. metres. Where a bedroom is smaller than 7 sq. metres we will highlight this in 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.

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

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 procedures.

## **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 two 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 concessions for hard to let 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 – including refusal cases
- 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/s for housing if any of the following are applicable:

### Suitability

1. The property is unsuitable because 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 applicant is not considered suitable for it 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 SMS within 2 working days of our first attempt.
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 has attempted to obtain a tenancy by fraud or deception.
13. The property is designated for older people and 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 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's or household's income is in excess of £60,000 per annum or has savings/assets exceeding £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 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 since being released from prison if within the last 2 years. 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 any member of the wider community including our staff, contractors, councillors and 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 with MAPPA and other agencies.
36. Have been threatening, abusive, or been persistently vexatious towards an employee, contractor or elected member of the Council, or any partner agency.
37. Have not maintained their current property and it does not meet our lettable standard.
38. Have ever 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.

**Assessments & Ratification**

<p><b>App1.1 Integrated impact Assessment (IIA)</b></p> <p>Have you carried out an IIA?</p>	<p>Yes</p> <p>If yes please provide details</p> <p>Date of IIA -</p> <p>Date of EIA - 07/4/2022</p> <p>Validation Date -</p>
<p><b>App1.2 Data Impact Assessment</b></p> <p>Have you carried out a DPA?</p>	<p>No as doesn't meet DPA criteria</p>
<p><b>App1.3 Fire Safety Assessment</b></p> <p>Does this policy impact on WCC's fire safety offer?</p>	<p>No, not applicable</p>
<p><b>App1.4 Sustainability assessment</b></p> <p>Have you completed a sustainability assessment that measures the impact of emissions of this policy / procedure.</p>	<p>No, not applicable</p>
<p><b>App 1.5 Ratification</b></p> <p>Is formal ratification required?</p>	<p>Yes</p>

## Consultation, Communication and Training

### App2.1

**Consultation Details** – Remember to keep records of any consultation processes, along with the outcomes and how the policy has been amended as a result as an audit?

If preferred use the section below to record these details.

Who	Date	Comments Made	Changes Applied

### App2.2

**Briefing/Training** - Remember to keep details of how this policy and procedure has been communicated to those who'll be required to deliver it.

If preferred use the section below to record these details.

Who	How	Date

### App2.3

#### Policy Refreshers

When should refreshers be issued to those with responsibilities under this Policy and Procedures? Record details below

Who	When refresher due	Date & details of when completed

### App2.4

#### Policy Review

Record here any details of communicating content changes as a result of review.

Who	How	Date

### App 2.5

**Competency Audit**

Does this Policy and Procedures command submission of evidence to a regulator to demonstrate training needs have been met/ record details below.

Regulator details	Method	Frequency / Date

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**Sign off Housing Policy and Procedure**

Officer Name	
Title of Policy and Procedure	
I confirm that I have read and understand the policy and procedure.	
Officer signature	
Date	