



### **Housing Engagement Board Special Meeting to discuss the Mutual Exchange Policy**

**Held on Tuesday, 2<sup>nd</sup> May 2023 at 12.00 pm via Zoom**

Attendees: Cllr John Batchelor – Chair  
Dave Kelleway – Vice Chair  
Les Rolfe  
Margaret Wilson  
Peter Tye  
Peter Campbell (SCDC – Head of Housing)  
Julie Fletcher (SCDC – Service Manager – Housing Strategy)  
Geoff Clark (SCDC – Service Manager – Tenancy & Estates)  
Dave Armitage (SCDC – Resident Involvement Team Leader)  
Abida Ruma (SCDC – Interim Housing Policy Officer)

Apologies: Jim Watson

[Note: Councillors Jose Hales and Mark Howell were not invited to this special meeting as they had not been party to previous discussions relating to the mutual exchange policy]

#### **1. Introduction**

As part of the review of the mutual exchange policy, this meeting was arranged to discuss key points of the policy where there was a difference of opinion between the tenant reps and officers.

#### **2. Ability to mutual exchange with 'like for like'**

## Appendix B

Abida Ruma, Interim Policy Officer, referred the meeting to her research in producing the draft policy where she has looked at the authorities who offered most mutual exchanges. From this research all authorities that allowed under-occupation, overwhelmingly permitted under-occupation by one bedroom only, the exception to this was Sheffield who allowed 'like for like' exchanges for existing tenants only.

Julie Fletcher explained that the existing mutual exchange policy did not allow for any under-occupation of properties being exchanged. Officer's recommendation in the revised policy was to allow under-occupation by one bedroom.

Peter Tye felt that this was reasonable.

Dave Kelleway felt that tenants should be able to swap 'like for like' regardless of how many bedrooms were under-occupied, so long as there was no overall increase in under-occupation. He felt this was reasonable as nobody gains and nobody loses. He felt that the proposed policy as it stands was too restrictive and prevented tenants from moving.

Peter Campbell explained that we were not saying people can't move but we had to consider the policy within the context of the legislation and had a responsibility to make best use of the housing stock.

The legislation states that landlords can withhold consent if the property is substantially more extensive than is reasonably required. Dave Kelleway pointed out that the legislation was worded in such a way that it was not a requirement to refuse on these grounds but an option and that the Council should be leaders of the way rather than followers of other councils and should be taking a more flexible position.

Margaret Wilson agreed with Dave Kelleway and felt that there should be discretion to allow under-occupation by more than one bedroom on a case by case basis.

Julie Fletcher stated that the policy had to be fair and transparent in the decision process and applying discretion on a case by case basis did not lend itself to a

consistent approach. However, Margaret Wilson felt that the process should be recorded and that dealing with it on a case by case basis would not prevent consistency but being 'consistently fair' better describes how discretion can have different outcomes for different cases. Margaret felt that inflexible rules have unforeseen consequences. It was also stated that allowing under-occupation could result in housing benefit not covering the rent if a tenant's circumstances changed.

Margaret Wilson felt this was an unfair statement as it assumed that all tenants were likely to be on housing benefit. Les Rolfe agreed with Margaret and felt that when discussing financial stability as part of the mutual exchange process, tenants should be allowed to consider the financial risks themselves and that the Council should not make the assumption that all tenants may at some stage claim housing benefit.

Les Rolfe was also in support of the comments made by Dave Kelleway.

Cllr Batchelor clarified that a report would be taken to Cabinet to make the final decision, where both views would be presented for Cabinet to make the final decision.

**Tenant Rep Recommendation:** Any proposed mutual exchange where the under-occupancy rate is not worsened in SCDC properties overall (including like for like swaps) will be allowed.

### **3. Ability to allow households to mutual exchange where there would still be overcrowding**

The current policy position is that no-one can mutually exchange if they are still considered to be overcrowded. Officer's recommendation is to allow overcrowding in a three bedroom property where there is a four bedroom need but very unlikely that a four bedroom house will become available. This will only be considered if the property being exchanged has an additional room (such as an old style parlour house) that could be used as a bedroom.

For the same reasons as for under-occupancy, Dave Kelleway felt that people should be allowed to over-occupy by way of mutual exchange as a tenants' choice.

Peter Campbell explained that the Council has a statutory obligation not to allow overcrowding wherever possible.

Julie Fletcher stated that the rationale for this proposal was that there was more availability of 2-3 bedroom properties within the Council's housing stock, as opposed to 4 bedroom properties which make up only 2% of the stock. Where families are overcrowded, they would be entitled to additional priority on the housing register to help find a more suitable property. Housing Officer experience highlights an increase in housing management issues where families are living in overcrowded homes.

Peter Tye said he was supportive of allowing an additional room to be considered as a bedroom, as proposed.

Margaret Wilson stated that she felt that the inflexibility for over and under-occupation was social engineering and that tenants should have the choice to over/under-occupy by way of mutual exchange if they wished.

Les Rolfe also supported the majority view of the tenant reps.

Abida Ruma made reference to her research. She found a very small no (3 to 4) landlords allowed Mutual Exchanges which resulted in overcrowding. However, this is restricted to moves to 3-beds by tenants in 4-bed need only.

**Tenant Rep Recommendation:** Over occupation by one bedroom should be permitted across all bedroom sizes for mutual exchange.

#### **4. Dedicated Officer to oversee the mutual exchange process**

Within the current policy, Housing Officers were all responsible for overseeing the mutual exchange process. The proposal was not to change this but ensure that

all officers were fully trained with the new mutual exchange system and updated on the mutual exchange policy. This would ensure that all officers are giving consistent advice. Officers felt that even if the number of mutual exchanges increased, this would be insufficient to justify a dedicated person for mutual exchange purposes.

The tenant reps all felt that additional resources should be put into mutual exchange with one person overseeing the process.

Peter Tye argued the case for an additional person, perhaps to support housing officers as well as taking on responsibility for mutual exchange.

Peter Campbell explained there was no real evidence for the need for an additional person to support the process and that a dedicated person could not be justified given competing priorities within the Housing Service. However, it was suggested that a questionnaire could be introduced for those enquiring about mutual exchanges to evidence additional resources, etc. as part of the process. This would then be reviewed once sufficient data had been collected. Tenant reps would be invited to help draft the questionnaire.

**Tenant Reps Recommendation:** Agreed to review, although still felt that an additional person to support housing officers would be appropriate.

### **5. Financial Incentives to downsize through mutual exchange**

The current policy position is that only transfer tenants impacted by the benefit changes based on number of bedrooms may qualify for a financial incentive. The tenant reps felt that the Council should be offering an incentive to anyone downsizing by way of a mutual exchange. In considering these views, Officers are recommending that a financial incentive would be made available to those wishing to mutual exchange to help cover the costs of removal based on the number of bedrooms they are downsizing from.

**Tenant Reps Recommendation:** Agreed

### 6. Next steps

A report would go to Cabinet on 27<sup>th</sup> June putting forward both the Officer and Tenant Rep recommendations. It would be up to Cabinet Members to make the final decision.

Dave Kelleway felt that the Housing Engagement Board should vote on the recommendations put forward by the tenant reps. However, as Councillor Batchelor would be part of the Cabinet decision, it was not considered appropriate. The recommendations put forward by the tenant reps would be considered formally as part of Cabinet's decision process.

Dave Kelleway asked that the decision-making process and the role of HEB be explored further as part of the Resident Involvement Framework review.

### 7. Any other Business

Margaret Wilson asked Officers to review the wording on page 16 of the draft mutual exchange policy from 'may invite' to 'will invite'. Abida Ruma confirmed that it was not always appropriate that the incoming person mutually exchanging should be invited to the property inspection as there may be tenancy matters and sensitive issues that need to be discussed with the outgoing tenant. As part of the process incoming and outgoing tenants can arrange to visit each other's property. Invite to property inspections may be considered where it is beneficial for both exchange partners.