

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Leader and Cabinet

9 July 2007

**AUTHOR/S:** Executive Director / Housing Advice and Options Manager

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### **CBL SCHEME – LETTING POLICY**

#### **Purpose**

1. To seek Cabinet approval of the lettings policy to accompany the Choice Based Lettings (CBL) scheme, taking account of:
  - (a) The results of the consultation
  - (b) Sub regionally agreed principles
  - (c) The deliberations of the Members Advisory Group

#### **Background**

2. In the Housing Green Paper of April 2000 *Quality and Choice: A Decent Home for All* the Government put forward its proposals for reforms to lettings policies to give tenants in social housing real choice over the house they live in.
3. In 2002, the ODPM published targets for moving towards greater choice, which included 100% of local authorities to have a CBL scheme by 2010. The government have also stated that they want to see CBL schemes developing on a regional or sub-regional basis.
4. Cabinet agreed in principle on 8 September 2005 to proceed to implement a sub regional choice based lettings (CBL) scheme in order to achieve compliance with CBL delivery by 2010. An application by the seven sub regional partner authorities to the ODPM for funding successfully attracted £181,000, which will be used to fund a sub regional project manager and purchase of software.
5. In September 2006, Cabinet noted the proposals for consultation and agreed to the setting up of a Members Advisory group.
6. The successful applicant under a CBL scheme will be the household that has the highest priority for the property for which they have made a bid. This will be determined by the Lettings Policy.
7. The main difference between the traditional approach to lettings and CBL is that applicants are required to be proactive in seeking a home rather than wait for a local authority or housing association to contact them about a property they can be 'allocated'. It is therefore important that the system is straightforward, understandable, transparent and fair.
8. For these reasons in many of the existing CBL schemes a banding system has been preferred as this is considered to be more simplistic and easier for applicants to understand than points systems.

9. In December 2006, Cabinet approved the draft policy in order to commence consultation at the beginning of January 2007. This consultation finished at the end of April 2007.

### **Considerations**

10. The CBL scheme will have a sub-regional framework and each partner organisation will have its own lettings policy, with the same sub-regional principles. This includes a banding system that will be used across the sub-region to assess housing need. This will help to achieve an understandable and transparent policy.
11. The layout of the policy document attached (**Appendix 1**) has been updated in consultation with the sub-regional implementation group and local implementation group.
12. The consultation results document is attached (**Appendix 2**), and a summary is included under point 17 of this report and shows that feedback has been generally positive to the proposals, with the majority of respondents agreeing that the scheme seems easy to understand, that it will be easier to follow than the existing scheme and that the new system will give priority to people who are most in need of housing.
13. **Summary of the policy is outlined below:**

### **Equal opportunities**

Through this lettings policy the Council will endeavour to be responsive, accessible and sensitive to the needs of all applicants. We will not tolerate prejudice and discrimination and we will actively promote equality.

### **Housing Needs Bands**

By law the Council must ensure that applicants with certain housing needs are given what is known as "reasonable preference". To do this, applicants will be placed in a housing needs band based on their current circumstances. Applicants in a higher housing needs band will have a better chance of being rehoused than those in a lower band. In the new lettings policy, the sub-region is proposing there should be 4 Housing Needs Bands, with the following housing needs:

#### **Band A: Urgent Need**

- Urgent transfer
- Statutorily overcrowded
- Urgent Health & Safety Risk
- Urgent medical need
- Current Supported housing resident
- Homeless households (main homelessness duty owed)
- Urgent multiple needs

#### **Band B: High Need**

- High Health & Safety Risk
- High medical need
- Victims of harassment, violence or abuse
- Lacking two bedrooms
- Under-occupancy by two or more bedrooms or release of adapted property.
- Homelessness prevention (prior to homelessness decision being made)
- Multiple needs

**Band C: Medium Need**

- Medium Medical Need
- Under-occupancy by one bedroom
- Need to move for social reasons
- Housing conditions.
- Lacking one bedroom
- Other homelessness

**Band D: Adequately Housed**

An applicant assessed as being adequately housed will be placed in band D.

**Emergency housing status**

The award of emergency housing status will be given by a senior officer. An emergency housing status may be awarded to applicants in circumstances, where remaining in their current accommodation may cause risk of death or serious injury. In cases where the applicant has been assessed as having multiple needs that fall within band A, they will also be awarded emergency status.

An applicant with emergency housing status who bids for a home will be considered as a priority above all other applicants in any other band.

The emergency housing status will be continually reviewed.

**Low priority**

In certain circumstances, applicants will be accepted onto the housing register, but their application will be considered as low priority. Their application will be placed in a housing needs band however they will not receive priority for an offer of accommodation whilst their application remains low priority.

This may include applicants who have failed to pay their rent or other tenancy related charges or debts, or are considered to be guilty of previous anti-social behaviour, or applicants who are considered to have sufficient financial resources to secure their own accommodation.

**Intentionally worsening housing circumstances**

If, in the reasonable opinion of a partner organisation, an applicant has intentionally worsened their housing situation in circumstances in which a partner organisation considers was deliberate in order to improve their housing priority, their housing need will continue to be assessed on the basis of their previous accommodation.

**Overcrowding assessment**

Housing assessment for bedroom requirement will take into account the size of the property and the best use of the available space. For example if a household is using a bedroom as a study they would not be assessed as lacking a bedroom.

Bedroom assessment guidelines - The list below, will be used to assess overcrowding and therefore whether a household are lacking any bedrooms in their current home;

- Couples require one double bedroom
- Single applicants require one bedroom
- Non co-habiting joint applicants require two bedrooms
- Two children of the same sex under 10 years old require one double bedroom

- If there are three children in one room they will be assessed as lacking one bedroom
- Two children of the opposite sex, where the oldest child is aged 6 years or over require two bedrooms
- Two children of the same sex who both are over 10 years old need a bedroom each.
- A pregnant woman expecting her first child requires two bedrooms after 24 weeks of pregnancy

### **Short listing**

After the close of advertising, a shortlist of eligible applicants will be taken from the CBL system. The shortlist will identify the order of applicants based on who has been in the highest housing needs band for the longest time. In circumstances where there is more than one applicant in the same band and they have the same date in band, the system will give priority to the applicant with the earliest registration date. If in the unlikely circumstances that there is more than one applicant with exactly the same band, date in band and registration date a senior officer will make an offer based on the best use of the property and needs of the applicants

### **Refusing an offer of accommodation**

Usually, if an applicant refuses an offer of accommodation made through CBL, they will remain in their housing needs band. If an applicant refuses three offers of a property made through CBL, the Council will contact the applicant to offer support and assistance and verify their circumstances.

### **Local Connection Criteria**

As this is a sub regional scheme 10% of advertised homes (and 25% of new build homes in growth areas) will be available to anyone who has a connection anywhere within the sub-region.

To be considered as having a local connection to SCDC, one of the following must apply to the applicant.

- Applicants work in the local authority area for sixteen hours or more per week
- Applicants are normally resident in the local authority area. Normal residence might typically be at least 6 of the last 12 months, or 3 of the last 5 years
- Applicants are an ex-resident from the local authority area if they previously lived there for 5 years or longer
- Applicants have family members who are resident in the local authority area. Family members are defined as parents, adult children or brothers or sisters who have been resident in the local authority for a period of 5 years or longer.
- There are special circumstances which we consider give rise to a local connection

### **Area specific policies**

Area specific policies (also known as local lettings policies) are used in specific areas within the sub region to help create balanced and sustainable communities. Where an area specific policy applies, it will be stated in the property label. Details of these area specific policies/ schemes will be available from the Council. Some schemes may ask for an applicant to have a local connection to a specific parish or village. In those cases, the connection criteria will be stipulated in the legal agreement for the development.

**Direct lets, (including the length of time to make a direct let to a homeless applicant);**

Some homes will not be advertised through CBL, but let directly to applicants without them having to bid for homes. This will be done in certain circumstances, such as where a letting is required to ensure the protection of a member of the public, where an applicant has been living in temporary accommodation for a period of time, or where a sensitive let may be required due to issues in a particular area.

In relation to homeless applicants, where a rehousing obligation has been accepted, a direct let may be made after a 3-month period. During this initial 3 month period and whilst waiting for an offer of a direct let, applicants will be able to participate in the CBL scheme. This will minimise the time spent in temporary accommodation. Consideration will be given to whether the applicant has had an opportunity to bid for a suitable property.

**Implications**

14.	Financial	<p>A commitment has already been given to fund the CBL local implementation costs within existing budgets. The cost of local consultation will be met through existing budgets, and sub-regional events/ consultation will be funded through the sub-regional consultation budget, to which the council has contributed.</p> <p>The Council is committed to meeting a share of the implementation costs of the Sub-regional scheme which is currently £17,000 based on estimated costs, the amount of DCLG funding made available and there being a minimum of 7 partners. This position could change over the course of its implementation e.g. due to unforeseen additional costs and/or increase/decrease in number of partners but the project is currently within budget.</p> <p>The Council's contribution of £17,000 is being accounted for over 3 financial years.</p>
	Legal	<p>The scheme needs to meet the legal requirements for the allocation of social housing as set out in the Housing Act 1996 (as amended by the Homelessness Act 2002).</p>
	Staffing	<p>The Council has already agreed to the recruitment of a Choice Based Lettings Project Officer to enable implementation at a local level, the cost of which will be met from existing budgets.</p> <p>The development of this scheme requires commitment and input from various services across the Council, and a local corporate implementation group has been set up to facilitate and manage the project.</p>
	Risk Management	<p>To reduce the risk that the policy will not address local housing need, extensive consultation has taken place and the scheme will be monitored closely following implementation</p>

Equal Opportunities	<p>In line with general and specific statutory duties under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000, the Council operates a Race Equality Scheme (RES) in order to eliminate unlawful discrimination and to promote race equality and good race relations. This was last revised and agreed by the Council in July 2006, with an update of the 2005-08 action plan. The Council is committed to treating everyone fairly and justly, whatever their race or background. The proposed lettings policy will include a statement on equal opportunities and consultation has taken place with the local community, including voluntary and statutory agencies that assist and support vulnerable groups. BME housing register applicants currently represents 4.3% of those aged under 60 and 1% of those aged 60 or over on our housing register and 1% of transfer applicants. Translation of leaflets and information will be made available when this is required.</p> <p>An Equality Impact assessment has been carried out for this new policy and scheme and is attached as <b>Appendix 3</b> for approval. This recognises the potential for a differential impact in some areas in terms of equality, but identifies means of preventing this. This assessment will be reviewed following implementation to ensure that no particular groups are disadvantaged.</p>
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### Consultations

15. Consultation has taken place with partner RSL's, statutory agencies, and other stakeholders including tenants, applicants, Parish Councils and other locally based organisations whose clients may be affected.
16. The formal consultation lasted for a period of 12 weeks and ended on 27 April. The consultation with applicants was particularly successful, with a response rate of 53.6%
17. A report of the consultation undertaken and the outcome is attached at **Appendix 2**. The following tables show a summary of the main issues.

#### Views on the lettings policy and CBL scheme

	Strongly agree/ agree	No view	Disagree/ strongly disagree
The new CBL scheme seems easy to understand	70.5%	21.4%	8.1%
The new scheme will keep me more informed about my housing situation	73%	20.5%	6.5%
The new system will be simpler and easier to understand than the existing system	61%	30.7%	8.3%

The new system will give priority to people who are most in need of housing	79.3%	9.1%	11.6%
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Views on the assessment of housing need:

	Agree	Don't know/ no view	Disagree
Individual housing needs have been placed in the correct bands	57.6%	33.8%	8.6%
Method of assessing overcrowding	61.8%	30.5%	7.7%
A fair way of deciding who to offer a home to	92.4%	N/A	7.6%
Each CBL partner will let 10% of homes to applicants anywhere in the sub-region	44.3%	44.2%	11.5%
The remaining 90% will require a local connection with the district (except where a legal agreement is in place requiring a connection to a particular village, for example)	68.6%	23.2%	8.2%
In certain circumstances direct lets will be necessary	57%	39.3%	3.7%

18. A Members Advisory group has also been formed as part of the consultation process. Three meetings of the Members Advisory Group have been held between November 2006 and May 2007. This enabled particular issues raised by members to be included in the consultation documentation, in order to obtain wider views. The Members represented on this group are:

Councillors:

Mrs EM Heazell – Chairman

Councillor RE Barrett –Vice-Chairman

JD Batchelor

RF Bryant

Mrs A Elsby

Mrs SA Hatton

DC McCraith

CR Nightingale

EJ Pateman

Mrs D Spink (Housing Portfolio Holder)

Summary of issues discussed and raised through the Members advisory group:

Issue	Outcome
Draft lettings policy	Main principles of the lettings policy have been agreed sub regionally, however, comments received by Members have been fed into the sub-regional discussions, and helped to form the consultation documents. Members noted the importance of the scheme being clear and understandable to staff and applicants.
The provision of a first come, first served approach for properties that have previously been advertised and no expressions of interest were received. Members had concern that some groups would not be able to access the scheme as quickly as others and that this approach was therefore unfair.	Discussed further, via the sub-regional group and agreement reached to not continue with this approach, as hard to let properties can be advertised openly across the sub-region.
Concern that CBL process was geared towards those with web access and that more vulnerable applicants may have difficulty accessing the scheme.	It is widely recognised across the sub-region that many applicants will not have access to the web. A number of actions have and will continue to take place to ensure equal access to the scheme, including a variety of methods to find out about available properties and to bid for them. These actions include consultation with applicants and partners, focus groups, open day for voluntary agencies, an access strategy and a sub-regional group to look at the CBL options.
A preference for village connections to be part of the labeling process for properties.	This will only be possible in respect of schemes where there is a legal agreement in place to provide homes for local people. To stipulate a village connection for all properties would affectively exclude many applicants from rehousing and would not meet the legislative requirements for the scheme to meet the reasonable preference categories required in a lettings policy.
Low preference for applicants with sufficient financial resources to secure their own accommodation.	This is an element of the policy that each district can agree locally. As with our current policy applicants who do have sufficient financial resources to secure their own accommodation will not receive priority for social rented properties.
SCDC Consultation plan	This was discussed with and approved by the Members Advisory group. The Members Advisory group has been updated on progress during the consultation period and as results have been collated.
The scheme and policy to be reviewed following implementation.	A full review is scheduled to take place six months following implementation, however, the scheme will be monitored throughout this period in order to address any areas of concern promptly.
The scheme name	Members chose the following potential



	<p>scheme names to be put forward to a sub-regional selection for further consideration</p> <ul style="list-style-type: none"> <li>- Home choice – Home search</li> <li>- Home finder – Select a Home</li> </ul>
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A follow up meeting with the Members of this group is due to be held on 29<sup>th</sup> June to conclude the group's views following the distribution of the final consultation report.

### Effect on Annual Priorities and Corporate Objectives

19.	Affordable Homes	The lettings policy will determine who has priority for affordable rented housing
	Customer Service	As part of an options package allows those in housing need to exercise choice over their rehousing options
	Northstowe and other growth areas	25% of properties on new growth developments will be let to customers registered across the sub-region, as part of the sub-regional CBL scheme
	Quality, Accessible Services	Development of Choice based lettings scheme, which focuses on applicants for social housing having increased choice.
	Village Life	As part of an options package allows those in housing need to exercise choice over their rehousing options
	Sustainability	
	Partnership	This is a sub-regional scheme involving 5 Local Authorities in Cambridgeshire, St Edmundsbury and Forest Heath and local Registered Social Landlords.

### Conclusions/Summary

20. The Council is working with partners across the sub-region to develop a choice based lettings scheme. This will fulfil the requirement by the government that all authorities are operating such a scheme by 2010. A new lettings policy is required that satisfies the Council's legal obligations, addresses the housing needs of households in the district and addresses the same principles across the sub-region, as well as being transparent to applicants

### Recommendations

21. It is recommended that Cabinet:
- (a) note the summary of the consultation on the CBL scheme,
  - (b) approve the lettings policy as attached at Appendix 1 to this report, for implementation with the sub-regional CBL scheme in January 2008, and
  - (c) approve the accompanying equality impact assessment as attached at Appendix 3 to this report.

**Background Papers:** the following background papers were used in the preparation of this report: Housing Green Paper: *Quality and Choice: A Decent Home for All* ODPM April 2000  
Allocation of Accommodation: Code of guidance for local housing authorities ODPM November 2002

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