

REPORT TO: Housing Portfolio Holder
LEAD OFFICER: Director of Housing

18 November 2015

Sub-Regional Home-link Allocations and Lettings Policy – Updates and Amendments

Purpose

1. To seek approval from the Housing Portfolio Holder for the recommended updates and amendments to the Sub-Regional Home-link Policy.
2. This is a not key decision but is required to ensure consistency with partner local authorities and to reflect recent legal advice.

Recommendations

3. It is recommended that the Housing Portfolio Holder approves the amendments to the Home-Link Allocations and Lettings Policy as set out in **Appendix 1**.
4. Approval will need to be subject to the outcome of the Consultation Period which closes on 23rd October 2015.

Background

5. The Council is one of seven Local Authority Partners in the Home-link Sub-Regional Allocation scheme. The partners work to an over-arching Allocations Framework to ensure consistency across the sub-region. Some partners have applied minor variations to the template document to reflect housing need and practices in their individual area.
6. The current policy underwent significant review and legal scrutiny in 2012 in order to ensure its compliance with the requirements of the 2011 Localism Act.
7. One of the partners (Cambridge City Council) has since sought further legal advice, primarily in relation to recent guidance relating to the allocation of social housing.
8. As a result of this advice, Cambridge City Council has already sought approval from the Home-Link Management Board to undertake minor amendments to its Lettings Policy.
9. The amendments have already been agreed by the Home-Link Management Board (September 2015). The remaining six partners, including South Cambridgeshire District Council, are now seeking approval to make similar amendments to their own Lettings Policies.

Considerations

10. The benefit to Cambridgeshire of adopting similar amendments are:
 - to ensure consistency across the sub-region
 - to reflect current legal advice
 - to future proof the Lettings Policy as far as reasonably practical.
11. A summary and explanation of the amendments is attached (see **Appendix 1**). All of the amendments are relatively minor and do not constitute a fundamental change in the philosophy or practices associated with current allocations process.
12. A six week consultation period is currently underway and will end on 23 October 2015. A verbal update in relation to the responses already received will be provided at the 21 October meeting.

Options

13. To approve the recommendations set out in **Appendix 1** unless there are any significant responses from the consultation exercise.
14. To ask officers to review the proposed changes to take into account comments by the Portfolio Holder and to bring it back for decision as soon as possible.

Implications

15. **Financial**
None
16. **Legal**
If approval is not obtained, the existing Lettings Policy will not reflect current legal advice.
17. **Staffing**
None.
18. **Risk Management**
Without the changes being adopted the lettings policy risks being out of step with recent Government guidance and legal advice.
19. **Equality and Diversity**
The changes are intended to ensure improved equity in the way that people are assessed and helped by the lettings policy.

Consultations (including the Youth Council)

20. A consultation exercise is being undertaken.

Effect on Strategic Aims

Aim 4 –

21. Work with tenants, Parish Councils and Community groups to sustain successful, vibrant villages.

Aim 6 –

22. Ensure best use of Council assets and benefit from opportunities to achieve efficiencies from partnership working.

Background Papers

South Cambridgeshire District Council's Lettings Policy (as approved by Home-link Management Board in October 2012)

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SUMMARY OF PROPOSED AMENDMENTS TO THE LETTINGS POLICY

	Proposed Changes	Comment
1.	<p>People who are applying to join the register cannot include those who are subject to immigration control as members of their household. (Note – this does not automatically exclude a family member from living with the applicant but does mean that they won't be included in the bedroom entitlement).</p>	<p>This is line with government guidance and allowing housing applicants to add these individuals may favourably affect the priority partners would give them and the number of bedrooms they would be entitled to. It is felt that this is fair and reasonable given that housing is in short supply in Cambridgeshire and West Suffolk.</p>
2.	<p>Two new specific reasons for local connection have been added. These are:</p> <p>The applicant or a member of the applicant's household needs to move away from another area to escape violence or harm; or</p> <p>The applicant is a care leaver from the local authority area who has been placed (by Children's Services) outside the local authority area</p>	<p>The two specific reasons have been added following recent case law about excluding people in reasonable preference. Although these would previously have been considered under 'special circumstances' partners felt they should be more explicit</p>
3.	<p>The description of unacceptable behaviour has been expanded to include all household members rather than just the applicants. The description of the examples of unacceptable behaviour has also been expanded to include tenants who allow their properties to fall into disrepair.</p>	
4.	<p>The description of the arrears that may be considered as unacceptable behaviour has been amended to be only those that are legally recoverable & not statute barred as these are the only arrears that can be taken into account when making an allocation.</p>	

	Proposed Changes	Comment
5.	<p>There is a provision in the policy to ensure that housing applicants who have made their own circumstances worse should not get additional priority as a result. The policy has changed slightly to ensure that applicants do not need to have known the policy before taking the action that they have to 'worsen their circumstances'.</p>	<p>Examples where applicants may be considered to have 'worsened their circumstances' are:</p> <ul style="list-style-type: none"> ▪ deliberately overcrowding your own home ▪ moving to a smaller property which is inadequate for your family size ▪ selling a property and spending the proceeds without securing alternative housing ▪ moving to a property clearly unsuitable for the medical needs of an applicant or household member.
6.	<p>Housing applicants in the highest priority group (band A) on the register will have their ability to bid removed if they refuse 3 reasonable offers of accommodation</p>	<p>This change is recommended because band A is considered to be an 'urgent' housing status and regular refusal of accommodation offers may call this into question. This provision would be at the discretion of the partners and not automatic.</p>
7.	<p>The revised lettings policy will prioritise people who are in band A and are terminally ill above all others in band A and give them an 'emergency status'.</p>	<p>This is because the date a banding priority is awarded determines which bid for accommodation finishes highest. People who are terminally ill do not have the luxury of time to wait for their priority date to become a significant factor in the bidding process</p>
8.	<p>A provision for at least 1% of adverts to provide preference to those social housing tenants needing to move for employment reasons (who would otherwise suffer hardship) has been added.</p>	<p>This ensures compliance with recent 'Right to Move' guidance.</p>