

Overview and Scrutiny Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Lettings Policy	
Report No:	OAS/SE/18/005	
Report to and dates:	Overview and Scrutiny	7 March 2018
	Cabinet	27 March 2018
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Lead officer:	Davina Howes Assistant Director (Families and Communities) Tel: 01284 757070 Email: davina.howes@westsuffolk.gov.uk	
Purpose of report:	To advise Overview and Scrutiny of proposed revisions to the Lettings Policy. These revisions are required as a result of recent case law and to ensure that the Lettings Policy is compliant with the requirements of the Homelessness Reduction Act 2017 which comes into force on 3 April 2018.	
Recommendation:	It is <u>RECOMMENDED</u> that the Overview and Scrutiny Committee: Scrutinises the contents of the report and recommends to Cabinet the <u>approval</u> of the revised Lettings Policy attached at Appendix 1.	
Key Decision: (Check the appropriate box and delete all those that <u>do not</u> apply)	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

Consultation:	Partners within the Cambridge Housing Sub-Region have been consulted and proposed revisions have been agreed by the Home-Link Management Board
Alternative option(s):	To continue with the current Lettings Policy. This means we would not be compliant with the requirements of the Homelessness Reduction Act 2017 or consistent with other councils within the Home-Link scheme.
Implications:	
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
<i>Are there any staffing implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
<i>Are there any ICT implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • Some changes to the IT system will be required and the sub-region is working with its IT provider to ensure that the necessary changes are made. This will create additional costs which will be funded from existing budgets and the new burdens funding that local authorities have been allocated to implement the Homelessness Reduction Act.
<i>Are there any legal and/or policy implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • The council is required under the Housing Act 1996 to have a scheme for the allocations of social housing. This revised Lettings Policy fulfils that requirement. The Cambridge sub-region sought advice from Chambers during the review of the policy. On behalf of the Home-Link Management Board, the Cambridge City Council (CCC), Huntingdonshire District Council (HDC) and South Cambridgeshire District Council (SCDC) shared legal service has confirmed that the revised policy is compliant with the Homelessness Reduction Act. Advice of the West Suffolk legal team has also been sought.
<i>Are there any equality implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • An Equality Impact Assessment (EqIA) has been carried out and its findings are included in paragraph 1.1.5. •

Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Policy not aligned with others in Home-Link	Medium	Sub-regional consultation and agreement of revisions to policy	Low
Policy not compliant with the Homelessness Reduction Act 2017	Medium	Sub-regional consultation on the implications of the Homelessness Reduction Act and agreement of revisions to policy	Low
Ward(s) affected:		All wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix 1 - Revised Lettings Policy	

1. Key issues and reasons for recommendation(s)

1.1 Background

- 1.1.1 Home-Link is the Choice Based Lettings (CBL) scheme for the Cambridgeshire and West Suffolk sub-region. Introduced in February 2008, the scheme operates across seven local authority areas in the sub-region. Available affordable housing properties are advertised on a regular cycle agreed by the partners. Applicants on the housing register are asked to express interest in available properties. The properties are offered to the applicant in the highest need who has been waiting longest in that needs band. The scheme also operates a shared housing register.
- 1.1.2 Each council within the sub-region has its own Lettings Policy and is responsible for implementing any changes to that policy. Many elements of the policy have been agreed across the sub-region. Those elements cannot be amended in any Lettings Policy without agreement sub-regionally by the Home-Link Management Board and include, eligibility criteria, banding structure and assessment of need, local connection criteria, sub-regional allocations, intentionally worsening housing circumstances, registration date and date in band definitions, the shortlisting process.
- 1.1.3 The Home-Link Management Board recognised that the councils' lettings policies needed to be updated to take account of recent case law and to ensure that they are compliant with the Homelessness Reduction Act 2017, which comes into force in April 2018.
- 1.1.4 The draft Homelessness Code of Guidance provides direction on how local authorities should meet the requirements of homelessness legislation and has been updated to include information on the Homelessness Reduction Act. The revised draft guidance was open for consultation until 11 December 2017 and it is due to be finalised for publication in spring 2018. It should be noted that the Lettings Policy has had to be amended before the final Code of Guidance has been published. Whilst significant changes are not expected in the final version of the Code, the council will need to ensure that the Lettings Policy is compliant with the published version of the Code.
- 1.1.5 An Equality Impact Assessment (EqIA) has been written on behalf of the Home-Link local authority partners. The EqIA was an assessment of any impact there might be on people who live, work or visit the area, as well as their staff, as a result of the changes to the Lettings Policy. It was concluded that, as the proposed changes are editorial rather than significant amendments to the substance of the policy, there will be no significant impact on any particular group of applicants.
- 1.1.6 It should be noted that the Board has agreed the minimum changes required to ensure that the Lettings Policy is compliant with the new legislation and it is likely that further amendments will be required to the policy once each council has begun to operate under the new Homelessness Reduction Act and as case law evolves. At this point, practical operations issues will emerge, as well as case law, which are likely to require further, more extensive changes in due course. At this time, it is anticipated that future changes might need to be made and could require further consultation, and

approval by each councils' Cabinet.

1.1.7 The proposed changes to the Lettings Policy (**Appendix 1**) are summarised in the table below. A four week consultation has been carried out with registered providers operating across the sub-region.

Lettings Policy section	Summary of change
1.5 – equal opportunities and diversity	Section updated to refer to Equality Act 2010.
3.4.1 d local connection	Connection to the local area Change of relevant legislation sections applicable.
3.4.1 k special circumstances	This relates to proposed changes to allow applicants in one of the reasonable preference groups, but with none of the local connection reasons listed, to be considered.
4.6 b Current Supported Housing Resident	Proposed change to remove the requirement to demonstrate that an applicant needs to demonstrate that their housing need is for social housing.
4.6 g Homeless Households	Change of relevant legislation sections applicable.
4.7 – Band b – high medical needs	Included a new category for those who are owed a prevention or relief duty. These new duties have been introduced under the Homelessness Reduction Act.
4.7 f Band B Homeless Prevention	Changes to current wording to give preference whilst we look to prevent or relieve homelessness. This will apply to those applicants actively working with us for a period of 56 days.
4.8 – Band c – medium needs	In section D, new criteria introduced to reflect the new prevention and relief duties.
4.8 Other homelessness	Changes to existing wording: d) Other homelessness. Applicants who are homeless or threatened with homelessness and are: a) Intentionally homeless.

	<p>b) Homeless or threatened with homelessness but not in priority need.</p> <p>c) Owed a main homelessness duty by a local authority that is not a partnership organisation in the sub-region.</p>
5.2	<p>Removing paragraph: Where a person is threatened with homelessness within a period of more than 28 days, the Council will work with the applicant to try and prevent their homelessness. Those persons, who appear likely to have a priority need in the event of a homelessness application being made, will be placed in Band B whilst the prevention measures are being pursued.</p>
5.10 – Direct Lets	<p>Additional reason added in order to have the option to make a direct let offer to an applicant owed the “relief” duty.</p>
8.2 – Data protection	<p>Remove this if no changes are made.</p>