

Lettings Policy

Report number:	CAB/WS/21/014	
Report to and date:	Portfolio Holder** (see Note below)	16 March 2021
Cabinet member:	Councillor Sara Mildmay-White Portfolio Holder for Housing Tel: 01359 270580 Email: sara.mildmay-white@westsuffolk.gov.uk	
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Decisions Plan: The decision made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.

****NOTE****

This decision was originally due to be made by Cabinet on 16 March 2021. Unfortunately, due to technical issues which prevented the Cabinet agenda and the livestream to the meeting to be accessed by the public, the meeting was cancelled. Therefore, this decision will now be made by the Portfolio Holder for Housing.

Wards impacted: All

Recommendation: It is recommended that the revised Lettings Policy, as set out in Appendix 1 to Report Number CAB/WS/21/014, is adopted by West Suffolk Council.

1. Context to this report

- 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 six 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.
- 1.2 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.

2. Proposals within this report

Policy review and public consultation

- 2.1 The Home-Link Management Board planned a full review of the Lettings Policy to take place in 2020. The last major policy review and consultation took place in 2012. Some minor policy amendments were approved in 2018 to incorporate changes in legislation relating to the Homelessness Reduction Act and also to ensure compliance with the General Data Protection Regulations (GDPR).
- 2.2 The 2020 review was undertaken by councils and registered social landlords across the Home-Link partnership. Partners reviewed the policy in detail and discussed whether the aims of the policy remain relevant and whether they meet its stated objectives. The objectives being:
- a) To meet the legal requirements for the allocation of social housing as set out in the Housing Act 1996 (as amended)
 - b) To assist applicants in the highest assessed need
 - c) To let properties in a fair and transparent way and provide a consistent lettings process
 - d) To make best use of housing stock
 - e) To ensure that applicants are not unlawfully discriminated against, whether directly or indirectly
 - f) To support vulnerable applicants
 - g) To provide increased choice and information to applicants
 - h) To provide information and feedback on homes that are let through the Home-Link scheme
 - i) To improve mobility across the Cambridgeshire and West Suffolk
 - j) To promote social inclusion and help achieve sustainable communities.

- 2.3 The review included detailed discussion around the employment related local connection criteria and the current system of banding.
- 2.4 The review found that the objectives, above, remain relevant and appropriate and that, subject to minor amendments, the revised policy is able to continue meeting these objectives. As a consequence, the overall policy remains largely unchanged. There are however some minor wording changes to aid clarification, changes to incorporate legislative updates and greater detail in relation to the employment criteria and local connection. Further detail on these amendments and points of clarification are set out below in section 2.10.
- 2.5 The majority of the changes to the policy relate to wording changes to clarify points of detail and to ensure it is applied consistently across partners.
- 2.6 Some changes to the banding criteria were agreed in 2018 in response to the Homelessness Reduction Act 2017. In 2018 limited consultation took place on the understanding that the amendments would be reviewed and more widely consulted on as part of the 2020 full policy review. Priority bands have been considered in detail and no substantial changes have been made to the 2018 amendments as partners believe them to work as effectively as possible.

Public consultation

- 2.7 The Home-Link consultation took place from 23 October 2020 to 18 December 2020. In total, 623 responses were received from across the sub region. The majority of the responses (305) were from existing applicants, although a range of people replied including Home-Link partners and representatives from interested organisations such as the Probation Service and Domestic Abuse support services.
- 2.8 Overall, there were high levels of agreement for the proposed amendments. Additional amendments arising from the consultation resulted from detailed feedback setting out improvements that can be made to better support offenders and those experiencing domestic abuse.

Equality Impact Assessment

- 2.9 An Equality Impact Assessment (EqIA) has been undertaken. 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 changes are either minor changes to aid clarification, include greater detail or improvements to better support offender and those experiencing domestic abuse, there are no significant negative impacts on any particular groups or applicants.

Proposed changes

2.10

Following the review undertaken by the Home-Link Management Board and the public consultation, the proposed changes to the Lettings Policy are summarised in the table below. The revised draft Lettings Policy is attached as **Appendix 1**. The changes below should be read in conjunction with the attached draft Lettings Policy.

Page Number	Section number and title	Summary of change
6	1.2 (k) Objectives of the Lettings Policy	Add objective, 'To meet the legal requirements set out under the legislation and guidance referred to in section 1.4.'
6	1.4.1 (f) Legal Context	Add statement, 'Any future legislative obligations which partners share. If there are future changes, the partnership will review the legal context of this policy.'
11	2.5.1 Multiple Applications	Add sentence, '...where they are either the applicant or joint applicant. They may however be considered on other applications where they are eligible to be considered as part of another applicant's household, for example where living with a parent and included as part of their application.'
11	2.5.1 Multiple Applications	Add sentence, 'In exceptional circumstances, such as those involving violence or abuse, the Council can decide to permit a second application.'
15	3.4.1 (f) 2. Armed forces – ex-partners/spouses to ensure compliance with the Armed Forces Bill	Add clause, '... divorce or separation from a spouse or civil partner where the spouse or civil partner is a member of the regular forces;'

Page Number	Section number and title	Summary of change
15-16	3.4.2 Local connection and work requirements	<p>Applicants will be considered to have employment in the Council district and therefore may meet the local connection criteria if:</p> <ul style="list-style-type: none"> a) They are in paid full or part time permanent employment for 16 hours or more per week and their actual working location is within the district; or b) They are working within the district on a temporary or zero-hour employment contract that has been in place for at least six months and can demonstrate they have worked at least 16 hours per week since starting the employment contract; or c) Self-employed applicants are required to demonstrate that their permanent base of operations is within the district, even if their work requires them from time to time to work outside of the district; or d) The employment must be the actual place of work in the district and not employment based on a head office or regional office situated in the district but from which they do not work. <p>The Council reserves the right to waive the 16 hour requirement if necessary to avoid discrimination.</p>
16	3.5.2 Applicants with a history of unacceptable behaviour	<p>Add sentence, 'In addition, any extenuating circumstances, such as coercion or harassment, will be taken into account as well as any possible risks to others arising from a register exclusion.'</p>

Page Number	Section number and title	Summary of change
22	4.7 (e) Victims of harassment, violence or abuse	Remove, ‘... investigated and...’ from the following sentence: Where the Council or a partner organisation has investigated and identified that the applicant or a member of their household is being subjected to harassment or other conduct causing alarm and distress that will be improved by a move to alternative accommodation.
22	4.7 (f) Applicants owed a Prevention or Relief duty (under section 189a or 189b of the Housing Act 1996 (as amended))	First paragraph: Add, ‘... may be in priority need in the event of a main duty assessment...’ and, Second paragraph: ‘Where placed in temporary accommodation by the local authority, applicants will not be awarded additional priority on any other accommodation related factors.’

Page Number	Section number and title	Summary of change
24	4.8 (d) Other homelessness	<p>Remove clause: 'No longer owed a Prevention or Relief Duty'</p> <p>Add clauses: 'Where the Relief or Main Duty has ended due to the applicant's unreasonable refusal of an offer.' and 'Where the Relief Duty has ended following the expiry of 56 days.'</p>
25	4.10.2 (a) Low Priority	<p>Add, 'In most...' and remove 'Other than exceptional...' from the following sentence: In most other than exceptional circumstances, an applicant with outstanding recoverable rent arrears, former rent arrears or other housing-related debts will not be considered for an offer of a tenancy or eligible to bid for housing until they have shown a regular repayment record.'</p> <p>Add the sentence, 'In reaching this decision any extenuating circumstances will be taken into consideration, including coercion, harassment and abuse.'</p>
27	4.13.3 Financial resources	<p>Add, 'An assessment of 'sufficient financial resources' will override the applicant's household needs assessment (and banding, if other than Band D). Applicants assessed as having sufficient financial resources will remain in Band D until such time as those resources are no longer considered sufficient. Applicants can ask for this to be reviewed if and when their resources reduce or are rendered inaccessible, for example as a result of a Court Order, such that they are no longer able to resolve their own housing need.</p>

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Page Number	Section number and title	Summary of change
33	5.16.1 Local Lettings Plans	<p>Remove, 'Local lettings plans are used across the Home-Link area to help create balanced and sustainable communities. Where a local lettings plan applies, it will be stated in the property details when advertised. Details of any local lettings plans will be available from the local authority in whose area the property is situated. Some local lettings plans 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 that development.'</p> <p>Add, 'There may be circumstances where a Local Lettings Plan is used to help prioritise applicants.</p> <p>Local Lettings Plans are used across the Home-Link area. For example, to help create balanced and sustainable communities, or to help mitigate any housing management issues identified on specific schemes. They may also be appropriate where local authorities provide rural exception sites to ensure homes are prioritised to local people in perpetuity.</p> <p>Some local lettings plans 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 that development.</p> <p>Where a Local Lettings Plan applies, it will be stated in the property</p>

		<p>details when advertised. Applicants who apply for one of these properties but do not meet the local letting criteria will find that their Home-Link bid will be given a lower priority than an applicant who does meet the criteria for that property.</p> <p>Details of any Local Lettings Plans will be available from the local authority in whose area the property is situated.'</p>
33	6.1.2 Review of Decisions	Remove, 'circumstances' and add, 'the types of decisions' in the following sentence: Examples of the types of decisions circumstances that may be reviewed include:
39	7.9.1 (f) Tenancy Management outside the scope of the Lettings Policy	Add, 'Managed reciprocals'.

3. Alternative options that have been considered

- 3.1 To continue with the current Lettings Policy. This means we would not be ensuring that the policy remains relevant and meets its stated objectives or be consistent with other councils within the Home-Link scheme.

4. Consultation and engagement undertaken

- 4.1 People registered on Home-Link and partners within the Cambridge Housing Sub-Region have been consulted. The proposed revisions have been agreed by the Home-Link Management Board. See sections 2.7 and 2.8 for further information regarding the consultation exercise.

5. Risks associated with the proposals

- 5.1 Policy not aligned with others in Home-Link. Policy not relevant, up-to-date, meeting its stated objectives or updated with the latest legislative changes.

6. Implications arising from the proposals

6.1 Legal Compliance - 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 has sought independent legal advice prior to consultation and any advice given was incorporated into the changes proposed to ensure that the policy remains legally compliant.

6.2 Personal Data Processing
All data is processed in accordance with the Data Protection Act (1998).

The Home-Link service collects information from individuals on behalf of councils and housing associations in Cambridgeshire and West Suffolk. The information provided is shared with these organisations.

This information is used by these Councils/ Housing Associations to assess applications for housing, including those who maybe homeless or at risk of becoming homeless, and to assess housing need within the choice based lettings service.

6.3 Equalities
An Equality Impact Assessment (EqIA) has been carried out and the findings are included in section 2.9.

6.4 Changes to existing policies
The proposed changes to the existing policy are detailed in section 2.10 of this report and at Appendix 1.

7. Appendices referenced in this report

7.1 Appendix 1 – Revised draft Lettings Policy.

8. Background documents associated with this report

8.1 Amendments to the Lettings Policy agreed in 2018 can be found for the former [Forest Heath District Council](#) and [St Edmundsbury Borough Council](#)