

HOUSING CABINET MEMBER MEETING

Agenda Item 25

Brighton & Hove City Council

Subject: Local Lettings Plan – General Needs Housing
Date of Meeting: July 17 2009
Report of: Director of Adult Social Care and Housing [
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Key Decision: Yes Forward Plan No. HSG 10110
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The council has to regularly review and adopt Local Lettings Plans in order to be legally compliant and ensure that the plans meet the council's stated objectives. A requirement of Allocations and Adaptations Policy as approved by the Cabinet Member for Housing on 11 March 2009 was that all Local Lettings Arrangements currently practised by Brighton and Hove City Council in respect of its permanent council housing stock are reviewed to assure legal compliance and alignment with the council's policy objectives. Current arrangements were reviewed, and new proposals considered. There has been extensive stakeholder consultation, the outcome of which is included in the report.
- 1.2 A local authority may implement a Local Lettings Plan [LLP] to make better use of housing stock or to meet other local need. Authorities must demonstrate a need for the LLP that cannot reasonably be met through alternative measures and regularly review both need for and effectiveness of the LLP. However, authorities must ensure that allocations demonstrate 'reasonable preference' to those groups defined as having priority in section 167 (2) of the 1996 Housing Act (amended by the Homelessness Act 2002). Moreover, authorities must not discriminate either directly or indirectly on any equality grounds. Each LLP should be monitored to ensure it meets the original aims and objectives.
- 1.3 The council operates a variety of local lettings practices, some of which have been formally adopted and others not. The council's current practice is not conversant with legislative requirements in terms of justifying need or review. Some practices are not compliant with current equalities requirements.

Current Brighton and Hove City Council Local lettings practice and policy includes:

- Giving preference for some properties to child free households or those with children over 10, in a number of blocks.
- Restricting the granting of tenancies in some blocks to persons over 50 years.
- Preventing granting of tenancies to single people in small number of properties formerly managed by Hove Borough Council – this remains council policy but is no longer implemented.

- 1.4 A review considered the fitness for purpose of existing practice in respect of meeting council objectives, lawfulness and against current equalities standards. Essentially, are the plans actually needed, do they deliver what is expected, are they fair and lawful.
- 1.5 The review also considered designating a proportion of lets in some areas of the more deprived neighbourhoods for households where at least one adult works a minimum of 16 hours, in order to create greater community balance in areas of multiple deprivation where there is a high level of often multi generational benefit dependency. This policy would operate within existing priority bands, but working households would take priority within those bands. For example, if 10 people from band A bid, five of whom work, then the property would go to the working bidder with earliest priority date, even if that is later than a priority date of someone who is not working.
- 1.6 The review considered the views of tenant representatives who have requested that tenants who need to move to a lower floor within blocks of flats are afforded some priority to remain within the same block in order to retain social and support networks. People need to move to a lower floor as a result of decreasing mobility and less ability to manage stairs. Where this is assessed as placing them at risk as they would not be able to evacuate the building, then they need to move. People have often lived in the same block for many years, and increased frailty leads to more dependency on support networks and a desire to remain within the same block.
- 1.7 Where it is thought more information as to the potential impact of proposed LLPs is required, the pilot schemes, with flexibility to vary the terms, are proposed for a limited period for review by HMCC in 12 months.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Housing agrees the following:
 - (1) That the restrictions favouring households without young children are removed. Where problems associated with child density exist in a specific block or estate, then temporary Local Lettings Plans of up to 12 months may be agreed by the Cabinet member for Housing. The impact of this will be reviewed after 12 months operation.
 - (2) That all restrictions preventing letting of one bedroom property to single people are removed. This policy, no longer implemented, still formally applies to a few blocks and therefore should be formally revoked.
 - (3) That a pilot Local Lettings Plan of 12 months duration be agreed whereby up to 25% of property with two bedrooms or more in nine key deprived areas are designated for households where at least one adult has been in paid employment for a minimum of 16 hours a week for at least three months. Mobility standard flats are excluded. The eight areas are: South Whitehawk, Central Whitehawk, North Whitehawk, Central Moulsecoomb, East Moulsecoomb, Knoll, Hangleton, Hollingdean and Tarnar. This will help

increase economic balance within the most deprived communities where few people work and benefit dependency is viewed as the norm.

- (4) That a pilot Local Lettings Plan over a 12 month period be agreed whereby up to 20 ground and first floor flats are identified as lets where preference will be given to tenants in the same block who need to move to a lower floor to meet needs associated with lessening mobility and/or for personal safety as part of a Personal Evacuation Plan. Mobility standard flats are excluded unless the transferring tenant has a specific need for that type of property. This will be reviewed after 12 months.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Restrictions on letting high-rise property to households with children under ten years of age

3.1.1 The objectives of the review in regard to properties with current restrictions are as follows:

- a) to comply with the legal requirement to review restrictions
- b) to review the practices against meeting the council's objectives
- c) to review the restrictive practice within the context of choice based lettings
- d) to review the current practice against current equalities standards

3.1.2 It likely that the current policy developed due to noise transmission, child density concerns, and fears over child safety. Because practice has evolved without formal adoption, interpretation and implementation has varied over time and by location. In March 1998 the Housing Committee did authorise a pilot to allow allocations to children under 10 in high rise buildings but the scheme was not implemented. The current restriction on children under ten applies to the 29 blocks within the authority (see 3.3). There were 114 lets, 52 of which were to two bed properties with such restrictions from April 2008 to April 2009.

3.1.3 High rise blocks which currently have restrictions to children under ten.

Barclay House	Heron Court	Saxonbury
Clarendon House	Highcroft	St James House
Conway Court	Highleigh	St Johns Mount
Courtlands	Johnson Bank	Swallow Court
Ecclesden	Kestral Court	Theobold House
Ellen House	Kingfisher Court	Thornsedale
Essex Place	Napier House	Tyson Place
Falcon	Normanhurst	Warwick Mount
Goldstone House	Park Royal	Wiltshire House
Hereford Court	Richmond Heights	

3.1.4 It is recommended that the age restriction is lifted for the following reasons:

- (a) The practice restricts the council's ability to make best use of existing housing stock in order to meet housing need. This may result in longer periods of temporary accommodation for families with associated financial and social cost.

- (b) The practice undermines the principles and spirit of Choice. A choice based letting scheme should try and offer the maximum choice.
- (c) This practice cannot be justified from an equalities perspective
- (d) This restriction cannot be applied to resident or absentee leaseholders, or to mutual exchange. It does not contain organic growth within households, so is therefore not effective to prevent occupation by young children generally, but potentially discriminatory towards council tenants.
- (e) There is inconsistency in that people placed by the council in temporary accommodation with children under 10 are often housed within high rise buildings. This is potentially confusing for applicants, tenants and advocates.
- (f) This restriction may actually disadvantage applicants with young children, who are more likely to be housed in low rise blocks without lifts.

3.1.5 Consultation with residents and stakeholders resulted in the following feedback:

- (a) Objections were raised by some members of the North Whitehawk Residents Association about child safety. If a parent chooses high rise, then they are responsible for taking steps to ensure the safety of their child[ren]
- (b) Several residents associations and Guinness Trust noted that child density may need to be monitored. The review accepts the need to monitor this issue. Where child density becomes an issue, then it is recommended that there is provision for the Cabinet member for Housing to agree a temporary 12 month Local Lettings Plan for a specific block as part of a management package.

3.2 Restrictions on children in low-rise properties.

3.2.1 These policies were formulated by Hove Borough Council to prevent issues of child density in certain areas. At the time the borough had a policy of placing families with babies or young children in one bedroom flats – this policy no longer applies within BHCC.

3.2.2 The properties to which the policy applies are:

- The Ingram Crescent Estate which has a policy of no children under 10.
- 385 Kingsway which has a policy of no children under 11.
- Tozier Court which has a policy of no children under 11.
- Vale Court which has a policy of no children under 11
- Vale Road has a historic practice policy of no children at all - however this has never been formally adopted as policy and is not currently implemented.

3.2.3 Consultation with residents resulted in the following feedback:

- Ingram Estate. Tenant representatives said they did not know the policy existed, as there are many families with young children on the estate. There are a relatively high proportion of resident leaseholders, many of whom have children, and leaseholders as private sector landlords who let to families.
- 385 Kingsway. The Chair of the Tenants Association raised concern about young children living there as all flats have one bedroom.
- Tozier Court, Vale Court and Vale Road: do not have a residents association – however, the area representative agreed the restrictions should be lifted.

3.2.4 It is recommended that the restrictions on these blocks are lifted for the following reasons:

- (a) The policy cannot be applied to leaseholders. In some blocks, Benson Court, for example – leaseholders represent over 50 percent of the residents. For this reason the policy is not effective.
It discriminates against council tenants as only that tenure faces restriction, and is potentially confusing.
- (b) The council no longer has a policy of housing families with one child in one bedroom flats.
- (c) The exclusion of all children in Vale Road is a form of social exclusion and can not be justified against current equalities standards.
- (d) That a choice based lettings scheme should offer the maximum choice.
- (e) No objections were raised to the lifting of restrictions by tenant representatives.
- (f) The increased flexibility would enable BHCC to better use of its housing stock to meet citywide need.

3.3 Practice of not letting designated one bedroom property to single people.

3.3.1 These policies were implemented by Hove Borough Council in three blocks – 385 Kingsway, Vale Court, and Tozier Court. The reasoning relates to a long superseded allocation policy which gave preference to couples. This policy is no longer implemented, but needs to be formally revoked.

3.4 Working Household Local Lettings Plan

3.4.1 The review examined the possibility of creating a working household LLP. The objectives of this policy are:

- To economically strengthen communities with high levels of unemployment and benefit dependency.
- To create a more balanced and sustainable mix of households.
- To ease pressure on public services in the most deprived neighbourhoods

3.4.2 Key strategic housing challenges faced by the Council include provision of more family homes, in particular for low income working households, and reducing inequality through delivery of more mixed communities on our housing estates.

3.4.3 Our most recent Strategic Housing Market Assessment (July 2008) identified that average house prices in the City tripled between 1997 and 2007 and that first time buyers required a household income of £45,000 to enter owner occupation. However, two thirds of households in the City earn less than £35,000 per annum. While the average house price in the City has fallen since the study it is still 25% higher than nationally. The Strategic Housing Market Assessment also identified that future delivery of new housing in the City is limited by the availability of sites and while there is a high demand for all types and size of accommodation in Brighton and Hove the most acute need is for family homes. Our Council Housing Register also reflects this. In terms of population projections the SHMA identified a net out-migration of families from the City, in particular, economically active families.

3.4.4 In response to this, in addition to promoting future planning policies which deliver a greater proportion of new affordable family homes on available sites, we have also

concentrated on making best use of our existing council stock. In parallel with our successful under occupancy initiative, which has released over 80 family homes in each of the last two years by supporting households to downsize, a review of LLPs to allow for more family homes to become available for those on the Housing Register will allow us to meet the housing needs of more families in the City.

3.4.5 The availability of these and other homes through LLPs targeted working households will not only enable us to provide homes with subsidised rents to those in low income employment but will also enable the Council to tackle some of the challenges presented by the findings of the Reducing Inequalities Review (2007). The Reducing Inequalities Review identified that residents of some of our council estates were not sharing in the prosperity of the City as a whole and that some of the most disadvantaged households were being concentrated in the same areas of council housing. Allowing for targeted housing of low income working households in these areas will help us to deliver the strategic housing and Reducing Inequality Review priorities of creating more mixed and balanced communities.

3.4.6 Consultation with tenants resulted in the following feedback:

Tenants consulted were wholly in favour of the policy as they were keen to see the economic regeneration of their estates. Some members of associations in areas not considered for the LLP noted that blocks of flats are just as much communities as housing estates.

3.5 Priority for tenants who need to move to a lower floor to remain within the same block

3.5.1 The council is working with tenants to agree emergency Personal Evacuation Plans for people in flats with sensory and/or mobility needs. This has further highlighted problems where tenants can access and leave their homes easily when using a lift, but cannot when a lift is not available, for example in the event of fire.

Therefore, some tenants need to move to a flat on a lower floor where they are able to leave more easily if there is an emergency. Many tenants have strong support networks within the block and are reluctant to move. Therefore, it is proposed that a limited number of flats are designated to be let with preference being afforded to people in the same block with a need to move to a lower floor.

3.5.2 This local lettings policy has been requested by tenants, during the consultation period, including those represented by the High Rise Action Group.

3.6 Blocks designated for the occupation of people over 50 years of age

3.6.1 The council has a number of blocks designated for people over 50 years of age. A separate review about the future of these blocks is underway, including extensive consultation with residents and other stakeholders. The current arrangements have equalities implications and may prevent the council from making best use of its stock. It is envisaged this work will be completed and a report presented to HMCC in October 2009

4. CONSULTATION

- 4.1 A wide of range of consultation was undertaken about all the recommendations. Tenants, Homeseekers and community interest groups were consulted. In addition, many community groups were asked to submit opinions. Our Registered Social Landlord partners were consulted. There was extensive dialogue with other departments within the authority. Consultation outcome, and responses to concerns raised, is contained within the body of the report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications from the recommendations in this report. The changes to the LLP will be made within the existing 2009/10 Housing Revenue Account Budget.

Finance Officer Consulted: Susie Allen

Date: 02/06/2009

Legal Implications:

- 5.2 By virtue of section 169 Housing Act 1996, the Communities Secretary is entitled to issue guidance to local housing authorities in connection with the exercise of their powers under Part VI of the Housing Act 1996 - allocation of housing accommodation. Local Authorities are required to have regard to this guidance when exercising their allocation functions. In pursuance of this section, in August 2008 CLG issued a guide entitled, "Allocation of Accommodation: Choice Based Lettings - Code of Guidance for Local Housing Authorities." The guidance includes a section on local lettings policies. The recommendations in the report are compatible with that section."

Lawyer Consulted:

Liz Woodley

Date: 29/05/2009

Equalities Implications:

- 5.3 An Equalities Impact Assessment has been completed in respect of these recommendations. To summarise the findings;
Current age restrictive practices discriminate against people under 50 years old, people with children and people with children under 10 years old as they are either prevented from bidding, or afforded lower priority, for certain property. Removing age restrictive lettings practices would effectively remove barriers to equality as all transferring tenants and Homeseekers would be able to bid for any general needs property that meets their needs.
Although economically inactive groups will not be eligible to bid for property designated for working households, the number of lets would be very few and therefore render potential impact insignificant.
The number of properties removed from general use under the working household and same block move LLPs would be counterbalanced by the number added to the general use pool by the removal of child age restrictions.

Sustainability Implications:

- 5.4 The Working Household and same block moves LLPs aim to increase sustainability and stability in creating balanced neighbourhoods.

Crime & Disorder Implications:

- 5.5 There are none

Risk and Opportunity Management Implications:

- 5.6 Adopting these recommendations would remove the risk of equalities based challenges related to age restrictive lettings practice. Removing age restriction from general needs letting would better enable the council to make best use of existing housing stock in order to help meet housing need

Corporate / Citywide Implications:

- 5.7 The working households LLP would, albeit on relatively small scale, ease local pressure on services working with multiply deprived benefit dependent households within the areas of the city where these households live in greatest concentration.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 In order to ensure Local Lettings Plans operate lawfully, this report had to be brought. Not doing so would risk the Council's Local Lettings Plans being successfully challenged.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To ensure the council's Local Lettings Plans are lawful and meet the council's stated policy objectives.

SUPPORTING DOCUMENTATION

Appendix:

1. A table of areas with high deprivation within the authority

Documents In Members' Rooms

1. There are none

Background Documents

1. The council's Housing Allocations Policy as adopted by the Council at Cabinet Member for Housing Meeting 11 March 2009.