

1 October 2019		ITEM: 8
Housing Overview and Scrutiny Committee		
Local Lettings Plans		
Wards and communities affected: All	Key Decision: N/A	
Report of: Ryan Farmer, Housing Strategy and Quality Manager		
Accountable Assistant Director: Carol Hinvest, Assistant Director of Housing		
Accountable Director: Roger Harris, Corporate Director of Adults, Housing and Health and Interim Director of Children's Services		
This report is Public		

Executive Summary

The Council has a statutory duty to allocate properties in line with its published allocations scheme. This includes their own properties as well as those managed by Registered Providers in the borough where the Council has nomination rights.

Thurrock Council's current Housing Allocations Policy, agreed by Cabinet on 16 January 2019, includes provisions for the Council to set Local Lettings Plans on a case-by-case basis, for example where new-build development has taken place or if there is a specific strategic requirement for additional flexibility around qualification criteria in certain circumstances. Local Lettings Plans are beneficial as they allow the Council to:

- Create balanced & mixed communities
- Protect existing stable communities
- Reduce void rates & tenancy turnovers
- Improve new community stability
- Tackle low demand properties

It is important to note that Local Lettings Plans sit within the Council's agreed Housing Allocations Policy and therefore for a resident to be considered for a transfer they must first satisfy all other elements of the policy.

The Council is developing new-build properties at Tops Club in Grays, with handover currently scheduled between January and February 2020, and in Claudian Way in Chadwell St. Mary, where handover for the majority of properties is anticipated to be in March 2020.

The Council also nominates applicants for Elizabeth Gardens, a purpose built extra care scheme for older people in Long Lane, Grays. This scheme is managed by Anchor Hanover and although the Council has nomination rights to all vacant properties, if the Council is unable to provide a suitable nominee for a vacant property from the Housing Register within 5 working days then Anchor Hanover can offer the property to an applicant deemed appropriate from its own list.

The Council is seeking to implement Local Lettings Plans for the three sites as outlined above.

1. Recommendation(s)

1.1 Housing Overview and Scrutiny Committee are asked to note the contents of this report, and comment on the proposed Local Lettings Plans.

2. Introduction and Background

- 2.1. A local authority has a statutory duty under s166A of the Housing Act 1996 to provide a scheme which outlines how it will allocate social housing within the borough. The local authority may only allocate properties in line with its allocations scheme; this includes the Council's own properties and those managed by Registered Providers in the borough where the Council has nomination rights.
- 2.2. Following the Localism Act 2011, local authorities have greater flexibility over how they prioritise the allocation of social housing, subject to offering reasonable preference to certain groups i.e. the homeless, those with medical or welfare needs, those living in unsanitary or overcrowded conditions or those who need to move to a particular area in order to prevent hardship. These are known as the reasonable preference groups.
- 2.3. Allocations policies must be fair, simple and transparent and they must comply with equality legislation. Community engagement and good partnership working with Registered Providers is essential to achieve this.
- 2.4. The Housing Act 1996 s166A (6) provides that an Allocations Policy may have parts regarding the allocation of specific housing to particular groups of people, whether or not they fall within the reasonable preference groups. These provisions are more commonly known as "Local Lettings Plans".
- 2.5. Such plans enable housing authorities to deal with specific issues and concerns – for example:
 - Creating balanced & mixed communities
 - Protecting existing stable communities
 - Reducing void rates & tenancy turnovers
 - Improving new community stability
 - Tackling low demand properties

3. New Build Local Lettings Plans

3.1. Tops Club, Grays

3.1.1. This development is situated beside the Seabrooke Rise estate. It comprises of 29 properties over five floors in single block, with property types broken down as below:

- 8 x 1 bedroom flats
- 15 x 2 bedroom flats
- 6 x 3 bedroom maisonettes

There are no specifically adapted properties at this development; as such all properties would be included in the Local Lettings Plan.

3.1.2. The applicable boundary of the Local Lettings Plan for this development is the Seabrooke Rise Estate, including The Echoes and the 6 South Grays high-rise blocks.

3.1.3. At the time of writing, data analysis indicates that there are 457 current general needs tenancies in the applicable boundary for the Tops Club development.

3.2. Claudian Way, Chadwell St. Mary

3.2.1. This development is bordered by Claudian Way to the south and Brentwood Road to the west in Chadwell St. Mary. The 53 properties at this site are a mixture of houses and bungalows, as well as flats within two low-rise blocks. The property types broken down as below:

- 8 x 1 bedroom flats
- 14 x 2 bedroom flats
- 15 x 1 bedroom bungalows
- 3 x 2 bedroom bungalows
- 1 x 2 bedroom wheelchair adapted bungalow
- 2 x 3 bedroom wheelchair adapted bungalows
- 10 x 3 bedroom houses

3.2.2. The 21 bungalows at this site, including three properties which have been specifically adapted for wheelchairs, would not be included in the Local Lettings Plan, however the remaining 32 properties comprised of flats and houses will be.

3.2.3. The applicable boundary of the Local Lettings Plan for this development is the Chadwell St. Mary ward.

3.2.4. At the time of writing, data analysis indicates that there are 1114 current general needs tenancies in the applicable boundary for the Claudian Way development.

3.3. Allocation of properties

3.3.1. 75% of first lettings will be for current Thurrock Council tenants who meet the criteria set out in section 3.6. The remaining 25% of first lettings will be allocated in line with the usual processes as set out in the Housing Allocations Policy.

3.3.2. A mixture of property sizes and floor levels will be made available for each group. Properties will be allocated to households with a need for the number of bedrooms provided, as determined by the bedroom standard as set out in the Housing Allocations Policy. The above outlined provisions only apply to the first lettings.

	Total number of new properties	Properties outside of Local Lettings Plan	Properties within the Local Lettings Plan	Number of properties to be allocated to current Council Tenants (75%)	Number of properties to be allocated through usual process (25%)
Tops Club	29	0	29	21	8
Claudian Way	53	21	32	24	8

3.4. Eligibility criteria for Council Tenants

3.4.1. Tenants will only be eligible for consideration for the 75% allocation of new properties if the following criteria are met:

A. Tenants must hold a current Thurrock Council secure tenancy – introductory and demoted tenants will not be eligible

AND

B. Tenants must meet Thurrock Council’s criteria for joining the Housing Transfer List as laid out in the Housing Allocations Policy:

- Tenants with rent arrears or other outstanding housing related charges (such as re-charges for previous works) will not be eligible
- Where a tenant has breached their tenancy agreement, or has otherwise managed their tenancy in an unacceptable manner, they will not be eligible

AND

- C. Tenants must live in a property, rented to them by Thurrock Council, which is situated within the applicable boundary of the respective plan

AND

- D. Tenants must pass a transfer inspection of their current property

3.5. Prioritising eligible Council Tenants

- 3.5.1. Tenants who are interested in being considered for the new properties at Tops Club or Claudian Way must first qualify under the eligibility criteria in section 3.4.

- 3.5.2. An initial list of interested tenants will be collected by the Allocations team following the publication of the Local Lettings Plans.

Where there are more tenants who are interested and qualify than available properties, tenants will be prioritised as follows:

Priority Category	Priority reason	Priority Factor 1	Priority Factor 2
1	Underoccupying tenants	Number of bedrooms underoccupied	Length of time living continuously within applicable Local Lettings Plan boundary leading up to current tenancy
2	Overcrowded tenants	Number of bedrooms overcrowded	
3	Adequately housed tenants	-	

- 3.5.3. The applicants with the highest priority would be tenants that are underoccupying their current property. Within this category, the number of underoccupied bedrooms within their current property would first prioritise applicants. For example, an applicant that is underoccupying by two bedrooms would be given a greater priority than an applicant underoccupying by one bedroom.

If two applicants were underoccupying their properties by the same number of bedrooms, the applicant with the longest length of time living continuously within the applicable Local Lettings Plan boundary would be given a greater priority. Where a tenant has been living at more than one property within the applicable boundary, the combined time will count, provided they have lived within the applicable boundary continuously leading up to their current tenancy.

For example, a tenant, who had lived in property A within the applicable boundary for 10 years and then moved to their current property B within the applicable boundary 5 years ago, will have a combined time of 15 years.

A tenant, who has lived in property C within the applicable boundary for 30 years, and then moved to property D outside of the applicable boundary for 3 years, and then moved back to their current property within the applicable boundary for 2 years, will have a combined time of 2 years.

The current rules regarding downsizing incentives would also apply.

- 3.5.4. Following this, tenants which are overcrowded in their properties would then be prioritised. Within this category, as with the underoccupying priority, the number of additional bedrooms required within their current property would prioritise applicants. For example, an applicant that is overcrowded by two bedrooms would be given a greater priority than an applicant overcrowded by one bedroom.

As before, if two applicants were overcrowded in their properties by the same number of bedrooms, the applicant with the longest length of time living continuously within the applicable Local Lettings Plan boundary would be given a greater priority. Where a tenant has been living at more than one property within the applicable boundary, the combined time will count, provided they have lived within the applicable boundary continuously leading up to their current tenancy.

- 3.5.5. Finally, other applicants which are currently housed in their current properties will be considered and will be prioritised based solely on the length of time that the tenant has lived continuously within the applicable boundary.

3.6. Identification of eligible Council tenants

- 3.6.1. Any eligible tenants who are interested in moving to the new sites will be required to join the Council's Housing Transfer list, via the usual online application process. Assistance will be provided where tenants need help with completing the online form but have no one who can help them e.g. family, friends and support workers.
- 3.6.2. Qualifying tenants will also be required to advise the Allocations team of their interest, so that a separate register can be administered. This process will be advertised to tenants, with advice and assistance provided. Tenants with rent arrears will not be eligible for a transfer under the Local Lettings Plans, however reasonable assistance will be provided to encourage tenant to clear their rent accounts.

There will be a cut-off date for registering an interest that will be clearly advertised; no further interests can be registered after that date. It is important to note that tenants which transfer to a new property will be required to pay the rents and any applicable service charges which have been set against that property, which may be higher than the rent and service charges of their current property.

- 3.6.3. The 75% of properties within the Local Lettings Plans will not be advertised via the Choice Based Lettings process online. Officers will allocate these after the cut-off date for registering an interest, and tenants will be made a direct offer.

In the interests of fairness, consistency and transparency, details of the Local Lettings Plans for the two sites will be published on the Council's website.

- 3.6.4. The Allocations team will determine which properties are within the 75% quota, and which specific properties are allocated to individual households. Offers made will be on the basis of a one offer only policy.

4. Extra Care Local Lettings Plan

4.1. Elizabeth Gardens, Grays

- 4.1.1. Elizabeth Gardens is a purpose built extra care scheme for older people in Long Lane, Grays. There are 65 flats and the Council has nomination rights to 47 of these (16 x one bedroom and 31 x two bedroom).

The scheme is managed by Anchor Hanover Housing Association, and nominations are required from the Council within 5 working days of a property being available to let. If the Council are unable to supply nominees within this timescale then Anchor Hanover may select people from their own waiting list.

- 4.1.2. Eligibility criteria includes the need for extra care support, but applicants must also be eligible for a nomination of social housing which means they must qualify in the usual manner for an allocation i.e. they must have the appropriate local connection in line with the Council's Allocations Policy.
- 4.1.3. Applicants are also assessed for the number of bedrooms they require according to their household size. A single person or couple would normally be eligible for a one bedroom property, however there may be situations where a two bedroom is required - for example where there is a need for a live in carer or to accommodate large medical equipment.
- 4.1.4. The Council has no difficulty in nominating applicants for the one bedroom flats, but often cannot find applicants who qualify for the two bedroom flats. Many applicants who qualify for a one bedroom flat would like to have a two bedroom property but do not qualify for a property of this size under the Allocations Policy.

Subsequently there have been a number of occasions when the Council do not have nominees for two bedroom flats and Anchor Hanover have allocated properties to people on their own waiting list; since their waiting list has different criteria this could mean allocations to applicants from outside the borough without the 6 year local connection required by Thurrock Council.

- 4.1.5. A Local Lettings Plan was previously approved which allowed allocations to the two bedroom properties outside of the usual requirements where there were no suitable nominees waiting. This resolved the issue of losing nominations to applicants that had no local connection to the borough and ensured that the Council's own waiting list of applicants took priority. This plan has now expired and as such requires renewal.
- 4.1.6. Where the renewed Local Lettings Plan is used to nominate applicants, couples will take priority over single applicants for the two bedroom properties.

5. Issues, Options and Analysis of Options

5.1. New Build Local Lettings Plans

- 5.1.1. The objectives of the proposed New Build Local Lettings Plan are twofold. Firstly, the aim is to maintain balanced and sustainable communities within the new development localities. Inserting new developments with a concentration of properties can destabilise a community and therefore it is important to ensure that a high number of the new tenants are already part of the community.

Secondly, the New Build Local Lettings Plan aim to encourage current tenants to move to properties which are of a suitable size and type for their needs, thereby making available properties which would be more appropriate for other households on the Housing Register.

- 5.1.2. The proposed New Build Local Lettings Plans require allocation to applicants where the majority (75%) have demonstrated their ability to manage their tenancies in a suitable manner and have a connection with, and active desire to remain within the area.
- 5.1.3. It is essential that New Build Local Lettings Plans do not discriminate against equality groups and there are current tenants within all of the protected characteristics groups, i.e. elderly, disabled, BME, gender etc. Specific adapted and non-adapted properties at Claudian Way have been removed from the Local Lettings Plan so that they can be allocated to applicants needing those adaptations or property types irrespective of current tenure or location, thereby providing positive impacts for people with these needs.
- 5.1.4. By restricting the majority of new build properties to current tenants there may be a negative impact on people who wish to move to the area, but this will be mitigated by the resulting void properties following the transfer of current tenants, which will then be allocated through the usual housing allocations process.
- 5.1.5. The New Build Local Lettings Plans will be applicable only to first lettings; therefore no ongoing monitoring of the plan is required, however notifications

of how the first lettings were allocated can be advertised through the Council's website; no personal information will be provided.

5.1.6. A survey carried out on the Seabrooke Rise estate at the time that The Echoes were built indicated that 78% of residents surveyed were in favour of prioritising new build properties for people who already live in the area.

5.1.7. Since the New Build Local Lettings Plans only applies to first lets they will have a restricted life span and will no longer apply once the first lettings are completed.

5.2. Extra Care Local Lettings Plan

5.2.1. A potential issue that might affect applicants moving into Elizabeth Gardens through this Local Lettings Plan relates to the Spare Room Subsidy. This is where those in receipt of Housing Benefit or the Housing element of Universal Credit are not eligible to receive the full amount of benefit for a two bedroom flat if there is only a single person or couple in residence. This would therefore lead to a shortfall between the benefit received and rent expected that the household would be required to meet.

5.2.2. There are exemptions to the households affected by the Spare Room Subsidy which may be applicable to applicants for extra care at Elizabeth Gardens, such as for those who have reached state pension age. There are also exemptions for those with a disability which require an overnight carer, and for couples where one person has a disability that means that they cannot share a bedroom, however in both examples the disabled person will need to be receiving one of the following:

- Attendance Allowance
- the middle or higher rate care component of Disability Living Allowance
- the daily living component of Personal Independence Payments.

6. Reasons for Recommendation

6.1. New Build Local Lettings Plans

6.1.1. The Council is introducing new developments, some on sites previously unused for housing. It is essential that balanced and sustainable communities are quickly achieved within these new developments, through both existing and new Council tenants.

6.1.2. Existing communities can be negatively affected when a significant number of new households move into new developments located within estates. As such, it may be appropriate instead to move current tenants into the new developments from within the communities, and then back fill the vacated properties which are likely to be more dispersed. Overall the number of available properties is increased, however through the proposed prioritisation

methodology it also ensures that households are encouraged to move into properties which are a suitable size for their needs.

- 6.1.3. The use of Local Lettings Plans clearly identify how this can be achieved and ensures transparency, fairness and consistency in implementing the objective.

6.2. **Extra Care Local Lettings Plan**

- 6.2.1. Extra Care housing is designed for people in need of a higher level of support than can be offered within Sheltered Housing.

- 6.2.2. Renewing the Local Lettings Plan for Elizabeth Gardens and opening up the two bedroom properties to applicants waiting for one bedroom properties could potentially reduce the waiting time for a number of applicants. This can be crucial where applicants are currently living in unsuitable accommodation or where they are suffering from dementia and would benefit from a move as early as possible, thereby minimising the impact of moving.

7. **Consultation**

7.1. **New Build Local Lettings Plans**

- 7.1.1. Previous consultation activity indicated that 78% of surveyed Council tenants were in favour of prioritising new build properties for people who already live in the area.
- 7.1.2. Consultation meetings will be taking place with the ward members for Grays Riverside regarding the Tops Club development, and with the ward members for Chadwell St Mary with regards to the Claudian Way development. Further member engagement and consultation is taking place through Housing Overview and Scrutiny committee.

7.2. **Extra Care Local Lettings Plan**

- 7.2.1. Joint meetings were held between Housing, Adult Social Care and Hanover at the time that the previous Local Lettings Plan was established, with all in agreement with the recommendation.

8. **Implications**

8.1. **Financial**

Implications verified by: **Mike Jones**
Strategic Lead, Corporate Finance

Allocating new properties to existing council tenants through the New Build Local Lettings Plan will result in an increased number of void properties and the associated costs. The risk of increased rent loss can be mitigated to some

extent through early identification of transferring tenants, proactive advertisement of properties which will become vacant as a result and the early identification of works required to minimise void periods.

Currently, tenants in receipt of Housing Benefit or the Housing element of Universal Credit would not usually receive the full Housing subsidy for a two bedroom flat, however opening up allocations criteria for two bedroom properties through the Extra Care Local Lettings Plan could potentially allow tenants to claim a higher subsidy.

8.2. **Legal**

Implications verified by: **Tim Hallam**
Acting Head of Law, Assistant Director of Law and Governance and Monitoring Officer

Under the Housing Act 1996 part VI Councils may only allocate properties within the terms of their published Housing Allocations Policy. This includes nominations to Registered Provider properties.

s.166A(6) Housing Act 1996 enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall in to the reasonable preference category. This is known as a Local Lettings Plan and may be used to achieve a wide variety of housing management and other policy objectives.

Thurrock Council's Housing Allocations Policy allows the Council to set Local Lettings Plans to allocate to specific schemes outside of the usual requirements.

8.3. **Diversity and Equality**

Implications verified by: **Natalie Warren**
Strategic Lead, Community Development and Equalities

Thurrock's current Housing Allocations Policy allocates 75% of properties to applicants who are prioritised by their housing need. 25% are given to current Council tenants with a desire, rather than a need, to move.

The New Build Local Lettings Plans alternate this position and instead favour Council tenants over non-Council tenants for new Council Housing developments.

The justification for this is to ensure that the initial new communities that result will be sustainable. There is a greater probability of this being achieved where the majority of tenants have already proven the ability to manage their tenancies well and have an active connection with the area.

There is a provision within the New Build Local Lettings Plans to allow specially adapted properties to be allocated only to those with a disability, regardless of their current tenure.

The proposed renewal of the Extra Care Local Lettings Plan would impact only elderly and disabled applicants with support needs and would have a positive impact by potentially reducing the amount of waiting time for appropriate accommodation for Thurrock applicants.

8.4. **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- None

9. **Appendices to the report**

- None

Report Author:

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