

**Report of Director, Environment and Housing**

**Report to Executive Board**

**Date: 10 February 2016**

**Subject: Effective Housing Management and Lettings Framework**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. Housing Leeds manages approximately 57,000 tenancies and makes between 4,500 – 5,000 lettings every year. Housing Leeds manages its tenancies in accordance with the council's Tenancy Agreement and legislative requirements. Lettings of homes are made under the council's Lettings Policy approved by Executive Board in April 2013, and under local lettings policies approved through delegated decision.
2. Since the establishment of Housing Leeds, work has been ongoing to harmonise the policies and procedures and undertake a fundamental review of the city's lettings framework.
3. In order to develop a consistent approach across the city, Housing Leeds wishes to commence formal consultation on the proposals for changes to the council's lettings framework outlined in this report.

**Recommendations**

Members of the Executive Board are asked to:

4. Agree that the Council develops a response to the changes set out in the Housing and Planning Bill, and the potential impact on Housing Leeds.
5. Approve the extension of the council's current Tenancy Strategy to 31 March 2017 and receive a further report from the Director, Environment and Housing on the implications

of the Housing and Planning Bill along with proposed changes to the Tenancy Strategy in September 2016;

6. Approve the consultation plan set out in section 4 on changes to the council's lettings framework;
7. Receive a report in September 2016 setting out the results of the consultation exercise, an equality impact assessment and seeking approval for the implementation of a revised Lettings Policy;

## **1 Purpose of this report**

- 1.1 This report outlines the changes arising from the Housing and Planning Bill, and the potential impact on the council's Tenancy Strategy, housing management and lettings framework.
- 1.2 The report sets out proposals for consultation on changes to the council's lettings framework, including the development of a tenant transfer list, a review of the lettings policy and a new approach to community lettings policies.
- 1.3 The report sets out the proposed consultation process and timescales for implementation of the new policies and seeks Executive Board approval to commence consultation.
- 1.4 The report also gives an update on progress made with the harmonisation of tenancy management and support policies and procedures, which put a greater focus on more intensive tenancy management and support to tenants, particularly at the start of the tenancy.

## **2 Background information**

- 2.1 Housing Leeds lets between 4,500 and 5,000 homes a year, and in 2014/15 over 1,000 applicants from the housing register were rehoused by housing associations under the council's nominations agreements.
- 2.2 The lettings framework is based on the council's legal duties set out in the Housing Act 1996 of meeting housing needs as well as meeting the aspirations of tenants and residents. In order to balance the needs of households in housing need with those local communities, the council lets 75% of properties based on housing need and 25% to households who have been on the waiting list the longest with a local connection to the ward area.
- 2.3 Demand for council housing outstrips supply. The average waiting time for households who were rehoused in 2014/15 was 48 weeks across all areas of the city, property types and sizes.
- 2.4 Currently there are 23,762 (31/12/15) households on the housing register. Approximately 24% (5,635) of customers have assessed housing needs (Band A & B) and 76% households have no identified housing need, but have expressed a preference to be rehoused by the council. Over 11,000 households (45%) on the

housing register have not bid for a home in the last 12 months. In 2014/15 75% homes were let to people in housing need and 25% to people with no identified needs.

- 2.5 Around 1 in 6 of the council's 57,000 homes have a local lettings policy attached to them which gives preference to certain groups of applicants for some properties, e.g. local connection preference in some outer lying areas of the city or age restrictions intended to minimise lifestyle clashes in flats. Approximately 4,300 properties are sheltered properties that are primarily let to people aged 60 years and over.
- 2.6 Over the last two years, Housing Leeds has undertaken a harmonisation programme of tenancy management and support policies and procedures, to ensure a consistent, high quality service is provided. The programme has taken the good practice of the former ALMOs, and developed policies and procedures which are based on the social contract model of reinforcing tenant responsibilities whilst providing high levels of support.
- 2.7 The council wishes to develop the concept of a new social contract with tenants to promote successful and sustainable communities. This can be achieved by implementing a set of social contract 'conditions' for tenants which set out clear expectation of tenants about looking after their new home, garden, environment and community and rewarding tenants through the lettings framework.
- 2.8 As part of the harmonisation programme Housing Leeds has commenced a fundamental review of the local lettings policies currently in operation to ensure they are fit for purpose and consistently applied across the city. The new approach to developing community lettings policies has been informed by the policies used to let the new build homes delivered through the PFI and Council Housing Growth Programme.
- 2.9 The review has involved extensive consultation with tenant and resident groups, officers, Housing Advisory Board and Scrutiny Board. As the project has developed new priorities have emerged, and Housing Leeds is now proposing to widen the scope of the review to include the wider lettings framework.
- 2.10 The Housing and Planning Bill contains a number of challenges to the future of council housing, in particular the proposals relating to the sale of high value homes, higher rents for households with an income of over £30K pa, mandatory introduction of fixed term tenancies, changes to succession rules and the extension of right to buy for housing association tenants. The implementation of further welfare benefit changes including the Benefit Cap, reduction in Housing Benefit paid to under 35 year olds and roll out of Universal Credit will also impact on council housing.

### **3 Main issues**

#### **3.11 Housing and Planning Bill**

3.11.1 During the lifetime of the local lettings policy review the government has introduced the Housing and Planning Bill. The proposals contained in the Bill have major implications for the management of council homes:

- Local authorities have to sell high value homes to fund affordable housing development – this could impact on the availability of homes in high demand areas where local connection criteria is in place
- ‘Pay to stay’ will introduce higher rent levels for households earning over £30kpa living in council housing which would impact on proposals to give preference to customers in employment. The government has announced pay to stay will be voluntary for housing associations, which may make housing association housing more attractive to customers in the affected income groups
- Mandatory introduction of fixed term tenancies of between 2 and 5 years in place of secure tenancies for new tenants
- Changes to the rules on successions which would mean only a maximum of 5 year fixed term tenancy would be offered other than in cases of succession to a spouse or civil partner
- Extension of right to buy to housing association tenants which may make the offer of rehousing by a housing association more attractive to customers who ultimately wish to buy their home

3.11.2 The council’s Tenancy Strategy 2012 – 15 outlines the council’s expectations of local housing associations in relation to the types of tenancy they use. As the final version of the Bill are not yet known, the council proposes to extend its existing Tenancy Strategy to 31 March 2017, pending a full review being undertaken in consultation with local housing associations and a further report being considered by Executive Board in September 2016.

### 3.12 **The council’s lettings framework**

3.12.1 Housing Leeds commenced a review of local lettings policies (LLPs) in early 2014, following the implementation of the new housing management structure.

3.12.2 The review quickly identified the following drivers for change:

- The majority of the LLPs have been in place for many years and whilst they have been periodically reviewed, there has been little or in some cases, no change.
- They do not comply with equalities legislation leaving the council open to legal challenge based on discrimination
- They often rely on the judgement that tenancy behaviour is linked to age, rather than evidence
- There is inconsistent application of the policies with evidence that they restrict housing opportunities to younger people in some communities and result in concentrations in other areas.

3.12.3 As a result of discussions about community lettings policies, and from feedback on the policies in place for letting new build homes, Housing Leeds has extended the scope of the local lettings policy review to include the wider lettings framework. This has 3 main elements:

- **Introduction of a tenant transfer policy** to give greater preference to and reward existing council tenants who have successfully held a secure tenancy as part of our commitment to the social contract and enabling the council to make better use of its housing stock
- **Review of the main lettings policy** to mainstream some elements previously covered by local lettings policies – specifically: local connection, children at height, good tenancy record, home visits, pre tenancy training and good neighbour criteria
- **New approach to community lettings policies** to replace local lettings policies, with a greater emphasis on tenancy management issues in the wider community. To include more proactive marketing of lower demand homes to attract new customer groups, encourage people in employment and flat sharing.

3.12.4 Housing Leeds has developed proposals and is seeking Executive Board approval to commence a consultation on the following proposals:

### **3.13 Tenant transfer policy**

3.13.1 The statutory code of guidance on allocations states that existing tenants applying for a transfer who are considered to have 'reasonable preference' (i.e. they fall within one of the priority bands for rehousing such as being overcrowded or homeless) must be treated on the same basis as new applicants. However, the local authority can set their own transfer policy where the tenant has no housing need.

3.13.2 At present council tenants apply for housing on the same basis as non-tenants and have their housing needs assessed under the lettings policy.

3.13.3 Council tenants in Band C (with no assessed housing need) are only considered for a transfer if they have adhered to their tenancy agreement and kept their property in an acceptable condition.

3.13.4 Council tenants are given preference under local lettings policies for a proportion of the new build homes being delivered through the PFI and Council House Growth Programme.

3.13.5 Overall, the percentage of lettings to council tenants is proportionate to the percentage of tenants on housing register, and averages between 20 – 25%.

3.13.6 At present there are 5,980 council tenants on the housing register (25%) of all applications. Of these, 1,688 (28%) are in some degree of housing need including tenants with medical need to move, living in overcrowded conditions or for another reason.

3.13.7 Introducing a separate tenant transfer policy would allow the council to offer a proportion of available homes to tenants ahead of other customers. The benefits would be:

- To promote tenant mobility and make the best use of social housing stock by freeing up properties to let to other customers on the housing register - an example would be where a tenant who is overcrowded by one bedroom moves through the transfer policy from a 2 to a 3 bedroom house, freeing up a 2 bedroom home for another household
- Helping resolve the situation for tenants in housing who need to move to alternative accommodation - examples including under occupying tenants, overcrowded tenants, or tenants moving for work.
- Rewarding tenants with a good tenancy record who have no assessed need to move, which would form a key element of the social contract between Housing Leeds and our tenants. This approach seeks to rebalance the rights and responsibilities under the tenancy agreement and empowers tenants to make positive choices and have a positive impact on their communities.

3.13.8 Housing Leeds will consult on the proposal to introduce a tenant transfer policy to run alongside the main lettings policy as follows:

### **3.14 Tenant Quota 20%**

3.14.1 1 in 5 properties to be allocated to council tenants who have successfully completed their 12 month Introductory Tenancy period and are Secure Tenants. Setting a quota will help manage the number of void properties being released and minimise associated costs.

3.14.2 Access onto the tenant transfer list for tenants in Band C (no assessed housing need) will be subject to successful completion of an Annual Home Visit within the last 12 months and having no tenancy enforcement action against the tenant or any household members.

3.14.3 Within the Tenant Quota, properties will be let based on a 50 – 50 split between housing need (10%) and application date (10%). Allocations of adapted, sheltered and bungalows will be made based on housing need.

### **3.15 Date of Registration Quota 20%**

3.15.1 The existing quota applies to 25% of allocations (excluding adapted, sheltered and bungalows) which are made based on the length of time on the housing register and having a local connection to the Ward area. In order to facilitate the introduction of the Tenant Quota, Housing Leeds proposes to reduce the Date of Registration Quota to 20% allocations.

### **3.16 Housing Need Quota 60%**

- 3.16.1 In order to meet the statutory obligation for the majority of lettings to be made to households in housing need, 60% lettings will be made to applicants in Band A and Band B of the housing register, as per the current Lettings policy. Housing Leeds will continue to let all adapted, sheltered and bungalows based on housing need, rather than waiting time.
- 3.16.2 Housing Leeds is developing an enhanced Leeds Homes website which will provide applicants with more details about their housing application and advice on appropriate bidding, for example, in terms of eligibility for certain property types. This will help applicants make decisions on which properties to bid on to maximise the likelihood of being offered a property. The introduction of a new tenant transfer quota would complicate the existing policy, and for this reason, Housing Leeds proposes to implement a transfer policy when this can be supported by the enhanced website.

### **3.17 Review of the main lettings policy**

- 3.17.1 In order to develop a consistent approach within the lettings framework, Housing Leeds proposes to mainstream some elements of the existing local lettings policies. This will build on the outcome of lettings made on new build homes which has received positive feedback, in particular:
- Making enhanced tenancy checks including tenancy records and home visits prior to making offers.
  - Use of pre-tenancy training to support applicants manage their tenancy successfully
  - Operating a citywide approach to the use of local connection

### **3.18 Enhanced tenancy checks and home visits**

- 3.18.1 Housing Leeds proposes to extend the approach of the letting of homes delivered through the PFI and Council House Growth Programme, where all customers have a home visit to check the conduct of their tenancy prior to being offered a home. The use of good tenancy records has proved to be a popular option in consultation with tenants and residents and has meant fewer management issues in the new build homes. The properties freed up by the outgoing tenants have been checked prior to going into the void process assisting relet times and void costs.
- 3.18.2 To mitigate the potential delays in allocating void properties caused by arranging home visits when properties are ready to let, Housing Leeds is proposing that a pre-tenancy check is undertaken as part of the annual home visit. This would mean existing council tenants would be granted approval to transfer to another property at their annual home visit if they have kept to their tenancy and maintained their home.
- 3.18.3 In terms of non-council tenants, Housing Leeds proposes to extend the principle of conducting home visits, but due to resource issues intends to implement this on a risk-based approach to begin with.

3.18.4 Where applicants have no assessed housing need (Band C of the housing register) Housing Leeds will not proceed with an offer of accommodation unless the home visit and tenancy check is successful. If an applicant in Band A or B and B fails the tenancy checks, Housing Leeds will consider the individual issues and decide the appropriate course of action. This may include referring for support, or advising on a course of action to remedy the issue, such as clearing a messy garden, arranging repairs or attending pre tenancy training.

### **3.19 Pre tenancy training**

3.19.1 Pre-tenancy training is widely provided by social landlords to help support and prepare applicants for living in rented accommodation before they are offered a property.

3.19.2 It was initially intended to prepare young people to live independently for the first time, and covered such things as budgeting skills and what is meant by being a good neighbour. The outcomes have been successful in terms of sustaining tenancies and the model has been expanded to include other applicants who require support and guidance for running a home and conducting a good tenancy.

3.19.3 The programme would include sessions on how to maintain a tenancy successfully, why tenancies fail, rent payment and budgeting, community responsibilities, how to find a home and employment. Giving preference to people who have completed pre-tenancy training gives prospective tenants the opportunity to demonstrate their commitment to taking on the responsibility of becoming a council tenant.

3.19.4 The pre tenancy training offer will be inclusive, with the aim of supporting prospective tenants to hold a successful tenancy rather than to exclude people from being rehoused.

3.19.5 Housing Leeds proposes to begin this approach by introducing pre tenancy training for all young people aged 16 and 17 to prepare them for independent living and within defined high rise properties where there is specific need to highlight issues around living in a block. This will give the opportunity to evaluate a pilot before deciding how to phase in pre tenancy training across a broader range of lettings.

3.19.6 Other priority areas will include lettings within certain high rise blocks, and lettings to applicants who have a failed tenancy, for example, having left a previous council property with rent arrears or with another tenancy breach.

### **3.20 Local connection preference**

3.20.1 Currently Housing Leeds operates local connection preference under local lettings policies in some outer lying areas of the city, including Wetherby, Garforth and Kippax and Rothwell, but not in other areas such as Otley, Robin Hood, Swarcliffe and Morley.



- 3.20.2 Housing Leeds proposes to consult on the use of local connection criteria, including the option of applying local connection criteria on up to 100% family type accommodation (i.e. 2 bedroom and more houses and maisonettes) in outer Ward areas where the turnover of council housing is lower and opportunities to move to alternative affordable accommodation are more restrictive than in inner areas of the city. The exact proportion of lettings would be set on an annual basis as part of a Ward-based lettings plan, and be based on previous lettings data, affordability and the availability of alternative accommodation locally.
- 3.20.3 Local connection will be used as a deciding factor within a priority band, for example, a customer in Band C who has a local connection would not be rehoused ahead of a customer in Band A who cannot establish a connection. As the outer Ward areas have high demand and low turnover, it is not anticipated that many allocations will be made to customers who are not in a high degree of housing need.
- 3.20.4 Housing Leeds proposes to harmonise the local connection criteria to apply to the Ward area (rather than the existing LLPs which use the housing office management area) and include residence, close family associations, employment or other special reason including having children in schools.
- 3.20.5 The use of local connection criteria to outer areas of the city will apply in addition to the existing local connection provisions within the council's main lettings policy:
- Customers with a local connection to the city of Leeds receive preference over other customers
  - 25% properties are currently advertised with preference to customers on the housing register based on their registration date and having a local connection to the specific Ward area
- 3.20.6 Concerns have been raised about the fairness of operating the local connection preference, where customers with a longstanding application are not considered to have a connection with an area they have friends or other support in. This is particularly the case where customers may be estranged from their parents or family members and rely on friends to provide support. As part of the review Housing Leeds will develop further guidance on the 'other special reason' category and cases where the local connection criteria will be waived to avoid potential hardship or discrimination.

### **3.21 Rehousing Children at Height**

- 3.21.1 At present the main lettings policy allows offers of high rise accommodation to be made to families with dependent children, but some blocks have local lettings policies in place which restrict lettings. The position is not therefore clear and is inconsistent across the city. We are currently reviewing the issue of housing children at height to develop a clear, consistent policy. This will be discussed further in a paper to Executive Board following consultation with Members.

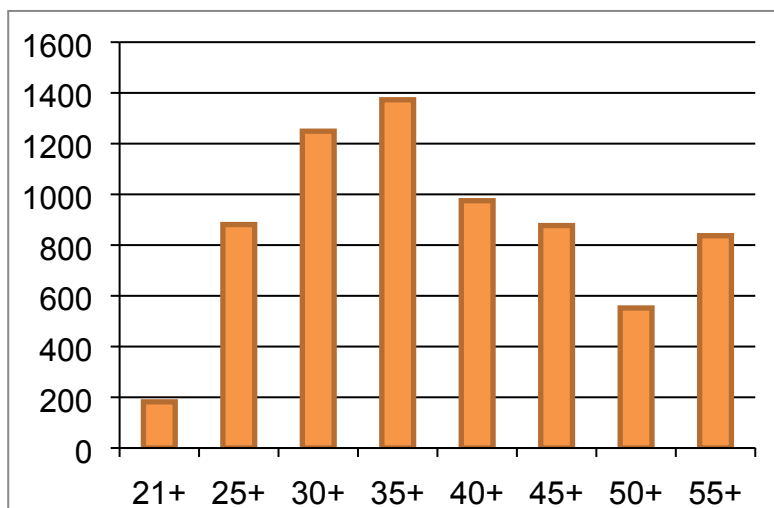
### 3.22 Good Neighbour criteria

- 3.22.1 The council currently operates a 'Good Neighbour criteria' in four areas of the city where Housing and Community Safety have agreed the need to conduct checks on previous criminal and antisocial behaviour. The criteria seeks to address cases of family members being rehoused on the same estate where families have historical problems, for example, grown up children being released from short term prison sentences being offered rehousing on the estate.
- 3.22.2 Initial feedback suggests a number of positive outcomes including a reduction in reports of nuisance, but there is concern is that there may be displacement to other areas. Further monitoring of the impact of conducting checks on increased void times is also needed. It is proposed to review in light of the application of the new approach to tenancy management annually.
- 3.23 Housing Leeds proposes to continue to operate these policies where they can be justified in areas with significant issues of anti-social and criminal behaviour and are considered in partnership with Community Safety and the Police. The decision to implement will be evidence-based and taken as part of an annual review of lettings in each Ward.

### 3.24 Community Lettings Policies

#### 3.25 Age related local lettings policies

- 3.25.1 In the main, age-related local lettings policies operate in low and high rise flats which were historically introduced to overcome potential lifestyle clashes in property types with poor sound insulation and in response to tenant preferences.
- 3.25.2 7,469 of flats and bedsits (38% of all flats) currently have an age related local lettings policy. The policies are inconsistently applied across the city and in some areas of the city severely restrict housing options for younger people and lead to concentrations of young people in other blocks.
- 3.25.3 The council currently operates nine different age bands as shown below.



3.25.4 The review quickly identified the following drivers for change:

- The majority of the LLPs have been in place for many years and whilst they have been periodically reviewed, there has been little or in some cases, no change.
- They do not comply with equalities legislation leaving the council open to legal challenge based on discrimination;
- They make a generalised judgement that tenancy behaviour is linked to age, rather than being supported by evidence;
- They restrict housing opportunities to younger people in some communities and result in concentrations in other areas; and
- They do not support the Council's key priorities.

3.25.5 Housing Leeds wishes to reduce the number of age related policies in place over the next 3 years.

3.25.6 The key principles will be:

- Reducing the number of properties let with age restrictions in place, with greater focus on other Community Lettings Policies
- Where age restrictions remain, they will be evidence based and linked to the block's management arrangements
- Considering how blocks will be designated , for example starter homes for younger people offering support to manage tenancies and find employment, for people in employment, and pre-retirement / retirement homes
- There will be a managed and phased transition over 3 years, prioritising blocks where we struggle to attract sufficient demand from customers who meet the current age preference and areas with high concentrations of age restrictions
- Rather than simply removing age policies, they will be replaced by other policies such as good tenancy record / pre-tenancy training, which recognise that the design of many blocks requires people to be considerate neighbours;
- Individual policies will be reviewed annually during the transitional phase to monitor the effectiveness of lettings outcomes and impacts on demand

## **3.26 Employment**

3.26.1 At present 12 flats managed by the BITMO have a lettings policy giving preference to people in employment. This has been successful in assisting tenants in employment secure affordable housing. Employment preference received a very positive response in the consultation for the Beeston Hill and Holbeck properties, as did being in training for a keyworker profession.

3.26.2 Providing affordable homes for low income households is a key element in supporting the council's objective of promoting sustainable and inclusive economic growth as well as reaching out to people priced out of the housing market. It is proposed that employment and training as a consideration is retained in developing approaches to Community Lettings Policies.

3.26.3 An employment preference may be suitable for some high rise flats located close to major employment centres, or in high rise flats where there are high concentrations of unemployed tenants, and this is impacting on the block's sustainability. The use of employment as a preference group could help reduce the impact of changes to housing benefit rules which affect under occupying council tenants of working age as well as attracting new customer groups.

### **3.27 Best use of stock: under-occupation / overcrowding**

3.27.1 Through some new build LLPs, preference has been given to applicants who are under-occupying or overcrowded in their current housing. This has proven successful in supporting the best use of housing stock and alleviating problems associated with under occupation and overcrowding.

3.27.2 It is proposed that for some blocks of flats in areas with high levels of under-occupation of family housing or some blocks of flats with 2+ bedrooms that it may be suitable for an under-occupation or overcrowding Community Lettings Policy to be considered. This will link in with the proposals to create a tenant transfer list outlined above.

### **3.28 The High Rise Project**

3.28.1 Housing Leeds manages over 7500 flats in 116 high rise blocks across the city. A project is currently underway to look at the issues faced by high rise tenants across the city and develop a co-ordinated strategic plan for managing high rise living.

3.28.2 As part of the High Rise project, consideration is being given to the management models of blocks, and how Community Lettings Policies could help to support the development of high rise blocks as sustainable communities and attractive housing options. A separate paper will be brought to a future Executive Board to outline progress with the High Rise project.

### **3.29 Miscellaneous amendments to the lettings policy**

3.29.1 The review is an opportunity to refresh the lettings policy to ensure it remains fit for purpose. Housing Leeds has identified a number of amendments including:

- Rewording sections to 'future proof' the policy in relation to new developments including the launch of the new Leeds Homes website, enhanced online services and the Accessible Housing Register to improve matching services for disabled people needing an adapted or accessible home
- Reviewing and strengthening the provisions which relate to rehousing customers with a record of antisocial behaviour
- Extending the use of the affordability test which currently applies where an offer is made to a customer who will be under occupying their home, and extending this provision to all offers of accommodation. This will be required

to respond to forthcoming welfare benefit changes including Benefit Cap and reduction of housing benefit to under 35 year olds

- Include provision to implement Right to Move regulations to support mobility of social housing tenants in England and Wales needing to move to take up employment
- Updating references to council teams and sections, e.g. Education Leeds, Environment and Neighbourhoods etc.

### 3.30 **Support for council tenants**

- 3.30.1 As part of the harmonisation programme, Housing Leeds has reviewed and harmonised the **viewing pack** for new tenants, which is the first opportunity for tenants to see their new home and start forming a relationship with the local housing office. The viewing pack contains information about the property and tenancy which lets the new tenant know what to expect.
- 3.30.2 We have also completed the harmonisation of the **sign up pack and Tenant Handbook** which will be tailored to the specific property types, including high rise living and sheltered housing and gives an overview of the services offered by Housing Leeds, including tenant involvement opportunities.
- 3.30.3 The new **Tenant Handbook** is currently being finalised following consultation with tenant groups and will be rolled out in 2016. The information in the handbook supports the pre tenancy training programme.
- 3.30.4 We have also launched a new process for **New Home Visits**, which take place 28 days after the tenant has moved in. This is an opportunity for the housing officer to check the tenant is settling into their new home and to address any issues that come to light. Further work is ongoing in relation to carrying out a further **Pre-secure Tenancy Visit**, which will take place before the Introductory Tenancy is due to become a Secure Tenancy.
- 3.30.5 In 2013 Housing Leeds implemented a policy of visiting every tenant once a year (called an **Annual Home Visit**). This is intended to identify any issues in the tenancy so advice and support can be given. This can cover anything from potential tenancy fraud to support, giving permission to keep a pet and benefits advice. The outcomes are recorded to ensure any identified actions are followed up. The Annual Home Visit is an important part of developing a positive relationship between the housing office and tenant and has proved very successful in identifying a wide range of tenancy related issues, such as outstanding repairs, hoarding, domestic violence and vulnerability.
- 3.30.6 A review is currently underway of how Housing Leeds should be providing enhanced levels of housing support to some tenants to help tenants to sustain their tenancies. A key principle of this review is to put greater emphasis on providing support as early as possible, with greater support between housing application and rehousing. This approach has been piloted for younger tenants and is proving successful in helping younger tenants to sustain their tenancies.

### **3.31 Tenancy types**

- 3.31.1 Under the council's lettings policy new tenants are offered an introductory tenancy, unless they previously held a secure tenancy with the council, or an assured tenancy with a housing association.
- 3.31.2 An introductory tenancy is for a trial period which lasts for a year. Provided there are no issues the tenancy will become a secure tenancy at the end of the year. The introductory tenancy can be extended for a further six months if the tenant does not fully comply with the tenancy terms, or action to repossess the property can be taken.

### **3.32 Older Person's Housing**

- 3.32.1 Housing Leeds manages a portfolio of 4200 category 2 sheltered housing units in 126 schemes across the city. This includes 8 high rise blocks, 28 sheltered complexes with integrated communal facilities, a further 40 with the use of standalone communal facilities, and the remainder being dispersed bungalows with no communal facilities.
- 3.32.2 Housing Leeds is committed to ensuring that its housing provision for older people is of the highest quality. The current sheltered housing support model is standard across all schemes regardless of the type of sheltered scheme, with Sheltered Support Officer offering support visits in accordance with the support agreement.
- 3.32.3 A review is currently underway of the Housing Leeds support models for older tenants, with consideration being given to a wider range of support models which are more connected to the accommodation type, but that also provide flexibility to support older tenants living in general needs housing. This review is giving consideration to eligibility through the Lettings Policy.
- 3.32.4 The current Lettings Policy specifies that all category 2 sheltered housing is for customers who:
- are aged over 60, or have a medical recommendation.
  - have demonstrable care and support needs, such as a current or future ability to utilise warden support.
- 3.32.5 Consideration is being given to changing the eligibility criteria for sheltered housing as part of the wider review of support models.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Initial consultation on the proposed changes to the lettings framework has been undertaken with strategic tenant groups, the High Rise Forum, Environment and Housing Scrutiny Board and Housing Advisory Board.

- 4.1.2 In order to take forward more detailed consultation on the proposals outlined above an officer project group will convene to plan the consultation on the proposed changes will run from March to July 2016, with a view to Executive Board receiving an update in September 2016.
- 4.1.3 A series of consultation events will be organised with BITMO, Registered Providers, elected members, voluntary sector housing organisations and tenants groups. Details of the proposed changes will also be included on the Housing Leeds and Leeds Homes website and flyer to ensure customers seeking a home are aware of the proposals and have an opportunity to comment. An online survey will run on the Council's Talking Point portal with paper copies available from housing offices and One Stop Centres. Previous reviews have obtained over 2,000 individual responses.
- 4.1.4 The proposed consultation timetable is set out below:

<b>Consultation plan</b>	<b>Timescales</b>
Finalise proposals for consultation	Jan / Feb 2016
Executive Board approval to commence consultation	Feb 2016
Political briefings on draft version	March 2016
Public consultation with stakeholders on proposed changes to lettings policy, including tenants / customers	March – May 2016
Collation of responses	June 2016
Proposals to Housing Advisory Board	June 2016
Equality Impact Assessment of proposed changes to lettings policy	July 2016
Scrutiny Board to view final proposals	July 2016
Draft Executive Board report on final changes	August 2016
Executive Board to consider and approve changes	Sept 2016
Implementation including IT changes, training and promotion of new policy	Sept 2016
Implementation of Community Lettings Policies on Block by Block Basis	From October 2016
Regular Updates to HAB throughout implementation	October 2016 – March 2017

## **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 An Equality Impact screening assessment has been completed and the council will conduct a full equality and diversity impact assessment as part of the review of local lettings policies to identify potential positive and negative impacts, and will develop an action plan to address any negative impacts identified. A full EIA on the final proposals will be brought to Executive Board for approval.

## **4.3 Council Policies and Best Council Plan**

- 4.3.1 The development of community lettings policies supports the council's ambition of being the best city in the UK, which is fair, open and welcoming to all. The links to the best council outcomes of improving the quality of life for residents, particularly

those who are vulnerable or in poverty. Existing local lettings policies are perceived by some existing tenants as positive in establishing stable communities, but also restrict the choice of rehousing for other customer groups.

- 4.3.2 The proposals will help achieve the savings and efficiencies required to continue to deliver frontline services by rewarding tenants who abide by their tenancy agreement.

#### **4.4 Resources and value for money**

- 4.4.1 The Council aims to ensure its housing stock is managed efficiently and best use is made of the limited resource, for example, by reducing homelessness and the associated social and financial costs such as temporary accommodation placements.
- 4.4.2 The Council aims to operate an efficient lettings process, to reduce the length of time properties remain empty to ensure the needs of customers in housing need are met, and to increase tenant and resident satisfaction with their homes and neighbourhoods.
- 4.4.3 The move to develop community lettings policies will improve lettings outcomes and reward tenants who abide by their tenancy agreement and care for their property, and reallocate resources to support proactive tenancy sustainment through home visits and pre-tenancy training.

#### **4.5 Legal Implications, Access to Information and Call In**

The Housing Act 1996 requires every local housing authority to have an allocation scheme for determining which customers are prioritised for re-housing, and the procedure to be followed in allocating housing. This covers lettings of Council tenancies made by Housing Leeds and the Belle Isle Tenant Management Organisation (BITMO), and nominations to Registered Social Landlords. The Localism Act and more recent government guidance supports local authorities to consider operating tenant transfer lists alongside their lettings policies.

#### **4.6 Risk Management**

- 4.6.1 Currently the council faces a risk of legal challenge under the Equality Act relating to the use of age policies. The move away from age related preferences reduces the likelihood of a successful legal challenge on the ground of unlawful discrimination.
- 4.6.2 Other risks of continuing to operate LLPs in their current format include reduced demand for properties and the potential for under occupation in 2 and 3 bedroom high rise properties linked to changes to Housing Benefit paid to under occupying tenants of working age.
- 4.6.3 There are also some risks associated with some of the proposals and options. Whilst there is evidence to suggest an appetite for change, there is a risk attached to the speed of implementation to removing age related LLPs. For this reason a phased transition away from age restrictions over 3 years is recommended, with



the highest risk areas in terms of concentrations of age restrictions and lack of demand being prioritised.

- 4.6.4 Reallocation of existing resources will be required to deliver the transition and to strengthen the lettings and tenancy management procedures. The service needs to deliver such things as additional home visits and new initiatives such as Pre-tenancy training, without impacting on core business and performance.
- 4.6.5 However, the development of LLPs under the new proposals aims to improve lettings outcomes and reward tenants who abide by their tenancy agreement and care for their property. This will provide value for money by improving tenancy sustainment, reducing void times and costs and improving outcomes for tenants and residents.
- 4.6.6 This is balanced against the reallocation of resources to proactive tenancy sustainment through home visits and pre-tenancy training. There may be additional cost implications to the development of new initiatives such as Pre-tenancy training our approach will be 'an invest to save' model bringing longer term financial benefits in preventing tenancy failures.
- 4.6.7 Another major risk factor is the political, economic, social and technological factors, primarily the changes proposed under the Housing and Planning Bill. A further report will be presented to Executive Board once more details are known, and will link to the review of the council's Tenancy Strategy.

## **5 Conclusions**

- 5.7.1 Housing Leeds has reviewed its existing local lettings policies and identified significant areas of concern. Housing Leeds proposes to build on the lessons learned from the policies used to let the new build homes, and incorporate features including home visits and pre tenancy training into its main lettings policy.
- 5.7.2 It is proposed that there is a reduced emphasis on local lettings policies, and greater emphasis placed on the use of the existing lettings policy and strengthened tenancy management policies and procedures to achieve harmonious communities.

## **6 Recommendations**

Members of the Executive Board are asked to:

- 6.1 Agree that the Council develops a response to the changes set out in the Housing and Planning Bill, and the potential impact on Housing Leeds.
- 6.2 Approve the extension of the council's current Tenancy Strategy to 31 March 2017 and receive a further report from the Director, Environment and Housing on the implications of the Housing and Planning Bill along with proposed changes to the Tenancy Strategy in September 2016;

- 6.3 Approve the consultation plan set out in section 4 on changes to the council's lettings framework;
- 6.4 Receive a report in September 2016 setting out the results of the consultation exercise, an equality impact assessment and seeking approval for the implementation of a revised Lettings Policy;

## **7 Background documents<sup>1</sup>**

- 7.1 None.

## **Appendices**

Appendix 1 List of local lettings policies

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.