



Report of Chief Officer, Housing Management, Housing Leeds

Report to Housing and Regeneration Scrutiny Board

Date: 25 February 2014

Subject: Checks Carried Out On Prospective Council Tenants

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 type="checkbox"/> Yes	<input checked="" 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 The purpose of this report is to provide Scrutiny Board with an overview to the 'suitability' process that is applied to applicants who apply for council accommodation.
- 2 The 'suitability' process allows for an application to be cancelled if it fails to meet the Qualification Criteria and also allows for a Reduced Preference to be applied, if appropriate, when allocating properties.

Recommendation

- 3 Scrutiny Board are asked to note the contents of the report and request any additional information.

1 Purpose of this report

- 1.1 Following a request at Scrutiny Board in Nov '13 the attached report aims to provide details of the 'suitability' process that is applied to applicants requesting social housing from LCC.
- 1.2 The purpose of the report is to provide Scrutiny Board with an overview of the 'suitability' process and the type of information that is used in making a decision under the Qualification Criteria, which could result in an application being cancelled, and the Reduced Preference criteria, which could result in an applicant being bypassed as part of the allocation process.

2 Background information

- 2.1 Following the introduction of the Localism Act 2011 the Lettings Policy has been amended to identify when an application can be cancelled and when a reduced preference can be applied due to the behavior of the applicant.
- 2.2 A review of the application can be undertaken at any time whilst the applicant is on the waiting list and can be applied more than once to ensure that any decisions are based on the most recent information that is available.

3 Main issues

- 3.1 Whilst an assessment can be applied at any stage it should always be applied at the point of registration and also at the point of offer.
- 3.2 As part of the registration process all applications should identify the previous 5 years housing history, if not the form will be returned and further information requested. The form will not be registered until full history has been provided.
- 3.3 The assessment process is automated and links the various ICT software between housing and community safety in order to identify tenancy enforcement and ASB actions.
- 3.4 There are a number of triggers that can be offered as guidance when assessing an application for Qualification Criteria or Reduced Preference, these are as follows;

Qualification Criteria

- 13 weeks in arrears / significant shortfall in payment
- Anti Social Behaviour Order
- Housing Injunction
- Premises Closure Order
- Possession Proceedings
- Serious damage to property / tenancy breach
- Tenancy fraud that would lead to possession

Reduced Preference

- 8weeks in arrears
- Acceptable Behaviour Contract
- Housing Caution
- ASBO warning
- Less serious breach of tenancy

- 3.5 The above is intended as a guide and is not exhaustive but all decisions must be proportionate, confirmed in writing and the applicant allowed a right of appeal.
- 3.6 There are a number of exemptions to the above where we have a legal duty to rehouse an applicant who has been identified as homeless as well as applicants fleeing domestic violence, subject to hate crime or serious harassment.
- 3.7 If an applicant has been deemed unsuitable through the Qualification Criteria they can ask for a review if they;
- Make consistent payments against their rent arrears over a 13 week period or clear one third of the overall debt.
 - Have not caused any ASB for a period of 12 months and have abided by any intervention measures.
 - Make consistent payments against a recharge over a 13 week period or clear one third of the debt.
 - Incident of tenancy fraud is over 12 months old, (although Reduced Preference can be applied).
- 3.8 For applicants who are subject to Reduced Preference they can ask for a review if they;
- Make consistent payments against their rent arrears over a 13 week period or clear one third of the overall debt.
 - Have not caused any ASB for a period of 6 months and have abided by any intervention measures.
 - Have not caused any behavioural problems for 6 months.
- 3.9 The above should be seen as part of an overall process to provide housing to the most suitable and appropriate households and to assist in the process of creating sustainable communities.
- 3.10 As part of the current service review in Housing Leeds a model of best practice is being developed which will incorporate the entire customer pathway from their housing application through to tenancy support to ensure that the most appropriate service offer is provided to create tenancy sustainment and community cohesion.
- 3.11 Whilst the above seeks to identify applicants who are deemed unsuitable as a consequence of previously identified unacceptable behaviour there will be instances where the unacceptable behaviour occurs after a tenancy has been granted.
- 3.12 When such occurrences have been identified then swift and appropriate tenancy enforcement action should be taken to resolve any such issue.
- 3.13 Further work – we will seek to deepen our understanding of the applicant, not purely to exclude or reduce preference but to better cater for their needs and take into account their potential impact on neighbours. This is a difficult area with regards to potential discrimination, so exploring this in Scrutiny would be welcome.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 A full series of consultation events was undertaken in 2013 prior to the changes made to the Lettings Policy.
- 4.1.2 Customers and elected Members were fully engaged as part of this consultation process.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The details contained within this report have been introduced as part of the Lettings Policy with an EIA being undertaken as part of this process.
- 4.2.2 Due consideration has been given to the requirement of the authority to comply with its Public Sector Equality Duty as part of The Equality Act 2010.

4.3 Council policies and City Priorities

- 4.3.1 There are no implications contained within this report for Council policies and City Priorities.

4.4 Resources and value for money

- 4.4.1 The details contained within this report are for information only at this stage and therefore do not contain any resource implications at this stage.
- 4.4.2 Any proposals for service enhancement as part of the Housing Leeds review will take full account of any resource implications required as part of these proposals.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 As this report is for information only there are no issues to be considered further at this stage.

4.6 Risk Management

- 4.6.1 In order to ensure that all decisions are proportionate regular quality assurance checks will be undertaken.
- 4.6.2 Regular reviews of all cases will be undertaken to ensure decisions are up to date and appropriate.

5 Conclusions

- 5.1 A citywide process for assessing all applicants against the Qualification Criteria and Reduced Priority criteria has been introduced across the city.
- 5.2 Applicants who fail to meet the Qualification Criteria will have their housing application cancelled.

5.3 Applicants who fail to meet the Reduced Preference criteria will be given a reduced preference and bypassed when allocating properties.

5.4 A customer review and appeals process is in place for all decisions.

6 Recommendation

6.1 Members of Scrutiny Board are asked to note the contents of the attached report and request any additional information.

7 Background documents¹

7.1 No background documents

¹The 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.