

Report of Director of Environment and Neighbourhoods

Report to Safer and Stronger Communities Scrutiny Board

Date: 12 March 2012

Subject: Local Lettings Policies Annual Review

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. Local lettings policies (LLPs) allow the Leeds Arms Length Management Organisations (ALMOs) and the Belle Isle Tenant Management Organisation (BITMO) to give preference for accommodation to defined groups of customers outside the reasonable preference groups. Leeds has a number of LLPs which give preference for lettings of council homes to customers on the basis of their age, employment status or local connection to a housing office area.
2. LLPs are reviewed annually to provide the opportunity to monitor the LLPs against their original stated aims and objectives. LLPs require the approval of both the relevant ALMO / BITMO Board and delegated approval.

Recommendations

3. This report updates Scrutiny Board on the outcome of the LLP review.

Purpose of this report

- 1.1 This report provides information to Scrutiny Board on the provisions of the Equality Act 2010 relating to age discrimination, and on the outcome of the annual review of the LLPs.
- 1.2 The provisions of the Equality Act 2010 relating to age were expected to come into force from April 2012, and the ALMOs and BITMO completed their reviews on this basis. However, in late February 2012, the government announced their decision to delay the implementation until October 2012 at the earliest.

2 Background information

- 2.1 LLPs are permitted under the Housing Act 1996. LLPs were formalised in Leeds in 2004. Previously they were operated according to unwritten local 'custom and practice'.
- 2.2 The majority of age LLPs are based upon property types, such as multi storey blocks, or 'cottage flats'.
- 2.3 In Leeds the main types of LLP in operation give preference to:
 - customers of a certain age, primarily on 1 and 2 bedroom flats (some also restrict lettings of 2 bedroom properties at height to customers with dependent children)
 - customers with a local connection to the area, mainly family houses in areas of high demand and acute shortages of affordable housing in Garforth, Kippax, Rothwell and Wetherby
 - customers who meet the 'Good Neighbour' criteria on 1 bedroom flats in Kirkstall and Horsforth
 - keyworkers / people in employment, for accommodation in the Gipton area and single person accommodation in Belle Isle
 - customers living in overcrowded conditions or under occupying social housing
- 2.4 Preference for sheltered accommodation is given to customers age 60 and over, but these are not classed as local lettings policies. Preference for bungalows is given to customers age 60 and over, or who require level access accommodation, and are not classed as local lettings policies. The age preferences are justified by reference to the design and purpose of these types of accommodation, and the younger customers who require the services or facilities are eligible for them.

3 Main issues

- 3.1 Housing Partnerships produced guidance for ALMOs to follow, which incorporated feedback from Legal Services and the council's Equality Team on the impact of the Equality Act. The ALMOs and BITMO reviewed their existing LLPs using a template developed to capture information about:
 - the objectives of the LLP
 - evidence for the continuation of the LLP

- the justification and proportionality of the LLP
- consultation undertaken
- performance information on lettings of LLP properties
- any measures to mitigate potential adverse effects of the LLP
- equality impacts

3.2 The table below shows the number and type of each LLP before the review, and the results of the review.

Primary LLP criteria	No. properties before review	No. removed	No. added	No. properties after review
Local Connection	2237	0	0	2237
Good Neighbour	324	0	0	324
Keyworker / employment	60	48	0	12
Age	6923	0	6	6929
TOTAL	9544	48	6	9502

3.3 The number of properties subject to an LLP in Aire Valley Homes, Belle Isle TMO and remains unchanged, West North West have added 6 properties with age LLPs, and East North East have removed 48 properties with a keyworker / employment LLPs.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Details of the consultation undertaken with Ward Members, tenants, customers on the housing register, local Registered Social Landlords and support organisations are included in the review template for each LLP. Members and tenants were generally supportive of retaining existing age LLPs.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Housing Partnerships completed an Equality, Diversity, Cohesion and Integration Screening Assessment, showing that the impacts have been taken into account in the review by the ALMOs and BITMO completing Equality Impact Assessments on each of the LLPs. The key impact identified is that age LLPs have positive benefits to older customers seeking rehousing ahead of customers under the LLP age.

4.3 Council policies and City Priorities

4.3.1 Housing Partnerships recognises the value of being able to respond to local circumstances by using LLPs. However, the use of LLPs must be proportional and balanced against the council's legal duty to give preference to customers in housing need and its duties under the Equality Act when it is implemented in full.

4.4 Resources and value for money

4.4.1 The ALMOs and BITMO identified potential for increased management costs if antisocial behaviour and lifestyle clashes increase as a result of removing age LLPs. Once the Equality Act is implemented in full, the council could be challenged on the grounds of unlawful discrimination based on age. If the challenge was successful, the council could be liable to pay damages to the customer.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Once implemented, age discrimination will be unlawful under the Equality Act 2010 unless it can be shown to be a proportionate means of achieving a legitimate aim. A legal challenge could be made to an age LLP on the basis of discrimination. If the policy is found to be unlawful discrimination, the claimant could be entitled to damages.

4.5.2 Following the review there will be 9502 properties in Leeds with a LLP, 6929 of which are age-related LLPs.

4.6 Risk Management

4.6.1 The main risk areas identified with the age LLPs are those where (not withstanding member and tenant support):

- there is either no or very little ASB reported
- a small number of individuals are responsible for acts of ASB, which would be more appropriately dealt with individually through effective tenancy management intervention
- the ASB has allegedly been perpetrated by tenants over the LLP age. While this is partly the result of only rehousing older tenants in a specific block, it could be argued that the age LLP excludes people from housing on the basis of stereotyping the behaviour of younger people, rather than on an objective risk assessment, such as that in place under the Good Neighbour LLP

4.6.2 There are wider considerations including how the council can make best use of its limited stock. Lettings of smaller 1 and 2 bedroom properties help ensure the council:

- fulfils its duties to younger customers who require starter homes and younger homeless customers - age LLPs restrict the opportunities for these groups to obtain secure housing
- responds to the Welfare Reform agenda, specifically the extension of the single room LHR rate in the private sector to under 35 year olds (2012) and the DWP housing benefit size criteria for under occupying tenants of working age (2013) – both of which will lead to an increase in demand for smaller properties from customers below the age of the LLP

- 4.6.3 The consultation undertaken highlights that members and tenants are concerned about age LLPs being removed, specifically that if lettings are made to younger customers, incidences of antisocial behaviour and lifestyle clashes may increase, leading to higher management costs, increased turnover, voids and tenant dissatisfaction.
- 4.6.4 The outcome of the LLP review was to retain all LLPs pending further monitoring and review.
- 4.6.5 The reasons for this decision are to:
- allow more time to develop other responses such as good neighbour LLPs, and consult further with members and tenants
 - dovetail the potential removal of an LLP with the introduction of a new power for authorities to define who can be classed as a 'qualifying person' to register on waiting list and be considered for offers. This could include reference to a customer's behaviour and suitability to be considered for rehousing
 - reassure members and tenants about their expressed concerns regarding the potential negative impact on housing management in the blocks

5 Conclusions

- 5.1 The Director of Environment of Neighbourhoods has approved the LLPs for West North West Homes Leeds, East North East Homes Leeds, Aire Valley Homes Leeds and Belle Isle Tenant Management Organisation which are listed in Appendix 1.

6 Recommendations

- 6.1 That the Scrutiny Board notes the contents of this report.

7 Background documents¹

Minutes of Board / sub-Board meetings for:

- Aire Valley Homes – 7 February 2012
- Belle Isle Tenant Management Organisation – 7 February 2012
- East North East Homes Leeds – 1 December 2011
- West North West Homes Leeds – 25 January 2012

Equality, Diversity, Cohesion and Integration Screening assessment, January 2012

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.