

Subject: Special Lettings plan request Doyle Avenue

Report by: Jo Bennett, Head of Business Growth, Play and Youth

Report to: James Hill, Director Housing Neighbourhood and Buildings

Ward affected: Hilsea

Date: 11 March 2022

1. Purpose of the report

- 1.1 To seek approval from the Director of Housing, Neighbourhoods and Building Services for a special lettings plan to be applied to the allocating of Doyle Avenue.
- 1.2 This lettings plan has been prepared to assist in the allocation and letting of properties by creating a balanced and sustainable community whilst directly responding to existing housing pressures.

2 Recommendations

- 2.1 That the Director of Housing, Neighbourhood and Building Services approves this lettings policy.

3 Reasons for recommendations

- 3.1 That the Director of Housing, Neighbourhood and Building Services holds the delegated decision to authorise. Part 2 Decision Making Responsibility of functions, Housing property management point 13 "To manage the council's housing estates and the dwellings on them, including the allocation of accommodation and exercise the council's powers as a housing authority for that purpose."
- 3.2 Authority to develop a lettings plan (Section 167 of the Housing Act 1996). The Council has the power under S167(2e) of the Housing Act 1996, as amended by the Homelessness Act 2002, which allows local authorities to establish local lettings policies to enable them "to allocate particular accommodation to people of a particular description" in order to achieve a housing policy objective.
- 3.3 The Portsmouth Allocation Scheme policy section 16 specifies conditions by which a special letting arrangements may be applied.
 - Special lettings arrangements may be applied for new developments or where a large number of homes are being let in one location, for example, following a major refurbishment.
 - Any special lettings arrangements will follow the general principles of the allocations scheme, but may incorporate variations in order to create a more balanced community.

- Details of any special lettings arrangements will be published on the council website prior to the properties being allocated.
 - Special lettings arrangements will only apply to first lettings. Any subsequent vacancies will be let subject to the normal allocation scheme conditions.
 - In exceptional circumstances there may be reconsideration of the transfer only policy
- 3.4 The decision to build this development on the Doyle Avenue site was made at the Cabinet Member for Housing's meeting of the 30th July 2019. The decision to build this mix of properties was based on need as demonstrated at this time. Report attached as Appendix A.
- 3.5 The objective of this lettings plan is to enhance the benefits of this development, ensuring that local residents within our existing stock are afforded the opportunity to move to the new build properties at the site, by adopting a "transfer only" approach to the general need properties at the site, unless there are particular circumstances that warrant consideration outside of a transfer only plan.
- 3.6 The transfer only lettings plan will only apply to the first letting of the properties.
- 3.7 The accessible new build properties at the development site will be allocated via the Accessible Housing Register in the normal way.
- 3.8 The level of priority afforded under the transfer only scheme will remain as it is under the normal allocation scheme.
- 3.9 In allocating to residents transferring from existing social housing tenancies it is considered that the number of households who have their housing need resolved by a move will increase. The transferring households housing need will be met by the move into the new build home. The vacancies created by their move will become available for households on the waiting list and will be allocated in the normal way.
- 4.0 In the worst-case scenario all of the properties freed up will be allocated to applicant households on the waiting list, doubling the number of households rehoused through the transfer only approach. There may however be more moves made possible, for example one new three-bedroom property could make three property moves possible as follows:
- 4.1 Couple A have lived in their four-bedroom council house for 13 years and are now under occupying this home and need a three-bedroom property. They still have school age children and will meet the criteria to be allocated a house. They will be allocated a three-bedroom house on this development releasing their existing four-bedroom house.
- Couple B are allocated the four-bed house made available from Couple A's move. They have been living in their overcrowded two-bedroom council house with their five children, two boys 10 and 2 years of age and three girls 2, 4 and 6 years of age.

Applicant C is a single dad with custody of his 9-year-old son who are sharing a one-bedroom flat. They will be allocated the two-bed house made vacant by couple B.

This one new three-bedroom property can make three property moves possible.

5 Background

5.1 Portsmouth City Council's new development at Doyle Avenue is due for completion February 2022 and will provide 16 homes for families in the Hilsea area of the city.

5.2 The plan is intended only for the general needs properties within the development and excludes the accessible homes

5.3 Doyle Avenue dwellings

Housing Type	Number of properties	Housing Need
4 Bed accessible houses	3	Accessible
2 bed flats (4 person)	9	General Needs
3 bed houses (6 person)	4	General Needs

5.4 Current waiting list performance

The current waiting list is comprised of 2128 households, 55% of whom are households wishing to transfer from their current social housing property.

	Transfer	Applicant	Total
OverCrowded	790	646	1436
UnderOcc	102	92	194
Neither	286	212	498
Total	1178	950	2128

Over the last 4 years the number of offers made to households transferring from a social housing property has been lower than are proportionally on the waiting list:

	Applicant	Transfer	Transfer offer as a %	Grand Total
2018	649	242	27%	891
2019	733	288	28%	1021
2020	677	286	30%	963
2021	784	415	35%	1199

Over the last twelve months the total number of homeless-related offers made to applicants was 596 (50% of all offers made via the waiting list).

This contrasts with the number of offers made to households with the two most prevalent types of housing need on the waiting list:

- 276 offers (23% of the 1199) were made to those who need to move to a property that better suits their physical needs or on the basis of a medical need.
- Only 47 offers (4%) were made to those who need to move based on being overcrowded. This compares to 67% of the waiting list being in such a need.

6 Legal considerations

Schemes that discriminate directly or indirectly against persons with characteristics protected under the Equality Act may be unlawful.

Further, whatever criteria are adopted, an authority should retain the power to dis-apply the criteria for individual applicants in exceptional circumstances.

Local authorities must also show that they have complied with the requirement to 'safeguard and promote the welfare of children' set out in Children Act 2004 when framing their qualification criteria.

- 6.1 Where a local lettings scheme allowed existing tenants on a social housing estate, and existing social housing tenants generally, the right to apply under the scheme for new-build social housing properties before anyone else, the High Court held that this was lawful. *R (on the application of C) v Islington LBC* 2017 EWHC 1288 (Admin). The aims of the policy were to build sustainable communities by enabling local residents to maintain their connections with the area, and to address overcrowding and under-occupation within the community.

Any discrimination inherent in the local lettings scheme under Article 14 (in conjunction with Article 8) of the European Convention on Human Rights (or indirect discrimination under the Equality Act 2010) was justified, in that the

scheme struck a fair and proportionate balance between the consequences to the applicant and the importance of the aim. Any discriminatory effect should be assessed in the context of the scheme as a whole.

The local lettings policy did not result in unlawful discrimination. Although the policy did result in differential treatment between those in analogous situations, that differential treatment was justified. In particular, prioritising local tenants for new accommodation did not act as a bar to those from outside of the area accessing accommodation because of the 'churn' effect, which meant that every time a local tenant moved to a new unit of social housing, an existing unit would be freed up which would be allocated in accordance with the general provisions of the scheme. And, in any event, the scheme contained a residual discretion to be used in exceptional cases to alleviate hardship.

- 6.2 In adopting a Transfer only policy consideration must be afforded to the equalities impact of the policy and the impact on children at the time the policy is formulated under s149 Equality Act 2010 and s11 Children Act 2004.
- 6.3 An Integrated Impact Assessment has been completed and is attached at Appendix B. As the adapted new build properties will be allocated in the normal way, and the resulting vacancies brought about by the transfer only policy will go to households on the waiting list as standard it is considered that any unintended detriment to any group will be re-dressed by the longer-term aim of the project.
- 6.4 It is considered that the aims of maximising the number of households moved to the right size property is a positive attempt to meet s.11 of the Children's Act 2004.

7 Risks

- 7.1 Potential for greater short term temporary accommodation expenditure as some homeless households may be overlooked for an offer. However current homeless families needing this size of accommodation are primarily in settled self-contained temporary accommodation and not in bed and breakfast. In addition the plan includes the caveat where, in exceptional circumstances, the transfer only policy will not be applied.
- 7.2 Creating a period of movement within PCC stock within a transfer only policy could increase pressures for Housing staff/contractors relating to subsequent voids and associated works. This however would be considered business as usual as natural movement of stock would occur at some point for those on the transfer list.
- 7.3 Challenges from applicants on the basis of higher priorities/longer waiting times. The current waiting list reflects more transfer applicants with higher priority/waiting times than applicants, therefore the risk should be minimal. The lettings arrangement only applies to the first allocation enabling subsequent vacancies to be let subject to normal allocation scheme conditions where applicants will then be applicable for nomination.

8 Aims of the lettings plan

- To maximise the number of moves made possible for people with a housing need registered on the Portsmouth housing register
- To assist as many existing social housing tenants as possible to be rehoused into accommodation suitable for their needs.
- To assist existing social housing tenants who are under occupying their current properties to move into the right size home, positively impacting to their financial circumstances and freeing up their home for an new right size household
- To assist social housing tenants currently living in overcrowded households, positively impacting on their health and well-being whilst freeing up their property for another household
- To build a sustainable community at Doyle Avenue, enabling local residents to maintain their connections to the local area
- To re-dress the imbalance of number of lettings to transfer households as opposed to applicant households on the housing waiting list.

9 Implementations

- 9.1 Following the Director approval. Brief the Cabinet member for housing and preventing homeless and the housing opposition members.
- 9.2 Notify the ward members
- 9.3 Publish special lettings arrangement on Portsmouth City Council website for 3 weeks prior to properties being allocated, Appendix C. For duration period please see Legal Services email response, attached at Appendix D.
- 9.4 Create a dedicated team comprising of one Housing Officer and an Operational Support manager who will manage the allocations working alongside management teams within Housing. Subsequent voids created outside of this team will be managed by the Housing Area office teams responsible. All moves and subsequent resolution of housing need to be tracked so we can understand the full impact of the special lettings policy.

10 Review of the Lettings Plan

- Intention to review after each phase
- Review the reasons for refusals, failed tenancies and exchanges at Doyle Avenue within the first 12 months
- Any ASB or tenancy issues within the local and surrounding community

11 Evaluation

11.1 An evaluation of the plan will be undertaken to demonstrate the impact and effectiveness of the approach using a range of measures to show compare the impact of the local letting approach on, for example, the number of consequential lettings from the transferees.

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James Hill - Director for Housing Neighbourhood and Buildings Services