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09 March 2026

To: All Members of the Cabinet

Dear Member,

Cabinet - Tuesday, 10th March, 2026

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

23. UNDER-OCCUPATION POLICY (PAGES 1 - 4)

Report of the Corporate Director of Adults, Housing and Health. To be presented by the Cabinet Member for Housing & Planning (Deputy Leader)

Yours sincerely

Richard Plummer, Committees Manager

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LATE BUSINESS SHEET

Report Title: Agenda Item 23 - Under-Occupation Policy: Moving to a smaller home – (Appendix B (Changes to the tenancy Management Policy)

Committee: Cabinet

Date: 10 March 2026

Reason for lateness and reason for consideration

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances are that the Appendix B (Changes to the tenancy Management Policy), requires an amendment to clarify the legal position regarding succession rights and in particular, that the Council will not require all successors to move to a smaller home if they have succeeded to a home larger than they need.

There is a need for Cabinet to consider the updated Appendix B (changes to the tenancy management Policy) in order to consider the recommendations, set out at section 3 of the main report. This decision cannot await the next meeting of Cabinet in June due the current proposed text indicates a position contrary to current practice and legal position regarding successions for partners.

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Appendix B – changes to the Tenancy Management Policy

The following changes to the Tenancy Management Policy are proposed

Key New text deleted text

In 10.2, add the following additional text (highlighted in yellow) to explain the new policy of succession-like rights being taken over to the new tenancy

10.2 Discretionary Grant of Tenancy

Should a succession or assignment not be an option, we may consider granting a new tenancy to an individual

- *where the deceased tenant moved under our Underoccupation Policy and, as part of that move, a right to retain succession-like rights was granted for children of that tenant who moved with them, or*
- *in exceptional circumstances*

In 4.3, add the words change the words “and require where permissible and appropriate) to clarify that moving to a smaller home is not an option for some successors (principally children of the former tenant) but a requirement if a successor is under occupying

Delete the commitment to pay incentives as all incentives will now be reviewed annually

4.3 – final bullet point

*Succession if under-occupying; we will encourage **(and require where permissible and appropriate)** the successor to move to smaller accommodation ~~through our downsizing scheme which includes financial incentives.~~*

In 7.5 delete the word ‘significantly’ as downsizing may be required for all levels of under-occupation.

7.5 Property suitability

There may be circumstances where a property would be much more suitable for other individuals rather than a successor. For example, if the successor is ~~significantly~~ under occupying or the property is adapted for a disabled person.

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