

**Report for:** Individual Cabinet Member Decision – Cabinet Member for Housing and Estate Renewal

**Title:** Temporary suspension of Choice Based Lettings

**Lead Officer:** Director of Housing, Regeneration and Planning

**Report for Key/  
Non-Key Decision:** Key Decision

## **1. Describe the issue under consideration**

- 1.1. Section 1.1 of the Council's Housing Allocation Policy, 'Statement of Choice', sets out a commitment to giving applicants a choice over their new home, which is provided for by the Choice Based Lettings system (CBL).
- 1.2. The Choice Based Lettings (CBL) system allows applicants to bid for advertised properties with the highest bidders invited to view the property. However, in the light of Government advice in respect of Covid-19, the Council has an overriding duty to minimise contact with residents. The Council also has significantly fewer staff to administer this system due to self-isolation and increased illness and the same factors require staff to work flexibly to deliver the Council's wider services. It is therefore proposed to temporarily suspend the CBL system for all allocations and replace this with direct lets to specific households until it is safe and practical to resume.

## **2. Recommendations**

- 2.1. It is recommended that the Lead Member for Housing and Estate Renewal:
  - i. Notes the contents of the Equalities Impact Assessment attached at Appendix B.
  - ii. Suspends the Choice Based Lettings scheme for lettings of Council housing on secure or introductory terms for a temporary period.
  - iii. Delegates authority to the Director of Housing, Regeneration and Planning in consultation with the Lead Member for Housing and Estate Renewal to lift the suspension of the Choice Based Lettings scheme when in their view the Government advice on social distancing permits multiple viewings to take place, following which date the Policy will be applied with the temporary changes set out in this report removed
  - iv. Agrees that during the period of suspension all allocations of lettings of Council housing on secure or introductory term tenancies be by direct let as set out in the Housing Allocations Policy as varied as set out in paragraphs 6.3-6.4 below and paragraphs set out in Appendix A.

## **3. Reasons for decision**

- 3.1. Recommendation 3.1 (ii) and (iii) are intended to protect the safety of applicants and staff while minimising the disruption to applicants, allow allocations of accommodation to continue in the current circumstances and release staff to address other Covid-19 work.
- 3.2. These proposals will also minimise the cost to the Council of delaying these moves due to potential rent loss when properties are vacant, as well as the cost of continuing to provide alternative accommodation.

#### **4. Alternative options considered**

##### To continue with Choice Based Lettings for all Council lets

- 4.1. This option was rejected because this represents a significant risk to both applicants and staff if continued in the same format. CBL is also a complex and time heavy process and ceasing to do this will relieve pressure on staff managing allocations and release staff to manage the Covid-19 crisis.

##### To suspend CBL for Housing Association (“PRP”) lets as well

- 4.2. This option was rejected at this time because of the requirement to consult with Private Registered Providers over changes to the Housing Allocations Policy and to give them sufficient time to respond. While a minimal period of consultation would be reasonable, where this has no effect on their nominations, a longer period would be required to suspend the use of CBL for nominations to PRPs.

##### To suspend all new lets

- 4.3. This option was rejected because this would prevent households from moving from accommodation that is unsuitable for their needs for example where households have specific medical requirements or are fleeing violence.

#### **5. Background information**

##### Temporary suspension of CBL for all Council tenancies

- 5.1. Most available social housing lets are advertised through Haringey’s CBL system, Home Connections, to allow households to bid for properties they are interested in. Group viewings are then organised with the property let to the highest priority person who views and wants it. Priority is determined by the applicants Housing Band and then by their Applicable Date which is usually their application date.
- 5.2. In the light of Government advice to minimise personal contact and maintain social distancing, it is proposed that CBL bidding is suspended for the following reasons: -
  - The CBL bidding process involves a significant degree of personal contact and social distancing will be difficult to enforce particularly at viewings; even were viewings to be staggered so that only one applicant was viewing at any one time. The Council does not have access to Personal Protection Equipment for the viewings staff, or applicants.
  - The selection process through CBL is in any event staff intensive, and staff absences due to Covid-19 infection or self-isolation could lead to delays and reduce the Housing Demand resources available to respond to Covid-19.

- Some households however do need to move urgently. This includes urgent transfer cases, care leaver moves etc. Allocation should continue for these cases and use of direct lets will reduce the necessity for personal contact.
- Not advertising the properties will give flexibility to use some of the lets on a temporary basis. This would enable the Council to meet priority homelessness need if there were difficulties in sourcing temporary accommodation.

5.3. During the temporary suspension of CBL for Covid-19 shutdown, it is proposed that for Council lettings, the first bullet point of 1.1.2 of the Allocations Policy will be suspended and temporarily replaced by the following: -

*“Applicants will have the ability to state their preferences for properties before the formal viewing, and, where these are reasonable and the policy allows, properties can be refused both before and immediately after the viewing. However, some applicants will only be eligible to receive one offer and, if refused without good reason, will face the same sanctions as set out in the policy. This includes households in temporary accommodation”.*

5.4. It is also proposed that for Council Lettings, the commitments set out in 1.4 of the Housing Allocations Policy that offers a choice of accommodation is suspended, together with the expectation that most lets will be allocated through the CBL system. Specific sections to be suspended for Council lets are provided in Appendix A.

#### Replacement by direct lets for all Council tenancies

5.5. Making direct let offers to urgent cases should mean that only one person/household would attend a viewing at any one time. Only if the offer was refused would another viewing be required. This would minimise the risk to both staff and households who would normally attend multiple viewings.

5.6. It is therefore proposed that for the duration of the suspension of CBL, (in addition to the provisions for direct let set out in section 6.9 of the Housing Allocations Policy), all Council properties, will be allocated by direct let. This will allow the Council to meet the lockdown requirements and social distancing that is being enforced by the Government and specifically the requirements set out in the “Stay at home and away from others (social distancing)” provisions of the Coronavirus Act 2020.

#### The approach to allocations following approval of the suspension of CBL suspension and commencement of direct lets for all allocations

5.7. On suspension of CBL, a message would be provided both on the Home Connections site and on the Council and Homes for Haringey websites advising applicants that bidding on Council-owned properties is suspended due to the current circumstances and that we will seek to target those properties to meet the most urgent need.

5.8. There are currently 15 general needs voids that have not yet been advertised and these, together with any future voids would no longer be allocated through the CBL system

5.9. Applicants will be selected for offers on the basis of their assessed requirements. In particular, with an expected reduction in available voids, premises that are available will be prioritised for those with an urgent need to move. Selection for offers of those within that description will be in accordance with an applicant’s priority and reasonable preference as provided for within the Policy, taking into account any preferences they express.

- 5.10. There are also two sheltered housing voids. Unless there is an urgent need for permanent moves into sheltered accommodation, it is proposed to retain these two sheltered housing voids and any subsequent sheltered housing voids as temporary accommodation. This will enable support to be provided to any urgent hospital discharge cases for those over the age of 55 or to support step down arrangements for those transferring from Adult Social Care provision.

#### Housing Association (Private Registered Provider) lets

- 5.11. The Council is required to notify Private Registered Providers (Housing Associations) with whom it has a nomination agreement of any proposed changes to the Housing Allocations Policy and give them reasonable time to comment. Given the urgency of this proposal, the suspension of Housing Associations CBLs will be considered at a later date.
- 5.12. This delay in considering this is unlikely to have a significant impact because some Housing Associations have already advised that they will be delaying relets due to the current difficulties in undertaking viewings and void works. This means a reduced number of nominations are expected. The reduced number of nominations available will mean less drain on the Council allocation team's resources and so manageable within existing resources. Only one household will be given the opportunity to view each Housing Association letting.
- 5.13. Housing Association tenancies are traditionally less popular than Council tenancies and more likely to be refused if offered directly. It is therefore potentially more controversial to suspend Choice Based Lettings for any Housing Association nominations that do arise, with only one household viewing at any one time.

#### Housing Association (Private Registered provider) comments

- 5.14. Where the Council has nomination rights, the Council will inform Housing Associations with stock in the borough of the proposed change and invite them to submit their comments. Given the urgency of need to implement this proposal, any comments received will be reviewed and the Lead Member for Housing and Estate Renewal informed prior to the decision being made.

## **6. Contribution to strategic outcomes**

- 7.1 This project will help to achieve the Borough Plan Outcome 3 under the Borough Plan's Housing priority, for which the vision is for a safe, stable and affordable home for everyone, whatever their circumstances.

## **7. Statutory Comments**

### Legal Comments

- 7.1. The Assistant Director for Corporate Governance has been consulted in the drafting of this report and where not set out below legal comments have been incorporated into the main body of this report.
- 7.2. The Housing Allocation Policy sets out how the Council selects those to whom it will (other than by way of transfer) grant an introductory or secure tenancy of its own housing accommodation, or whom it will nominate to be a secure, introductory or assured tenant of accommodation held by other persons including Housing Associations.
- 7.3. Part 6 of the Housing Act 1996 and regulations made thereunder require the Council to have such an Allocation Policy, and to allocate according to it. The legislation also

provides for how the Policy should be framed including eligibility and qualification for allocation, as well as for categories of persons who must be given reasonable preference and may or must be given additional preference.

- 7.4. The Council must in its Policy state its policy on offering applicant's choice of housing accommodation or the opportunity to express preference about allocation.
- 7.5. No public consultation is statutorily required on this decision. The Council has hitherto followed a practice of public consultation on significant changes to the Policy. The urgency of the situation and the practical constraints on consultation imposed by legislation and guidance intended to reduce the spread of Covid 19 justify departure from that practice for the temporary changes outlined in this report.
- 7.6. Before making a major alteration to its Scheme, the Council is required (s166A(13)) to send a copy of the proposed alteration to every private registered provider and registered social landlord (housing association) with whom they have nomination arrangements and give them a reasonable opportunity to comment on the proposals.
- 7.7. The Council is entitled, in deciding what is a reasonable opportunity to comment on the proposed change, to take account both of the urgency of the decision and the fact that the decision here proposed does not directly affect nominations to private registered providers. The decision-maker must however take account of any comments in fact received before making the decision.
- 7.8. It would be open to the Council, if appropriate in the light of comments received from private registered providers, to make a further decision as to the arrangements for selecting nominees to private registered provider lettings.
- 7.9. The Assistant Director Corporate Governance sees no legal reason preventing the Director from approving the recommendations in the report.

#### Finance

- 7.10. The temporary suspension of choice based letting will mean that rehousing of tenants will be by direct offer and facilitate the quick rehousing of tenants.
- 7.11. This on its own does not appear to have additional financial implication.

#### Equalities

- 7.12. The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
  - Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
  - Advance equality of opportunity between people who share those protected characteristics and people who do not
  - Foster good relations between people who share those characteristics and people who do not.
- 7.13. The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 7.14. At present a Choice Based Lettings (CBL) scheme operates to allocate housing to those on the housing register in Haringey. The proposed change would see the CBL scheme

suspended and replaced with a direct lettings system temporarily, during the Covid-19 period.

- 7.15. There are two main reasons for this proposed change; firstly, under the CBL scheme multiple families are invited to view properties at once. This approach is in opposition to current NHS and government guidance to social distance and stay home where possible<sup>1</sup> as mandated by the Coronavirus Act 2020.<sup>2</sup> Secondly, the Covid-19 outbreak is reducing the number of available properties, and therefore the choice available to those on the housing register. The proposed change will enable those most in need to access safe and secure accommodation during this period, while minimising the risk of them contracting Covid-19.
- 7.16. Temporarily suspending the CBL scheme, will impact households on the housing register who would have otherwise been rehoused with a choice of housing. These households represent bands A and B (waiting the longest) on the housing register.
- 7.17. Available data shows that the proposed change is likely to have a disproportionate impact on people from a BAME background and females. This is because individuals with these protected characteristics are overrepresented in bands A and B of the housing register. However, if this proposed change is not adopted, those on the housing register most in need will be unable to access a safe and secure home during this time.
- 7.18. Households would usually have a choice of options during a rehousing period, and we recognise that the proposed change will disproportionately impact on some groups. The Equality and Human Rights Commission (EHRC) advise that to respond effectively to the Covid-19 crisis there is a need for flexibility and compromise to both protect rights and save lives.<sup>3</sup>
- 7.19. It is important to note that this decision allows the CBL scheme to continue to operate when households are offered a housing association tenancy as opposed to a council housing tenancy. The continuation of CBL for housing association lets will be reviewed in a separate decision but where this continues, this will enable a continued choice of tenancy type and in accordance with NHS and government guidance only one household will be invited to view a property at any one time (see paragraph 5.11-5.13).
- 7.20. Once safe to do so, the CBL scheme will be reinstated and check-ins with households that were given direct housing options during the Covid-19 period will continue, to ensure the needs of tenants are met. An EQIA has been completed which sets out the impacts of the proposed change on those on the housing register, and ways these will be mitigated. This will help to inform the direct letting approach.

## **8. Use of Appendices**

Appendix A: Text replacement text for 2.1 and text to be suspended

Appendix B: Equalities Impact Assessment

## **9. Local Government (Access to Information) Act 1985**

Housing Allocations Policy 2015 revised 2018

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<sup>1</sup> Stay at home and away from others (social distancing). Gov.UK. 2020.

<https://www.gov.uk/government/publications/full-guidance-on-staying-at-home-and-away-from-others>

<sup>2</sup> Coronavirus Act 2020. UK Parliament. 2020 <https://services.parliament.uk/bills/2019-21/coronavirus.html?fbclid=IwAR2d7oIwE3-I2ZVClwgwzHGikQdD9Avs9E-ZL2IZe7R3LOyuvvWAAI4GcU>

<sup>3</sup> Human rights and the equality considerations in responding to the coronavirus pandemic. EHRC. 2020 <https://www.equalityhumanrights.com/en/our-work/news/human-rights-and-equality-considerations-responding-coronavirus-pandemic>

[https://www.haringey.gov.uk/sites/haringeygovuk/files/haringeys\\_housing\\_allocations\\_policy\\_2015\\_amended\\_14\\_march\\_2018.pdf](https://www.haringey.gov.uk/sites/haringeygovuk/files/haringeys_housing_allocations_policy_2015_amended_14_march_2018.pdf)

**Signed Agreement of the Leader/ Cabinet Member to the recommendations.**

**Signature**.....

**Name** .....

**Date**.....