

Report for: Cabinet

Title: Approval of an amendment to the Allocations Policy to allow for a Neighbourhood Moves Scheme

Report

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Lead Officer: Robbie Erbmann, Assistant Director for Housing

Ward(s) affected: All

Report for Key/

Non-Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1. In 2017 Cabinet approved the Estate Renewal Rehousing and Payments Policy (ERRPP) which offered a right to return to secure tenants and residential leaseholders whose homes would be demolished in order to deliver new homes. Under the Council's Housing Allocations Policy, an approved Local Lettings Plan (LLP) is required for each scheme to meet this commitment.
- 1.2. The Council is in the early stages of a major housing delivery programme, with over 70 sites currently earmarked for housing development across the borough; the Council is additionally acquiring new homes. The Council's intention is for local residents to benefit from these new homes. Developing and consulting on an LLP for each new housing development would not be practical; it is therefore proposed to amend the Housing Allocations Policy to allow for a Neighbourhood Moves Scheme. The Neighbourhood Moves Scheme would apply automatically on any new housing development with 5 or more new Council rented homes unless Cabinet makes the decision to exclude a new housing development.
- 1.3. The Neighbourhood Moves Scheme has been designed to ensure that local secure tenants are able to benefit from these new homes, by giving them first priority on the first let. The Neighbourhood Moves Scheme also prioritises households who are over-crowded and under-occupying, thereby making better use of the Council's housing stock.
- 1.4. As part of the Housing Allocations Policy, any amendments to the policy will need to be consulted on with members of the Housing Register and local Registered Providers. As this offer is also open to secure tenants, it is proposed to also consult with existing secure tenants not on the Housing Register.
- 1.5. This report seeks approval to consult on the proposed changes.

2. Cabinet Member Introduction

As a Council, we have committed to building a new generation of Council homes, and this programme is well underway, with sites for potential new Council housing identified across the whole borough. We want to use this opportunity to strengthen local communities, and to ensure that households who are not adequately housed can live in homes which meet their needs. The proposed Neighbourhood Moves Scheme would give our existing Council tenants priority for new homes that are built in their neighbourhood, in particular those who are living in homes which are too big or too small. This means that by building new Council homes we are not only adding to the Council's overall housing stock but also making sure that our housing stock is better used and better meets the needs of our Council tenants.

3. Recommendations

It is recommended that Cabinet:

3.1. Notes:

- 3.1.1 The Equalities Impact Assessment at Appendix 1.
 - 3.1.2 The proposed alterations to the Housing Allocations Policy attached at Appendix 2.
 - 3.1.3 The Draft Neighbourhood Moves Scheme attached at Appendix 3 which will be attached to the Housing Allocations Policy.
- 3.2. Approves a consultation on these proposed amendments to the Housing Allocations Policy.
- 3.3. Delegates approval of the Consultation Documents to the Director of Housing, Regeneration and Planning in consultation with the Cabinet Member for Housing and Estate Renewal.
- 3.4. Notes that following consideration of the consultation responses, a second Cabinet report will be submitted to give final approval of the amendments to the Allocations Policy.

4. Reasons for decision

- 4.1. The proposed changes will honour the Estate Renewal Rehousing and Payments Policy, as well as seek to address over-crowding by releasing larger family homes which are under-occupied and allowing over-crowded households to move locally. It will also support community cohesion.
- 4.2. Recommendation 3.2 is required to allow changes to be made to the Housing Allocations Policy.

5. Alternative options considered

- 5.1. An alternative option is to consult on a Local Lettings Plan for each scheme individually. This is not recommended because there are a large number of schemes in the

development pipeline, and consulting on a Local Lettings Plan for each scheme individually is not practical.

- 5.2. Another alternative option is not to apply the Neighbourhood Moves Scheme on new Council housing. This was rejected because, firstly, this Scheme will help address both under-occupancy and over-crowding, and secondly because it will allow local residents to benefit from new Council housing being built in their local area.

6. Background information

The Council's Housing Delivery Programme, Existing Estate Renewal schemes, and the Estate Renewal Rehousing and Payments Policy

- 6.1. In 2018, the Council embarked on a major housing delivery programme, with a first milestone of 1,000 new homes. There are currently over 70 sites across the borough earmarked for development. These sites are mostly small to medium sized, with around three quarters currently projected to deliver fewer than 25 new homes. For the most part, this new housing will be built without the need for existing homes to be demolished, although this will not be the case on all sites. As well as building new homes, the Council is also acquiring new homes to be used as Council rented housing.
- 6.2. As well as the Council's housing delivery programme, work on delivering new homes on two estates in the borough is currently underway, on the Love Lane Estate and on Broadwater Farm Estate, which will require some homes on these estates to be demolished. The Council has committed that residents on these two estates whose homes will be demolished will have the right to be rehoused within the new development if they wish.
- 6.3. On 17 October 2017, Cabinet approved a new Estate Renewal Rehousing and Payments Policy (ERRPP) which gave a guaranteed Right to Remain or Return to all Council tenants displaced by estate renewal. Under the current Housing Allocations Policy, this commitment requires that a Local Lettings Plan is developed for each scheme. This approach was taken for Tangmere and Northolt tenants through the creation of the Broadwater Farm Local Lettings Plan, which was approved on 21 January 2019. A similar approach will be taken for the Love Lane Estate.

The Neighbourhood Moves Scheme

- 6.4. It is the Council's intention that existing secure tenants are able to benefit from new Council homes being delivered in their local area. However, as noted above, the Council's housing delivery programme is made up of a large number of small sites. Designing, and consulting on, a local lettings plan for each individual new development would be administratively complicated, use extensive Council resources and result in tenants being over-consulted with up to 70 sites where consultations would be needed. The draft Neighbourhood Moves Scheme has been developed to be applied to all new Council housing built or acquired by the Council. This removes the need to consult on each new scheme and ensures that the same principles apply to all new Council housing. The Neighbourhood Moves Scheme will be applied automatically unless Cabinet decides to exclude a specific new housing development.

- 6.5. The draft Neighbourhood Moves Scheme prioritises newly built Council housing to the following groups of secure tenants, in the following order:

Group 1: Secure Council tenants whose current homes are to be demolished to build new homes

- 6.6. Priority within this Group will be given based on the location of homes being demolished and in the following order:
- a) Firstly, to tenants whose homes are to be demolished in order to build the new Council homes being offered, or whose homes are being demolished as part of the same estate renewal scheme, then
 - b) To tenants whose homes are to be demolished to build new Council homes in the same ward, then
 - c) To tenants whose homes are to be demolished to build new Council homes in a neighbouring ward.
- 6.7. Tenants who have already moved as part of an estate renewal scheme will not be entitled to move again under this scheme unless their previous move was to allow the new homes being offered on the same scheme to be built and they are returning under a “Right to Return”.

Group 2: Secure Council tenants living on the same estate as the new housing development

- 6.8. Priority within this Group will be given in the following order:
- a) tenants who are currently under-occupying their home, in order of the net number of bedrooms they will be releasing, and then by their place on the housing register, then
 - b) tenants who are currently over-crowded in order of the net number of additional bedrooms they require, and then by their place on the housing register, then
 - c) tenants on the Housing Register in order of their place on the housing register, then
 - d) other tenants who are adequately housed, in order of their tenancy start date.

Group 3: Secure Council tenants living within a 250-metre radius of the new housing or a neighbouring estate with at least one home within this boundary.

- 6.9. Priority within this Group will be given in the following order:
- a) tenants who are currently under-occupying their home, in order of the number of bedrooms they will be releasing, and then by their place on the housing register, then

- b) tenants who are currently over-crowded in order of the number of additional bedrooms they require, then by their place on the housing register, then
- c) tenants on the Housing Register in order of their place on the housing register, then
- d) other tenants who are adequately housed, in order of their tenancy start date.

Group 4: All other households on the Housing Register

6.10. Any remaining properties will be let in accordance with the general Housing Register.

Priority

- 6.11. Where two households within Groups 1-3 have the same priority, preference will be given to tenants with the higher place on the Housing Register, where applicable. Where there is a further tie, homes will be allocated to those with the earlier tenancy start date.
- 6.12. Adequately housed tenants (Group 2d and 3d) will not be able to bid for new homes using Choice Based Lettings but will receive Direct Offers for any properties remaining after homes have been allocated to higher groupings. Offers will be made to suitable properties to those with the earliest tenancy start date.

Sustaining communities and honouring the ERRPP

- 6.13. The first category – secure Council tenants whose homes are being demolished – have been prioritised for new Council homes in order to honour the commitments made in the ERRPP. As well as giving secure tenants the right to remain or return –who are given first priority within this group - the ERRPP also guarantees that displaced tenants who wish to move away will be supported to do so. Therefore, it is proposed that secure Council tenants whose homes are to be demolished in order to build new Council homes in the same ward as the demolished home, or a neighbouring ward are given second priority within this group. This area has been chosen to ensure that displaced households have a reasonable choice of new homes near to their existing home with neighbouring wards included to address schemes close to ward boundaries.

Making best use of the Council's Housing Stock

- 6.14. Once secure Council tenants whose homes are being demolished in the same ward or a neighbouring ward have had the chance to bid for new Council homes, the next category of people to be prioritised for new Council homes will be existing secure Council tenants living on the same housing estate (Group 2) and then to secure Council tenants living within a designated distance of the new homes or on a nearby housing estate where at least one home on that estate falls within the designated distance (Group 3).

- 6.15. Tenants who successfully move through Group 2 and 3 of this scheme will be releasing their existing home to be re-let to the housing register, in accordance with the Housing Allocations Policy; in other words, where new homes are built or acquired there will automatically be new tenancies offered in the local area, whether those new tenancies are for the new homes or for older Council homes.
- 6.16. Within the two local tenant groupings, priority for new homes will be given to households who are not living in the correct sized home, that is to say they are either under-occupying (they have more bedrooms than they have a need for) or are over-crowded (they have fewer bedrooms than they have a need for). Allowing these households the chance to move to a new home, suitable to their needs, will help ensure the Council's stock is used more efficiently. Under-occupiers will have priority ahead of over-crowded households since they will be releasing a larger home which could then house a larger household. Under-occupiers will be prioritised for new homes by the number of bedrooms they are releasing, with the larger net number of bedrooms having the higher priority. Over-crowded households will similarly be prioritised by the extent to which they are over-crowded.
- 6.17. Once homes have been offered to the three categories of local secure tenants named in the Neighbourhood Moves Scheme, new Council homes will be allocated in accordance with the Housing Allocations Policy.

Maintaining communities

- 6.18. The current Housing Allocations Policy allocates homes according to the Housing Register with many homes being allocated to families outside the immediate area. Where there are new schemes, this can lead to new blocks being occupied by households new to the area. This can both generate tensions in the area and also weaken the community link in that block. The proposed policy seeks to ensure that a representation of the community in each new block and that the tenants arriving in the area are dispersed in the properties released by the local tenants taking up this opportunity.

Threshold

- 6.19. It is proposed that the Neighbourhood Moves Scheme will only apply to new housing developments where at least 5 new Council homes will be delivered. This lower limit is preferred as a balance between ensuring that around 95% of new homes fall under this scheme without placing constraints on specific schemes which may be purpose designed for specific needs. This will be subject to consultation.

Local Area

- 6.20. The size of the local area will be of considerable interest and it is proposed that a distance of 250 meters is adopted to offer a small area but with a sufficient number of local tenants who might take up the offer. It is also proposed that nearby estates will be deemed to be any estate where at least one home is within this designated distance. These two boundaries will be subject to consultation.

- 6.21. It is proposed that distance from the scheme will be measured from a central point of any individual new buildings, or the corners of the 'red line' map for schemes with multiple new buildings.

Allocation of homes

- 6.22. Applicants will need to make a housing register application as priority within each group will be based on their assessed Housing Need and/or their place on the Housing Register. In most cases, new homes will be allocated using Choice Based Lettings where local residents are eligible to join the Housing Register.
- 6.23. Tenants who are adequately housed and therefore ineligible to join the Housing Register will still be considered for properties so long as they meet the qualification criteria and will be offered remaining properties by Direct Let after those with a Housing Need have been offered them. Remaining properties will be offered in order of the tenancy start date at their current home. Any tenants who succeed to their tenancy will be assessed on the basis of the original tenancy at that address.

Eligibility

- 6.24. Existing Secure Tenants will be eligible for this scheme where they meet the following criteria which will be subject to consultation:
- The tenant must hold a secure tenancy and give up vacant possession of their existing home which will then be let out using the Housing Allocations Policy.
 - The tenant must have lived at their current address for at least 12 months.
 - The tenant must have made an application to join the Housing Register which has been approved and accepted.
 - The tenant must not have caused anti-social behaviour or committed any other tenancy breach which has warranted a Notice of Seeking Possession in the last 12 months or where a Notice to Quit or legal action is being taken. Notices of Seeking Possession may be disregarded if they have been withdrawn or expired or if there are exceptional circumstances.
 - Tenants will only be eligible to join the scheme if they have less than 1 month's rent arrears unless there are exceptional circumstances. Arrears caused by delays in the payment of Housing Benefit may be disregarded.
- 6.25. Tenants whose homes have been, or are to be, demolished in order to build new homes (Group 1) will be eligible for this scheme once a formal Council decision has been made to implement an estate renewal project following a statutory section 105 resident consultation and a decision has been given to award Band A rehousing status, unless the Council decides to make 'early offers' to tenants or leaseholders prior to this decision formally being made.

Effect on the Housing Register

- 6.26. This policy will give priority to local tenants to allow them to move into the new homes with the aim of addressing over-crowding directly by allocating homes to these households, or indirectly by encouraging under-occupiers to release larger family homes. This scheme will require tenants to submit a Housing Register application and so it is anticipated that there will be in modest increase in applications to join the register.
- 6.27. It is proposed that this scheme is only open to existing secure tenants in the local area who are either releasing their homes to assist the provision of new homes, or who are can releasing their current home to be let according to the Housing Allocations Policy . This will mean that barring homes due to be demolished, the same number of additional homes will be released to the general Housing Register.
- 6.28. It is estimated that within the next few years, as the Council's housing delivery programme is underway, there will be a significant number of new homes delivered over the next 5 years, with an average of 250 new Council rent homes a year. These lets will be in addition to the estimated 400 relets a year the Council anticipates will become available. However, this scheme is only open to existing secure tenants who can give vacant possession to a home which can then be let out to the general housing register. The scheme will therefore not affect the number of lets made using the Housing Register – that is to say, the same number of households in Band A would offered new homes - save where the new homes are allocated to a tenant whose home is to be demolished.
- 6.29. There may however be a change in the size of homes available depending on the number of households who are downsizing or moving to a larger home. With under-occupiers being given priority, it is anticipated that these two groups will balance to result in a broadly similar mix to the newly built homes. A side effect of the Scheme is that tenants' housing needs will be better matched to the homes they occupy.

Housing Need

- 6.30. One of the aims of this scheme is to make better use of the Council's housing stock by addressing over-crowding and releasing spare bedrooms where there is under-occupation. It is therefore proposed that tenants shall only be offered homes which meet their current housing need unless they are currently under-occupying their current home. In line with the Housing Allocation Policy, under-occupying tenants will be able to retain spare bedrooms but will only qualify for priority if they are releasing at least one bedroom.
- 6.31. This scheme will not apply to new Sheltered, Good Neighbour or Supported Housing but will include any new adapted and level access homes which would usually be offered though the General Needs. However, these homes will only be offered to tenants with a suitable need for these homes. Where there is no one with such needs within a Priority Group, adapted and level access homes will be then offered to tenants with such needs in the next priority group.

Relationship to the existing estate renewal schemes and Local Lettings Plans

Broadwater Farm Local Lettings Plan

6.32. On 13 November 2018, Cabinet approved the Broadwater Farm Local Lettings Plan following a consultation with residents of Tangmere and Northolt blocks. The Local Lettings Plan provided those tenants with a Right to Return to the new replacement homes. This scheme will apply to the Broadwater Farm replacement homes once (i) the Right to Return has been honoured for those who wish to return and (ii) local residents on the Broadwater Farm Estate have had the opportunity to be allocated one of those homes.

500 White Hart Lane

6.33. On 12 September 2018, Cabinet approved the purchase of 29 homes at 500 White Hart Lane with reasons for this purchase being given as

Supporting the High Road West Scheme and responding to residents' aspirations

By acquiring these homes and ensuring that Love Lane residents have the opportunity to move to them, the Council is increasing Love Lane residents' rehousing choice and responding to their request for new homes which are owned and managed by the Council.

6.34. This scheme will not seek to override this commitment and Love Lane tenants in Group 2 will have priority over other households in other estate renewal areas.

Consultation

6.35. The Council is required to consult on changes to the Housing Allocations Policy and approval is sought to undertake a 6-week consultation following approval of this report.

6.36. The consultation will be undertaken with members of the Housing Register, current Secure Tenants and Registered Providers. The results will then be considered, and suitable amendments made to the proposed policy. These results will inform the Equalities Impact Assessment and the development of the policy and will then be presented to Cabinet along with an amended policy for approval.

6.37. The consultation will contain questions on the following: -

- The minimum number of homes this scheme should apply to
- The eligibility criteria including
 - The distance used to establish if a household is close enough to the new homes
 - The level of rent arrears
- The priority order given to each Group

6.38. It is proposed that approval of the final consultation questionnaire is delegated to Director of Housing, Regeneration and Planning in consultation with the Lead Member for Housing and Estate Renewal.

- 6.39. It is proposed that the consultation will run for 6 weeks from early October with exact dates to be delegated to Director of Housing, Regeneration and Planning in consultation with the Lead Member for Housing and Estate Renewal.

7. Contribution to strategic outcomes

- 7.1. This scheme will support Haringey's Borough Plan 2019-2022, in particular the Housing Priority. It will help ensure that the Council's housing stock is maximised by enabling people to live in the right sized house, and in doing so will help ensure that residents are living in homes that meet their needs and that as many households are being housed in Council housing as possible, thus reducing the number of households in temporary accommodation.

8. Statutory Officers comments

Finance

- 8.1. This report seeks Cabinet approval to undertake consultation to amend the housing allocation policy to allow for local letting scheme.
- 8.2. It is estimated that the cost of consultation will not exceed £2,500 and will be met from the existing housing strategy and commissioning budget.
- 8.3. The proposed amendments will only affect the allocation of tenants/letting of the new homes.
- 8.4. It will give priority to those affected by any estate renewal in the area and then to secure tenants who are living close to the scheme.

Legal

- 8.5. The Assistant Director for Corporate Governance has been consulted in the preparation of this report and comments as follows. Legal Implications are otherwise set out in the body of this report.
- 8.6. The Council is required by Housing Act 1996 s166A to have a scheme for determining priorities and as to the procedure to be followed in allocating housing accommodation, and to allocate accommodation according to that scheme. The scheme applies (s159) to (i) selection to be a secure or introductory tenancies in its own stock (ii) nomination to be a secure or introductory tenant of another provider's stock and (iii) nomination to an assured tenancy of stock held by a private registered provider or a registered social landlord.
- 8.7. In framing its Scheme, the Council must have regard to its own Homelessness and Tenancy Strategies and to the London housing strategy (s166A(12)).
- 8.8. The Council must also (s166A) give reasonable preference to certain categories of persons on the Register – in particular those found to be homeless within Part VII of the Housing Act 1996 – and additional preference to others. There is however no requirement that equal preference be given to each priority category, provided that

those falling within any of the categories are generally given preference over those who do not.

- 8.9. It is open to a Council, within its Scheme, to include provisions to meet local needs and priorities and allocate to persons of a specific description (such as key-workers) (s166(6)(b)) provided that those provisions do not dominate the Scheme and subject to the same proviso as the preceding paragraph. This report seeks approval to consult on such provisions.
- 8.10. 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 with whom they have nomination arrangements and give them a reasonable opportunity to comment on the proposals.
- 8.11. While there is no statutory requirement to do so, the Council adheres to best practice in consulting its residents on significant changes to its Allocations Scheme, and residents have a legitimate expectation that the Council will continue to do so.

Procurement

- 8.12. There no procurement implications on this proposal.

Equalities

- 8.13. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need 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.
- 8.14. The three parts of the duty applies 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.
- 8.15. A draft Equality Impact Assessment has been undertaken on the proposal and is provided at Appendix 1. This assessment will be finalised following the consultation which will inform the development of the proposed changes to the Housing Allocation Policy.
- 8.16. The proposed decision will affect existing secure tenants and applicants on the Housing Register. The draft assessment reveals that the demographics of both these groups are similar and both have an over-representation of Black, female-headed households. There are, however, significant differences in the age profile of these two groups. 40% of existing tenants are over 60 compared to only 8% of Housing

Applicants. Moreover, more a higher proportion of existing tenants have disabilities (23%) than applicants on the housing register (7%).

- 8.17. The proposed changes to the Allocations Policy will enable existing tenants to move to properties near their current homes, which will enable them to maintain local community connections and support networks and allow children to remain in their current schools. Older people and those with disabilities are over-represented among existing tenants, and so maintaining connections to local services and support networks will be of particular benefit.
- 8.18. The amendments will give those on the Housing Register a reduced chance of a newly built home, but as all local tenants moving through this scheme are required to release their current home for re-let following their move these amendments will release the same number of lets unless the new tenant's existing home is due to demolition. These amendments should not therefore have an adverse impact on applicant's chances of moving into the area.
- 8.19. Following consultation, the draft Equality Impact Assessment will be updated and presented to Cabinet.

9. Use of Appendices

Appendix 1: Draft Equalities Impact Assessment

Appendix 2: Amendment to the Council's Allocations Policy, for consultation

Appendix 3: Draft Neighbourhood Moves Scheme, for consultation

10. Local Government (Access to Information) Act 1985