

**REPORT ON THE SCRUTINY REVIEW  
OF  
HOUSING ALLOCATIONS AND  
LETTINGS POLICY**

**September 2006**

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## **SCRUTINY REVIEW OF HOUSING ALLOCATIONS AND LETTINGS POLICY**

### **1.0 BACKGROUND.**

- 1.1 The letting of council and housing association homes is an important role for Haringey Council. This Scrutiny Review of the Lettings Service has concluded that the proposed new policy should be adopted subject to the Executive fully considering the results of public consultation and the recommendations of this review. The Review Panel have investigated the proposed new Lettings Policy as part of the comprehensive consultative process.
- 1.2 The Government's strategy for tackling homelessness aims to expand housing opportunities, including for those who need additional support and for disadvantaged sections of society by offering a wider range of preventative measures and increasing access to settled homes. The government want to see "local authorities taking an increasingly powerful strategic role on housing as they are ideally placed to take an overview across all tenures using their planning powers as well as housing policy to deliver mixed communities"<sup>1</sup>.
- 1.3 Housing is essential to the delivery of many of the Council's overall objectives and in particular the development of sustainable communities. However there are significant housing needs in Haringey with over 5,500 households living in temporary accommodation and many more living in poor or overcrowded homes. The Council has been working to deliver more options for those most severely affected. This includes work to deliver high quality affordable homes, work with landlords to make private renting a viable option and bringing empty properties back into use.

### **1.4 Sub-regional and regional context**

#### 1.5 Choice based lettings

- 1.6 Local authorities are encouraged to work together and with Registered Social Landlords (RSLs) partners to develop sub-regional choice-based lettings schemes that provide maximum choice and flexibility to applicants. In line with the government's objectives for increasing choice, Haringey has joined Home Connections, Choice Based Lettings (CBL) systems. This has linked the CBL systems of Haringey, Barnet, Enfield, Camden, Islington, and Westminster and many RSL partners in the North London sub-region. The government believes that CBL schemes can contribute to the aim of halving the number of homeless households in temporary accommodation by 2010, by enabling households to access suitable settled housing more quickly than may have been the case through a traditional bureaucratic system of allocation. More efficient and transparent access to social housing through choice-based schemes has the potential to reduce the incidences of homelessness. Additionally, when developing CBL, local authorities and their partners should ensure that households in temporary accommodation are given sufficient priority within schemes and are not disadvantaged compared with other vulnerable groups.

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<sup>1</sup> Ruth Kelly MP - 2006

## **1.7 The local context**

- 1.8 Haringey is in an area of high demand for all types of housing, especially social housing and Haringey faces the increasing challenge of homelessness. House prices are increasing at a rate far greater than increases in incomes, making it harder for all households, and particularly those with a single wage earner, to buy their own homes. Rent levels are high and many people experience problems finding and securing private rented accommodation. The problem is particularly acute for residents on a low income or in receipt of benefits. All these factors impact on the high demand for social housing that the Council is currently facing. Homeless families and existing tenants are being placed in competition for allocation of a scarce resource, especially in the supply of larger housing units.
- 1.9 The Council provides its Landlord service through an Arms Length Management Organisation (ALMO) called Homes for Haringey. This company is owned by the Council and is governed by an independent Board and regulated through its Management Agreement with the Council. Haringey retains direct responsibility for homelessness, allocations and lettings as well as wider strategic housing responsibilities. Together these services form the Council's Strategic Housing Service.

## **1.10 The Housing Act 1996**

- 1.11 Under the Housing Act 1996 all local authorities are required to produce and publish a housing lettings policy. The policy should reflect the duties, powers and obligations placed on local councils and others towards homeless people, including regulations, guidance and good practice.
- 1.12 In February 2006 the Audit Commission was asked by the Council to undertake a 'Voluntary Improvement Work' Inspection, taking a look at the areas where both the Council and the ALMO had concerns. The ALMO faces an inspection and has to reach a two star level before it can access resources to invest in the housing stock. Allocations and Lettings were identified as areas where improvements could be made.
- 1.13 The Audit Commission stated that the Council's Allocations Policy was not compliant with current legislation and government guidance in some areas. This requires every local authority to provide information about all aspects of the allocations process in an up to date document. It requires the Council to offer some choice to applicants and to give reasonable preference to people who are homeless, overcrowded or suffering from medical conditions.
- 1.14 Haringey's Re-housing Service therefore undertook to develop a new Lettings Policy that would address the weaknesses identified by the Audit Commission.
- 1.15 The prime driver for the proposed new policy is to make the letting of council and housing association homes fairer, clearer and more focussed upon the severe needs of the Borough whilst introducing choice into the process.

## 2.0 INTRODUCTION

- 2.1 Scrutiny had already decided that allocations and lettings was an area it wished to review and commissioned a Scrutiny Review Panel in June 2006. It has been anything but a typical scrutiny review, mainly due to the timescales imposed to allow scrutiny to contribute to the development of the new lettings policy, which must be agreed by the Executive at their meeting on 12 September 2006.
- 2.2 Experience has shown that issues identified early on in a scrutiny review will often be resolved by the time the review has been completed. This is to be welcomed. The scrutiny process is designed to enable constructive dialogue between Members, and officers, with the aim of identifying any problems, their causes and possible solutions. Such a process is central to ensuring that local policy and practice is fine-tuned to fit changing local needs. **Joint working is an essential element in seeking improvement and scrutiny wish to congratulate the Re-housing Service for their approach to this review. It demonstrates that the Council is serious about the involvement of scrutiny in policy development.** It enables the Service to build on the work already in place to develop processes and procedures for implementing the policy. It offers a real prospect of improving the capacity of the Council to achieve the two stars necessary to secure the £228 million of borrowing needed to achieve its objectives of bringing the quality of the housing stock up to standard and to deliver the government's Decent Homes standard by 2010.
- 2.3 Therefore the approach taken by scrutiny has been pragmatic and the Panel responded positively to difficult circumstances. The Scrutiny Review does not address all the issues raised in the Audit Commission's report, some of which were operational issues.
- 2.4 Early issues identified by the Panel**
- 2.5 Following consideration of the initial draft lettings policy (version 6), it became clear early on in the review that the document in its initial composition was not acceptable to Scrutiny Members. **Members felt strongly that the design, layout and detail of the draft policy was not transparent enough to address the comments made by the Audit Commission and that the policy must enable applicants to fully understand the system for allocating properties in Haringey.** Comparisons were made with other boroughs and particularly those where government borrowing had been achieved and whose policies demonstrated best practice and procedures in developing their options and prevention strategies. Members wanted to see the proposed policy presented in a more accessible form.
- 2.6 The Panel is pleased to report that following the series of frank and open discussions, the Re-housing Service has agreed a significant redrafting of the policy. This has enabled the creation of an improved lettings policy including the points allocation; clearer explanation of the categories and criteria for allocating housing in Haringey; explanation of the Choice Based Lettings Scheme, and ensuring that this was highlighted earlier on in the policy and definitive timescale

for reviewing the policy. The issue regarding the Equality Impact Assessment also needs to be addressed. (This is covered in detail further on in this report). Notwithstanding the above, the Panel concluded that in overall terms version (11) of the policy has successfully adopted the key principles and priorities and unanimously agreed to commend the new lettings policy subject to incorporation of the recommendations from the Panel.

<b>3.0 RECOMMENDATIONS</b>	
<b>It is recommended that:</b>	
<b>1</b>	<b>Subject to the incorporation of the recommendations by the Scrutiny Review, the Lettings Policy be commended to the Council Executive for adoption.</b>
<b>2</b>	<b>The Action Plan arising from the equalities impact assessment (EIA) be monitored in order to inform future policy and service development to ensure that services are in step with the needs of communities and that all users or potential users have fair and equal access to allocations and lettings.</b>
<b>3</b>	<p><b>(a) Subject to the results of the modelling impact assessment and further legal advice, the Executive consider awarding a greater weighting to the local connections aspects of the new lettings policy, with a view to increasing the level of (75) points currently proposed.</b></p> <p><b>(b) Local connection points to be awarded only to applicants who have lived in Haringey for the two years immediately preceding their application.</b></p> <p><b>(c) It is made clear in the policy that where applicants are placed in temporary accommodation outside the borough, they will be awarded Residency points as long as they fulfil the residential qualification.</b></p> <p><b>(d) The policy state that Local Connection points will not be given to the following:</b></p> <ul style="list-style-type: none"> <li><b>• Those placed in Haringey in temporary accommodation by another council.</b></li> <li><b>• Those placed in Haringey in residential accommodation by another council.</b></li> <li><b>• Secure tenants of another council unless reciprocal arrangements have been agreed.</b></li> </ul>
<b>4</b>	<b>Subject to the results of the modelling impact assessment and further legal advice, the Executive consider awarding a greater weighting than the 50 points currently proposed, as a way of rewarding “good neighbour” transfers. Thereby increasing the points for those applicants who have abided by the terms of their tenancy conditions and have no rent arrears.</b>

5	<p>(a)</p> <p>(b)</p>	<p>Greater incentive be given to achieving more under-occupation transfers; consideration be given to increase the financial reward and introduce other forms of assistance to tenants in order to achieve this.</p> <p>The Under-occupation scheme be re-launched with an enhanced publicity campaign to ensure greater public awareness of the scheme</p>
6		<p>The Council consider each case of succession under-occupation on its merit and where appropriate to use the legal powers available to address the issue of under occupation of properties when a succession to the tenancy has taken place.</p>
7	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p>	<p>The Re-housing Service ensures that an overall publicity and education campaign is undertaken with staff and residents to launch the policy. Also that a leaflet is produced and made available in major community languages. The leaflet should include a ready-reckoner to enable applicants to calculate their housing points. The leaflet should signpost where general advice and practical assistance on homelessness and prevention of homelessness is available. The leaflet should also explain the Choice Based Lettings schemes.</p> <p>Support staff must be fully trained/briefed in the policy as part of the implementation process. Training should include legal briefing on a regular basis to ensure staff are knowledgeable and up to date with all relevant legislation.</p> <p>That the leaflet be produced and distributed at the same time as the Homes Connection scheme is launched.</p> <p>The Scrutiny Review Panel would welcome the opportunity to comment on the draft leaflet produced.</p>
8	<p>(a)</p> <p>(b)</p> <p>(c)</p>	<p>At the signing of the tenancy, if applicable, the applicants' Housing Benefit application form also be completed. This will allow the applicant to have benefits quickly assessed and in place and is likely to reduce the incidence of rent arrears and to assist in maintaining their tenancies. Vulnerable new tenants will be assisted by staff ensuring that Housing Benefit applications are completed correctly.</p> <p>The Re-housing Service improve the administration of Housing Benefit and homelessness application processes, by ensuring that the application form for housing, when completed, gives all the necessary permissions required to carry out relevant data checks, including legal access to electronic databases.</p> <p>The housing application form be redesigned to enable applicants to state whether they are likely to apply for Housing Benefit, so that officers are able to be better prepared to assist applicants with their claims.</p>

	<p>(d) That an application be cancelled if the applicant has failed to provide documentary evidence or other information reasonably required by the Council, in order to validate the applications, including Housing Benefit.</p> <p>(e) The Re-housing Service, IT Department and Legal Services work in collaboration to develop a protocol that aims to achieve a balance between the needs of the Council to alleviate homelessness and rent arrears and the rights of applicants under the Data Protection Act.</p>
9	<p>(a) That the Lettings Policy be reviewed between at least twelve and eighteen month interval to ensure that it remains in keeping with current regulations and practices.</p> <p>(b) An action plan including the operating instructions (procedures) and progress report be presented to the Overview and Scrutiny Committee in December 2006. That the Action Plan include feedback from Connexions Direct.</p>
10	<p>(a) That the review of the Housing Register be undertaken as a matter of urgency. That the Re-housing Service ensures that the register is reviewed on a regular basis.</p> <p>(b) A modelling impact assessment of the applicants on the Housing Register be carried out before implementation of the policy ensuring that applicants are re-pointed using the new lettings policy to ascertain whether the aims of the policy have been achieved.</p>
11	<p>That an explanation about Homes for Haringey be included in the Lettings Policy to enable applicants to distinguish clearly between the Council's Housing Strategic Service and Homes for Haringey.</p>



## 4.0 THE SCRUTINY REVIEW

- 4.1 This scrutiny review was commissioned by the Overview & Scrutiny Committee as part of its work programme for 2006/07 with the following aims and objectives:

To examine the proposed allocations policy to ensure it addresses weaknesses identified by the Audit Commission in their report “Voluntary Improvement Work – May 2006”.

### 4.2 Membership of the Review Panel

Councillor John Bevan - Chair  
Councillor Charles Adje  
Councillor Caroline Baker  
Councillor Gideon Bull  
Councillor Laura Edge  
Councillor Patrick Egan  
Councillor Catherine Harris

- 4.3 The Panel wish to thank everyone who spent their valuable time responding to questions and helping the Review Panel to reach its recommendations.
- 4.4 In order to comply with the demanding timeframe necessary scrutiny decided that it would report any recommendations arising from the review of the new Lettings Policy to the Executive meeting on the 12 September 2006. In order to achieve this the Scrutiny Review Panel work continued through the August Council recess period.
- 4.5 The Panel has considered both an initial submission from the Re-housing Service and a current report on the Services’ response to the Voluntary Audit Inspection Report. Officers from the Re-housing Service have been interviewed extensively and Members have visited the Re-housing Service to learn more about the systems currently in operation.
- 4.6 The Scrutiny Panel decided that the best way to report to the Executive would be by exception, meaning that it would only report on areas where there was a lack of agreement. **All other scrutiny input had therefore been accepted and included in the new Lettings Policy, put before the Executive.**

## 5.0 THE REVIEW PROCESS

- 5.1 The Review used a combination of visits and evidence gathering through interviews and consideration of bench marking information to look at the Council’s new draft Lettings Policy. Panel members visited London Borough of Islington and spoke to the Re-housing Manager and a number of staff in addition to comparing a number of lettings policies of other authorities and Housing Associations.

- 5.2 Scrutiny Panel Members also had a number of meetings with officers working on the revised policy; legal services and the Director of Housing & Social Services, to discuss issues raised.
- 5.3 The Panel learned that in compiling its allocations policy, the Council must give priority to applicants who fall within the categories of need defined by law. The priorities should reflect local needs and legal requirement to give:
- Reasonable preference
  - Additional preference
  - Local preference
- 5.4. Haringey has elected to give priority to the following four main groups:
- Families and children
  - Property
  - Care & Health
  - Stable communities

## **6.0 FINDINGS AND RECOMMENDATIONS**

- 6.1 The following sections outline the areas where agreement has not been reached and where scrutiny wish to make specific recommendations.

## **7.0 EQUALITIES**

- 7.1 The effectiveness of the Council's Allocations and Lettings Service has major implications for residents from the most disadvantaged communities in the Borough.
- 7.2 Given the Council's stated commitment to reflecting the full diversity of the community it serves and to promoting equality of opportunity for everyone, the Panel wanted to ensure that an Equalities Impact Assessment (EIA) of the policy had been undertaken. The Senior Development Officer (Equalities) was invited to attend a meeting in order to inform the Panel on the implications that an EIA would have on the development of the policy and service delivery. Members heard that the assessment had been developed as a tool for ensuring that equality, social inclusion and community cohesion issues can be considered when drawing up policies or proposals.
- 7.3 The Panel learned that a timescale has been agreed with the Re-housing Service and the Equalities Unit to carry out the assessment. However Members felt that the EIA should have been carried out earlier on in the process, they received a commitment from the Service that the EIA will be completed as a matter of urgency. The Panel was keen to ensure that this should not be a data collection exercise which will be of little benefit. They therefore wish to ensure that any action plan arising, identified how the Service will go about monitoring the policy following the assessment, including any changes or proposals to be made. It is important that monitoring is able to tell a story in the future of how

the policy impacted on communities, customers or employees in order to improve service delivery.

## **RECOMMENDATION TWO**

**That the Action Plan arising from the equalities impact assessment (EIA) be monitored, in order to inform future policy and service development to ensure that services are in step with the needs of communities and that all users or potential users have fair and equal access to allocations and lettings.**

### **8.0 LOCAL CONNECTIONS/RESIDENCY POINTS**

#### 8.1 Haringey Residency points

8.2 Points are used as the primary currency to rank re-housing applicants. Points are awarded for housing needs and these points are added together. The needs of all individuals in the applicant's household are taken into consideration when residency points are awarded. The Panel spent some time deliberating the issue of Haringey residency points. They were particularly keen to ensure that sufficient weighting was given to people living in the borough for a reasonable length of time. The views of officers in the Re-housing Service was that the level of points proposed have been pitched at an appropriate level and ensured a degree of balance against other priorities, for example against homelessness.

8.3 The Panel sought legal advice and consulted with the Housing Policy Lawyer on the legal implications arising from giving higher weighting for local connections (See section 8.6). The Panel was of the opinion that the local connections scheme operated by LB Barnet closely reflected what they wish to see contained in Haringey's policy. The Panel heard that Barnet's scheme was challenged in the High Court and the matter was decided on 11 May 2006.

8.4 The High Court decided that the only grounds for criticism was that the scheme was unlawful to the extent that it awarded a certain number of points to all transfer applicants, whereas the purpose of the Housing Act (1996) was that all transfer applicants and new applicants should be treated the same. By awarding additional points to transfer applicants the scheme failed to preserve the reasonable preference categories. **The Court found that the transfer points were justifiable irrespective of colour race or creed and did not discriminate, but nevertheless did deem their scheme unlawful. The Court also found that there was no evidence that points awarded for length of residence were discriminatory.**

#### 8.5 Lettings Consultation Conference

8.6 Members of the Panel were invited to and attended the Council's recent lettings consultation conference and workshops on 'Shaping Haringey's lettings policy'. The event was originally organised for members of Haringey Association of Voluntary and Community Organisations and BME groups from the Supported People's Scheme. The invitation was extended to Homes for Haringey, Resident

Associations and Advocates. On consulting local residents on the new policy, Members reported that local connections was one of the main areas of concerns raised by residents attending the event. The legal advice given to the Panel was that there would be a greater risk of judicial challenge to the Council if the proposed points allocated under local connections were increased. Notwithstanding legal opinion the Panel remain dissatisfied with the current level of points proposed for local connections and given the strength of resident's views they wish to recommend an increase in the weighting attached to this factor. It should be noted that whilst acknowledging the legitimate concerns of local residents Councillors Harris and Edge felt that action was needed at national level to address the issue of local connections and in recognition of legal opinion did not support this proposal.

8.7 The Panel therefore made the following recommendations.

### **RECOMMENDATION THREE**

- a) **Subject to the results of the modelling impact assessment and further legal advice, the executive consider awarding a greater weighting to the local connections aspects of the new lettings policy, with a view to increasing the level of (75) points currently proposed.**
- b) **Local connection points to be awarded only to applicants who have lived in Haringey for the two years immediately preceding their application.**
- c) **It is made clear in the policy that where applicants are placed in temporary accommodation outside the borough by Haringey, will be awarded Residency points, as long as they fulfil the residential qualification.**
- d) **The policy should state that Local Connection points will not be given to the following:**
  - **Those placed in Haringey in temporary accommodation by another council.**
  - **Those placed in Haringey in residential accommodation by another council.**
  - **Secure tenants of another council unless reciprocal arrangements have been agreed.**

## **9.0 DOMESTIC VIOLENCE & HARASSMENT**

9.1 Relationship breakdown is a major cause of homelessness for 20% of households accepted as homeless and in priority need in 2004/05 and of these cases, two thirds (13% of all homelessness acceptances) involved violence.<sup>2</sup>

9.2 In Haringey in 2001/02, 100 homeless approaches were made where domestic violence was the reason for homelessness. Eighty-seven per cent were

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<sup>2</sup> DCLG Homelessness Prevention a guide to good practice – June 2006

women,<sup>3</sup> it is suspected that this is an under representation of the real situation and this has been identified by the Re-housing Service as an area for further work both in terms of research and service delivery developments.

The Panel raised concerns that domestic violence and harassment was not a priority within the policy and wish this to be included as a 5<sup>th</sup> priority. It also required that the Service ensure, that appropriate homelessness prevention support for households at risk of domestic violence, is in place and delivered in a coordinated approach, both at operational and strategic level. Members recognise the importance of tackling domestic violence and the excellent record of the Hearthstone Service. The Panel was pleased to note that after detailed discussion with the Service it was proposed to make this the fifth key priority in the policy.

## **10.0 MANAGEMENT TRANSFERS**

### **10.1 Good neighbour transfers.**

10.2 The Panel sought legal advice about the inclusion of “good neighbours” transfer in the policy and was informed that this is a legitimate aim of the Council. Those applying for a transfer must be treated on the same basis as other applicants, in accordance with the provisions set out in the allocations scheme. It must reflect a sensible balance between meeting the housing needs of existing tenants and new applicants, whilst ensuring the efficient use of the housing stock. To qualify for the “good neighbour” factor when a tenant applies for transfer they must be meeting their tenancy conditions and have a rent account that has not been in arrears for the previous 3 years, must not be the subject of possession proceedings for rent arrears and not been the subject of possession proceedings for anti-social behaviour. However the Panel want a greater degree of weighting given in this category in order to acknowledge and reward those tenants who have abided by the terms of their tenancy agreement.

## **RECOMMENDATION FOUR**

**Subject to the results of the modelling impact assessment and further legal advice, the Executive consider awarding a greater weighting than the 50 points currently proposed, as a way of rewarding “good neighbour” transfers. Thereby increasing the points for those applicants who have abided by the terms of their tenancy conditions and have no rent arrears.**

### **10.3 Under occupation scheme**

10.4 Tenants who are under occupying Council homes are eligible to join the under occupation scheme, which aims to free up larger family units. Currently a small financial incentive is given which is unattractive.

## **RECOMMENDATION FIVE**

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<sup>3</sup> Haringey Homelessness Strategy 2003-2008

a) **That greater incentive be given to achieve more under-occupation transfers; consideration be given to increase the financial incentives and introduce other forms of assistance to tenants in order to achieve this.**

b) **That the under-occupation scheme be re-launched with enhanced publicity campaign to ensure greater public awareness of the scheme.**

#### 10.5 Succession to tenancies

10.6 The Panel recognised that succession to a tenancy is a legal right. A person can succeed to a Council tenancy on the death of a tenant if they are the tenants' spouse, civil partner or they are another member of the tenant's family and lived with the tenant for a qualifying period preceding the tenant's death. The spouse or civil partner takes precedence over another family member. However where there is evidence that the property is under occupied as a result the Council has the powers to take legal action and to offer smaller accommodation. The Panel heard that these powers cannot be applied in all cases as each case must be considered on its own merits. The Panel are of the opinion that the powers available to the Council must be used in **all appropriate cases** where succession to a tenancy has resulted in under occupation.

### **RECOMMENDATION SIX**

**The Council consider each case of succession under-occupation on its merit and where appropriate, use the legal powers available to address the issue of under occupation of properties, when a succession to the tenancy has taken place.**

#### 11.0 **COMMUNICATING THE NEW POLICY**

11.1 To some extent the success of the policy will be dependent on its transparency and the ease with which the local community can understand it. It is essential therefore that it is communicated clearly, in various formats, including the website and community languages and that adequate support is available to give advice when required. Applicants must have access to sufficient information to enable them to make informed choices. It is the view of the Panel that the Service should ensure that appropriate literature about the policy is available and that an overall publicity and education campaign should accompany the launch of the policy with staff and residents. The Panel also wish to see the production of a leaflet in all major community languages, available to Members and the public that explains the new lettings policy with a ready-reckoner so that applicants can calculate their housing points in a format that is quick and convenient to use. The Service should regularly remind customers/service users of the policies, processes and procedures through newspapers and the website.

## **RECOMMENDATION SEVEN**

- a) The Re-housing Service ensures that an overall publicity and education campaign is undertaken with staff and residents to launch the policy. Also that a leaflet is produced and made available in major community languages. The leaflet should include a ready-reckoner to enable applicants to calculate their housing points. The leaflet should signpost where general advice and practical assistance on homelessness and prevention of homelessness is available. The leaflet should also explain the Choice Based Lettings schemes.**
- b) That all support staff be fully trained/briefed in the policy as part of the implementation process. Training should include legal briefing on a regular basis to ensure staff are knowledgeable and up to date with all relevant legislation.**
- c) That the leaflet be produced and distributed at the same time that the Homes Connection scheme is launched.**
- d) That the Scrutiny Review Panel would welcome the opportunity to comment on the draft leaflet produced.**

### **12.0 IMPROVING ADMINISTRATIVE ARRANGEMENTS, INCLUDING DATA PROTECTION TO REDUCE RENT ARREARS AND MAINTAIN TENANCIES.**

- 12.1 The Panel is keen to ensure that the Council is taking steps to address weaknesses in the administrative systems to tackle and manage homelessness in the borough more efficiently.
- 12.2 It was reported that 69.5% of tenants experienced rent arrears after just one year of occupying their property. (for the calendar year 2005). Rent arrears can arise from delays in the calculation and payment of Housing Benefit. For example delays in applying for, calculation and payment of Housing Benefit to tenants, inefficient processing of homelessness cases, a failure to provide information, advice and practical assistance and solutions for preventing homelessness all result in delay. It is therefore in the Council's interest to employ systems for the payment of Housing Benefit in order to avoid the risk of homelessness arising as a result of such delays. Where the administration of Housing Benefit and the provision of housing assistance are dealt with by different departments of the Council, it will be necessary for the Services to ensure that effective liaison arrangements between departments are in place.
- 12.3 Efficient Housing Benefit payments systems can also help increase the confidence of private sector landlords in letting accommodation to tenants who may rely on benefits to meet their rents. The Panel is of the view that where possible Housing Benefit application forms should be completed and signed simultaneously with the signing of any tenancy agreement.

- 12.4 In respect of data protection issues and obtaining information electronically held in various databases, the Panel expressed strong concerns regarding insufficient sharing of customer information between council departments. The Panel heard from the Data Protection Officer that in order for the Housing Service to have access to databases held by other Services / Departments or procure disclosures of personal information held within those databases at least one of the below specific conditions must be met:
- The individual has consented to the disclosure
  - Processing is necessary for performance of a contract with the individual
  - Processing is required under legal obligation (the legislation, section, subsection etc needs to be quoted)
  - Processing is necessary to protect the vital interests of the data subject
  - Processing is necessary to carry out public functions, such as the administration of justice
  - Processing is necessary in order to pursue the legitimate interest of the data controller
  -
- 12.5 If the disclosure/data sharing is related to “sensitive” personal data at least one of several extra conditions would also need to be met. These include:
- Having the “explicit” consent of the individual
  - Being required by law to process the information for employment purposes
  - Needing to process the information in order to protect the vital interests of the individual or another person
  - Dealing with the administration of justice of legal proceedings
- 12.6 The Housing Service needs to identify which conditions it is relying upon to enable access to, or the procurement of (sensitive) personal information held by other Council Services Departments for the purpose of cross referencing information provided by individuals who are requesting Council Housing. The Housing Service should then approach Legal Services to confirm the conditions they are relying upon carry sufficient enforcement to authorise the disclosure/sharing of such data for the purposes stated.
- 12.7 It is the strong view of the Panel that Housing Officers should have sufficient access to electronic databases to enable them to carry out their Housing Benefit duties, whilst ensuring compliance with the Data Protection Act. It is essential that the Re-housing Service, IT Department and Legal Services work in collaboration to develop protocol that aims to achieve a balance between the needs of the Council to alleviate homelessness and rent arrears and the rights of applicants under the Data Protection Act.

### **RECOMMENDATION EIGHT**

- a) **At the signing of the tenancy, if applicable, the applicants’ Housing Benefit application form also be completed. This will allow the applicant to have benefits quickly assessed and in place and is likely to reduce the incidence of rent arrears and to**



assist in maintaining their tenancies. Vulnerable new tenants will be assisted by staff ensuring that Housing Benefit applications are completed correctly.

- b) The Re-housing Service improve the administration of Housing Benefit and homelessness application processes, by ensuring that the application form for housing, when completed, gives all the necessary permissions required to carry out relative data checks, including legal access to electronic databases.
- c) That the housing application form be redesigned to enable applicants to state whether they are likely to apply for Housing Benefit, so that officers are able to be better prepared to assist applicants with their claims.
- d) That an application be cancelled if the applicant has failed to provide documentary evidence or other information reasonably required by the Council, in order to validate the applications including Housing Benefit.
- e) The Re-housing Service, IT Department and Legal Services work in collaboration to develop a protocol that aims to achieve a balance between the needs of the Council to alleviate homelessness and rent arrears and the rights of applicants under the Data Protection Act.

### **13.0 TIMESCALE FOR REVIEWING THE POLICY**

13.1 In order to ensure that this policy is successful a comprehensive monitoring process should be established. The policy should be reviewed regularly as part of the monitoring process. In the first instance, the Review Panel recommends that a progress report be presented to Overview and Scrutiny Committee in December 2006. Also that the policy be reviewed at least between a twelve to eighteen months interval, to ensure that it remains in keeping with current regulations and practices.

#### **RECOMMENDATION NINE**

- (a) That the Lettings Policy be reviewed between at least twelve and eighteen month interval, to ensure that it remains in keeping with current regulations and practices.
- b) An action plan, including the operating instructions (procedures) and progress report, be presented to the Overview and Scrutiny Committee in December 2006. That the Action Plan include feedback from Connexions Direct.

## **14.0 OTHER ISSUES CONSIDERED BY THE REVIEW**

### **14.1 16 and 17 year olds**

14.2 Under legislative changes made in 2002, homeless 16 and 17 year olds have a priority need for accommodation under the homelessness legislation, with certain exceptions. These mainly apply to cases where Social Services have responsibility for ensuring that the young person's accommodation needs are met. 16 and 17 year olds are owed a duty under Section 20 (Children Act 1989) and may be referred for a letting by the local authority who have a duty under the Children (Leaving Care) Act 2000. The Act obliges the authority to support 16-17 year olds who are 'relevant' young people in their accommodation needs.

14.3 The Panel heard from Connexions Direct, an organisation providing information and advice for young people, assisting them to get into training and employment. It was noted that a Connexions Worker is based in the Re-housing Service at Apex House working specifically with young people and helping them to obtain suitable accommodation. The lack of social housing also has an impact on this client group and concerns were raised that some sixteen and seventeen year olds are placed in unsuitable accommodation with very little support. It is the view of the Panel that the Service must consider how it supports this group, by assessing and addressing their needs. Members also wanted to find out how the new lettings policy would impact on this group and it was agreed that Connexions Direct would report back to the Panel at the end of the year with their comments and experience of the policy.

14.4 The Panel wishes to ensure that in all cases support for young people holding tenancies or in temporary accommodation is available.

### **14.5 Managing Voids**

The Panel heard evidence relating to the length of time taken to re-let empty properties. Targets for void turn-around had not been achieved and the Panel noted concerns regarding the standard of repairs to some properties, resulting in a high number of refusals by applicants. Whilst detailed consideration of this issue is outside the scope of this review, nevertheless the Panel wish to see improvements in the existing processes for void management.

### **14.6 Sustainable Communities**

14.7 The Lettings Policy has to achieve the right balance between the importance given to choice in housing and the need to meet housing needs. The Council is developing strategies with its partners to deliver new products and services for customers requiring social housing.

14.8 This approach ties in with government thinking on linking CBL with a broader housing options approach. It is essential that the relationship between CBL and broader strategies is maintained and enhanced. For example there are likely to be many factors that contribute to the achievement of sustainable communities and meeting housing needs through local lettings policies. Lettings policies will only be one of many policies that might help to achieve this. The Panel recognises that more work needs to be done to address this issue which is outside the scope of this review.

#### **14.9 Choice Based Lettings – Home Connections**

14.10 It is imperative that a watching brief is maintained on national policy initiatives on CBL. This will enable the Council and its partners to respond quickly and effectively to initiatives as well as understanding any implications for Homes for Haringey.

14.11 The Service should develop a program of regular training and briefing sessions to improve stakeholder awareness of the policies, procedures and processes – there is a need for training sessions for staff and organisations directly and indirectly involved in CBL. The Service should ensure that protecting vulnerable and excluded groups involves ensuring that information on vacancies and processes is available in appropriate formats, including minority languages; that bidding mechanisms are accessible to all; and that systems are in place to provide assistance to those who would otherwise struggle to participate in CBL process.

#### **14.12 Managing the Housing Register**

14.13 There are approximately 25,000 people on the Housing Register which has not been reviewed for a number of years. The Audit report found that a high proportion of errors are occurring in the assessment of priority, which means that some cases have not been awarded the correct number of points. Some points are calculated manually before being entered on the computer, this is prone to greater inaccuracy than systems which automatically calculate points based on the allocations criteria. Members were informed that the Service is currently consulting all applicants on the Housing Register in order to meet the requirement to review the register and to ensure that applications are relevant and households given the relevant level of priority. The Panel would like to see a modelling impact assessment of the applicants on the Housing Register before implementation of the policy ensuring that applicants are re-pointed using the new lettings policy to ascertain whether the aims of the policy will be met. It is also the view of the Panel that the review of the register should be carried out as a matter of urgency and that the Service should ensure that the Register is reviewed on a regular basis thereafter, in keeping with good practice.

### **RECOMMENDATION TEN**

- (a) That the review of the Housing Register be undertaken as a matter of urgency. That the Re-housing Service ensure that the register is reviewed on a regular basis.**

- (b) **A modelling impact assessment of the applicants on the Housing Register be carried out before implementation of the policy ensuring that applicants are re-pointed using the new lettings policy, to ascertain whether the aims of the policy have been met.**

#### **14.14 Preventions and Options**

14.15 Haringey's Accredited Lettings Scheme has been praised in the Housing Ombudsman's annual Report for 2006. It highlighted the joint partnership and support for the Council's Accredited Letting Scheme. Other local authorities involved in similar private sector initiatives are encouraged to follow Haringey's example and offer similar services for tenants who may have complaints about private sector landlords. The Panel welcomes the establishment of the Council's new Prevention and Options services that seeks to reduce the number of households applying as homeless and to increase the choices available to households threatened with homelessness. The Panel believes this is likely to produce direct net savings for the authority, for example through reduced processing of homeless applications, lower use of temporary accommodation, reduced rent arrears and fewer service interventions. Resources allocated to preventing homelessness will also help to reduce pressures on wider services e.g. health in the longer term, including the provision of on going Housing Benefit support and advice for clients

#### **14.16 Arms Length Management Organisation.**

14.17 The Panel welcomes the Council consulting with Homes for Haringey as part of the broad consultative process on the proposed Lettings Policy. Homes for Haringey is the Arms Length Management Organisation that provides the Landlord service as management agent for the Council. The Panel wish to see the role of Homes for Haringey explained clearly in the policy. This will enable applicants to know exactly who their providers are and avoid confusion by some applicants when dealing with both the Re-housing Service and Homes for Haringey.

#### **RECOMMENDATION ELEVEN**

**That an explanation about Homes for Haringey be included in the Lettings Policy, to enable applicants to distinguish clearly between the Council's Housing Strategic Services and Homes for Haringey.**

#### **14.14 Variation to the Terms of Reference**

14.5 In order to ensure the successful implementation of the policy, the Panel wish to vary the terms of reference to include ensuring that the policy is properly administered and implemented successfully and that the new Lettings Policy is deemed fit for purpose.

