

30 November 2015		ITEM: 6
Housing Overview and Scrutiny Committee		
Local Lettings Plan – Seabrooke Rise and Derry Avenue		
Wards and communities affected: All	Key Decision: Key	
Report of: Dermot Moloney – Strategic Lead, Housing		
Accountable Head of Service: Kathryn Adedeji, Head of Housing Investment & Development		
Accountable Director: David Bull, Director of Planning, Transportation & Housing		
This report is Public		

Executive Summary

Councils have a statutory duty to publish a scheme which outlines how they will allocate social housing within the borough. The Council may only allocate properties in line with its published scheme; this includes their own properties and those belonging to Registered Providers in the borough where the Council has nomination rights.

Thurrock Councils' current Housing Allocations Scheme was agreed by Cabinet on 14th November 2012 and was subsequently reviewed by Cabinet on 14th January 2015 when a number of minor amendments were approved.

One of the amendments was to allow so called "Local Lettings" plans to be implemented on a case by case basis for new development sites, with Housing Overview and Scrutiny agreement.

The Allocations scheme states:

Thurrock Council may determine local lettings plans for new development sites; the plans would be specific for each development and would be agreed via the Housing Overview & Scrutiny Committee.

It is important to note that this and any local lettings plan sits within the Councils agreed allocations policy and therefore for a resident to be considered for transfer they must first satisfy all other elements of the allocations policy - this is further explored in section 2.5.3.

The Council has developed new build properties at Seabrooke Rise in Grays and in Derry Avenue in South Ockendon. Seabrooke Rise is situated within an existing

estate while Derry Avenue consists of street based properties. They are due for completion in January 2016 and November 2015 respectively.

A survey carried out by Ngage with residents on the Seabrooke Rise estate in 2014, indicated that 78% of residents surveyed were in favour of prioritising new build properties for people who already live in the area.

In order to ensure that the balanced communities within the current estates are maintained, a Local lettings plan for the first lets on these sites is recommended. One of the decisions made at October 14 Cabinet on Seabrooke Rise regeneration proposals was that a local lettings plan be developed. In addition to this Derry Avenue is due to be completed this month.

This report outlines

- The properties which the local lettings plan would apply to;
- How new tenants would be prioritised;
- The criteria which new tenants would need to meet in order to qualify for an allocation;
- The process for allocating properties.

1. Recommendation(s)

That Housing Overview & Scrutiny Committee:

- 1.1 Agree to use its powers within Thurrock Council's Housing Allocations Scheme to agree a local lettings plan for the new build properties in Seabrooke Rise and Derry Avenue as outlined within this report;**
- 1.2 Agree that the said local lettings plan allows 75% of first lets to be made to eligible Thurrock Council tenants, who are living within the "applicable boundary" and who are managing their tenancies correctly, as outlined within this report;**
- 1.3 Agree the applicable boundary for the Seabrooke Rise development;**
- 1.4 Determine the applicable boundary to be used for the Derry Avenue development – either ward boundary or road boundary as outlined in this report at 3.8;**
- 1.5 Agree that the remaining 25% of first lets, and any subsequent relets, are allocated in line with Thurrock Council's Housing Allocations scheme and usual allocations processes.**
- 1.6 Agree that where a tenant has been living at more than one property within the applicable boundary, the combined time will count, provided they have lived within the applicable boundary continuously, leading up to their current tenancy.**

2. Introduction and Background

- 2.1 A local authority has a statutory duty under s166A of the Housing Act 1996 to provide a scheme which outlines how it will allocate social housing within the borough. The local authority may only allocate properties in line with its allocations scheme; this includes the Council's own properties and those belonging to Registered Providers in the borough where the Council has nomination rights.

Following the Localism Act 2011, local authorities have greater flexibility over how they prioritise the allocation of social housing, subject to offering reasonable preference to certain groups i.e. the homeless, those with medical or welfare needs, those living in unsanitary or overcrowded conditions or those who need to move to a particular area in order to prevent hardship. These are known as the reasonable preference groups.

Allocations schemes must be fair, simple and transparent and they must comply with equality legislation. Community engagement and good partnership working with Registered Providers is essential to achieve this.

- 2.2 The Housing Act 1996 s166A (6) provides that an Allocations Scheme may have provisions regarding the allocation of particular housing to particular groups of people, whether or not they fall within the reasonable preference groups. These provisions are more commonly known as "Local Letting plans".

Such plans enable housing authorities to deal with specific issues and concerns – for example

- Creating balanced & mixed communities
- Protecting existing stable communities
- Meeting housing need in rural areas by setting aside a proportion of lets to applicants with local connection
- Restricting where people who have committed serious offences can live
- Reducing void rates & tenancy turnovers
- Improving new community stability
- Tackling low demand properties
- Reducing anti-social behaviour

Local Letting plans must not discriminate against groups of people; it is important to assess any impact before a plan is agreed – for example giving extra priority to local people could discriminate against people moving into or around the borough.

2.3 Thurrock Councils' current Housing Allocations Scheme was agreed by Cabinet on 14th November 2012 and was subsequently reviewed by Cabinet on 14th January 2015 when a number of minor amendments were made.

One of the amendments was to allow local letting plans for new development sites, which would be determined on a case by case basis with the agreement of Housing Overview and Scrutiny committee.

Two new development sites are due for completion and a local lettings plan for each site is sought to enable officers to allocate properties.

2.4 The Properties for which the local lettings plans would apply are as follows:

2.4.1 Seabrooke Rise, Grays, RM17 6FA

The new development is situated on the Seabrooke Rise estate next to the railway line in Grays. It comprises of 53 properties over 4 levels and in three blocks, as follows:

- 13 x 1 bed flats
- 32 x 2 bed flats
- 8 x 3 bed flats

Two properties will be adapted for disabled tenants with specially adapted wet rooms. These properties will be outside of the local lettings plan in order to ensure they are matched to those with a disability and need for adaptations.

The other 51 properties would fall into the local lettings plan and are shown on the list at Appendix 1.

2.4.2 Derry Avenue, South Ockendon, RM15 5FU

The development consists of 25 x one bedroom apartments over 3 levels, each with a small study/dining room.

All properties are built to the HAPPI¹ standard and are designed specifically with older people in mind, with access for personal care and/or support and with flexibility to increase the level of care and/or support within the same home as individual needs change.

One apartment has been already been adapted for the disabled and will be allocated outside of the local lettings plan.

The other 24 properties would fall into the local lettings plan and are shown on the list at Appendix 1.

¹ Housing our Aging Population Panel for Innovation – for more information:
<https://www.gov.uk/government/publications/housing-our-ageing-population-panel-for-innovation>

2.5 The local lettings plan recommended for the two sites will be as follows:

2.5.1 Applicable properties under the plan:

The plan will include all newly developed properties on the two sites, with the exception of three adapted properties - as outlined in Appendix 1.

2.5.2 How the properties will be allocated:

- 75% of first lettings will be for current Thurrock Council tenants, who meet the criteria in 2.5.3.
- The remaining 25% of first lettings will be allocated via the Councils Housing allocations scheme in line with the usual processes i.e. through Thurrock Choice Homes (TCH)
- A mixture of property sizes and floor levels will be made available for each group.
- Properties will be allocated to households who have a need for the number of bedrooms provided, as determined by the Housing Allocations schemes' bedroom standard.
- These provisions only apply to the first lettings.

	Total new properties on site	Adapted properties outside of local lettings plan	Properties within the local lettings plan	Allocated to current Council tenants 75%	Allocated via TCH 25%
Seabrooke Rise	53	2	51	38	13
Derry Avenue	25	1	24	18	6

2.5.3 Eligibility criteria for current Council tenants for the 75% allocation.

Tenants will only be eligible for the 75% allocation if they meet all of the following Criteria – A, B, C and D.

A. Tenants must hold a current Thurrock Council secure tenancy – introductory and demoted tenants will not be eligible

AND

B. Tenants must meet Thurrock Council's criteria for joining the housing transfer list as laid out in the Housing Allocations scheme:

- Tenants with rent arrears or other outstanding housing related charges (such as re-charges for previous works) will not be eligible
- Where a tenant has breached their tenancy agreement, or has otherwise managed their tenancy in an unacceptable manner, they will not be eligible

AND

C. Tenants must live in a property, rented to them by Thurrock Council, which is situated within the applicable boundary of the scheme as shown in Appendix 1. The applicable boundary for Derry Avenue will be determined by the Housing O& S committee as either:

- Ward boundary - as shown on page 4 of Appendix A
- OR
- Road boundary - as shown on page 5 of Appendix A

AND

D. Tenants must pass a transfer inspection of their current property

AND

E. For Derry Avenue properties only – tenants must meet the Council's criteria for sheltered housing - currently aged 60+ or 55 -59 with a recognised disability or need for adapted accommodation.

Where there would be a joint tenancy and only one tenant meets the age criteria the Allocations team would determine whether or not a joint tenancy could be issued, taking into account factors such as the age difference, disabilities, etc.

Where applicants are downsizing from a larger Council property the current rules regarding downsizing incentives would apply.

2.5.4 Prioritising eligible Council tenants for the 75% allocation.

Tenants who are interested in being considered for the new properties must qualify under the criteria in 2.5.3. An initial list of those interested will be collected by the Allocations team.

Where there are more tenants who qualify than available properties, tenants will be prioritised as follows:

- For Seabrooke Rise properties the basis for priority will not be housing need; instead it will be time lived within the applicable boundary

Where a tenant has been living at more than one property within the applicable boundary, the combined time will count, provided they have lived within the applicable boundary continuously leading up to their current tenancy.

For example:

A tenant, who had lived in property A within the applicable boundary for 10 years and then moved to their current property B within the applicable boundary 5 years ago, will have a combined time of 15 years.

A tenant, who has lived in property C within the applicable boundary for 30 years, and then moved to property D outside of the applicable boundary for 3 years, and then moved back to their current property within the applicable boundary for 2 years, will have a combined time of 2 years.

- For Derry Avenue properties, priority will be awarded according to the level of need for the accommodation.

Derry Avenue properties are specifically designed for older people and for those with disabilities and/or dementia. The properties have bathrooms which are already prepared for easy adaptation should this be required. They are designed to be lifetime homes with the flexibility to support an individual in the same home should their needs change.

On this basis, prioritising applicants would be undertaken by the Extra care panel (consisting of both housing and social care professionals) that would assess each case and determine which has the higher need for the accommodation.

- Where there are insufficient eligible tenants who register an interest in the properties at either scheme, any non-allocated properties within the 75% allocation will be allocated via the usual Thurrock Choice homes allocation process.

2.5.5 Identification of eligible Council tenants for the 75% allocation

Any eligible tenants who are interested in moving to the new sites will be required to join the Council's Housing Transfer list, via the usual online application process. Assistance will be provided where tenants need help with completing the online form but have no one who can help them e.g. family, friends and support workers.

Qualifying tenants will also be required to advise the housing allocations team of their interest, so that a separate register can be administered. This process will be advertised to tenants and advice and assistance provided.

There will be a cut-off date for registering an interest which will be clearly advertised; no further interests can be registered after that date.

The 75% of properties within the local lettings plan will not be advertised via the Thurrock Choice Homes process (newspaper or website adverts). Officers will allocate these after the cut-off date for registering an interest, and tenants will be made a direct offer.

2.5.6 In the interests of fairness, consistency and transparency, details of the local lettings plan for the two sites will be published on the Councils' website and the Thurrock Choice Homes website, if agreed by Housing Overview & Scrutiny committee.

The allocations team will determine which properties are within the 75% quota, and which specific properties are allocated to individual households. Offers made will be on the basis of a one offer only policy – in line with the housing allocations scheme policy (s6.7).

3. Issues, Options and Analysis of Options

3.1 Local letting plans allow Councils to deal with specific issues affecting specific properties.

When developing a Local Lettings plan the following principals are required:

- A clear definition of the objectives to be achieved
- The method required to achieve the objectives
- An assessment of the equality impact that the plan will have
- How the plan will be monitored and reported
- The views of local communities
- A clear exit strategy for when the plan is no longer required

These principals are outlined below in relation to this specific plan

3.2 A clear definition of the objectives to be achieved:

The objective of the proposed plan is to maintain the balanced and sustainable communities. This is particularly relevant to these sites where the development is part of a rededication of the land, in contrast to a completely new development on previously unbuilt or brown field sites. Inserting new developments with a concentration of properties can destabilise a community and therefore it is important to ensure that a high number of the new tenants are already part of the community.

The resulting void properties where current tenants have transferred will be spread out rather than in a concentrated area and will be available for applicants via the Councils' usual housing allocations process.

3.3 The method required to achieve the objectives:

The proposed local lettings plan requires allocation to a majority quota (75%) who has demonstrated their ability to manage their tenancies in a suitable manner and have a connection with, and active desire to remain within the area

3.4 An assessment of the impact that the plan will have

It is essential that the plan does not discriminate against equality groups and there are current tenants within all of the protected characteristics groups, i.e. elderly, disabled, BME, gender etc.

Adapted properties at Seabrooke Rise will be specifically allocated to disabled people needing those adaptations and the properties at Derry Avenue will be restricted to older people. These provide positive impacts for people meeting these characteristics.

By restricting the new builds to current tenants there is a negative impact on people who wish to move to the area, but this will be mitigated by the resulting void properties within the area following the transfer of current tenants, which will then be allocated via the usual housing allocations process.

3.5 How the plan will be monitored and reported

The local lettings plan will be applicable only to first lettings; therefore no ongoing monitoring of the plan is required.

Notifications of how the first lettings were allocated will be advertised in the usual manner via the Thurrock Choice Homes process in order to ensure transparency; no personal information will be provided.

3.6 The views of local communities

It is important to consult with the local community and an initial survey carried out by Ngage in 2014 on the Seabrooke Rise estate, indicated that 78% of residents surveyed were in favour of prioritising new build properties for people who already live in the area.

3.7 A clear exit strategy for when the plan is no longer required

Since this local lettings plan only applies to first lets it will have a restricted life span and will no longer apply once the first lettings are completed.

3.8 Options for the applicable boundary for Derry Avenue properties

Members are presented with two options for determining the applicable boundary for the Derry Avenue properties:

- Ward boundary – shown on page 4 of Appendix 1

This allows a broad area covering the whole of the Ockendon ward but cuts out some roads within walking distance of the scheme.

- Road boundary – shown on page 5 of Appendix 1

This is a more restrictive boundary allowing priority to people living within a reasonable walking distance (up to 15 minutes) of the properties

For either option it will be important to ensure that a boundary does not cut a road in half so that adjacent neighbours have different priorities. If this were the case then exceptions for logical geographic boundaries would need to be employed on a case by case basis. Where the road boundary option is applied this is less likely since the boundaries would be divided by main roads i.e. M25, Stifford Road, Avontar Road, Tamarisk Road and South Road.

4. Reasons for Recommendation

- 4.1 The Council has embarked on a house building and regeneration programme, which will introduce both infill sites and brand new developments, some on sites previously unused for housing.
- 4.2 It is essential that balanced and sustainable communities are quickly achieved within these new developments, through both existing and new Council tenants.
- 4.3 Where a site is being in filled a large influx of new tenants in the middle of current communities could have a de-stabling effect. It is prudent to move current tenants into new developments and then back fill their properties in order to avoid this. Overall there is a still an increase in properties available.
- 4.4 The use of a local lettings plan clearly identifies how this can be achieved and ensures there is transparency, fairness and consistency in implementing the objective.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 In 2014 Ngage undertook a survey of residents on the Seabrooke Rise estate. The survey took place over a period of 7 weeks between 20 January and 7 March 2014.

- 5.2 Residents were able to complete the survey on-line but to ensure maximum feedback, the estate was also visited weekly and where unable to obtain a reply, a card was left at each property and revisited up to 4 times.
- 5.3 The survey achieved a response of 60% which represents 387 households of 661 properties on the estate.
- 5.4 78% of those surveyed were in favour of prioritising new build properties for people who already live in the area.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The proposed plan will enable the Council to build pride, responsibility and respect within the borough by promoting sustainable and balanced communities
- 6.2 Tenants who are living in such communities will benefit from improved health and well-being, since settled housing promotes these benefits.

7. Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**
Financial Accountant, Corporate Finance

Allocating new properties to existing council tenants will result in an increased number of void properties and the associated costs e.g. void assessment, gas checks, remedial works, advertising costs etc.

Extra voids will also result in increased rent loss during the void turnaround period, although this can be mitigated to some extent through early identification of transferring tenants and subsequent early identification of works required to minimise void periods.

7.2 Legal

Implications verified by: **Martin Hall**
Housing Solicitor & Team Leader

The Housing Act 1996 s166A (6) allows a local authority to implement provisions within its Housing allocations scheme regarding the allocation of particular housing to particular groups of people, whether or not they fall within the reasonable preference groups.

Thurrock's current housing allocations scheme as amended in January 2015 provides for such schemes to be used on a case by case basis in agreement with Members of the Housing overview & Scrutiny panel.

On the basis that the number of lettings to be included in the Local Lettings Plan is a relatively small proportion of the entire annual lettings, there are no issues with the proposals.

There do not appear to be any legal implications of subsequent lets going through the usual CBL scheme, which would appear to be the easiest and fairest way to administer future lettings.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
Community Development & equalities
Manager

Thurrock's current Housing allocations scheme allocates 75% of properties to applicants who are prioritised by their housing need. 25% are given to current Council tenants with a desire rather than a need, to move.

The Local lettings provision alternates this position and favours Council tenants over non Council tenants for new Council housing developments.

The justification for this is to ensure that the initial new communities that result will be sustainable. There is a greater probability of this being achieved where the majority of tenants have already proven the ability to manage their tenancies well and have an active connection with the area.

There is a provision within the scheme to allow specially adapted properties to be allocated only to those with a disability, regardless of their current tenure.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

9. **Appendices to the report**

Appendix 1 - Properties included in the local lettings plan and maps outlining the applicable boundaries

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