

**North East Derbyshire District Council**

**Cabinet**

**13 December 2017**

**Local Lettings Policy – North Wingfield**

**Report of the Councillor Mrs E A Hill, Portfolio Holder with Responsibility for Housing Strategy and Social Inclusion**

This report is public

**Purpose of the Report**

- To present and enable Cabinet to consider a Local Lettings Policy for Wingfield Court, North Wingfield for the remaining new build properties once pre-allocation has been completed for existing tenants whose home is to be demolished.

**1 Report Details**

- 1.1 The development will provide a total of 50 properties, this includes 27 bungalows of which will be owned by North East Derbyshire District Council (NEDDC). Some will be pre-allocated for existing tenants whose home is to be demolished as part of the wider development project.
- 1.2 The other properties being developed are 23 houses of which will be owned by Rykneld Homes Ltd, 7 of which will be for Shared Ownership. The rented properties (16) will undergo the same pre-allocation process and also be subject to this Local Lettings Policy.
- 1.3 Any remaining properties, not subject to pre-allocation, will be advertised via the Choice Move website and subject to the NEDDC Allocations Policy. Applications will then be assessed against the Local Lettings Policy, giving priority to applicants living on the wider Whiteleas estate as identified by the red line on the map in appendix 2.
- 1.4 The Local Lettings Policy is then tiered in terms of local connection depending on the range of applications received.
- 1.5 The Local Lettings Policy will apply to first lets only.

**2 Conclusions and Reasons for Recommendation**

- 2.1 The Policy aims to create a thriving and sustainable community from the outset and maintain existing community cohesion where at all possible.
- 2.2 The Policy was created in response to a new build scheme, which will result in a significant number of lettings occurring over a short duration. This requires appropriate consideration

to the mix of the new community, the sustainability of tenancies, and that housing needs in the immediate locality of the development site and North Wingfield as a whole.

- 2.3 The Local Lettings Policy is designed to ensure that the new community thrives, and the existing community are adequately housed. The policy sets out a mechanism to evaluate the ability of households to sustain a tenancy and make a positive contribution to the new community.

### **3 Consultation and Equality Impact**

- 3.1 An Equality Impact Assessment is completed for all new Local Lettings Policies and has shown there will be no adverse impact for applications received from those with any kind of protected characteristic.

### **4 Alternative Options and Reasons for Rejection**

- 4.1 An alternative would be to put all applications for the available properties on Wingfield Court through the NEDDC Allocations Policy only, this option is not recommended. It is deemed preferable to ensure those applicants who currently live on the Whiteleas estate, whose home is not to be demolished, but are in housing need should be given priority over applicants from further afield.

### **5 Implications**

#### **5.1 Finance and Risk Implications**

- 5.1.1 There are no financial implications to consider as part of this report.

#### **5.2 Legal Implications including Data Protection**

- 5.2.1 Section 166A(6)(b) of the Housing Act 1996 enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of S. 166A(3) '*to give overall priority for an allocation to people in the reasonable preference categories*'.

- 5.2.2 This is the statutory basis for Local Lettings Policies which may be used to achieve a wide variety of housing management and policy objectives as covered in section 2 above.

#### **5.3 Human Resources Implications**

- 5.3.1 The Local Lettings Policy will be implemented and delivered through the existing Allocations Team at Rykneld Homes. There are therefore no human resource implications to consider as part of this report.

### **6 Recommendations**

- 6.1 To approve the implementation of the Wingfield Court, North Wingfield Local Lettings Policy.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC:</i> <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC:</i> <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Affected</b>	North Wingfield
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

## 8 Document Information

Appendix No	Title
1	Local Lettings Policy - Wingfield Court, North Wingfield
2	Whiteleas Estate Map
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
N/A	
Report Author	Contact Number
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## LOCAL LETTINGS POLICY FOR NEW BUILD DEVELOPMENT

<b>Scheme</b>	<b>New Development Site: Wingfield Court, North Wingfield.</b>
<b>Landlord</b>	<b>Rykneld Homes Limited</b>
<b>Implementation date</b>	<b>January 2018</b>
<b>Authority</b>	<p>Section 166A(6)(b) of the Housing Act 1996 enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of S.166A(3) <i>'to give overall priority for an allocation to people in the reasonable preference categories'</i>.</p> <p>This is the statutory basis for 'local lettings policies', which may be used to achieve a wide variety of housing management and policy objectives.</p>
<b>Properties covered by the Local Lettings Policy</b>	<p>The development will provide a total of 50 properties comprising:</p> <p>16 houses (RP) – 8 - 2 bed / 8 - 3 bed</p> <p>27 bungalows (NEDDC) – 26 - 2 bed / 1 - 3 bed.</p> <p>Properties are pre-allocated for existing tenants whose home is to be demolished. This includes some tenancies being let to previous owner occupiers of whom NEDDC have bought their property and will thus have in excess of the £30,000 savings limit as stated in the NEDDC Allocations Policy. This has been approved by NEDDC Cabinet October 2016.</p> <p>This Policy covers the remaining new build houses and bungalows only.</p> <p><b>This Local Lettings Policy details the method of allocation of rented units made available to applicants through Choice Based Lettings; or direct match as set out below.</b></p>
<b>Purpose of this Local Lettings Policy</b>	<p>The policy aims to create a thriving and sustainable community from the outset and maintain existing community cohesion where possible. The Policy was created in response to a new build scheme, which will result in a significant number of lettings occurring over a short duration. This requires appropriate consideration to the mix of the new community, the sustainability of tenancies, and that housing needs in the immediate locality of the development site and North Wingfield as a whole.</p> <p>The Local Lettings Policy is designed to ensure that the new community thrives and the existing community are adequately housed. The policy sets out a mechanism to evaluate the ability of households to sustain a tenancy and make a positive contribution to the new community.</p>
<b>Risks</b>	<p>As compared to allocations from normal turnover in an area, a new build scheme represents a higher risk to sustainability. Due to the concentration of new households introduced to the community over a short period.</p>

	<p>To ensure the long term viability of the scheme it is necessary to create a community that is balanced in terms of risk by evaluating potential households:</p> <ul style="list-style-type: none"> <li>• Current housing situation and need of those located within the development site as identified in the Whiteleas Avenue development map.</li> <li>• Vulnerability and ability to access support.</li> <li>• Affordability.</li> <li>• Evidence of acting in a <i>'tenant like manner'</i> in their upkeep of the property.</li> <li>• Evidence to support good conduct of the tenancy.</li> <li>• Best use of housing stock.</li> <li>• Links to the local area that offer a support network to encourage lower turnover on the scheme.</li> </ul>
<p><b>Marketing of the Development</b></p>	<p>Properties will be advertised on Choice Move with the following exceptions:</p> <ul style="list-style-type: none"> <li>• Properties required for re-housing existing tenants currently living in assessed unsuitable housing on the Whiteleas Avenue development sites.</li> <li>• Properties that are designed to meet specific medical needs.</li> </ul> <p>Properties will be allocated to households in accordance with the allocations policy and this Local Lettings Policy.</p> <p>Applicants via the Choice Based Lettings system will undergo a first stage assessment of priority/eligibility based on the Allocations Policy. They will also be advised of the requirement to undergo a second stage selection process based on the criteria set out in this Local Lettings Policy.</p>
<p><b>Local connection</b></p>	<p>All applicants must first demonstrate recognised housing need in accordance with the Allocations Policy. The local connection criteria will operate on a tiered basis of priority as follows:</p> <ol style="list-style-type: none"> <li>1. The Applicant is currently living in the identified Whiteleas Avenue development site and has a demonstrated need to for an alternative housing type.</li> <li>2. The Applicant is currently living within the wider Whiteleas estate.</li> <li>3. Applicant has lived in North Wingfield for at least 2 out of the previous 5 years.</li> <li>4. The applicant has a member of their immediate family living in North Wingfield (mother, father, child) who has lived there for at least 5 out of the previous 10 years.</li> <li>5. The applicant has lived in North Wingfield previously for a period of more than 5 years out of the last 10 years.</li> <li>6. No local connection to North Wingfield but evidence of a connection to the administrative area of North East Derbyshire District Council with priority based on the tiers set out above.</li> <li>7. No local connection but a connection to an area immediately abutting the administrative area of North East Derbyshire District Council.</li> <li>8. No local connection.</li> </ol>
<p><b>Age restrictions</b></p>	<p>With respect of the age restrictions on bungalows the existing restrictions regarding medical need and being 60yrs or above apply.</p>

<p><b>Compliance with the policy</b></p>	<p>To limit the detrimental impact of long term vacant properties, in the event that insufficient bids are received from applicants meeting the criteria, Rykneld Homes Limited reserves the right to direct match properties in order to maintain a sustainable mix in the community.</p> <p>The Allocations Policy will be employed after two unsuccessful attempts to comply with the Local Lettings Policy for each vacant property.</p>
<p><b>Selection of shortlisted applicants</b></p>	<p>All applicants will be initially assessed using the Allocations Policy and each shortlisted applicant will then be subject to the selection procedure which may include:</p> <ul style="list-style-type: none"> <li>• A personal interview with all candidates to ascertain their circumstances.</li> <li>• A verification visit to their current accommodation to confirm household circumstances and evaluate ability to act in a 'tenant like manner' in terms of upkeep of property and garden.</li> <li>• Checks on current and former tenant rent accounts where applicable.</li> <li>• Checks to confirm good conduct of previous tenancy.</li> <li>• Checks with the Probation Service.</li> <li>• A risk assessment of vulnerability to evaluate feasibility of support plans to sustain the tenancy.</li> <li>• Consideration of impact of pets on the mix within the scheme.</li> <li>• Assessment against local connection criteria.</li> <li>• Credit checks and affordability evaluation using household income and expenditure.</li> <li>• Evaluation of risk in relation to uncontrolled debt.</li> <li>• Medical needs assessment in relation to special designed properties.</li> </ul> <p>Successful applicants, if not already a secure/assured tenant with NEDDC or Rykneld Homes, will be offered a tenancy appropriate to the intended use with a probation period to be successfully completed before security of tenure is confirmed via a Secure or Assured tenancy.</p> <p>Households will be required to confirm agreement to provide regular access and participate in progress visits (with reasonable notice) with Rykneld officers to ensure ongoing sustainability of the tenancy.</p>
<p><b>Duration of the Local Lettings Policy</b></p>	<p>This Local Lettings Policy will apply to first lets on practical completion of the scheme only.</p> <p>Subsequent lets will follow the normal process through the NEDDC Allocations Policy.</p>
<p><b>Monitoring and Review</b></p>	<p>The policy will be reviewed once all first lets have been completed.</p>
<p><b>Equal opportunities</b></p>	<p>The Local Lettings Policy is required to comply with equality legislation and in particular, to ensure that there is no unlawful discrimination in the allocation of dwellings.</p>

<p><b>Refusal and appeal</b></p>	<p>The selection framework and checks employed may not be an automatic barrier to access. Where appropriate they will inform discussions with candidates in terms of their needs and vulnerability in order to explore suitable support plans.</p> <p>Applicants who are refused accommodation through the Local Lettings Policy will be advised of the reason in writing. If an applicant is not satisfied that the Local Lettings Policy has been administered correctly they must set out the reason in writing to request a review of the decision.</p> <p>The review will be conducted by a senior manager at Rykneld Homes independent of the original decision.</p>
<p><b>Elected Members' Involvement in Allocation Decisions</b></p>	<p>The Allocation of Housing (Procedure) Regulations 1997 (SI 1997/483) prevent an elected Member from being part of a decision-making body at the time an allocation decision is made, when either:</p> <ul style="list-style-type: none"> <li>• the accommodation concerned is situated in their division or electoral ward,</li> <li>or</li> <li>• the person subject to the decision has their sole or main residence there</li> </ul> <p>The regulations do not prevent an elected Member from representing their constituents in front of the decision making body, or from participating in the decision making body's deliberations prior to its decision. The regulations also do not prevent elected Members' involvement in policy decisions that affect the generality of housing accommodation in their division or electoral ward rather than individual allocations; for example, a decision that certain types of property should be prioritised for older people.</p>

## Appendix 2

NORTH WINGFIELD - WHITELEAS ESTATE  
LOCAL LETTINGS POLICY – PROPOSED  
AREA

CURRENT - PHASE ONE, OUTLINED IN BLUE  
REMAINING AREA OF WHITELEAS ESTATE  
OUTLINED IN RED



 OWNER OCCUPIER

 HOUSING ASSOCIATION



