

# North Tyneside Council

## Report to Cabinet

### Date: 24 January 2022

#### Title: Review of North Tyneside Council Lettings Policy

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Portfolio(s): Housing

Cabinet Member(s): Councillor Steve Cox

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**Report from Service**

Area: Environment, Housing and Leisure

Responsible Officer: Phil Scott, Director of Environment, Housing and Leisure (Tel: (0191) 643 7295)

Wards affected: All Wards

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#### **PART 1**

##### **1.1 Executive Summary:**

Every local authority must have a housing allocation scheme, with a criteria in place for identifying the priority of customers. The North Tyneside Lettings Policy clearly sets this out, taking account of relevant legislation and best practice.

We review the Authority's Lettings Policy every two years, with the last review taking place in 2019. A fundamental review has been carried out to ensure the policy operates effectively and is in line with any legislative changes.

The outcome of the review is, the current Letting's Policy works well in ensuring those applicants with the greatest housing need are accommodated, and there are no material changes required.

This report is to formally acknowledge the undertaking of the two-year review and provides context to the review, including how the current policy operates in practice.

##### **1.2 Recommendation(s):**

It is recommended that Cabinet: Approve the reviewed policy.

##### **1.3 Forward Plan:**

Twenty-eight days notice of this report has been given and it first appeared on the Forward Plan that was published 26 November 2021.

## 1.4 Council Plan and Policy Framework

This report relates to the following priorities in Our North Tyneside Plan 2021 – 2025, Building A Better North Tyneside:

### **A Thriving North Tyneside:**

- We will regenerate the high streets of North Shields and Wallsend, and in addition to the master Plan for North Shields, we will bring forward Master Plans for Wallsend and Whitley Bay town centre areas. We will also bring investment and improvements to the North West area of the borough and ensure that regeneration delivers ambition, opportunity and benefit for all of our residents.

### **A Secure North Tyneside:**

- We will provide 5000 affordable homes

### **A Caring North Tyneside**

- People will be cared for, protected and supported if they become vulnerable, including if they become homeless

In addition to Our North Tyneside Plan 2021 - 2025, the Lettings Policy also relates to the current plans and strategies:

### **North Tyneside Housing Strategy 2016 - 2021**

This Strategy has four strategic objectives, of which preventing homelessness sits within Priority 4: Better Homes, More Independence.

### **North Tyneside Homelessness Prevention Strategy 2019 – 2021 and Delivery Plan**

The newly adopted strategy has four priorities, these have been shaped by recent legislative changes, homelessness review, engagement with service providers and service users.

### **North Tyneside Tenancy Strategy 2021 - 2025**

The Strategy emphasises the need to make best use of the housing stock to meet local housing need, maintain and create successful, sustainable communities and prevent homelessness.

### **North Tyneside Joint Health and Wellbeing Strategy 2013 - 2023**

This Strategy focuses on the health inequalities that exist within the Borough and sets out priorities to address this. The issues faced by many homeless and transient people cut across all five strategic priorities.

The Lettings Policy promotes sustainable communities and helps people access secure, suitable, and affordable homes within North Tyneside.

## 1.5 Information:

### 1.5.1 Background

It is considered best practice to undertake a review of the Policy every two years and the last review was completed in 2019. It is timely to consider the impact of the changes made to the Policy in 2019, to confirm that those changes have had the intended outcome.

Since the review of the Policy in 2019 there have been a number of legislative changes, which are linked to the Lettings Policy. Therefore, it was important to consider those legislative changes during the review, to ensure that the policy meets these requirements and that it is fit for purpose.

### **1.5.2 Review Process**

The review of the Lettings Policy has taken account of the following legislation:

- Housing Act 1996
- The Localism Act 2011
- The Welfare Reform Act 2012
- Care Act 2014
- The Homeless Reduction Act 2017
- Allocation of Accommodation: Guidance for local housing authorities in England, June 2012
- Providing social housing for local people; Statutory Guidance for local authorities in England, December 2013
- Domestic Abuse Act 2021
- Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020
- Improving Access to Social Housing for Members of the Armed Forces 2020

The review has also considered:

- Any issues identified during the operation of the current Lettings Policy
- Ongoing feedback provided by Officers, Members, Customers and Stakeholders. It is to be noted that North Tyneside Lettings Policy has received positive recognition by other Local Authorities within the Tyne and Wear area.

Focus has also been given to the outcome of the previous review, carried out in 2019. This included changes to:

- Financial Resources
- Transfer (North Tyneside Council Tenants)
- Restrictions on Bidding
- Homeless Offers

### **1.5.3 New Legislation**

Since the implementation of the Authority's Lettings Policy in 2019, key legislative changes have been enacted, namely: -

- Domestic Abuse Act 2021.
- EU Settlement Scheme covered by Right to Rent under Immigration Act 2016.
- The Armed Forces 2020.

Having carefully reviewed the Authority's 2019 Letting Policy against the requirements imposed on the Authority by the legislation set out above, it is clear that the Policy already meets those requirements, and that the Policy is fit for purpose in that regard.

## 1.5.4 Summary of Changes Introduced in the 2019 Lettings Policy Review

Below provides a summary of the changes introduced by the Authority's 2019 Lettings Policy. Significantly, the changes that were introduced then, have had the intended outcome and all of the changes implemented operate effectively.

- **Financial Resources**

Changes Made:

- Financial limit set for joining the register, where applicants have resources to meet their own housing need
- Exceptional circumstances apply, where appropriate

Rationale:

- Accommodation is in high demand

Outcome:

- Since the new policy was introduced in 2019, there have been 140 applicants who have been ineligible to join the register, due to financial resources.
- The limit on financial resources works as it intended to.

- **Transfers:**

Changes Made:

- North Tyneside tenants, with no housing need, are unable to join the housing register until they have lived in their home for one year or more

Rationale:

- Once an applicant has been rehoused by the Authority, it is deemed their housing need has been met
- Transfers have a financial impact on the Authority. In 2017/18 it cost an estimated £493,500 to move tenants with no housing need
- Transfer tenants with no housing need can apply for a mutual exchange

Outcome:

- In 2018/19, there were 298 transfer applicants rehoused
- In 2019/20, there were 292 transfer applicants rehoused
- The Policy changes that were introduced still allow for rehousing where there is a housing need. The changes have kept lettings to transfer applicant's static

- **Restrictions on Bidding**

Changes Made:

- If an applicant refuses 3 reasonable offers of accommodation, they are prevented from bidding for 6 months

Rationale:

- It is costly for the Authority to administer the process. In 2017/18, there was an average of 38 refusals per week
- Refusals on properties creates in letting properties to those most in need

Outcome:

- Since the changes were made in 2019, there have been 12 applications which have been restricted since the changes were made

- **Homelessness**

Changes Made:

- The process continues to allow homeless customers to join the housing register, where they would ordinarily be able to bid for homes
- Ineligible homeless applicants (who are owed a duty) continue to be rehoused via direct lets
- In response to the requirements of the Homeless Reduction Act, direct lets are also offered to eligible homeless applicants, where they are unable to secure accommodation before their homeless duty expires

Rationale:

- Direct lets prevent homeless applicants from bidding on high demand homes, where they would ordinarily be ineligible to join the scheme
- Direct lets enable the homeless duty to be discharged and where appropriate, move-on customers from temporary accommodation

Outcome:

- Since December 2019, there have been 106 homeless households accommodated via a direct let, enabling statutory duties to be met

### 1.5.5 Outcome of 2021 Review

Having carried out a thorough review of the North Tyneside Lettings Policy, it has been identified that there are no material changes to be made. That the Policy remains fit for purpose following the legislative changes as referenced in section 1.5.3 of this report. The only changes made are minor amendments to text, to provide greater clarity to the existing policy.

### 1.5.6 Consultation

The outcome of the Lettings Policy Review has been discussed in detail with the Lead Member for Housing and Housing Sub-Committee. There was no requirement for formal consultation as there are no material changes to the Lettings Policy.

## 1.5 Decision options:

The following decision options are available for consideration by Cabinet:

#### Option 1

Agree the recommendation as set out in section 1.2 of this report.

#### Option 2

Agree the recommendation as set out in section 1.2 of this report, subject to amendments as specified by Cabinet.

#### Option 3

Not approve the recommendations and refer the content of this report back to officers for further consideration and consultation.

Option 1 is the recommended option.

## 1.6 Reasons for recommended option:

Option 1 is the recommended option. The review has highlighted that the current policy is fit for purpose and continues to support the efficient and effective management of the housing register and allocation of the Authority's homes. It also continues to play an important role by ensuring those in greatest housing need are accommodated

The proposals contained within Option 1 enable the Authority to continue to comply with statutory duties with no material changes to the current 2019 Lettings Policy.

## 1.7 Appendices:

Appendix 1 - North Tyneside Council's Lettings Policy 2019

Appendix 2 – Equality Impact Assessment

## 1.8 Contact officers:

Paul Worth, Senior Manager, Housing Operations, tel: (0191) 643 7554

Liz Archer, Housing Options Manager, tel: (07970) 955 316

## 1.9 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- [Housing Act 1996](#)
- [The Localism Act 2011](#)
- [The Welfare Reform Act 2012](#)
- [Care Act 2014](#)
- [Allocation of Accommodation: Guidance for local housing authorities in England, June 2012](#)
- [Providing social housing for local people; Statutory Guidance for local authorities in England, December 2013](#)
- [Welfare Reform and Work Bill](#)
- [North Tyneside Homelessness Prevention Strategy 2019 - 2021 and Delivery Plan](#)
- [North Tyneside Housing Strategy 2016 -2021](#)
- [The Homelessness Reduction Act 2017](#)
- [The Homelessness Code of Guidance](#)
- [Domestic Abuse Act 2021](#)
- [Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020](#)
- [Improving access to social housing for members of the Armed Forces](#)

## PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

### 2.1 Finance and other resources

There are no significant financial costs to the Lettings Policy.

### 2.2 Legal

Part 6 of the Housing Act 1996 provides that a local housing authority only needs to consult or bring changes to their housing allocation scheme to the attention of interested parties when

making an alteration reflecting a major change of policy. As there are no material changes to the North Tyneside Lettings Policy, a consultation exercise was not required.

The Lettings Policy is an executive function.

## **2.3 Consultation/community engagement**

### **2.3.1 Internal Consultation**

The Lead Member for Housing and the Housing Sub Committee have been fully consulted on the review process, with no recommended changes coming out of the consultation.

### **2.3.2 External Consultation/Engagement**

As there are no material changes to the North Tyneside Lettings Policy, therefore a consultation exercise is not required.

## **2.4 Human rights**

North Tyneside Council's proposed Lettings Policy is compliant with Article 8 of the European Convention on Human rights – the right to respect for private and family life.

## **2.5 Equalities and diversity**

All equality and diversity implications that may arise from this Policy have been considered. These are highlighted in the Equality Impact Assessment, as set out in Appendix 2.

## **2.6 Risk management**

There are no significant risk management implications arising from this report.

## **2.7 Crime and disorder**

There are no significant crime and disorder implications arising from this report.

## **2.8 Environment and sustainability**

There are no environment and sustainability implications directly arising from this report.

## **PART 3 - SIGN OFF**

- Chief Executive
- Director(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive