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| 1. | Meeting | Cabinet Member for Safe and Attractive Neighbourhoods |
| 2. | Date | 15th July 2013 |
| 3. | Title | Review of Local Letting Policy on St Johns Green, Kimberworth Park |
| 4. | Directorate | Neighbourhoods and Adult Services |

5. Summary

Local Letting Policies (LLP's) were first implemented in Rotherham in December 2008 and these have been reviewed annually. The last review and update to Cabinet Member was reported on 26th November 2012.

This report seeks approval to amend the current LLP applicable to 15 residential properties on St Johns Green, Kimberworth Park, to include an age restriction criteria. The St Johns Green area LLP is currently based upon management and employment criteria. However, prevailing issues with anti-social behaviour in this SNT PACT area, coupled with tenancy management issues, has prompted an urgent review of the LLP to strengthen its effectiveness. This is part of a wider approach to tackling crime and ASB related issues in the area and create a more sustainable locality.

The approach is also geared towards addressing the issues within the area which are having a negative impact upon the number of applicants seeking to move into the area.

In view of this, approval is sought to amend this specific LLP as a matter of urgency, outside the normal annual LLP review cycle.

The proposed amendment to the LLP has the support of SNT partners and ward members.

6. Recommendations

That the Cabinet Member:

Approves the amendment to the St Johns Green LLP to include age related criteria for letting to applicants aged 30 years and over.

Notes the details in Section 7.3 of the report relating to the Council's reserved right not to offer a property and the approach to be adopted with regard to lettings at St Johns Green.

7. Proposals and details

7.1 Local letting Policies

Local letting Policies (LLP's) set out how properties may be allocated in a way that is different to the usual Allocation Policy. Applicants can be excluded from being allocated properties through the application of an LLP, where it can be evidenced that they do not meet the specific criteria set out within the LLP. The legal basis of this is detailed in Section 167 of the Housing Act 1996. The overall aim of the Local Lettings Policies is to create a stable and balanced community.

Rotherham MBC has applied Local Letting Policies to certain of its properties since 2008. Policies are reviewed annually to ensure that they remain fair and reasonable, grounded in solid evidence and are effectively delivering the outcomes that they set out to achieve. The last review was undertaken and reported to Cabinet Member on 26th November 2012.

Properties are advertised in Key Choices but the advert will show that a Local Lettings Policy will be applied. As at 2nd July 2013 there are 20,825 properties in the Council's stock of which 3221 properties have Local Lettings Policy criteria applied when advertised. This means that 15.47% of the Council's housing stock will be advertised with a Local Letting Policy.

The specific criteria set within LLP's was agreed following consultation with Elected Members, Safer Neighbourhood Teams residents, external partners and agencies and the voluntary sector. LLP's formed part of the consultation process on the Housing Strategy, Allocation Policy and the Localism Act 2011.

The criteria used for LLP's falls into a number of categories, specifically:-

- Management criteria, including crime, ASB and tenancy breaches.
- Age related criteria
- Rural lettings criteria
- Employment related criteria
- New Build Homes related criteria

Further details regarding these categories are set out in Appendix 1.

7.2 St. Johns Green, Kimberworth Park – Local lettings Policy

St Johns Green consists of 15 general needs dwellings directly situated above a parade of commercial shop units on a precinct in the centre of Kimberworth Park. The location is within Rotherham North SNT Area.

The properties consist of an almost equal mix of one and two bedroomed properties. New tenants moving into the two bedroomed properties, who are of working age and claiming housing benefit, will be subject to the size criteria commonly referred to as the 'Bedroom Tax'. The proposed amendments to the Local Lettings Policy will not change that position in any way.

The area is an SNT PACT area and one of the key areas for incidences of ASB within the neighbourhood. The SNT is working with the Council and partners to effectively address a range of issues presenting in the locality.

One strand of action is with regard to tenancy management and tenancy allocations. The area has been blighted by problematic and failed tenancies, particularly amongst younger tenants. In many cases, this has contributed directly or indirectly towards the wider problems being experienced in the area. Whilst the current LLP criteria has been applied to new lettings, it is considered that the LLP needs to be strengthened and further criteria should be applied. This is aimed at strengthening our approach to creating and maintaining sustainable tenancies both for existing tenants and prospective tenants seeking to move to the area. In doing so, we will also be addressing issues around many applicants reluctance to move to the area and the high refusal rate of offers of tenancies at St Johns Green. Since December 2011, there has been a 33% turnover in tenancies.

The current LLP at St Johns Green is based upon management and employment criteria. It is proposed that in addition to this, age related criteria also be applied. This would take the form of a set minimum age of applicants to be offered housing in St Johns Green. It is proposed that the minimum age criteria be set at 30 years of age. It is considered that an older age group would have a greater chance of sustaining a tenancy in what is currently a volatile locality.

There are other instances of LLP's which include age related criteria. Where such criteria has been applied, feedback from housing management teams suggest that it has had a positive impact within those localities, albeit as part of a broader package of measures to address local issues. Similarly in St Johns Green, the revision to the LLP is one of number of actions being delivered by the Council and SNT partners to effectively address issues within the locality and create a safer and more sustainable environment.

The revised Local Lettings Policy would be applied to lettings on all 15 properties and apply to applicants and members of their household. In common with other LLP's, it will be subject to annual review.

The proposed change to the LLP for St Johns Green has been discussed with Key Choices staff. It is considered by Key Choices that the proposed LLP age related criteria would not have a significant impact upon current demand or the ability to let properties in this location. It is considered that existing LLP criteria would probably have more of an influence on demand. The key factor upon demand is currently the ASB related issues within the St Johns Green area and associated negative perceptions of the area, which deter applicants.

7.3 Allocations Policy – Council’s reserved right not to offer.

In addition to a revised LLP approach to lettings in St Johns Green, housing teams will also ensure that appropriate measures contained within general allocations policy are rigorously applied. Again, this is to ensure that sustainable tenancies are being created and maintained in this locality. In particular, the following policy measure will be re-iterated.

On 22nd June 2011 Cabinet received the report “Improving the administration of Choice Based Lettings and the Housing Register”. The report included details of proposed improvements to Choice Based letting processes and revisions to the general Allocations Policy. Following consideration of the report, Cabinet approved the recommendations presented including the revisions to the Allocations Policy.

One of the policy revisions approved related to the potential for inappropriate re-housing. The report recognised that there are cases where applicants request properties, which for a range of reasons, are found to be unsuitable for their needs.

The Allocations Policy now includes a reserved right for the Council not to offer a property requested by an applicant. Examples of circumstances where this will apply include, but are not restricted to, if the applicant:

- Requests an area where they may be unable to sustain a tenancy due to a lack of support.
- Requests a property that is too small for their family circumstances and which would lead to unacceptable overcrowding or cramped living conditions within the property including non-statutory overcrowding.
- Has specific needs for disability adaptations and the property does not meet these requirements.
- Has previously been involved in a breach of tenancy conditions in an area.

- Has been involved in anti-social or criminal behaviour in an area.
- Has been involved in actions that, if they were a Council tenant, would have been a breach of the housing's conditions of the tenancy.

Individual cases that are being considered by Housing Assessment Panel for Priority Plus status will also take the above criteria into account when making their decision. This list is not exhaustive and all cases are assessed on an individual basis.

Housing may also decide that it is in the best interests of the applicant that they only be offered a particular area, type of property or a specific property. Where this applies the applicant will be advised in writing of the reasons for this decision.

7.4 'It's Your Move' Process

The 'It's Your Move' meeting process will be undertaken in relation to all proposed lettings to St Johns Green. Area Housing officers undertake this meeting with the applicant, in liaison with Key Choices staff. This is a further opportunity to check and verify applicant's details and circumstances, confirm LLP criteria and determine whether a proposed allocation is likely to be sustainable. Where any concerns are raised, the proposed allocation will be deferred and the matter will be referred to the Housing Options Manager and the Housing & Communities Manager for discussion. Where necessary, proposed allocations will be referred to Housing Assessment Panel for a decision.

8. Finance

There are no immediate cost implications associated with this proposal.

9. Risks and uncertainties

Any change to the local letting policy must ensure that the needs of vulnerable and hard to reach groups are addressed and the Council's statutory obligations are met. The local letting policy must be delivered in a transparent way to ensure it is fair, and seen to be fair.

There is a risk of delay in allocating properties as properties advertised with a local letting policy may receive fewer bids from customers. This may impact on void costs and turn-around times. The demand for and allocation of properties at St Johns Green will continue to be reviewed to ensure that the LLP delivers the positive impact that it is intended to achieve.

Currently some housing applicants are reluctant to move to the area and this is reflected in fewer bids for empty properties and a high refusal rate. Proactive work will be undertaken to ensure we create sustainable tenancies but also work with tenants to provide reassurance and evidence that issues presenting in the locality are being effectively addressed.

10. Background papers and consultation

- Homelessness Strategy
- Localism Act 2011
- Housing Act 1996
- Allocation Policy

Report to Cabinet, 22nd June 2001, “Improving the administration of Choice Based Lettings and the Housing Register”, Minute 25 (2)

Report to Cabinet Member for Safe and Attractive Neighbourhoods, 26th November 2012, “Review of Local Letting Policies”

Wingfield Ward Members have been provided with details of the proposed changes and have been contacted individually for comments. Councillors Goulty, Sharman and Johnston all support the proposed revision to the LLP.

Key Choices staff have been consulted with regard to the proposed changes and have provided comments with regard to waiting list demand related issues, which are reflected in the report.

Kath Brisland, Social Inclusion Manager, was consulted with regard to Bedroom tax related issues and her comments are reflected in the report.

Area Housing Managers were consulted with regard to the impact and effectiveness of existing LLP age related criteria and comments received are reflected in the report.

11. Contact details

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