

HOUSING MANAGEMENT CONSULTATIVE COMMITTEE

Agenda Item 32

Brighton & Hove City Council

Subject:	Local Lettings Plans – Lettings restricted to persons over 50 years of age and bungalows.		
Date of Meeting:	12 October 2009		
Report of:	Director of Adult Social Care and Housing		
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Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The council has to regularly review, and formally adopt Local Lettings Plans in order to be legally compliant and ensure that the plans meet the council's stated objectives.
A requirement of the council's Allocations and Adaptations Policy, as approved by the Cabinet Member for Housing on 11 March 2009, is that all Local Lettings arrangements currently practiced by Brighton and Hove City Council in respect of its permanent council housing stock are reviewed to assure legal compliance and alignment with current policy objectives. Current arrangements were reviewed, and new proposals considered. There has been extensive stakeholder consultation, the outcome of which is included in the report.
- 1.2 A local authority may implement a Local Lettings Plan [LLP] to make better use of housing stock or to meet other local need. Authorities must demonstrate a need for the LLP that cannot reasonably be met through alternative measures and regularly review both need for, and effectiveness of, the LLP. However, authorities must ensure that allocation should demonstrate 'reasonable preference' to those groups defined as having priority in section 167 (2) of the 1996 Housing Act (amended by the Homelessness Act 2002). Moreover, authorities must not discriminate either directly or indirectly on any equality grounds. Each LLP should be monitored to ensure it meets the original aims and objectives.
- 1.3 The council currently operates a practice of letting flats in some blocks only to people aged fifty years or older. The council's current practice is not conversant with the legislative requirements in terms of justifying need or review. Some practices are not compliant with current equalities requirements.
- 1.4 A review considered the fitness for purpose of existing practice in respect of meeting council objectivities, lawfulness and against current equalities standards. Essentially, are the plans actually needed, do they deliver what is expected, are they fair and lawful.

2. RECOMMENDATIONS:

2.1 That the Housing Management Consultative Committee recommends to the Cabinet Member for Housing the following:

- (1) That the restrictions limiting letting flats in Livingstone House, Philip Court, Ardingly Court, Nettleton Court, Dudeney Lodge and Hampshire Court to people aged over 50 years is confirmed as council policy and adopted as a Local Lettings Plan. That this excludes adapted and mobility standard property which, in the interest of disability equality, is available to people of any age with that specific need. That this is reviewed in 2012.
- (2) That flats in Robert Lodge are offered with priority to people over 50, but in the event of there being no eligible bidders of that age, may be let to younger tenants.
- (3) That bungalows meeting the council's housing mobility standards will be available to people of any age with that specific mobility need.
- (4) That bungalows that do not meet the needs of people in mobility groups 1, 2 or 3 are let with priority to households releasing 3 and 2 bedroom houses and 3 bedroom flats.
- (5) That a feasibility study, focused around community consultation, takes place in order to assess the viability of expanding the 50 plus local lettings plan to include Kingsway, Clarke Court, Malthouse Court and other suitable blocks. This would report to Housing Management Consultative Committee in December 2009. HMCC are invited to propose blocks for inclusion in this study.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Reviewing number of blocks where lettings are restricted to people aged 50 years or older:

3.1.1 The objectives of the review in regard to properties with current restrictions were as follows:

- a) to comply with the legal requirement to review restrictions
- b) to review the practices against meeting the council's objectives
- c) to review the restrictive practice within the context of choice based lettings
- d) to review the current practice against current equalities standards

3.1.2 There are 460 units of property within the council's general needs housing stock where lettings are restricted to people aged 50 years or older. This represents 3.73% of the council's general needs stock. Many of these flats are suitable for people with impaired mobility, and current practice is potentially discriminatory against people with mobility related housing needs aged under 50 years.

3.1.3 Over 50's general stock listed by block

Block	Bedsits	One bed flats	Two bed flats	total
Ardingly Court	0	41	0	41
Dudeney	0	85	0	85
Hampshire Court	20	72	22	114
Livingstone House	0	28	10	38
Nettleton	0	80	0	80
Philip Court	6	27	12	45
Robert Lodge	0	24	33	57
Total	26	357	77	460

Each block has the following number of leaseholders:

Block	Leaseholders
Ardingly Court	7
Dudeney	2
Hampshire Court	30
Livingstone House	16
Nettleton	7
Philip Court	16
Robert Lodge	13

3.1.4 The council wishes to increase the number of blocks designated for tenants aged over 50 years. These blocks are generally popular with tenants, especially so with people seeking to down size from family housing. However, this needs to be balanced against equalities requirements and ensuring that the housing designated for people over 50 is suitable.

3.1.5 There are equalities implications in age restrictive lettings plans, and unreasonable restriction leaves the council open to challenge. The equalities impact of the local lettings plan would be mitigated by lifting the age restriction in respect of mobility standard units, thereby allowing people of any age with specific mobility related housing needs to bid for suitable property in blocks generally designated for people over 50.

3.1.6 There have been instances where private tenants of leaseholders have been prevented from bidding for an identical council flat in the same block as they are under 50. This has been the subject of formal complaint and may leave the council vulnerable to future challenge.

3.1.7 Robert Lodge is currently designated as an over 50s block. However there are high levels of under occupation, and the 2 bedroom flats in this block above the ground floor are difficult to let. This results in long periods where flats are empty with a negative impact on the key empty property letting time performance indicator, and rent loss for the council. Therefore, it is recommended that, if

there are no bids for a flat here from people over 50, then the council is permitted to let to younger tenants.

3.1.8 It should be noted that age restrictions cannot lawfully be applied upon sale of a property. Therefore, leaseholders and their tenants may be of any age. Blocks where there are a high proportion of leaseholders may have more residents who are under 50.

3.1.9 It is not permissible to refuse a mutual exchange application on the basis of an age restrictive lettings policy. Some tenants may, therefore, be under 50 years of age.

3.1.10 Consultation with residents:

Livingstone House. Members of the residents association said they were not even aware that such a policy existed due to the exemption of leaseholders and other groups from the age restriction. There were no strong views expressed as to future lettings policy for the block.

Dudeney and Nettleton. Some members of the residents association did express concern that anti social behaviour seemed to be on the increase. However, in detailed discussions with representatives it was agreed that those problems could not be linked to age. Many residents expressed strong views that the flats are small and not suitable for families and that noise transmission can be a problem. They feel residents over 50 are unlikely to become parents, generally make less noise than younger people, and on that basis expressed a preference that the blocks remain designated for people over 50.

Robert Lodge. Residents accept there is a need to address the under occupation and hard to let issues, but have concerns about noise transmission within the block. The recommendation for this block is that flats are advertised with priority to people over 50, but giving the council flexibility to let to younger people if, as has been the case recently, there are no bids from people of this age for a property.

Ardingly Court. A detailed submission was received from the Secretary about the need to preserve the established community this block. Further representations were made to councillors stating why change would unsettle the local community.

Philip Court. Residents expressed very strong opposition to any change and made clear that they would like this to remain a block designated for people aged over 50 years.

Hampshire Court. A residents meeting was attended with 30 residents, where strong feelings were expressed in support of retaining the over 50s restriction.

Malthouse Court Residents have asked that consideration be given to designating that block for over 50s. This will be addressed as part of the feasibility study reporting back to HMCC in December 2009.

3.2 One bedroom bungalows

3.2.1 The council has 137 one bedroom bungalows. A formal local lettings plan has not been adopted by the council in respect of these properties, but custom and practice has evolved over time to favour letting these to older people. The council needs to agree and adopt a formal local lettings plan in respect of these properties.

3.2.2 Some bungalows are adapted for the use of people with restricted mobility, or are otherwise easily accessible for people with mobility 1/2/3 needs. As there

are relatively few properties in city that meet the needs of people with specific mobility related housing requirements, it is proposed that bungalows that meet the requirements of people assessed as needing mobility 1/2/3 accommodation are let to people with those needs regardless of their age. Therefore, every one bed bungalow that is to be advertised in *Homemove* magazine will be assessed for mobility status if such an assessment has not already taken place. To do otherwise would be potentially discriminatory against disabled people aged under 50 who would have fewer housing options.

- 3.2.3 Bungalows are attractive to many people who wish to downsize in order to release family houses but do not want to live in a block of flats. In order to release more family houses, and help the council make best use of stock, it is proposed that bungalows that do not meet mobility 1/2/3 requirements are advertised with priority to people releasing three or two bedroom houses or three bedroom ground floor flats. These tenants are likely to be older, most will be over 50.

4. CONSULTATION

- 4.1 A wide of range of consultation is has been undertaken about all the recommendations. Tenants, Homeseekers and community interest groups were consulted. In addition, many community groups were asked to submit opinions. Our Registered Social Landlord partners were consulted. There was extensive dialogue with other departments within the authority. Consultation outcome, and responses to concerns raised, is contained within the body of the report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 " There are no direct financial implications from the recommendations in this report. The changes to the LLP will be made within the existing 2009/10 Housing Revenue Account Budget. "

Finance Officer Consulted: Susie Allen

Date: 02/06/2009

Legal Implications:

- 5.2 By virtue of section 169 Housing Act 1996, the Communities Secretary is entitled to issue guidance to local housing authorities in connection with the exercise of their powers under Part VI of the Housing Act 1996 - allocation of housing accommodation. Local Authorities are required to have regard to this guidance when exercising their allocation functions. In pursuance of this section, in August 2008 CLG issued a guide entitled, "Allocation of Accommodation: Choice Based Lettings - Code of Guidance for Local Housing Authorities." The guidance includes a section on local lettings policies. The recommendations in the report are compatible with that section."

Lawyer Consulted:

Liz Woodley

Date: 29/05/2009

Equalities Implications:

- 5.3 An Equalities Impact Assessment has been completed in respect of these recommendations. To summarise the findings;
There are equalities implications in preventing people bidding for specific property purely on the basis of age. This disadvantages younger people whose housing options are restricted. This is magnified in the case of disabled people

with specific mobility relating housing needs, who could be prevented from bidding for one of the few suitable properties for them on the basis of their age. To mitigate any negative impact, it is proposed that flats and bungalows meeting the council's mobility standard are exempted from age restriction and available to people of any age who have been formally assessed by the council as needing that specific type of accommodation.

Sustainability Implications:

5.4 There are none.

Crime & Disorder Implications:

5.5 There are none

Risk and Opportunity Management Implications:

5.6 There is a risk of challenge from people who are prevented from bidding for property on grounds of their age. Restrictive lettings may impair the council's ability to make best use of housing stock in order to meet citywide housing need. However, over 50s blocks and bungalows are popular with tenants seeking to downsize from family homes and greater availability of this type of housing may enable the release of more larger family units and help the council make best use of its stock. As the number of units designated for people over 50 forms less than 4% of the council's general stock, any negative equality impact is not significant.

Corporate / Citywide Implications:

5.7 There are none

SUPPORTING DOCUMENTATION

Appendix: There are none

Documents In Members' Rooms There are none

Background Documents

1. The council's Housing Allocations Policy as adopted by the Council at Cabinet Member for Housing Meeting 11 March 2009.