

Kirklees Local Lettings Framework

This framework is intended to inform discussion and the formulation of local lettings plans that promote successful and sustainable communities within Kirklees.

Background

In December 2012, Cabinet approved the recommendation to adopt an open policy on all flats and bungalows and a time limited “successful communities policy” to be used in new developments where there is a need for additional management of lettings to ensure the development of cohesive, mixed sustainable and resilient communities and neighbourhoods

Or

Where there have been lifestyle or anti social behaviour issues that have or may have a significant affect on local residents, and there is a need to be sensitive about the lifestyle balance between existing and new tenants.

What is the Kirklees Local Lettings Framework (KLLF)?

- It is part of Kirklees Council's Housing Allocations Policy. It will enable officers to consider where action is needed to redress the lifestyle balance between new and current tenants because of issues that have had or *may* have a significant adverse effect on local community.
- The framework is intended to facilitate KNH (and other housing providers) ability to promote successful and sustainable communities.
- The framework is an agreed method that provides consistency, flexibility, transparency in decision making and a review process.
- It is the process that is used to develop and implement a Local Lettings plan.

What is a Kirklees Local Lettings Plan (KLLP)?

- It is available when all other housing management tools to deal with issues of unsettled communities or significant anti-social behaviour have been tried.
- It is a proactive and/or reactive tool to enhance and support existing housing management processes.
- It is a flexible, tailored additional housing management tool to address social and management problems in a defined area.
- It is robust enough for officers to administer and evidence, but flexible enough to adjust to need.
- It's a plan that enables the Council to influence the types of groups of people who are allocated new tenancies in particular areas, to bring about a wider social “mix” with the aim of having more integrated communities.

- It's for new or re developments where we want our policies to align with corporate objectives, for example by supporting people into employment by pro actively targeting allocation of housing to low paid workers.
- It is “the exception rather than the rule” for allocations.
- It is to be used as a last resort, be evidence based and as a considered response to a particular issue, for a specific area, time limited, transparent, and where implemented, reviewed in a timely manner.
- It can be used to address issues within a single block, a lettings area, neighbourhood or other clearly defined allocation area.

It is not:-

- The “norm” or to be used lightly.
- A blanket approach to specific property types.
- A way to circumvent Kirklees Council Housing Allocations Policy.
- A policy which is escalated on every occasion – decisions are made in line with the Kirklees Local Lettings Framework at the appropriate level.

The Approach

When the need for a Local Lettings Plan is identified a report using the framework factors is produced by the housing provider (KNH, Pinnacle etc).

Existing tools such as an Anti Social Behaviour (ASB) Policy and other tools for dealing with ASB and tenancy management issues should be explored to see if the issue can be dealt with without escalating to implementing a KLLP.

Any application to introduce a KLLP will include evidence of both the need for a plan and details of the tenancy management tools that have previously been used to address the specific concerns.

For new/redevelopment schemes or when a proactive approach to prevent issues is needed the application will include reasons why a KLLP is required.

Decisions to request a KLLP will be made by KNH Neighbourhood Operational Managers (or equivalent in other housing provider organisations) following consultation with a Housing Solutions Service Operations Manager.

Each KLLP will include a clearly defined geographical area or list of properties that the plan applies to, detailed allocation proposals, resource implications, risks and a recommended timescale/review period.

Partners such as individual officers, ward councillors, TRA's, police, community representatives and other housing providers may contribute to the building of the evidence but will not be part of the decision making body.

Any decision to implement a KLLP will always take into account the implications for the council's statutory obligations such as equality duties and the need to ensure that the council meets its statutory housing allocation duties.

The decision to implement and to cease a KLLP rests with the Head of Housing Services (KMC) and the Head of Neighbourhoods (KNH). Officers involved in the decision making will be impartial to the case.

There is a presumption of the removal of a KLLP at the date of the review, unless there is clear evidence to show that such a removal would have a detrimental effect on the success and sustainability of that area.

When will a KLLP be needed?

Implementation of a KLLP will be considered for new/redevelopment schemes; or areas with significant anti social behaviour issues; or areas where there is an imbalance of tenants and there is a clear need to redress this.

For anti social behaviour issues, consideration of a KLLP will be made when all other housing management options have been utilised and where despite this, the anti social behaviours are continuing to cause serious disruption to other residents. In such a scenario, there would be a “screening” process at offer stage to determine eligibility and more detailed checks carried out such as references and any previous record of anti social behaviour

For new/redevelopment schemes a KLLP will be considered prior to the first properties being allocated and will have clear criteria for allocating tenancies eg 10% to people in employment, 25% to people with a local connection, 50% people with high/medium housing need.

For areas where there is an imbalance of tenants/lifestyles and a need for proactive allocations, a KLLP will be considered in order to redress the imbalance eg majority not in work, all young/older people. Introducing more of a mix of residents may redress lack of cohesion.

The following triggers provide examples of when a KLLP plan may be considered:-

- New build or redevelopment scheme
- Event that makes the manageable unmanageable
- Pockets of high levels of ASB.
- In areas where KNH (or other housing provider) have identified there is a high risk of communities becoming unsustainable.
- Proactive approach to allocations to achieve mixed communities.
- Low/no demand areas
- High turnover/negative departures
- Ongoing, substantiated complaints about the same issues

- Intensive management required.
- Local intelligence from partner agencies

Roles and responsibilities

Housing Officers may flag up issues to Area Housing Managers (AHM) following complaints from residents, knowledge of ongoing issues, information from partner agencies, police, KASBU, ward members etc.

AHM agrees to refer to Neighbourhood Operational Manager (NOM) who will make the decision to request a KLLP after discussing with and informing the Housing Solutions Service Operations Manager within Kirklees Council.

A KLLP is developed which details the area/properties included, criteria for assessing shortlist, resource implications (staffing etc), recommended timescales, risks and what impact the plan is expected to have.

Where the proposed plan affects other housing providers they will be consulted and asked to contribute to the plan.

A report and KLLP is produced detailing the issues, actions already taken, impact, supporting information from other agencies etc. Evidence from the affected residents may also be included.

The report and proposed KLLP is forwarded to the panel which consists of the Head of Housing Services (KC) and the Head of Neighbourhoods (KNH).

The panel may seek advice from legal services, equalities team etc.

The Panel will consider the report and:

- Approve/reject the request for implementation of the KLLP
- Approve/Reject the proposed KLLP.
- Request further information and defer a decision accordingly.
- Agree timescales and review period

If the panel don't reach a consensus the report may be referred to Assistant Director Streetscene and Housing for a decision.

Governance

Once the Kirklees Local Lettings Framework is approved, decisions to introduce a KLLP will be an internal, officer led process.

Portfolio holders will receive a report on LLP's quarterly.

Governance will be in line with other council policies.

Kirklees Local Lettings Plan (KLLP)

Each Kirklees Local Lettings Plan will include:

- Key aims and objectives of the KLLP
- Key elements of the KLLP proposals
- Timescale for implementing the plan and for the review period following implementation
- Details of the area/properties included in the KLLP
- Details of how allocation/shortlisting of properties will be managed.
- Resources required to implement the plan (including IT requirements, staff costs, other costs):
- An Equalities Impact Assessment.
- Any consultation on the proposal and what the outcomes.
- Risks of implementing the plan and measures to reduce the risk.
- How the success of the plan be measured.

A template KLLP and checklist will be available to ensure clarity and consistency of information and approach.

Relevant Legislation

Information on the relevant sections of statutory provisions on the Kirklees Local Lettings Framework is set out below:

Housing Act 1996, Section 166A

Allocation in accordance with allocation scheme.

In accordance with the above Act, every local housing authority must have an allocation scheme for determining priorities and the procedure to be followed. The scheme shall include a statement of the authority's policy on offering people who are to be allocated housing accommodation -

- a) choice of housing accommodation; or
- b) the opportunity to express preferences about the housing accommodation to be allocated to them.

Section 166A (3) states that the allocation scheme shall be framed so as to secure that reasonable preference is given to—

- (a) people who are homeless

- (b) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) people who need to move on medical or welfare grounds; and
- (e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

A Local Authorities, Local Lettings Policy is covered by Section 166A (6) of the Housing Act 1996 which states:

Subject to Section 166A (3) above the allocation scheme may contain provision about the allocation of particular housing accommodation—

- (a) to a person who makes a specific application for that accommodation;
- (b) to persons of a particular description (whether or not they are within Section 166A (3)

Section 166A (3) provides the statutory basis for “local lettings policies” which could mean setting aside properties or giving priority to people of a particular description regardless of whether they fall within the reasonable preference categories set out in Section 166A (3).