



**Executive
16 November 2009**

**Report from the Director of
Housing and Community Care**

Wards Affected:
Tokyngton

**Sustainable Lettings – proposed scheme at W04
Quadrant Court**

Forward Plan Ref: H&CC-09/10-19

1.0 Summary

- 1.1 This report makes recommendations to introduce a lettings plan for the W04 Quadrant Court scheme, which is the second development to be completed within the Quintain redevelopment. The decision to allow a limited degree of under-occupation will affect the size of households housed in the scheme. The proposal involves allocating certain sizes of property to smaller households than would normally be accommodated in the dwellings, and suggests targeting a high percentage of lettings to households on social housing transfer lists, to release dwellings in the rest of the stock.

2.0 Recommendations

- 2.1 That the Executive approves the lettings scheme for the proposed W04 Quadrant Court scheme so as to allow 50% of the units therein to be let using a different set of lettings criteria for dwelling sizes to allow a limited level of under-occupation as set out in paragraph 3.1.6 of this report.
- 2.2 That the Executive approves the proposals concerning 60% of first lettings for the W04 Quadrant Court Scheme to transfer applicants on the Council's Housing Register as set out in paragraph 3.1.9 of this report.

3.0 Detail

3.1 Lettings Plan Proposal: Quadrant Court (W04)

- 3.1.1 Quadrant Court is a development of 232 dwellings, of which 144 are affordable, with 67 for rent and the remainder for shared ownership. The units are owned by Genesis Housing Group and Family Mosaic Housing Association (72 units each).

Table 1 shows the breakdown of the units by size, ownership, tenure and floor level.

Table 1

Rented units

Level	1 bed 2 person		2 bed 3 person		2 bed 4 person		3 bed 5 person		3 bed 6 person	
	GHG	FMHA	GHG	FMHA	GHG	FMHA	GHG	FMHA	GHG	FMHA
2								2		2
3							2		2	
4		7		1		6				3
5	3	3		2		6				3
6	6		2		6				3	
7	1				4				3	
8										
9										
Total	10	10	2	3	10	12	2	2	8	8

Shared ownership units

Level	1 bed 2 person		2 bed 3 person		2 bed 4 person	
	GHG	FMHA	GHG	FMHA	GHG	FMHA
2						
3						
4		4		3		3
5		6		3		2
6		6		3		2
7	11		5		2	2
8	7		4		9	
9	1	1	1			2
Total	19	17	10	9	11	11

3.1.2 The scheme was initially due to complete in Spring 2010 but the completion date has been brought forward to the end of January 2010. A decision on the lettings plan for the scheme is needed to allow officers to start pre-allocating households to the scheme.

3.1.3 The high density of the scheme raises issues about ensuring that the development is sustainable. For previous high density schemes, Donnington Court and Forum House (W01), lettings plans were agreed which deviated from the council's agreed lettings policy.

3.1.4 At Forum House (W01) an attempt was made to let some units to council tenants who were currently under-occupying their properties, but this proved difficult, as there was no parking provision (as with the Quadrant Court development), and the targeted tenants did not accept the offers to move. The high level of service charges at the new scheme also discouraged existing council tenants.

3.1.5 At both Donnington Court and Forum House the lettings plans involved an element of under occupation. This reduced the child density – at Forum House the

reduction was from 41% to 34% - which Genesis Housing Group believes has improved the sustainability of the scheme.

3.1.6 There are 22 two bedroom four person units, four three bedroom five person units, and 16 three bedroom six person units on W04, all of which are on the second floor or above. The Allocations Scheme agreed by the Executive sets the following criteria for dwelling sizes, as set out in Appendix 2 of the Allocations Scheme:

- One double bedroom for a cohabiting couple
- One double bedroom for each single parent
- One double bedroom for two additional persons/children of the same sex and generation
- One double bedroom for children of the opposite sex, where both children are under 7

The proposal is that 50 per cent of the family sized units are let as follows:

- 2 bed flats normally allocated to 4 person households will be offered to 3 person households
- 3 bed flats normally allocated to 5 person households will be offered to 4 person households
- 3 bed flats normally allocated to 6 person households will be offered to 5 person households

3.1.7 This will allow for a limited level of under-occupation such that, for example, children will not always be required to share a bedroom.

3.1.8 The criteria for occupation and dwelling sizes for the W04 Quadrant Court scheme are at variance with the criteria set out in Appendix 2 of the council's Allocation scheme. However, section 21 (under sustainability and lettings plans) of Appendix 7 of the Allocation Scheme, as set out in pages 52 and 53 thereof, states that the council will sometimes use lettings plans to set the parameters for larger schemes and that issues that such plans would include the child density and consideration to not filling every property to its maximum. Therefore, this lettings plan is within the council's Allocation Scheme.

3.1.9 It is proposed that 60 per cent of the first lettings are reserved for applicants in social housing tenancies (Council and housing association tenants). If any of these lettings are made to transfer applicants from RSLs, the RSL will be obliged to provide reciprocal lettings.

3.1.10 A further proposal is to offer units to tenants being decanted as part of the Barham Park Estate redevelopment. In this case, Notting Hill Housing Trust will be required to provide reciprocal lettings when the redevelopment is completed.

3.1.11 Previously RSLs have requested that economic activity of potential tenants should be considered in nominating residents to schemes. There is a commitment in the housing strategy to review this within the life of the current strategy. We will report back to Members once this review is concluded. Priority is given to working homeless households by increasing their banding within the Locata system.

3.1.12 Households with records of serious anti-social behaviour are not accepted for rehousing. This is set out in section 17 in pages 49 and 50 of the Council's

Allocation scheme. Cases with a history of rent arrears or less serious ASB will be considered on an individual basis.

4.0 Financial Implications

4.1 There are no specific financial implications arising from the implementation of a lettings plan at Quadrant Court.

5.0 Legal Implications

5.1 The primary legislation that governs the allocation of new secure tenancies is set out in Part VI of the Housing Act 1996 (“the 1996 Act”), as amended by the 2002 Act. As enacted, the 1996 Act introduced a single route into council housing, namely the Housing Register, with the intention that the homeless have no greater priority than other applicants for housing. Since the enactment of the 2002 Act, councils are required to adopt an allocations policy which ensures that “reasonable preference” is given to certain categories of applicants (which are set out in section 167 of the 1996 Act as amended by the 2002 Act and includes homeless households and persons living in overcrowded conditions), and to allocate strictly in accordance with that policy. An allocation of accommodation under Part VI of the 1996 Act which is not in accordance with the council’s own allocation policy will be deemed to be unlawful.

5.2 Part VI of the 1996 Act also governs the nominations by local authorities to housing owned by registered social landlords (‘RSLs’). Nominations are required to be compliant with the Act regardless of whether they are pursuant to a legally binding contract or a purely voluntary arrangement.

5.3 The 1996 Act requires councils to adopt an allocations scheme that gives certain categories of applicants, which are set out in section 167(1) and (2) of the 1996 Act, “reasonable preference”, and to allocate strictly in accordance with that scheme pursuant to section 167(8) of the 1996 Act.. Allocations in this sense include nominations to RSLs. Under section 167 (2E) of the 1996 Act, a council’s Allocation Scheme may contain provision about the allocation of particular housing accommodation to persons who specifically apply for it or to persons who are of a particular description, subject to the requirements of section 167(2) of the 1996 Act to give reasonable preference to certain categories of applicants. Nominations to Quadrant Court can be ring-fenced for households of a certain size, provided that when making those nomination and allocation decisions, those households which come within the categories of reasonable preference as set out in section 167(2) of the 1996 Act are in fact given reasonable preference over other housing applicants and allocations/nominations are not made purely on a date/time on the register basis.

5.4 Section 21, under the heading of Sustainability and Lettings Plans, of Appendix 7 (Locata Operation) of the council’s Allocation Scheme, states as follows: “The provision of choice based lettings assists in this aim [i.e. to make sure lettings are sustainable and that they provide long term housing solutions for applicants] by allowing applicants to make a positive decision to live in a particular area. In addition Brent’s Administration aims to contribute to the establishment of sustainable communities which will thrive and be positive places for the people of Brent to live in. Therefore, Brent’s Administration will sometimes use a lettings plan to set parameters for the letting of larger schemes. Issues that the council might

include within such a plan would be the child density and consideration to not filling every property to its maximum, the mix between existing tenants and homeseekers, the method of advertising and letting to ensure that applicants have full information". The lettings plan for the W04 Quadrant Court scheme comes within this paragraph regarding child density and consideration to not filling every property to its maximum and to this extent, a change in the dwelling size criteria for this scheme comes within the council's Allocation Scheme.

- 5.5 The properties in question at Quadrant Court are not owned by the council, they are owned by Genesis and Family Mosaic, consequently those who are successfully nominated by the council to Quadrant Court will be tenants of Genesis and Family Mosaic, not secure tenants of the council. Any increase in the household size and any related overcrowding issues, post nomination, will be dealt with by Genesis and Family Mosaic as a housing management matter.
- 5.6 Section 170 of the 1996 Act requires RSLs to co-operate to such extent as is reasonable when a local authority requests assistance with accommodating people pursuant to its housing allocation scheme.

6.0 Diversity Implications

- 6.1 The decision to allow a limited degree of under-occupation will affect the size of households housed in the scheme. Although some BME households have larger than average household sizes, it is not anticipated that there will be any adverse impact on any particular group, since these communities are also over-represented on the housing register across all household sizes.
- 6.2 A key aim of lettings plans is to increase long term sustainability; in this case by addressing over-occupation. This will allow for household growth and assist in preventing overcrowding in the future. BME households are over-represented on the housing register, particularly within the group of overcrowded households. The impact of these proposals is therefore likely to be beneficial in reducing the incidence of overcrowding.

7.0 Staffing Implications

- 7.1 None

Background Papers

London Borough of Brent Allocations Scheme
Supply and Demand report 16 March 2009
Review of lettings plan at Donnington Court
Review of lettings plan at W01

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