

<p>Non-Executive Report of the:</p> <p><b>Housing Scrutiny Sub-Committee</b></p> <p>20 November 2018</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Rafiqul Hoque, Head of Housing Options</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Under Occupation Scrutiny Review Action Plan</b></p>	

### **Executive summary**

This report submits an update on progress made in implementing recommendations from the scrutiny review which looked at Under Occupation in social housing: promoting housing moves.

### **Recommendations:**

The Housing Scrutiny Sub Committee is recommended to:

- Note progress made in delivering recommendations from the scrutiny review.

## **1. REASONS FOR THE DECISIONS**

- 1.1 This report outlines the findings and recommendations from the Under Occupation review, Promoting housing moves - which was part of the Housing Scrutiny Sub-Committee's work programme for 2016/17 municipal year, and provides an update on progress made in implementing recommendations from the scrutiny review.

## **2. DETAILS OF REPORT**

- 2.1 As part of its work programme for 2016/17 the Housing Scrutiny Sub Committee agreed to form a review group - to review under occupation of housing within the borough. The review group was chaired by Councillor Amina Ali (Member for Bow East). The review considered the key issues around under occupancy in social rented housing in the borough, where tenants are occupying larger properties that are no longer suitable for their needs - which could be released and offered to families with children and those living in overcrowded households. Tackling this issue will relieve the pressure on the waiting list - currently there is no obligation for residents to do this, but there are a range of incentives provided by the council to assist with such moves.

The review specifically looked at:

- LBTH's under occupation policy and reviewed its action plan;
- Other local authorities with similar demographics and considered their approach, to encouraging tenants to downsize;
- lessons learnt elsewhere and whether these are applicable to the circumstances of Tower Hamlets;
- whether some incentives available have been more successful than others and establish the reasons for this; and
- if some Registered Providers (RPs), operating inside or outside the borough - whether have been more successful than others in reducing under occupancy and the reasons why this has happened.

- 3.10 There were seven recommendations arising from the review, for which an action plan was developed to support implementation of these recommendations and agreed by Cabinet on the 19<sup>th</sup> of September 2017 (click here for [scrutiny report](#)). This report outlines progress made in delivering the agreed actions attached at appendix1.

### **Recommendation 1:**

Deliver targeted communication and events: Housing and Regeneration Division should further develop information and engagement with local people looking to downsize by:

- delivering targeted communication;
- develop clear and concise information;
- delivering events aimed at both registered and unregistered under occupiers.

The council's traditional media channels along with electronic and social media should be utilised.

Progress Update:

The Council and its RP partners have developed and agreed a comprehensive under occupation toolkit) to strengthen implementation of its under occupation policy, this includes improving communications and engagement with existing and new tenants, promoting options at under occupation surgeries and open days and targeting under occupiers prior to handover of new housing schemes. In 17/18 the Council rehoused 67 under occupying CHR tenants, 40 of which gave up 3 beds+ (down 52% and 59% respectively since March 16). For the first 6 months in this financial year 32 under occupying tenants have downsized 19 of them giving 3 or more bedrooms.

**Recommendation 2:**

That the Housing and Regeneration Division proactively identify under occupiers and staff working across frontline service. And develop an information toolkit for frontline staff which will enable them to encourage and support tenants, wishing to downsize.

Progress Update:

The toolkit agreed in April 2018 is being used by staff across the partnership and a referral form has been included for partners. The toolkit provides a comprehensive guide including landlord contact details, housing options, advice on rents and post move help.

**Recommendation 3:**

That the Housing Regeneration Division should consider creating a single integrated Housing Mobility Team.

Progress Update:

A virtual team has been set up with under occupation champions across the common housing register partnership, activities of which include engagement with tenants through surveys, interviews, surgeries and open days to promote suitable options for downsizing and reciprocal moves out of borough (where there is interest).

**Recommendation 4:**

That the Place Directorate consider the possibility of building bespoke downsizer homes, on council owned land or estates which are specifically aimed at under occupiers.

Progress Update:

Direct offers are being made under clause 92 of the allocations policy; potential sites have been identified for the option to downsize to Council housing schemes where smaller properties are made available.

**Recommendation 5:**

That the Housing and Regeneration Division should review the current Tenancy Strategy to agree under what circumstances fixed term tenancies would not be renewed.

Progress Update:

The Tenancy Strategy is in the process of being updated and is awaiting regulatory announcements. In the Social Housing Green paper, the Government has announced the scrapping of mandatory fixed term tenancies.

**Recommendation 6:**

That the Housing and Regeneration Division further enhance 'post move' service - to ensure tenants who are downsizing are supported through any difficulties e.g. settling in, providing information on local area and sign posting to local services etc.

Progress Update:

New procedure included in under occupation toolkit.

**Recommendation 7:**

That the Housing and Regeneration Division builds on the existing strategic partnership with its key partners and stakeholders. And, continue to develop the role of Tower Hamlets Housing Forum – especially the Common Housing Register Group as the main area for innovation and delivery of under occupation initiatives.

Progress Update:

Under occupation moves is regularly discussed at the common housing register forum meeting and partners review progress and inform updates to the plan new initiatives to be delivered to maximise housing opportunities for tenants wanting to downsize.

**4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 Following the approval of the Social Housing Under Occupation Review Action Plan by the Mayor in Cabinet on 19<sup>th</sup> September 2017, this report provides an update to the Housing Scrutiny Sub-Committee on the progress that has been made in delivering the recommendations.
- 4.2 The action plan sets out a range of activities and priorities for the Council and key partners that will provide a focus for the promotion of housing moves to release currently under occupied properties for re-letting. This requires a co-ordinated approach and possible aligning of funding from all major partners, and needs value for money to be obtained from limited sources of funding, given that the Council's mainstream resources to support the proposals are extremely limited.
- 4.3 Although the costs of implementing several of the recommendations are being met from within existing revenue resources, the financial consequences of certain initiatives will be subject to the availability of funding, and further reports will assess the financial impact of these proposals as appropriate. In

particular this will relate to Recommendation 3 - the creation of a single integrated Housing Mobility Team; Recommendation 4 – the construction of bespoke downsizer homes on Council owned land; and recommendation 6 – that an enhanced ‘post move’ service be offered to tenants.

## **5. LEGAL COMMENTS**

- 5.1 In relation to recommendation 5, the government advised in August 2018 that it will not for the time being implement the provisions in the Housing and Planning Act 2016 which require most new local authority tenancies to be granted for a fixed term (two to ten years). Instead the recommendation is for social landlords to decide how to use fixed term tenancies at a local level in consultation with tenants.
- 5.2 On 12 December 2012 Cabinet agreed the discretionary use of fixed term tenancies where a tenant has a terminal illness and requires a property on a short term basis with additional care. Currently, lifetime secure tenancies are granted in all other cases.
- 5.6 In relation to offering financial incentives to tenants downsizing, payments to local authority tenants moving to another property are covered by Paragraph 2 of Schedule 18 of the Housing Act 1996. Such payments can cover not only the provision of goods or services, such as carpets or redecoration, but also cash incentives.
- 5.7 Also, the Discretionary Housing Payment (DHP) fund remains available to provide temporary financial assistance to tenants affected by the provisions of the Welfare Reform Act 2012 so that working-age social tenants in receipt of Housing Benefit who experience a reduction in their benefit entitlement if they live in housing that is deemed to be too large for their needs can make a claim for DHP. The rationale is to encourage council tenants living in houses too big for their needs to move to smaller properties so that existing housing stock can be better used.
- 5.8 The Council's Allocation and Succession policies and Tenancy strategy will need to be reviewed and updated to ensure that they reflect the provisions within the Housing and Planning Act if and when they come into force.
- 5.9 The Allocation Scheme currently allows direct offers of accommodation to be made, if the circumstances justify it, this includes facilitating a move due to under occupation. This would allow allocation of the downsizer homes referred to in recommendation 4.
- 5.10 The Tenancy Strategy, which the council must prepare under S150 Localism Act, sets out the matters which registered providers of social housing in its area are to have regard to in formulating policies, this includes:
- a) the kinds of tenancies granted;
  - b) the circumstances in which particular tenancies will be granted
  - c) Where tenancies are granted for a certain term, the lengths of the term and

d) The circumstances when a further tenancy will be granted when the existing tenancy comes to an end.

5.11 The tenancy strategy must summarise those policies or indicate where they can be found. A local housing authority must have regard to the strategy when exercising its housing management functions, publish its strategy and keep it under review and may modify or replace it. Any modifications must be published.

5.12 When deciding whether or not to proceed with the recommendations set out in this report, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty).

## **6. OTHER STATUTORY IMPLICATIONS**

6.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

6.2 The recommendations in scrutiny review are made as part of the Housing Scrutiny Sub-Committee's role in helping to secure continuous improvement for the Council, as required under its Best Value duty.

6.3 There are no direct environmental implications arising from the report or recommendations.

6.4 The recommendations of the Scrutiny Review are based on areas of risk and for improvement for the Council and its partners and the actions seek to address these.

6.5 There are no direct crime and disorder reduction implications arising from the report or recommendations.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

- Appendix 1: Under Occupation – Promoting Housing Moves action plan update.

**Local Government Act, 1972 Section 100D (As amended)**

**List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- NONE.