

<p style="text-align: center;">Non-Executive Report of the:</p> <p style="text-align: center;">Overview and Scrutiny Committee</p> <p style="text-align: center;">26th October 2020</p>	 <p style="text-align: center;">TOWER HAMLETS</p>
<p>Report of: Cllr James King, Chair Overview and Scrutiny Committee</p>	<p>Classification: Unrestricted</p>
<p style="text-align: center;">Call-in of ‘Amendments to the Council’s Housing Allocations Scheme’</p>	

EXECUTIVE SUMMARY

The Decision made by the Mayor in Cabinet on Wednesday, 23 September 2020 in respect of agenda item 6.3 ‘Amendments to the Council’s Housing Allocations Scheme’ was ‘called in’ under the Overview and Scrutiny Committee Procedure Rules of the Council’s Constitution by Councillors Marc Francis, Tarik Khan, Mohammed Pappu, Shah Ameen and Shad Chowdhury (‘Call-in Members’).

On 19 October 2020, the Overview and Scrutiny Committee (Committee) convened a meeting to consider the following:

- the Cabinet report
- the Mayor in Cabinet Decision published on 25 September 2020
- the “call in” requisition from the Call-in Members submitted on 2 October 2020
- representations by the Call-in Members
- representations by the Mayor, John Biggs – standing in for Cllr Sirajul Islam

The Committee unanimously **RESOLVED** that the decision be referred to the Mayor in Cabinet for reconsideration, including consideration of the alternative course of action set out in the call-in requisition.

1. THE MAYOR IN CABINET'S DECISION

1.1 The Mayor in Cabinet's decision, published on 25 September 2020:

- To note the outcome of the consultation on the Council's proposed amendments to the Allocations Scheme and the Equality Analyses at Appendices 2 and 4 of the report
- To approve the proposed amendments to the Allocations Scheme as set out in paragraph 3.3 to 3.7 of the report
- To approve the proposal to remove existing social housing tenants under the age of 50 from Band 3 of the Common Housing Register
- To authorise the Corporate Director Place to develop an Intermediate Housing Register
- To authorise the Corporate Director Place to determine the eligibility criteria for the first three months of marketing any new Intermediate Housing projects, (fully or partially funded by the GLA), following consultation with the Mayor and Cabinet Member for Housing and Regeneration
- To agree that the maximum household income threshold for eligibility to join the Common Housing Register be increased to £90,000 as set out in paragraph 3.10 of the report and authorise the Corporate Director Place to increase this figure as and when the GLA amends its maximum household income threshold for eligibility to access shared ownership products
- To approve the miscellaneous amendments and revisions to the policy as detailed in paragraph 3.11 of the report
- To ratify and/or authorise all past, present and future exercises of its functions under Part 6 of the Housing Act 1996 (as permitted by Article 2 of the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996) by, or by employees of, the RP partners from time to time to the Common Housing Register, including but not limited to the following: Arhag Housing Association, Clarion Housing, Eastend Homes, Gateway Housing Association, London & Quadrant, Metropolitan Thames Valley, Network Homes, Newlon Housing Trust, North London Muslim Housing Association, Notting Hill Genesis, One Housing, Peabody, Poplar HARCA, Providence Row HA, Southern Housing Group, Spitalfields Housing Association, Swan Housing Association, Tower Hamlets Community Housing or their successors in title or any other RPs or bodies that the Council may choose to partner with from time to time
- To authorise officers retrospectively to contract out the exercise of the Council's functions referred to in point 8 above

2. THE 'CALL IN' REQUISITION

2.1 The alternative course of action proposed in the call-in is as follows:

- we call on the Mayor to revise his decision in Cabinet on 23rd September removing existing social tenant's under-50 from Band 3 and reinstate all these applicants to their former position within the Common Housing Register.
- Given the incorrect apportionment of lettings into sheltered accommodation within the Band 3 quota, we call on the Mayor to instruct officers that the current 5 per cent quota should be retained and only General Needs lettings be counted towards it. Consideration should also be given to making good the shortfall in General Needs lettings to Band 3 applicants against the 5 per cent quota over the next two or three years.
- We call on the Mayor to revise his decision in Cabinet on 23rd September restricting homeless households placed outside Tower Hamlets to three years on our Common Housing Register by making this period indefinite, so that they remain LBTH's responsibility until they successfully bid for social housing or they voluntarily withdraw their housing application.
- Additionally, the Mayor should instruct officers to commission an independent review of the practice of discharging LBTH's duty to homeless families into the PRS, including speaking to those families this has been done to, and bring that review to the Housing & Regeneration Scrutiny Sub-committee within the next six months.

3. CALL-IN MEMBERS' PRESENTATION

3.1 Call-in members presented the reasons for call-in and proposed alternative course of action, and added that:

- The decision will result in removing over 1000 residents from band 3 waiting list
- Legal challenge in Lambeth should be reflected in the decision
- Removing people after three years isn't appropriate given these people are part of TH community – we want to encourage people to stay in TH
- The consultation clearly showed the community's views – which were not heeded by the decision

3.2 Committee members posed a number of questions concerning:

- Band 3 under 50s – situations for applicants' moving/change of situations
- Band 3 and three year cut-off – impact on other bands
- Consultation responses, and community voices being heard

4. MAYOR'S PRESENTATION

4.1. The Mayor set out the context of the Cabinet Decision and reviewed the key elements of the decision, reflecting that:

- this decision is about being realistic about people's chances of securing housing at Band 3
- consultation resulted in amendment to the policy: retained Band 3
- happy to consider other ways where transfer can happen

4.2. Committee posed a number of questions concerning:

- Removal from three-year waiting list and legality
- Acting contrary to consultation
- Legal advice on decision
- Drivers for this decision/policy

5. CONSIDERATION OF THE 'CALL IN'

5.1. After hearing from the Call-in Members and the Mayor, the Committee considered the following issues and concerns:

- A better approach to communicating with housing applicants needed
- The impact on more than 1000 people on register
- The need to listen and respond to what the community has said, via consultation
- The legal risk as highlighted by the Lambeth case
- Concern around removing hope from applicants, even if a long waiting period
- No savings/financial impact for this decision
- Rationale for the decision is not clear
- There are a number of reasons why people currently on Band 3 want to move including issues such as ASB and neighbour disputes. These cost the Council and partners resources to manage and by removing this opportunity these costs will remain and possibly increase.
- Serious concerns about removing those applicants who have been placed in 'out of borough' PRS accommodation to prevent homelessness from the housing register after three years.

6. RECOMMENDATIONS

6.1. The Committee unanimously **RESOLVED** that the decision be referred to the Mayor in Cabinet for reconsideration, including consideration of the alternative course of action with no amendments or additions.