

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

25 February 2020

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 LOCAL LETTINGS POLICIES

Summary: this report informs Members of the current approach to using Local Lettings Policies (LLPs) for affordable housing, in partnership with Registered Providers, clarifies the use of such LLPs in the future and proposes a pro-forma document. There are no direct financial implications from this paper.

1.1 Background – what are Local Lettings Policies and how can they be used?

1.1.1 Local Lettings policies (LLP) give a framework for allocating homes outside the Housing Allocation Scheme to address local priorities or issues. They may be used to achieve a variety of housing management and policy objectives, which may include:

- creating balanced and mixed communities
- protecting existing stable communities
- meeting housing need in rural areas by setting aside a proportion of lets to applicants with a local connection via section 106 agreements
- restricting where persons who have committed serious crimes can be rehoused (e.g. a sex offender will not be rehoused near schools, playgrounds or other places where children and young people congregate)
- reducing void rates and tenancy turnovers
- improving community stability and cohesion
- tackling low-demand areas and difficult-to-let estates
- reducing incidences of anti-social behaviour
- preventing future problems occurring on newly developed estates or in relation to recently modernised properties.

1.1.2 Local lettings policies must not dominate a local authority's allocation scheme at the expense of statutory reasonable preference categories and, if used, their objectives and scope must be published alongside the allocation scheme. Local lettings policies are usually time limited and can differ from a mainstream lettings policy / allocations scheme in various ways such as:

- giving priority to people with a connection to a certain area
- allocating properties to applicants in non-priority groups
- disregarding household type and / or property type and size matching rules, such as allowing under-occupation to promote longer-term tenancies, reduce child density and account for future family growth (in turn reducing the need for transfers).

1.2 TMBC context

- 1.2.1 On some schemes conditions are included in planning permission or a S106 agreement which can be achieved through an LLP.

For example, Schedule 3, 1.1 of an amendment of the Section 106 agreement (March 2015) for the Peters Village development states “A local lettings plan will be agreed between the Council and the Owner (or other manager of the Affordable Rented dwellings) that will prioritise those households with a local connection to the adjacent wards of Wouldham, Burham and Eccles who will also have to meet the Council’s applicable housing allocation criteria for Affordable Housing”.

- 1.2.2 This paper seeks to clarify our priorities for using an LLP:

- Local connection giving additional priority
- An aim for 50% of lettings to be to economically active households.

Areas used for local connection have been informed by discussions with the planning policy team, they are housing sub-market areas as follows:

Tonbridge	<ul style="list-style-type: none"> • Trench • Castle • Vauxhall • Medway 	<ul style="list-style-type: none"> • Cage Green • Higham • Judd
Rural East	<ul style="list-style-type: none"> • Hadlow and East Peckham • Wateringbury 	<ul style="list-style-type: none"> • Downs and Mereworth
Rural West	<ul style="list-style-type: none"> • Hildenborough • Wrotham Ightham and Stansted 	<ul style="list-style-type: none"> • Borough Green and Long Mill
Malling & Kings Hill	<ul style="list-style-type: none"> • West Malling and Leybourne 	<ul style="list-style-type: none"> • Kings Hill
Medway Gap	<ul style="list-style-type: none"> • East Malling • Larkfield South • Aylesford South 	<ul style="list-style-type: none"> • Larkfield North • Ditton
Rural North	<ul style="list-style-type: none"> • Burham and Wouldham 	<ul style="list-style-type: none"> • Aylesford North and Walderslade

Snodland	<ul style="list-style-type: none"> • Snodland West and Holborough Lakes • Snodland East and Ham Hill.
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The housing area in which the development is located will be used unless the scale of the development requires an alternative.

- 1.2.3 The preferred approach is to require LLPs as part of planning conditions for all new developments which include affordable housing, to provide an opportunity to respond to any local priorities, issues or specific needs. There may be circumstances where this is not appropriate, this will be agreed between the Planning case officer and Housing Strategy and Enabling Manager.
- 1.2.4 Any LLP format or other aims a Registered Provider (or other manager of the affordable housing provision) wishes to include in an LLP will be considered on a case by case basis.
- 1.2.5 The TMBC [Housing Allocation Scheme](#) refers to local lettings policies in 4.8 and 6.2, setting out they may be used to make affordable housing available to a wider range and variety of households, rather than concentrations of those with particular support needs, to contribute towards establishing balanced sustainable communities.

1.3 Peters Village

- 1.3.1 The housing development at Peters Village gives an example of using a LLP for the allocation of homes delivered in semi-rural area adjacent to the existing villages of Burham, Wouldham and Eccles and where there are several Registered Provider landlords for the affordable homes delivered across the development.
- 1.3.2 The latest affordable homes for rent were let in July 2019. LLPs were agreed with Hyde and Moat to include priority for households with a local connection on a cascade basis and with an aim of 50% of lettings to be to economically active households. The LLPs resulted in lettings with a balance of households in employment and the majority had a local connection to the neighbouring villages of Burham, Wouldham or Eccles, or to Snodland. Most households nominated from the shortlist were in Band B of the housing register (28 of the households nominated from the shortlist), but a few households in lower bands were successful due to their local connection; two households in Band D and one in Band C.
- 1.3.3 The LLPs achieved a balance of nominated households having a high banding on the housing register while also giving priority to those with local connections to the area. The experience of processing multiple shortlists for the new homes at Peters Village, applying the LLP, shows they can be a useful tool to give priority to local households, although they are time consuming and it is important they are as clear as possible to aid staff implementing them.

1.3.4 Moving forwards it is proposed to have a one level of local connection giving priority, established for each development, in line with the sub-market housing areas agreed with planning (as detailed in paragraph 1.2.2). Verification of the information given by households is important too, e.g. utilising council tax records to check residency information for a local connection.

1.4 Pro-forma Local Lettings Policy

- 1.4.1 **Annex 1** gives a draft pro-forma Local Lettings Policy. This shows key sections and considerations, but the content will vary between each LLP depending the local issues and priorities each one seeks to address.
- 1.4.2 It is proposed that a pro-forma LLP is adopted for use for all new housing developments in the Borough as a tool to respond to any local issues and priorities in partnership with Registered Providers.

1.5 Legal Implications

- 1.5.1 Section 166A(6)(b) of the 1996 Act enables the allocation of particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of Section 166A(3) (to give overall priority to people in the reasonable preference categories). This gives the statutory basis for local lettings policies.

1.6 Financial and Value for Money Considerations

- 1.6.1 There are no financial of value for money risks associated with this paper.
- 1.6.2 The approach has a resource implication in the form of staff time carrying out the relevant checks and co-ordinating the prioritisation of shortlists. This can be quite involved for large new developments when a number of units complete at a similar time. This implication will be managed through existing resources. This consideration will be mitigated by a schedule of completions and early discussion between Housing Strategy, Housing Options and Registered Providers to agree timescales as well as the use of the pro-forma LLP.

1.7 Risk Assessment

- 1.7.1 Having an agreed approach and pro-forma LLP will help us deliver a consistent approach to LLPs across the delivery of affordable housing.

1.8 Equality Impact Assessment

- 1.8.1 An Equality Impact Assessment will need to be completed for each LLP, to consider any potential impact on particular groups.
- 1.8.2 It is important to consider any equality implications of a Local Lettings Policy. These will vary on the objectives of the LLP. For example, giving priority to local

people may exclude some groups, such as newly arrived migrants or those without an established local connection to any specific area of the Borough. Proposed LLP's will need to be thought through to consider the outcomes, and address any potential negative impacts, followed by monitoring of the outcomes.

1.9 Policy Considerations

1.9.1 The Housing Allocation Scheme is being reviewed this year, reference to the use of LLPs will need to be included in the updated policy.

1.10 Recommendations

1.10.1 The current approach to using Local Lettings Policies is **NOTED**, and the priorities for using LLPs as follows are **AGREED**:

- Local connection to the area in which the development is located using housing sub-market areas.
- An aim for 50% of lettings to be to economically active households.

1.10.2 The pro-forma Local Lettings Policy in **Annex 1** is **APPROVED**.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers: contact: Gillian Aylett

Nil

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