

TITLE OF REPORT - Keeping Communities Together: Updated Local Lettings Policies For Woodberry Down Non Key Decision No - NH Q79	
CABINET MEETING DATE (2020/21) 14 March 2022	CLASSIFICATION: Open
WARD(S) AFFECTED Woodberry Down	
CABINET MEMBER Philip Glanville, Mayor of Hackney Councillor Sade Etti, Mayoral Advisor Homelessness, Housing Needs and Rough Sleeping	
KEY DECISION No	
GROUP DIRECTOR Ajman Ali, Group Director for Neighbourhoods and Housing	

1. CABINET MEMBER'S INTRODUCTION

- 1.1. Council housing is at the heart of Hackney, providing a safe, stable and genuinely affordable place to live for more than 20,000 families and helping to keep the borough a place for everyone despite huge challenges and changes in recent years. As demand for housing has grown and house prices and private rents have increased, Council homes are more important than ever.
- 1.2. That's why Hackney is building. Since 2011, our pioneering, not-for-profit house building approach has directly delivered more than 1,000 new homes in Hackney. More than half the homes we build are for social rent, shared ownership and Hackney Living Rent, and the rest are sold outright to help pay for them in the absence of sufficient government funding. This is so that as many people as possible who need one can enjoy a new Council home - a model now followed by other councils across London and the UK.
- 1.3. While we'll continue to build homes ourselves where we can, it's vital that we use every option available to get more social housing built for our residents – and our unique partnership at Woodberry Down is doing just that. It started at a time when Councils were unable to build our own homes nor could they invest in modernising all their estates. At Woodberry Down, since 2009, with our partners we've built over 2,000 new homes, of which so far 533 are for social rent and 281 shared ownership, alongside a new secondary school, community facilities, new parks, youth hub and the reopening of the stunning Woodberry Wetlands. The phase currently on site will deliver 117 much needed social rented homes, including options for all council tenants currently living in Phase 4.
- 1.4. Crucially, this is all done together in a close partnership with residents through the Woodberry Down Community Organisation (WDCO), and our partners Berkeley Homes and Notting Hill Genesis, alongside social economic regeneration with partners like Manor House Development Trust and now Hackney Cooperative Developments. From the start this project has been co-produced, shaped and steered by local residents working across this close partnership, firmly focused on building the new social rented homes they have long been promised.
- 1.5. The same is true of the policies that govern the regeneration, including the original 'Local Lettings Policy for Estates Approved for a Regeneration Programme' was approved by Cabinet in November 2011 and The Woodberry Down Secure Tenants' Offer Document (November 2014). Through these policies the Council has worked hard through every phase to keep the community intact at Woodberry Down, ensuring a clear right to return, minimising the number of decants and off estate moves, and firmly offering every secure tenant and resident leaseholder a new home on the new estate.
- 1.6. The regeneration of Woodberry Down is well underway - construction of Phase 3 of the redevelopment commenced in Autumn 2021, and detailed

designs are currently being prepared for Phase 4, with the 'Woodberry Down Phase 4 - Proposed Serving Of Demolition Notices, Suspension Of Right To Buy And CPO Preparatory Work' being approved by Cabinet only last month. Combined with this report and the updates to policy we are refreshing the principles and policies that shape the regeneration at Woodberry Down and ensuring they incorporate changing circumstances and needs on the estate and are fit for purpose.

- 1.7. We know that building new homes, and especially complex long term estate regeneration, can cause huge disruption and we believe it's only fair that local people should always be the first to benefit from the new developments. The updated Local Lettings Policy for Woodberry Down, alongside other policies, will ensure we always put local people first in our new developments, whether it's guaranteeing the right to return for any affected residents, giving first preference for new social rented homes to local neighbours in housing need, or putting Hackney residents ahead of others when marketing homes for sale. Every new home that Hackney is building with our partners at Woodberry Down is an opportunity for a local family to have safety, security and long-term roots in the borough, keeping it a place for everyone.
- 1.8. Our partnership at Woodberry Down is already transforming the lives of residents who live there, providing modern, high-quality social housing for families who need it most. This report seeks to update the promises and commitments on lettings we made to existing tenants and residents and support the next stages of this journey and I recommend this paper to Cabinet.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1. Our successful, award-winning estate regeneration programme is helping transform unmodernised estates into new thriving, mixed tenure communities, with high standards of design and community facilities. We are building thousands of new homes, over half of which will be for social rent, shared ownership and Hackney Living Rent.
- 2.2. We fully recognise, however, that our regeneration plans cause major disruption for existing tenants who have to move out of their homes in order for redevelopment to take place. The local lettings policy for Woodberry Down helps address this by enshrining existing tenants' right to return to the new homes on the estate and giving opportunities to their adult children to move to a home of their own that meets their needs.
- 2.3. We know from consultation with Hackney residents that many feel that economic and housing growth in the borough is not benefiting them or their families and that they are being left behind. A key aim of our Corporate Plan is keeping Hackney as a place for everyone. Similarly, our Community Strategy, which sets the direction for the Council's other local plans and strategies, aims to make Hackney a fairer, safer and more sustainable place for everyone, and to protect Hackney's open, inclusive community spirit for future generations.

As part of this, the Council wishes to ensure that the whole community can benefit from housing and economic growth.

- 2.4. The local lettings policy for Woodberry Down is an essential way of ensuring that local tenants and their children can benefit from the regeneration that is taking place on their estate and in their communities. It helps keep communities together, so that Hackney's residents and future generations can continue to live in the borough and that existing family and friendship networks can thrive.

3. RECOMMENDATION(S)

3.1. That the Cabinet approve:

The Local Lettings Policy for Woodberry Down, attached as Appendix 1, which includes the following policy changes:

- **that adult children (over 18) of tenants in future phases of a regeneration scheme are offered the opportunity to move to a home of their own that meets their needs ('split household moves'), and that a quota of moves is agreed annually for this purpose.**
- **In the final phase of the Woodberry Down regeneration programme or in a future phase built after all those eligible to be decanted or have a Right to Return have been housed, then split households who have already moved off the estate will be offered the Right to Return.**
- **Tenants with the Right to Return who have been decanted or who are in the current phase of regeneration will be able to give up to three preferences for the new properties on the estate they would like to be offered, subject to availability and the other rules set out in the Local Lettings Policy.**

4. REASONS FOR DECISION

- 4.1. The existing 'Local Lettings Policy for Estates Approved for a Regeneration Programme' was approved by Cabinet in November 2011 and is still in force. One of the key priorities of the Council is to complete the regeneration of these housing estates in the borough and this document sets out the rehousing policies that apply to council tenants who have to move from their homes to enable demolition or refurbishment as part of an estate regeneration scheme.
- 4.2. The LLP for Woodberry Down is an update of the existing LLP to reflect current practice on this estate, in order to avoid possible confusion and misinterpretation. It has been drafted in a way that gives greater clarity, which should be more helpful to tenants and their advisers, Council officers, and Members.

- 4.3. In most cases, the updates are simply changes in wording, intended to clarify matters or to set out current practice in as clear a way as possible. However, a small number of policy changes have been made in the policy document for Woodberry Down, and these are listed in the recommendations to this report. In particular, the policy changes are intended to give the adult children of tenants who will be decanted in the course of these regeneration schemes additional opportunities to move to a home of their own (known as 'split household' moves). This reflects the length of time it will take to complete the regeneration, which began when many of these children were younger and would have been expected to remain in single family households, but now they are more likely to be young adults starting families of their own.
- 4.4. The existing LLP and the LLPs for Woodberry Down reflect the historical policy commitments that have been made to the residents so policy differences already exist between the LLP and the main Hackney Lettings Policy.
- 4.5. Under legislation governing the allocation of housing accommodation, the Council may choose to approve local lettings policies, as part of a wider regeneration strategy, provided that such policies do not dominate the overall allocations scheme (i.e. the Council's main Lettings Policy). Further details are provided in Section 9 of this report.
- 4.6. There are no direct financial implications of introducing the recommendations of this report. However, if more adult children are given the opportunity to move to their own home, this could put further pressure on the number of social housing lettings available to applicants on the Housing Register. This, in turn, could have implications for the additional provision / cost of temporary accommodation required for homeless households. To limit the potentially high demand for split household moves, it is proposed that there will be an annual quota of moves available to the adult children of tenants in future phases of the regeneration scheme, the size of which will be agreed annually.
- 4.7. An Equalities Impact Assessment of the proposed policy changes has been carried out. The full EqIA is attached as Appendix 2 and summarised in section 6.4.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5.1. Alternative options include:

1. No change. Continue to apply the existing policies on the Woodberry Down estate. If the Local Lettings Policy for Woodberry Down is not agreed by the Cabinet, the existing policies would continue to be in force on this estate. However, the updated Local Lettings Policy for Woodberry Down is written more clearly and better reflects current practice and commitments made to tenants on this estate.

2. Remove the current local lettings policies and apply the main Hackney Lettings Policy to tenants being decanted from the Woodberry Down estate. This action would not recognise that tenants' homes in many cases are being demolished, tenants are being moved from their homes and that they are facing significant life-changing disruption that may last a number of years. Support for the regeneration programme would fall. This option would not achieve the aim of keeping communities together during the important regeneration of this estate nor recognise the demographic shift in recent years.

6. BACKGROUND

- 6.1. Under legislation governing the allocation of housing accommodation, the Council may choose to approve local lettings policies, as part of a wider regeneration strategy, provided that such policies do not dominate the overall allocations scheme (i.e. the main Hackney Lettings Policy).
- 6.2. The existing Local Lettings Policy for tenants being decanted from regeneration estates was agreed by Cabinet on 21 November 2011. Subsequent to this report, commitments were made to tenants on Woodberry Down estate, which meant that slightly different policies apply to Woodberry Down estate, a scheme being delivered by Berkeley Homes and Notting Hill Genesis in partnership with the Council. The commitments to tenants at Woodberry Down were made in The Woodberry Down Secure Tenants' Offer Document (November 2014).

6.3. Policy Context

As set out in the Corporate Plan 2018-22, keeping Hackney as a place for everyone is our shared vision for the Council. The Community Strategy 2018-2028 sets the direction for the Council's other local plans and strategies, and aims to make Hackney a fairer, safer and more sustainable place for everyone, and to protect Hackney's open, inclusive community spirit for future generations. As part of this, the Council wishes to ensure that the whole community can benefit from housing and economic growth.

The Local Lettings Policy for Woodberry Down is a key way of ensuring that tenants and their children can benefit from the regeneration that is taking place on their estate and in their communities. They help keep communities together, so that residents and future generations can continue to live in the borough and that family and friendship networks can thrive.

The Community Strategy was informed by Hackney's year-long consultation with residents in 2015/16 - 'Hackney: a place for everyone'. Some of the key findings were that, because of housing affordability and the wider housing crisis, residents surveyed who had children were worried that their children will not be able to afford to live in Hackney when they are older. There were

people who felt increasingly excluded and left behind by the regeneration that is taking place in the borough. Some of our long-standing communities feel they are unable to access the new homes, jobs and other opportunities that have resulted from Hackney’s housing and economic growth and regeneration.

The Local Lettings Policy for Woodberry Down will contribute to helping keep communities together within the borough and, in combination with other policies, help them to benefit from the regeneration and economic growth taking place.

The following table shows the policy changes that are being recommended to Cabinet in this report:

	LLP for Woodberry Down
Split household moves for adult children	<p>Compared to the LLP 2011, the LLP for Woodberry Down (2022) makes minor changes and clarifies the criteria for moving adult children and extend split household moves to ‘out of phase’ adult children:</p> <p>If there are adult children over 18 who have lived continuously in the home for 10 years or longer, <i>in any phase of the regeneration scheme</i>, they will be offered the opportunity to move to a home of their own that meets their housing needs. (Note: the proposed change is highlighted in italics). (2.5.1 and 2.5.2 LLP for Woodberry Down)</p> <p>In the final phase of a regeneration scheme, after all those eligible to return have been housed, then split households who have already moved off of the estate will be offered the Right to Return. Priority will be given in line with the provisions of the main Hackney Lettings Policy. (4.1.1 v LLP for Woodberry Down)</p>
Choice	<p>Compared to the LLP 2011, the LLP for Woodberry Down (2022) introduces a section on “Choice” (5. LLP for Woodberry Down):</p> <p>Tenants with the Right to Return who have been decanted or who are in the current phase of regeneration will be able to give their preference for the new property that they would like to be offered, by naming up to three addresses in order of preference, subject to the other rules set out in the policy document. (5.1 LLP for Woodberry Down)</p> <p>Wherever possible, the Council will seek to meet a tenant’s preferences, though this is not guaranteed and is dependent on the properties available for letting, and the priorities for allocating new homes (as set out in section 4.1 of the updated LLP document) (5.2 LLP for Woodberry Down)</p>

For clarity, differences exist between the Local Lettings Policy and the main Hackney lettings policy:

	Hackney Lettings Policy	LLPs for Woodberry Down
Adult children	The Hackney Lettings Policy does not include 'split household' move	If there are adult children over 18 who have lived continuously in the home for 10 years or longer, they will be offered the opportunity to move to a home of their own that meets their housing needs. This is known as a 'split household' move. One direct offer will be made to a property on the estate, subject to availability.
Bedroom standard	Children and young people of the same sex are expected to share a bedroom until the oldest is 21. Children and young people of different sexes are expected to share a bedroom until the oldest is 10.	Each child under 18 will be allocated a separate bedroom.
Under-occupying	Appendix 1 'Under-occupation scheme': "The tenant must downsize to their assessed room need [...]" Tenant will not be accepted onto the scheme if they required a spare room and they have not been medically assessed as needing an extra bedroom"	The Council's policy on under-occupation is set out in the Hackney Lettings Policy. People over 55 who are under-occupying - Where there are older tenants (a single person who is over 55 or, in the case of couples, where one of the tenants is over 55) living in a home with two or more bedrooms and they have requested a two-bedroom home but their assessed need is for a one bedroom, their request will be accepted (subject to the exceptions set out in the LLP).

6.4. Equality Impact Assessment

Local authorities need to ensure that their allocation schemes are compliant with the full range of duties under the equality legislation, such as elimination of unlawful discrimination, the promotion of equality of opportunity and good relations. Any alterations to the allocation scheme and policies must therefore be subject to an equality impact assessment.

Although the existing Local Lettings Policy and the Local Lettings Policy for Woodberry Down do result in differential treatment between those in similar situations, prioritising existing tenants for new accommodation does not act as a bar to those on the housing register or from outside of the area accessing

housing. This is because of the 'churn' effect, which means that every time a tenant with a right to return moves into a newly built social rented home on a regeneration estate, an existing social home is freed up which would be allocated in accordance with the general provisions of the Hackney lettings policy.

There is, however, an exception to the above, i.e. split household moves for adult children, which will result in a net loss of lettings available to applicants on the housing register. However, to limit demand for these moves, it is recommended that the Council sets an annual quota of such moves. Under these circumstances, the number of lettings each year to adult children of tenants in future phases of a regeneration scheme would be limited by an annual quota of lettings.

A full Equality Impact Assessment (EqIA) of policy changes to the LLP, for Woodberry Down, is attached as Appendix 2 to this report. The EqIA concluded that the main groups that would be affected by the policy change are: tenants, in particular 'out of phase' adult children over 18 who have lived continuously in the home for 10 years or longer; and applicants on the Housing Register with a significant need for housing.

To assess the impact of the policy change within the LLP for Woodberry Down, the protected characteristics of applicants on the housing register are compared to the protected characteristics of tenants on the estate (phases 4-8) and their children, where data available.

Overall, there are some similarities in the demographic profile of Woodberry Down estate tenants and Housing Register applicants with a significant need for housing, though the tenants on the Woodberry Down estate tend to be older than Housing Register applicants and a considerable number reported a health condition. The EqIA describes the positive impacts that could result from the introduction of the policy, particularly on community cohesion and social inclusion of existing residents on the estate.

The EqIA also describes potential negative impacts in terms of additional time spent by applicants on the housing register, additional costs for the Council to provide additional temporary accommodation, and delaying access to social housing of groups traditionally less represented in social housing and regeneration estates. Finally, the EqIAs also describes the actions that can be taken to mitigate the negative impacts, such as limiting the number of 'out of phase' split household moves and monitoring protected characteristics.

Lettings Data

	2018/2019	2019/2020
LBH Lettings	640	409
WD LLP Lets	23	24
Regen lets as %	3.5	5.9

Comparative lettings data for the period 2018 - 2020 is set out in the above table. Across these two years, a total of 47 lets were made through the existing Woodberry Down LLP - 23 in 2018/19 and 24 in 2019/20. With the LBH Lettings Policy at 640 and 409 lets for the same period, the simple percentage impact from the regeneration programme comes in at 3.5% and 5.9% respectively.

The impact does need to be treated with caution in that it only represents a figure for the Woodberry Down lets. The wider regeneration programme will need to be factored in to provide the full context. Unfortunately lettings data is not currently available in order to assess the impact (or not) of the wider regeneration programme. Officers will undertake research and analysis of lettings policy data but any findings will not be available until late 2022.

6.5. Sustainability

There would be no new impacts on the physical environment from proceeding with the recommendations of this report. The local lettings policy for Woodberry Down Estate would have a positive impact on social sustainability by helping keep communities together ensuring that, through regeneration, the borough maintains its diverse communities.

6.6. Consultations

The Council may suspend, vary or withdraw the Local Lettings Policy for Woodberry Down at any time. There is no requirement for statutory consultation in relation to updating or adding to Local Lettings Policies. Through the process of developing the LLPs, however, officers have engaged with:

- officers from relevant council services,

- groups representing residents of Woodberry Down,
- Lead members and ward councillors.

The responses of these groups have been taken into account in finalising the LLP for Woodberry Down for consideration by the Cabinet.

Once the LLP is in place, its impact will be monitored recording the key characteristics of each letting (e.g. priority band, case type, ethnicity) and ongoing engagement will take place with tenants.

6.7. Risk Assessment

In the last few years, demand for social housing has been rising rapidly while supply has been decreasing. Only 409 lets were made available in council and housing association homes in 2019/20 in the borough, compared with 1,229 in 2016/17 and 1,638 in 2010/11. In this context of decreasing availability of lets, there is a risk that high demand for the extended policy of split household moves for adult children in future phases of regeneration schemes could have a significant impact on rehousing opportunities for applicants on the Council's housing register. This, in turn, could have implications for the additional provision/cost of temporary accommodation required for homeless households.

Exact records are not currently available because of a cyberattack but the officers' knowledge indicates that just under 50 split household moves took place in Woodberry Down over the last 12 years. To limit the potentially high demand for split household moves, it is proposed that there would be an annual quota of moves available to the adult children of tenants in future phases of the regeneration schemes, the size of which would be agreed annually.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1. There are no direct financial implications of this report, particularly to the Housing Revenue Account and the letting of properties. However, with a significant demand for affordable housing in the borough, the continuing increase of families in temporary accommodation and extended waiting times for those in highest need, the recommendation to prioritise split households on regeneration estates will only increase these pressures, demands and waiting times.
- 7.2. It should be noted that the social housing that is provided in the regeneration programme only replaces that which has been demolished and therefore any split households may reduce the availability of existing stock to be offered to the 8,000+ on the housing waiting list. This then increases the length of time and cost of the provision of temporary accommodation.

8. VAT Implications on Land & Property Transactions

Not applicable.

9. COMMENTS OF THE DIRECTOR, LEGAL & GOVERNANCE SERVICES

- 9.1. Section 166A(1) of the Housing Act 1996 provides that, in England, local housing authorities must have an "allocation scheme" for determining priorities in allocating housing accommodation. Section 166A(6)(b) of the 1996 Act enables housing authorities to allocate 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 s.166A(3). This is the statutory basis for 'local lettings policies' which may be used to achieve a wide variety of housing management and policy objectives.
- 9.2. A local letting scheme is permitted by both the primary legislation contained in Part 6 of the Housing Act 1996 and the Code of Guidance published under it. Where such a scheme applies it is permissible for the local authority to earmark properties and/or deviate from the provisions of the borough-wide lettings policy strictly for the purposes of the local scheme. The local scheme must, however, be foreshadowed in the borough-wide lettings policy and it must not be permitted to dominate the allocation process. Furthermore, the local scheme must not be discriminatory on equality grounds; it must be monitored regularly; its terms must be published and made available to applicants and it must be revoked once its aims have been achieved.
- 9.3. The proposed adjustments to the Hackney Local Lettings Scheme will not require amendments to the Lettings Policy. The Local Lettings Policy must comply with Part 6 of the Housing Act 1996 which sets out the criteria for a Lettings Policy. The proposed adjustments do not appear to conflict with Part 6.
- 9.4. There are no additional legal implications of concern with the proposed Local Lettings Policy, as the proposals are in line with our published Lettings Policy 2021.
- 9.5. In line with the Council's Corporate plan, Hackney has engaged with the tenants affected by the updated Regeneration Local Lettings Policy. There are no legal implications arising from the proposed changes and there is a provision that the Council may suspend/revise/change the local lettings policy in the future, which Hackney Council is legally entitled to do subject to the usual legal process consultation with Stakeholders.

APPENDICES

Appendix 1 - Local Lettings Policy for Woodberry Down

Appendix 2 - Equality Impact Assessment - Woodberry Down

EXEMPT

Not applicable.

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

Description of document (or None)

None.

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