

MENDIP DISTRICT COUNCIL

RURAL LETTINGS POLICY

November 2015

The Post holders referred to in this document may have changed job titles following the Council's management restructure approved by Full Council on 10 July 2016.

If clarity is required regarding the Post Holder discharging any functions under this Policy please liaise with one of the Group Managers listed below:

Sara Skirton	-	Group Manager, Corporate Services
David Clark	-	Interim Manager, Law and Governance
Stuart Finney	-	Group Manager, Neighbourhood Services
Claire Malcolmson	-	Group Manager, Community Health Services
Ian Bowen	-	Group Manager, Planning and Growth Services
Jai Vick	-	Group Manager, Housing Services

AIMS & OBJECTIVES

This policy covers all rural social rented housing properties which are not subject to a Section 106 planning agreement restrictions (*Section 106 agreements give preference to people with a connection to a particular village / parish only when letting / re-letting such properties*).

The aim of the Rural Lettings Policy (RLP) is to enable people to remain or return to a locality where they have a local connection. The local connection eligibility criteria is defined later in this document.

Cabinet approval to develop this policy was granted at a meeting held on 7th March 2011. From this, a group consisting of key officers from the Council and six Councillors was formed to develop a draft policy. The policy was then submitted for public consultation between 20th April 2012 and 1st June 2012, with responses being considered in the final policy. The final draft of this policy was agreed at Cabinet on 6th August 2012.

The policy was reviewed in August 2015 and has been adopted without amendment by Cabinet in January 2016.

HOMEFINDER SOMERSET CHOICE BASED LETTINGS POLICY

The Homefinder Somerset Choice Based Lettings scheme is the means by which the majority of social rented housing in the Mendip area is allocated.

The Homefinder Policy (at section 22.4 Local Connection) refers specifically to restricting applicants' eligibility to apply for specific properties unless they have a local connection to that particular area.

The way in which the Registered Provider (RP) (usually either a Housing Association or Council) labels their vacant properties at the public advertisement stage is agreed mutually between the Registered Provider and the Local Authority. This has been done through the Rural Lettings Policy.

This Rural Lettings Policy clearly sets out the circumstances in which restrictive criteria (known as labelling) will be applied to vacant property adverts in rural areas of Mendip where properties are not subject to obligations under s106 Town & Country Planning Act 1990 ("Section 106"). This policy is designed to further compliment the Homefinder Somerset Policy. The decision to label properties and apply the Rural Lettings Policy will be made by the individual Registered Provider.

PLANNING POLICY & SECTION 106 AGREEMENTS

Since 1990 in rural areas planning obligations are generally applied to new affordable housing developments to ensure that the homes provided remain

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available and affordable to local people. Section 106 agreements are legal agreements between the landowner, the Council and the Housing Association who manage social housing stock in rural areas. They include obligations within the lettings criteria for such accommodation of which clients would need to fulfil a local connection to the area in which the houses are built. Under the Homefinder Choice Based Lettings scheme, applicants can bid (express an interest) for available properties. However, on some housing development sites (due to the Section 106 agreement), applicants with similar levels of need for a particular property or type of property are also assessed according to the strength of their local connection (as defined in the Section 106 agreement). Those with the strongest connection who have the greatest need are given priority for consideration for the vacant property.

This Rural Lettings Policy does **not** replace any Section 106 agreements on new or existing properties. Properties which were developed with specific Section 106 agreements in place are allocated in accordance with these agreements. Therefore this policy does not override any property being advertised through Homefinder Somerset that has a Section 106 in place. Any such properties will be clearly labelled on the property advert stating they are let under Section 106 conditions.

Given the above it is unlikely that any property built pre-1990 will have a Section 106 agreement in place and thus this policy sets out to clearly define how those rural properties will be allocated in the future.

METHODOLOGY

Data collected to decide what methodology should be used is based on parish level data set in line with Homefinder Somerset Housing Register and the National Register of Social Housing. Data on housing need and stock level is not available at village level.

The five methodology approaches we considered adopting which were available to us in 2012 and continue to be available to us at November 2015 are:

1. Based on stock level per parish (a figure is set and stock levels under this qualify the parish for Rural Lettings Policy)
2. Based on demand per parish (a figure is set and demand over this qualifies the parish for Rural Lettings Policy)
3. Based on demand as a percentage of stock levels (a figure is set and demand over this qualifies the parish for Rural Lettings Policy)
4. Based on net stock levels (Total stock less Section 106 properties built post 2003) per parish
5. Based on average turnover per parish

In deciding the best option we must however consider the future resources needed to review the policy. Our initial Rural Lettings Policy dated August 2012 and our current approach discounts options 2, 3, 4 and 5 as they will require the Local Authority to continually review demand and / or stock levels, and turnover which will be too resource intensive. The Housing Need Surveys are not commissioned annually and therefore data used over time would

become out of date. This would mean in order to review demand annually we would need to commission additional Housing Needs Surveys – something the Local Authority could not justify resourcing for this policy.

Average turnover data is not an accurate indicator on which to base or devise a policy. For example, new build developments in the parish can skew the figures. However, more importantly this gives limited information on the availability of stock in each parish and would need to be refreshed regularly and thus is resource intensive. For these reasons option 5 has been discounted.

When considering option 4 – net stock levels – the only available data was from Section 106 properties built post 2003, therefore the data source is unreliable and cannot be used for the purposes of the framework for the operation of this policy. For this reason option 4 has been discounted.

Data contained within a housing application form (one data source we could have considered to extract housing need information from) around areas of choice is not mandatory and is unreliable. The local connection choices an applicant may make within their Homefinder housing application are not mandatory questions and thus applicants may choose to not complete this section or partially complete the section. In addition when applicants do complete this section of the application form the data is not verified by the Local Authority at that stage (only verified at point of offer by the Registered Providers) therefore it is possible applicants could assume they have a connection to a particular parish, but in reality do not. This data is therefore unreliable and open to the applicants' interpretation and thus could not be used in our methodology. There is no accurate means of quantifying demand on a parish basis at present so options 2 & 3 have been discounted.

We have made the decision to continue to base our methodology on the levels of stock in each parish on option one above.

There are 51 parishes in the Mendip area with 6406 (*as at 22/3/11 National Register of Social Housing data*) social housing properties within the district (this excludes low cost home ownership / shared ownership properties). It is important to note the National Register of Social Housing data is potentially not 100% reliable. The National Register of Social Housing was a government led initiative to collate housing supply data across each district. However it was not compulsory for Registered Providers to complete and some smaller Registered Providers abstained. The National Register of Social Housing was abolished as part of the Comprehensive Spending Review in May 2011 and there is currently no alternative way of collecting this data. It is therefore the best source of information available and is accurate enough for the purpose of developing this policy.

The Housing Act 1996 (as amended by the Homelessness Act 2002) requires that all Local Authorities have a written policy that determines the priorities and procedures to be followed when letting social rented housing. Reasonable preference must be given to defined groups as per section 167 (2) of the 1996 Act and accordingly no policy can disregard this.

Section 167 (2E) of the 1996 Act enables Local Authorities to let properties to people of a particular description where there is a clear need for this approach. Given the lack of affordable housing in some parts of this rural district the Council wishes to clearly define under what circumstances restrictions would apply. The Rural Lettings Policy identifies those parishes where the Rural Lettings Policy will apply for any future available social rented housing vacancies within the district (excluding new builds or those subject to Section 106 agreements).

Of the 54 parishes (excluding the 5 main market towns) the average stock level per parish is 26 units of social housing (total of 1430 units across the 54 parishes).

It is appropriate to consider that a threshold for this policy based on stock levels is applied rather than applying the policy to ALL parishes in the district (which would not be appropriate because availability of stock in parishes with higher stock levels creates good opportunities for local people to secure social housing as opposed to areas where limited stock is available, which significantly reduces local people's opportunities to secure social housing). An appropriate threshold in which stock contained within the parish has the policy applied to it is for any parish with less than 26 social housing rental stock (that is any parish which has less than the average parish stock levels).

The Rural Lettings Policy will therefore be applied to a total of 32 parishes of which 7 have no stock within them. The remaining 25 parishes that this policy applies to are listed below under the section "areas covered by the policy". These 25 parishes hold a total of 171 social housing stock (of which some are likely to already be subject to Section 106 agreements).

The parishes not included as part of this policy have been discounted due to the numbers of social rented housing units available in the parish – that is those with more than 26 social housing stock.

During the development of this policy in 2012, we concluded that turnover of stock could not be considered due to the further complexities it would create. Considering turnover would create increased workload. In addition it was felt that reviews of the policy would need to be more frequent to take into account annual turnover and as such it was felt the Council does not have the resources to administer this. Stock levels can change. Every time a void (empty property) becomes available the Council would have to check stock levels in the relevant parish. This is a resource the Council does not have. In addition we need to be mindful of the timescales required via Homefinder in respect of re-letting empty properties.

In determining this we must be mindful of our obligations to ensure that any Choice Based Lettings scheme is transparent and open to scrutiny, whilst ensuring the Council meets its legal obligations in terms of giving reasonable preference to defined groups.

AREAS COVERED BY THE POLICY

Parish	Number of Social Housing stock as at 1 November 2015
Batcombe	9
Berkley	1
Buckland Dinham	4
Butleigh	10 (includes 8 additional units since 2012)
Croscombe	14
Doultong	15
East Pennard	1
Emborough	7
Godney	4
Great Elm	2
Leigh on Mendip	18
Litton	2
Lydford on Fosse	5
North Wootton	5
Norton St Phillip	13
Priddy	4
Pylle	3
Ston Easton	6
Tellisford	1
Trudoxhill	2
Walton	22
Wanstrow	8
West Pennard	6
Whatley	4
Witham Friary	5

This table does not contain all parishes. The parishes not included have 26 or more social rented properties in their parish.

DEFINING LOCAL CONNECTION

The eligibility criteria for an applicant to satisfy Local Connection in order to be considered for properties covered by this policy is set out clearly within the Homefinder Somerset Policy (see section 22.4). Partner Registered Providers have mutually agreed that these criteria will be the means by which they determine priorities for any future vacancies covered by this policy.

Applicants must have a Local Connection to the Parish in which the property is located.

As such there is no requirement for a separate policy in relation to determining an applicant's Local Connection eligibility for future vacant properties allocated via this Rural Lettings Policy.

ADVERTISING AND RELETTING

All properties owned by Homefinder Somerset partner Registered Providers advertise all their vacancies via Homefinder Somerset. Any property which becomes vacant and is subsequently advertised which qualifies for re-letting under the Rural Lettings Policy will be labelled as such to clearly identify this to prospective residents.

It remains the responsibility of the Registered Provider to notify the Local Authority that such labelling is being placed on their adverts. This is monitored by the Local Authority. The Registered Provider reserves the right to NOT label any properties which otherwise would fall under the remit this policy for any reason.

Once a shortlist of applicants has been created, it remains the responsibility of the Registered Provider to verify a client's local connection to the parish and their eligibility to be allocated the property.

Whilst the strongest local connection takes precedence the applicant must have a need for the property (in terms of size and type) as defined by Homefinder Somerset's policy. For example a single person with the strongest local connection to the parish but has a one bedroom need, would not be considered for a 3 bedroom property. **The successful applicant would be the household who had the strongest local connection and the highest need for the property.**

In the circumstances where there are no applicants with a proven local connection under this Rural Lettings Policy for a vacancy, the Registered Provider reserves the right to re-advertise or let the property to any other applicant – but this must be done in line with the Homefinder Somerset Policy.

SHARED OWNERSHIP & LOW COST HOMEOWNERSHIP

At the time of writing, these properties are not dealt with via Homefinder Somerset and accordingly will not be subject to the Rural Lettings Policy.

MONITORING OF THE POLICY

Homefinder Somerset is monitored via the Countywide Homefinder Somerset Monitoring Board. Any impact this policy has on trends will be monitored where appropriate by this board.

REVIEW

The current version of this policy was adopted following a review completed in November 2015 and approved by Cabinet in January 2016. The review concluded that the policy principles were not required to be amended.

