

## Notice of KEY Executive Decision (Special Urgency)

<b>Subject Heading:</b>	<b>Suspension of the Housing Choice and Application Lettings Policy</b>
<b>Cabinet Member:</b>	<b>Joshua Chapman, Lead Member for Housing</b>
<b>SLT Lead:</b>	<b>Patrick Odling-Smee, Director of Housing</b>
<b>Report Author and contact details:</b>	<b>Darren Alexander, Assistant Director, 01708433751</b>
<b>Policy context:</b>	<p>COVID 19</p> <p>LBH has a legislative responsibility under Part 6 of the Housing Act 1996 which regulates the allocation of social rented housing by local authorities.</p>
<b>Financial summary:</b>	<p><b>Financial impact:</b></p> <p>Cost of running void properties over a protracted period of time.</p> <p>Cost of households in temporary accommodation who would otherwise be allocated a social rented property</p>
<b>Reason decision is Key</b>	<p>Indicate grounds for decision being Key:</p> <p>(a) Impact of COVID 19</p> <p>(b) Risk placed on households and staff following government guidance of 2m social distancing</p> <p>(c) Self isolation and positive COVID positive testing difficult to manage throughout the moving stage</p> <p>(d) Moving home is not a priority action unless emergency fire or flood</p> <p>(e) Support services i.e. removals, gas/electric maintenance difficult to procure during this period</p>
<b>Date notice given of intended decision:</b>	<b>Monday 23<sup>rd</sup> March 2020</b>

**Key Executive Decision**

<b>Relevant OSC:</b>	
<b>Is it an urgent decision?</b>	<b>Yes</b>
<b>Is this decision exempt from being called-in?</b>	<b><i>Yes, due to Special Urgency</i></b>

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Following the outbreak of the Covid 19 virus Central Government has taken unprecedented steps to limit the impact of the outbreak by announcing a number of measures which have a direct impact on the ability to provide a housing allocations service.

These include the guidance on social distancing, the directive on self-isolating, the advice for only essential travel and the closure of all but essential retailers.

Additionally we have seen the closure of core services on which some parts of our service rely, including the court system and supply chain partners. The government have also issued advice that only house moves for medical reasons should take place.

To comply with these directives is necessary to temporarily suspend the delivery our allocations scheme and choice based lettings service to households on the waiting list.

It is therefore proposed

1. To follow the line of other London Authorities in the suspension of its Choice Based Lettings scheme in accordance with Government and PHE guidance on COVID 19.
2. To suspend all adverts on lettable council properties for the foreseeable future with communication to those on the register when they can reasonably expect normal service to resume.
3. To delay all choice based letting moves currently under offer of which there are between 39 and 45 identified. We will review all households where a move is deemed a priority i.e. disabled households in statutory overcrowding or unsuitable housing conditions.
4. To re-purpose the use of any new council property voids in the pipeline for temporary accommodation or to support social care and NHS colleagues during the COVID 19 crisis (on a licensed basis).
5. To suspend all progress of the 9 mutual exchange applications 3 of which are new cases. For households within the 42 day decision timeline to be cancelled with the option to reinstate when COVID 19 ends. Notifications to the reciprocal authority of our intentions to suspend with commitment to resume when practicable to do so.

## Key Executive Decision

6. To continue to provide support to households at risk of domestic violence with planned moves facilitated through the management transfer policy.
7. To respond to all other household emergencies including fire, flood and other natural disasters with immediate offers of accommodation relief to meet the needs of the household.

All changes will be communicated to residents via our call centre and through the website. The following message will be given to visitors to the CBL website:

*The choice based lettings is currently suspended until further notice.*

*This is to avoid disruption to households especially those self-isolating and to support the stay at home and social distancing advice from Government. It will also enable Havering Council to prioritise support for our most vulnerable residents in the borough at this time.*

*For applicants for who have been made an offer or are waiting an offer we would like to assure you that the property offer you have received or waiting for will not be withdrawn:*

- *If you have received a property offer but have not yet viewed the property this will be arranged as soon as it is safe for both you and our officer to attend.*

- *If you have already viewed and accepted the property you will be contacted once the property is ready and it is safe for the sign up to be completed.*

*In the meantime, if you have any queries regarding your property offer (excluding Regen) please do not hesitate to contact the Housing Choice and Applications Team.*

- *Telephone: 01708 434055*

*Email: [rehousing.team@haverling.gov.uk](mailto:rehousing.team@haverling.gov.uk)*

As press release will also be sent out to advise residents of the change.

For households currently under offer, officers will contact them to advise them that letting will cease and advise them of the latest government advice. We will work with those households to implement a delay in the letting process.

Housing associations will also be advised of the suspension of CBL. As this is common with most local authorities in London we do not anticipate any adverse response from them.

**AUTHORITY UNDER WHICH DECISION IS MADE**

## **Key Executive Decision**

Section 3.3 of the constitution;

### **Powers of Members of the Senior Leadership Team**

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 above.

#### **General powers**

(a) To take any steps necessary for proper management and administration of allocated portfolios.

(b) To exercise all the powers delegated to them personally and those powers delegated to Second Tier Managers and other staff members in their directorate where circumstances require and so far as legally permissible. Exercise of such powers should be recorded where appropriate. Where possible, a SLT member should give notice to a

(f) Each member of SLT shall ensure that the rules of procedure set out in Part 4 of this constitution are observed throughout their service.

### **STATEMENT OF THE REASONS FOR THE DECISION**

This decision is required under “Special Urgency” to allow the Council to plan and undertake effective strategies for working and service delivery during the current Covid 19 outbreak.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

#### **To continue to deliver a full uninterrupted service.**

This option was rejected for a number of reasons;

Following government advice regarding essential services and the guidance on limiting travel, both of which have a significant impact on the availability of staff and means to continue to deliver a service that protects the health of members of the public and staff.

### **PRE-DECISION CONSULTATION**

The Cabinet Member for Housing has been consulted on these decisions and accepted the reasons for the change in the service.

**Key Executive Decision**

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Darren Alexander

Designation: Assistant Director, Housing Demand

Signature:

A handwritten signature in black ink, appearing to be 'D. Alexander', written over a horizontal line.

Date: 27.3.2020

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

1. Part 6 Housing Act 1996 sets out the Council's responsibilities with regard to allocation of council housing stock.
2. In particular, there is a requirement for the Council to maintain an Allocations Policy for determining priorities of allocation and the procedure to be followed. Councils must not allocate housing accommodation except in accordance with the allocation scheme.
3. Housing Act 1985 sets out the requirements for the mutual exchange process. Once an application is made Councils have 42 days within which to refuse the application.
4. If the decision within this report is agreed then it is acknowledged that the Council will not be allocating properties, suspending advertising of property in accordance with the policy and procedure. Voids will not be let in the usual way and the mutual exchange process will be suspended. This is breach of the relevant policies and legislation and therefore is open to challenge.
5. However, in light of the COVID19 emergency, guidance issued by government regarding social distancing, pressure of front line services and in particular the MHCLG guidance published on 26 March 2020 that people should avoid moving where at all possible during the pandemic, the decision proposed by the Council in this case appears to be one which is rational and proportionate in the circumstances. Provision is in place for the most urgent situation where the highest level of risk arises, for example where there is an issue of domestic violence and so the risks have been mitigated so far as possible.

### FINANCIAL IMPLICATIONS AND RISKS

This report requests the Suspension of the Housing Choice and Application Lettings Policy. This will result in continuing voids costs, increased PSL costs as families continue to occupy PSL accommodation rather than being moved into social rental properties. Officers are in the process of computing the financial impact of this, will continue to monitor this until the suspension is lifted.

### HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Given the Coronavirus outbreak, the paramount consideration of the Council is the health and wellbeing of Members and officers

### EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

## **Key Executive Decision**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents. It is acknowledged that in emergency or urgent situations it will not always be possible to carry out an EqHIA in advance of a relevant activity, however, managers will undertake the required EqHIAs at the earliest opportunity. Where managers are already clear that protected groups/users will be impacted negatively by the intended activity, then this will be noted in the next paragraph and/or put into EqHIAs. Where the negative impact of the intended activity can be mitigated, this too should be set out in this report and/or the EqHIA.

In all situations, urgent or not, the Council will seek to ensure equality, inclusion, and dignity for all.

The Council seeks to ensure equality, inclusion, and dignity for all, in all situations. Contact with the Council can still be made via email and telephone on 01708 434343.

There are no equalities and social inclusion implications involved resulting from this decision.

### **HEALTH AND WELLBEING IMPLICATIONS AND RISKS**

The suspension of council lettings will have an impact on the levels of overcrowding in the borough however it is considered preferential in the current circumstances to restrict movement of people to reduce the risk of cross infection of Covid 19.

### **BACKGROUND PAPERS**



**Key Executive Decision**

None

**Key Executive Decision**

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed



Name: Patrick Odling-Smee

Cabinet Portfolio held: Director of Housing

CMT Member title:

Head of Service title

Other manager title:

Date:

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_