

## Lettings Policy

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[Title]			
<b>Version</b>	1	<b>Approved by</b>	Cabinet
<b>Date last amended</b>	Click here to enter a date.	<b>Approval date</b>	Click here to enter a date.
<b>Lead officer</b>	Click here to enter text.	<b>Review date</b>	Click here to enter a date.
<b>Contact</b>	Click here to enter text.	<b>Effective date</b>	Click here to enter a date.

## 1. Introduction

Eastleigh Borough Council is driven by its aim to ensure a sustainable supply of new housing is delivered in the Borough in the foreseeable years. By developing its own assets, the Council's Affordable Housing Service (the Council) intervention will diversify the offer available to those in housing need. The Council's efforts are focused on promoting thriving and healthy communities and maintaining an attractive and sustainable environment that residents' value.

[LINK to HRA business plan](#)

## 2. Legislative Requirements

- Housing Acts 1980, 1985, 1988, 1996 & 2004
- Homelessness Act 2002
- Housing (Homeless Persons) Act 1977
- Housing Planning Act 1986
- S106 of the Town & Country Planning Act 1990
- Localism Act 2011
- Data Protection Act 1998
- Immigration Act 2014

## 3. Aims

2.1 This policy outlines how Eastleigh Borough Council (the Council) will let our social and affordable in accordance with our regulatory and statutory responsibilities.

## 4. Scope of Policy

The Council want to offer housing solutions to customers through a range of housing products. The Council will do this by:

- Letting homes sensitively and flexibly with regard to building sustainable communities  
[Link](#)
- Making the best use of available stock
- Letting our homes in a fair and transparent way
- Identifying and helping customers who are vulnerable or require additional support
- Working closely with our other housing partners, to help us meet our strategic housing objectives
- Minimising rent loss and maximising income
- Working proactively to promote customer mobility within our own stock
- All staff within the housing and customer services teams will be aware of this policy

## 5. Policy Statement

The Council are committed to providing a diverse supply of Housing which supports successful developments, creating pride and a strong sense of place. We will enhance natural assets, integrating these with new places and actively encourage green and sustainable lifestyles for all. We will create an overall positive environmental impact and facilitate one inclusive sociable and supportive community as a lasting legacy.

### We will do this by:

- providing good quality, affordable homes to people in communities where they want to live.
- providing homes to applicants nominated through Hampshire Home Choice (HHC) (Choice Based Letting Scheme)
- letting homes directly to people nominated from the Housing and Homelessness Team
- providing appropriate housing that meets the applicants' needs and support to help customers sustain their tenancies.
- The Council will check that the applicant can afford to pay the rent and service charge before offering a tenancy.
- The Council will encourage customers to move home through mutual exchange in accordance with our mutual exchange policy.
- The Council will offer support to customers who need to downsize or move to alternative accommodation in exceptional circumstances in accordance with our management move procedure.
- only offering homes to applicants who comply with immigration and housing law
- The Council may at its discretion act outside of this policy as in a local lettings policy, such action to be approved by a senior manager.

## 6. Letting a property

### 6.1 Advertising

6.1.1. The Council advertise most affordable empty homes through a choice-based lettings website. (Hampshire Home Choice).

6.1.2 Market rent homes will be advertised on our LEAF website, or in local publications.

### 6.2 Nominations

6.2.1 The Council accept nominations from Hampshire Home Choice in line with current agreements.

6.2.2 The Council let homes in accordance with any Town & Country Planning requirements and Local Lettings arrangements.

### 6.3 Refusals

The Council may refuse a nomination or applicant for reasons as below in section 6.

In making a decision the Council will:

- Consider each case on its own merit and consider all relevant information provided by key partner agencies and support workers.
- Assess the applicant to see if they can sustain their tenancy.
- Provide advice and guidance to customers who we don't accept. If they are an existing customer, we will work closely with them to help them to improve their situation, so they can move in the future.
- Allow a move to proceed in exceptional circumstances, even if the nomination or applicant would have been refused in accordance with section 7. This will be at the discretion of a senior manager.
- Allow customers the right to appeal against our decision in accordance with our appeals procedure. We will aim to let the nomination or applicant know if their application has been refused as soon as possible but this may only happen when information is obtained.

#### **6.4 Armed Forces**

The Council has specific provision in the allocation policy (as per statute) regarding Armed Forces personnel. We will take into consideration any exceptional circumstances when we are assessing suitability for the nominee or their families where they have an Armed Forces connection. For applicants who apply for our market rented homes with Armed Forces connections we will apply discretion if they need longer to move or more support pre- or post-tenancy.

#### **6.5 Tenure**

The Council will offer tenancies in accordance with our Tenancy Policy.

#### **6.6 Rent**

The Council will ask all customers being offered a property for an advance payment, normally 2 weeks rent and service charge, which must be paid prior to signing for the tenancy. This could be reduced at the discretion of the Lettings/Housing Manager.

#### **6.7 Property size**

The Council aim to maximise the occupation of our homes using the criteria set out below. The Council assess the applicant/nomination's affordability taking into consideration the restrictions within the welfare benefit system, for example bedroom cap and local housing allowance and may refuse in accordance with the details below.

#### **6.8 Rent setting**

Rents will be set in accordance with the tenancy agreement and with reference to the Council's Rent Strategy

#### **6.9 Employees and Board Members**

The Council ensure any properties let to employees, Board members or those to whom they are closely connected will only take place in accordance with the Code of Conduct and in accordance with schedule one of the Housing Act 1996 to ensure those persons receive no more favourable consideration than other applicants.

<https://www.legislation.gov.uk/ukpga/1996/52/schedule/1>

### **6.10 Transfers for existing customers**

Residents can apply to move to a different home. In most cases this will be through the local authority waiting lists and in accordance with their Allocation Policy.

### **6.11 Management transfers**

If a customer needs an urgent move to permanent accommodation, we will consider a request in accordance with our Management Moves Procedure

### **6.12 Properties in need of major repair or disposal**

Where we have identified that major works are required, or a property is being considered for disposal or demolition, customers will be advised and provided with reasonable, alternative temporary or permanent accommodation.

### **6.13 Specialist accommodation**

Some of the Council properties are designated for groups such as customers who are over 55 years old or those who have additional support needs. For our supported accommodation the Council accept referrals from the support providers, agencies, or partners. For those requiring extra care accommodation, the Council assess the applicant for their support needs with the assistance of the local and county councils. The Council make this clear in the advertising and assessment process.

### **6.14 Decants**

If a customer has to move from their home following a defect or disaster which means that their home is not safe, they will be offered alternative, temporary accommodation until repairs to their home can be completed.

### **6.15 Underage applicants**

The Council may offer to those under the age of eighteen years old an equitable tenancy with sponsor agreement which will convert to an assured tenancy at the age of 18 if no breaches have occurred.

### **6.16 Advice and support**

The Council provide all applicants and nominations who are being considered for a home with appropriate advice and support. We will support our existing customers with accessing choice-based lettings schemes if they need to transfer, mutual exchange services, debt and money advice services, floating support, or specialist support.

### **6.17 Pre-tenancy checks**

Before the Council offer a tenancy, it will ask applicants to complete an application form and discuss their circumstances with them to ensure that they meet the lettings criteria as detailed in the letting's procedure. The Council will also undertake a full personal and financial assessment including Identification and credit checks where applicable. This will help the Council make sure that the property is affordable and identify any support needs.

### **6.18 Viewings**

The Council arrange for a viewing of the property either digitally or face to face. The Council may allow several applicants to view a property with an offer being made to the nomination

who has the highest priority on the short list or the applicant who has completed all required checks.

### 6.19 Making an offer

Once the Council are satisfied that the nomination/applicant is suitable and can afford the property, the Council offer them a tenancy. When the Council make an offer, they send the customer a copy of the tenancy agreement to allow them to read and understand what they will be agreeing to.

### 6.20 Sign up

The Council will explain the rights, responsibilities, and obligations on the part of the landlord and tenant before we ask customers to sign the tenancy agreement. The Council may ask for rent in advance before gives customers the keys to their home.

## 7. Flexibility with Property Size

The Department of Works and Pensions criteria allows one bedroom (regardless of size) for each of the following:

- Adult couple
- Any other adult (aged 16 or over and including carers)
- Two children of the same sex under the age of 16
- Two children under 10 regardless of sex
- Any other child (other than a child whose main home is elsewhere)
- A disabled child who may be allowed their own bedroom in accordance with the local authority housing benefit criteria. (Foster and adopted children will be considered as part of the family where confirmation is received)

This table shows the size of property a household will be considered for:

Household circumstances	Studio	1 bed	2 bed	3 bed	4 bed	5 or more bed
Single applicant	✓	✓	✓*			
Couple		✓	✓*			
Two people not in a relationship			✓			
Parent / couple with 1 child or pregnant*			✓			
Parent / couple with 1 child under 10 and pregnant			✓			
Parent / couple with 2 children (eldest under 10 years)			✓			
Parent/couple with 2 children same sex (under the age of 16)			✓	*✓		
Parent / couple with 2 children of different sex (eldest 10 years or over)				✓		
Parent / couple with 2 children and pregnant with 3 <sup>rd</sup> child*				✓	**✓**	
Parent / couple with 3 children**				✓	**✓	
Parent / couple with 4 or more children**				✓**	✓**	✓*

\* The Council may accept nominations for additional bedroom but will advise of the under-occupancy charge and how they will be affected if they are claiming benefit now or in the future if their circumstances change. If claiming benefit, they will be responsible for 14% of the rent.

\*\* Dependant on age of children – Apply Local Housing Allowance (LHA) criteria

Separated parents who share the care of their children and who may have been allocated an extra bedroom to reflect this, may be affected by the under-occupancy charge. Benefit rules mean that there must be a designated 'main carer' for children (who receives the extra benefit).

### 7.1 Under Occupying

There may be instances where we approve a letting outside of the LHA criteria. This will be at the discretion of the Affordable Housing Manager.

Examples of when we may allow this are:

- a parent/couple with 2 children (same sex) and pregnant with 3rd child – LHA size criteria would consider household eligible for a 2-bedroom property, we may allow them to move in to a 3-bedroom property.
- a parent/couple with two children of the same sex (age 10 and 15) – LHA size criteria would consider household eligible for a 2-bedroom property, we may choose to allow them to move to a 3-bedroom property due to the eldest child soon turning 16 and qualifying for a separate bedroom.
- a property is hard to let.
- when it is to the benefit of the business to move an under-occupying household to smaller accommodation to reduce their level of under-occupancy (but not remove it)
- For mutual exchanges, we will allow 1 spare bedroom where there are no financial implications.

In situations like these the Council will consider residents' circumstances and how they will afford their rent if they were to under occupy their home and be eligible for benefits. The Council ensure any applicant is advised of the under-occupancy charge and how they will be affected prior to offering a home.

## 8. Grounds for Refusal

The Council may refuse an applicant for housing if:

### General grounds

- The property is unsuitable if the applicant would be overcrowding or under occupying without agreement or may be impacted by benefit restrictions.
- The property is subject to a local letting's plan and the applicant does not meet the agreed criteria for letting.
- The property is subject to a Town and Country Planning Act Section 106 Agreement and the applicant does not meet the required criteria.



- The Council is unable to contact the applicant or nominations within 48 hours.
- Where required, the Council have no documentary evidence that the applicant has the right to reside in the UK and/or has no access/recourse to public funds. The customer must provide this within 2 working days of request.
- The applicant has an interest in an alternative property, and they are legally and reasonably able to reside in it.
- There has been a change in circumstances which results in the applicant's points or banding being amended and they are no longer the successful bidder.
- The applicant is unable to supply appropriate identification along with other information requested by us as part of the assessment process within 2 working days of request
- The applicant is under 18 years of age and has failed to provide an appropriate trustee.
- The property is designated for older people and/or there are covenants in place in relation to age and the applicant Lettings Policy/March 2023 and/or members of the household do not qualify to occupy the property.
- The property is subject to a sensitive letting due to historic issues in that area and the applicant is not considered suitable.
- The applicant has failed a probationary or starter tenancy with us or another registered landlord. This will be considered on a case-by-case basis.

### Financial status

- The nominated applicant is an existing customer or leaseholder who owes money to the Council, either for rent, service charges, garage rent, care and support charges, rechargeable works orders or any other debt.
- The nominated applicant has a housing related debt i.e., rent arrears, recharges etc. either with us or another housing provider, including private landlords.
- The nominated applicant has an interest in an alternative property, either by way of a financial interest, being named on a mortgage agreement or named as a tenant of another property and, can reasonably be expected to raise funds to secure alternative accommodation in the private sector.
- The applicant has enough assets to be able to meet their housing needs by renting privately or securing a mortgage.
- The applicant is not able to produce evidence of access to enough funds which will enable them to pay for the rent on the property and associated living expenses within 2 working days of request.

### Support needs

- A suitable confirmed support package is not in place which would provide the help needed to maintain the tenancy.
- The applicant has failed or is refusing to engage with relevant support services in relation to an existing or proposed support package, to assist in the monitoring and management of their tenancy and/or health.

- The applicant's needs (either physical or mental health) exceed what our service can provide after considering all relevant information from key support providers.
- The applicant has applied for a property that does not meet their immediate need, e.g. an adapted property where the applicant does not need the adaptations provided or needs adaptations which cannot be made in the property.
- An applicant for extra care has complex behaviours or needs which may impact on the welfare, safety or wellbeing of other residents or staff.

This may include applicants with:

- ❖ severe mental health issues
- ❖ a history of drug and/ or alcohol abuse
- ❖ complex behavioural needs
- ❖ a history of violence
- ❖ convictions for serious offences
- ❖ a requirement for nursing care

### Behaviour

- An existing tenant has not maintained their current property and it does not meet our lettable standard.
- The applicant and other household members have not given accurate information about their circumstances to us or the local authority. This could be verbally, in writing or on their housing application form and so have obtained tenancy by fraud or deception.
- The applicant or other household members have caused damage to or behaved offensively outside but in the vicinity of the property.
- There is a history of or current evidence of anti-social behaviour, hate crime or criminal activities. Each case will be carefully considered considering all relevant circumstances.
- The applicant is one of our former tenants and caused significant damage to our property resulting in recharges being raised against them which have not been repaid.
- The applicant has been threatening, abusive, or has been persistently vexatious towards one of our employees. There's evidence that the applicant has previously used rented accommodation for illegal or immoral purposes.
- The applicant or other household members have committed serious anti-social behaviour or criminal activity. The Council usually look at behaviour in the last 2 years, or in the 2 years since being released from prison. If the behaviour was very serious, the Council may refuse applicants even if it occurred more than 2 years ago. A previous conviction does not mean that we will automatically refuse an applicant housing.
- The behaviour of the applicant, other household members and visitors to the applicant's current or previous home was unacceptable, and the Council would have considered tenancy enforcement action if they had been our tenants.
- The applicant or other household members of their household may pose a risk to their family, neighbours, or the wider community.

- The applicant or household member is a Scheduled Offender as defined by Multi-Agency Public Protection Arrangements (MAPPA). This will be considered on a case-by-case basis in consultation from MAPPA and other agencies.

## 9. Right to Appeal and Complaints

Customers have the right to appeal if they are unhappy with our decision to refuse their nomination/application. This will be managed through the Councils appeals process. Our decision at appeal is final and customers may not raise a complaint regarding the decision made at appeal. Customers have the right to complain about other aspects of the letting's process if it is within the scope of the complaints policy.

## 10. Data Protection

The Council are committed to protecting and respecting the privacy of personal data. As a registered Data Controller (Reg. no. Z7118863) it complies with the General Data Protection Regulations 2018 (GDPR).

More information on how the Council collects, uses and keeps your personal information, and how it protects privacy can be found in our [Record of Processing Activity](#) (ROPA). The corporate privacy notice provides general information about the council's personal data processing activities overall. As the range of services the council provides is so varied, it has also produced individual [privacy notices for each service area](#), to explain specifically how data will be used within each service.

## 11. Equality & Diversity

11.1 Equality and diversity are of fundamental importance to services provided regardless of a person's protected characteristics under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, religion pregnancy and maternity, race, belief, or sex). All must be treated with respect. The Council treats everyone it houses, serves, and employs, fairly, and encourages others to do the same.

11.2 The Council provides information that is clear, accessible, and in an appropriate format (such as translated into another language, or in large print on request). Where appropriate, Council Officers will assist residents, by, for example, helping to complete paperwork. These policies ensure residents are treated in a fair and efficient manner.

## 12. Monitoring and Review

12.1 This policy will be reviewed regularly, to incorporate legislative and regulatory amendments and changes, best practice developments, or to address any operational issues with the procedure. Input and approval will be sought from our residents (via the **Residents Committee or similar**) prior to making any substantive changes. This is in line with our Corporate Values and is intended to ensure our policy continues to meet the needs and aspirations of our residents.

### **13. Document History and Approval**

#### **Identity and Version Control**

This document is the final approved version and will be a controlled document with an individual assigned to version review/amendment.

DRAFT