



Response to Consultation on Leeds City Council's Lettings Policy 2008

1 Summary

Leeds Tenants Federation would like to thank Leeds City Council for the opportunity to respond to these proposals and we would like to thank the Leeds Homes Team for sending representatives to discuss the proposals with our Tenants Rights working group.

Such is the controversial nature of these changes that we feel the Council should have initiated consultation at the *ideas stage* to gauge the response of stakeholders. Many of these proposals appear to affect a fundamental shift of power from the consumer to the provider and to undermine consumer choice and consumer influence.

In summary we believe that seven of the proposed changes considerably reduce the choice of tenants. The effect of these changes would be to make choice-based lettings less transparent and to reduce the freedom of choice it makes available to tenants in seeking accommodation. The implementation of these proposals would undermine the aims of Leeds City Council's Lettings Policy to maximise choice and encourage an equitable and transparent system. There is considerable danger that these proposals will worsen social exclusion, reduce self-reliance and contribute to a further undermining of the position of social housing tenants as full citizens.

2. Leeds Tenants Federation

Leeds Tenants Federation is recognised as the representative organisation of residents in social housing at a strategic level. We represent a membership of nearly 1000 individuals and 137 affiliated residents groups; in total we represent 63,000 households including 63% of all council households. Our membership is open to all residents who support our aims and we take innovative action to seek the views of people seeking social housing as well as those already holding a tenancy. We are represented at national policy-making level and take part in decision-making at both city-wide and regional forums.

In responding to these proposals we consulted our membership of individuals and residents groups and in making this response we reflect the views our members represented to us.

Our concerns were raised with representatives of Leeds Homes at a meeting of our Tenants Rights working group. Certain verbal amendments were made by the Leeds Homes officers to the written proposals. In making this detailed

response we take into account what was said at that meeting as well as what is contained in the consultation paper.

3 Detailed response to proposals

a) Photograph the main and joint tenants

We understand this initiative is aimed at reducing illegal sub-letting. New tenants already need to produce photographic ID so the value of taking and retaining photographs of new tenants would appear to be that they can be used to check the identity of the tenant when an officer visits the property. There are clearly other means available to a visiting officer, however. They could ask for proof of identity when they called, for instance

There is growing concern in our society about the extent of surveillance and the 'Big Brother' state. It would seem to be good practice not to initiate further surveillance unless it is absolutely necessary. We feel this is a disproportionate response to the problem of sub-letting. The process of applying for council housing has already been likened to a 'confessional' such are the checks that prospective tenants must undergo. This proposal could be interpreted as a further signal that a council house tenancy is seen as a means-tested benefit. It is important that the process of taking a council tenancy is treated as a legal contract between equals. Any move to photograph tenants threatens to undermine the equitable nature of this contractual process and even a voluntary initiative would cause this effect. In conditions where demand for social housing far outweighs supply, any voluntary scheme risks becoming seen as compulsory especially since the draft wording refers to photographing tenants as the 'usual practice' of housing staff. The Council needs to be sensitive to the messages about citizenship that a move to photograph new tenants would send. The association with Police procedures is not hard to make and there is a considerable risk that the damage caused by this proposal will far outweigh its contested benefits.

b) Reduced preference for unsuitable customers

Current exclusions from the housing register on the grounds of behaviour have to be framed in relation to a legal judgement. These decisions are therefore made against a framework that can be tested in court. We do not believe that any customers should be discriminated against on grounds that have no basis in law. Any criteria drawn up by officers, no matter what appeals processes are operated, runs the risk of being seen as unfair and inequitable and open to legal challenge. There are dangers that in reducing preference for customers who have been accepted onto the housing register, officers are undermining the transparency of choice based lettings and the perception of it as a fair system.

It appears from the draft policy that reduced preference could be operated on an offer-by-offer basis. This would leave customers without any clear

information on their ability to bid and secure an offer of accommodation. It clearly does not aid the transparency of the process nor does it produce an equitable system.

It is unclear to us why this proposal is being made since there has been no public debate about the efficacy of the current exclusion policy or the need to apply additional sanctions in terms of reduced preference. The bulk of exclusions from the register are because of rent arrears rather than behaviour. This proposal could then be interpreted as a means of reducing the choices of people in rent arrears. The aim of the lettings policy is to maximise choice and this proposal runs contrary to that objective. We view this proposal as unfair, inequitable, un-transparent and as a discriminatory reduction of choice for people who have a legal right to apply for council housing.

c) Renaming of the housing needs bands

We understand that the reason given for this proposal is that customers who are not included in the statutory definition of priority need are confused by the title of the priority needs band.

We believe the title of the bands should give customers some basic information about their priority status – about their ‘currency’ in the choice based lettings system. The proposals to name the bands A, B & C give customers no clue as to their priority and would lessen the transparency of the process. The choice of titles such as ‘gold, silver, bronze’ may give some idea of precedence but appears to make an unfortunate reflection on the value of the customer rather than the assessment of their housing need.

It appears to us that the current band titles are the clearest and the best available. The argument for change appears to be restricted only to the ‘priority’ band and any proposals for change need to give a clear indication of the assessment of housing need that has been made on the customers’ application.

d) Assisted bidding

This proposal was represented to us verbally as being of assistance to people with disabilities who may be unable to bid without help. This interpretation does not appear to be upheld by the proposed wording in the policy which makes clear reference to staff bidding on behalf of tenants, not who are disabled, but who are making choices that prolong their waiting time. It is already good practice for officers to assist disabled people to complete application forms or bid for properties and they do that with the consent of the customer. Such a practice does not appear to require any change to the lettings policy. The proposal for assisted bidding appears to signal that staff can bid on behalf of a customer *without* the customer's consent. Such a proposal would be in blatant breach of the principles of choice based lettings. The proposal to apply it to customers who are either not bidding or who are bidding ‘unrealistically’ appears to put the needs of efficient stock management far above the choice of customers. Customers may be encouraged by choice based lettings to

make informed choices but they are free to choose. It is for the customer to decide what is unrealistic or unsuitable. Staff may provide additional information but the proposal to allow them to bid on behalf of customers undermines choice and the very principles of the lettings policy.

e) New offer bypass reasons - customers with reduced preference

Powers already exist to bypass customers on the grounds of anti-social behaviour or violence. This underlines for us the discriminatory nature of the proposal to bypass customers with reduced preference. It is clear that this proposal is not to enhance sustainable communities or to deal with damaging behaviour, instead it appears to be a sanction against tenants who are in debt. This proposal may promote social exclusion rather than seeking to combat it. It is unfair, inequitable and lacking in any transparency and it reduces the choices of customers.

f) Final offers to statutorily homeless customers

The proposal to make final offers to statutorily homeless customers after 120 days even if their priority is renewed might be justified in a climate where supply outstripped demand. However, it is clear that there are not enough suitable properties available to statutorily homeless customers and that it is very likely they will still be bidding after 120 days. The direct let is a reminder of the previous provider-led allocations system. To be made a direct let is to be deprived of choice. Leeds City Council's lettings policy should therefore minimise the use of direct lets. There would appear to be no reason for making homeless customers a final offer when they are bidding and have been unsuccessful. If their priority is renewed they have shown that they are actively seeking suitable accommodation. They therefore should have the right to be treated as consumers with choice and to be allowed to continue to seek a home of their choice. As before, this proposal appears aimed at undermining consumer choice in the name of provider interests.

4. Conclusion

In making this response Leeds Tenants Federation is concerned to communicate the depth of our concern over the controversial and alarming nature of these proposals. We feel that their implementation would radically imbalance the relationship between tenants and the council landlord. Such a fundamental shift away from consumer choice could only be justified if a real need had been evidenced. No such need has been expressed in the consultation paper and these proposals appear to indicate that Leeds City Council believes the needs of the consumers are outweighed by the needs of the provider.

The implementation of these changes would reduce choice, undermine transparency, worsen social exclusion and exasperate inequality. We urgently ask you to withdraw these proposals.