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Economy, Regeneration and Transport Scrutiny Board (Scrutiny Board 3)  
Cabinet  
Council

4<sup>th</sup> January 2011  
4 January 2011  
11 January 2011

**Name of Cabinet Member:**  
Cllr Tony Skipper

**Director Approving Submission of the report:**  
Director of Community Services

**Ward(s) affected:**  
All

**Title:**

Local Decisions: A Fairer Future for Social Housing – Consultation Response

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**Is this a key decision?**

No

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**Executive Summary:**

This report outlines the City Council's response to the public consultation on 'Local Decisions: A Fairer Future for Social Housing', published on 22 November 2010. The proposals to fundamentally reform the provision of social housing in England, have been described as the 'most radical reform of social housing in a generation'.

The Consultation Paper sets out a number of questions aimed at Councils and landlords. This response is mainly based around those proposals that will have a direct impact on the City Council (see appendix 1).

The proposals include introducing a new more flexible affordable rent tenancy, reforming the social housing allocations system, enabling local authorities to fully discharge homeless duties into the private rented sector, addressing overcrowding, introducing a nationwide home swap scheme and reforming social housing regulation. The reforms aim to:

- Make the system fairer, striking a proper balance between the needs of new and existing tenants.
- Ensure that the support which social housing provides is focused on those who need it most for as long as they need it.
- Give local authorities and housing associations new powers so that they can make best use of their housing, in a way which best meets the needs of individual households and their local area.

The government is consulting on these proposals until 17 January 2011. The law will need to be changed to deliver many of the reforms and the Government will use the Localism Bill to do this.

**Recommendations:**

Economy, Regeneration and Transport Scrutiny Board (Scrutiny Board 3) is asked to note the consultation response and forward any comments to the Cabinet meeting on 4<sup>th</sup> January 2011.

Cabinet is requested to consider any comments from Economy, Regeneration and Transport Scrutiny Board (Scrutiny Board 3) and recommend that Council approve the consultation response on 11<sup>th</sup> January 2011.

The Council is asked formally to approve this response

**List of Appendices included:**

Appendix 1 – consultation response.

**Other useful background papers:**

Local decisions: a fairer future for social housing – Full Consultation Document  
<http://www.communities.gov.uk/documents/housing/pdf/1775577.pdf>

Housing Act 1985  
<http://www.legislation.gov.uk/ukpga/1985/68/contents>

Housing Act 2004  
<http://www.legislation.gov.uk/ukpga/2004/34/contents>

Homeless Act 2002  
<http://www.legislation.gov.uk/ukpga/2002/7/contents>

Housing Act 1996  
<http://www.legislation.gov.uk/ukpga/1996/52/contents>

Review of Social Housing Regulation  
<http://www.communities.gov.uk/documents/housing/pdf/1742903.pdf>

**Has it or will it be considered by Scrutiny?**

Yes – 4<sup>th</sup> January 2010

Economy, Regeneration and Transport Scrutiny Board (Scrutiny Board 3)

**Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes – 11<sup>th</sup> January 2011.

## **Report title:**

Local Decisions: A Fairer Future for Social Housing – Consultation Response

### **1. Context (or background)**

1.1 The Government is seeking views on the proposals contained in the consultation paper, Local Decisions: A Fairer Future for Social Housing. The proposals to fundamentally reform the provision of social housing in England have been described as the 'most radical reform of social housing in a generation'. The reforms aim to:

- Make the system fairer, striking a proper balance between the needs of new and existing tenants.
- Ensure that the support which social housing provides is focused on those who need it most for as long as they need it.
- Give local authorities and housing associations new powers so that they can make best use of their housing, in a way which best meets the needs of individual households and their local area.

1.2 The main proposals in the consultation paper are summarised as follows:

#### **1.3 Tenure**

1.3.1 The lifetime tenancies of existing housing association tenants will not change. For new tenants, the Government will give councils and housing associations the freedom to grant fixed term tenancies, as well as lifetime tenancies. Generally speaking, fixed term tenants will have the same rights as lifetime tenants and with a minimum time period of at least two years.

1.3.2 As part of the proposal, the council will have a duty to publish a strategic policy on tenancies. The policy would need to set out the broad objectives that Coventry housing associations should take into consideration regarding their own policies on granting and re-issuing tenancies. Housing associations would be required to publish and follow a policy on tenure.

1.3.3 The government is consulting on some of the rules for fixed-term tenancies including whether the minimum period should be more than two years; whether some groups should always be guaranteed a longer fixed term or a social home for life; and whether existing secure or assured tenants should always continue to receive a lifetime tenancy when they move.

#### **1.4 Affordable Rent**

In order to finance the provision of 150,000 new affordable homes over the next four years the government is introducing a new 'Affordable Rent' tenancy. This is to be offered by housing associations to new tenants of properties that become vacant from April 2011 and on new stock in due course. Affordable Rent properties will offer shorter term tenancies at a higher rent than social rent, with landlords able to set rents anywhere between current social levels and up to 80% of local market rents. Tenants of Affordable Rent properties will be able to get housing benefit, if they are eligible.

#### **1.5 Allocating Social Housing**

- 1.5.1 Councils will be able to set the rules which decide who qualifies to go on the waiting list. At present they have to keep 'open' waiting lists, which means that people can get onto any council's waiting list whether they need social housing or not.
- 1.5.2 The rules which determine who should get priority for social housing will continue to be set by central government, by means of the statutory 'Reasonable Preference' categories. This is to ensure that priority for social housing continues to go to the most vulnerable people and those who need it most.

## 1.6 Homelessness

- 1.6.1 Councils will be able to bring the main homeless duty (owed to people homeless through no fault of their own and in priority need) to an end with an offer of suitable private rented housing. At the moment, they can only do this if the person agrees, ie. people owed the main homeless duty can currently insist on being offered social housing.
- 1.6.2 The tenancy offered will have to be at least for 12 months and if the person becomes homeless again within two years through no fault of their own, the council will have a duty to secure accommodation for them again. Councils will still be able to offer social housing to end the homeless duty, if they choose.

## 1.7 Mobility

The government is seeking to increase mobility within the social housing sector by introducing a nationwide social home swap scheme so that council and housing association tenants wishing to move have the best chance of finding a suitable match.

## 1.8 Empty Homes

The government is proposing to invest £100m in bringing empty homes back into use. This will be invested through the Homes and Communities Agency to support housing associations to refurbish over 3000 empty properties and manage them at an affordable rent for up to ten years.

## 1.9 Reform of Social Housing Regulation

The government plans to implement the recommendations of the review of the role and purpose of the Tenant Services Authority and the framework for social housing regulation via the Localism Bill, in order to bring them into effect from April 2012. The key measures are:

- The Tenant Services Authority will be abolished and the Homes and Communities Agency (HCA) will take on what remains of the Tenant Services Authority's regulatory powers.
- A statutory regulation committee within Homes and Communities Agency will be responsible for ensuring that the Homes and Communities Agency provides effective economic regulation and 'back stop consumer regulation' of social housing.
- There will be a greater emphasis on co-regulation at a local level, with a clearer role for tenants in scrutinising performance, a clearer role for local representatives in resolving problems and the regulator's role will be significantly reduced.

## 1.10 Overcrowding

In order to remove the barriers and provide the right legal framework to address overcrowding, the government is seeking views on the reform of the legal and regulatory framework concerning overcrowding. This covers the overcrowding standards (as set out in Part 10 of the Housing Act 1985), the enforcement framework and separate statutory provisions which cover the operation of the Housing Health and Safety Rating System.

## **2 Options considered and recommended proposal**

- 2.1 Scrutiny Board 3 is asked to consider the proposed response (appendix 1) to the consultation paper and forward any comments to the Cabinet Meeting on 4<sup>th</sup> January 2011.
- 2.2 Cabinet is asked to consider the document attached as Appendix 1, including any suggestions/amendments by Scrutiny Board 3 and approve as the Council's response to the Consultation.
- 2.3 The Council is asked formally to approve this response.

## **3. Results of consultation undertaken**

- 3.1 The response is a city council response and therefore wider consultation has not been undertaken.

## **4. Timetable for implementing this decision**

- 4.1 The Government is seeking responses to the consultation by 17 January 2011.

## **5. Comments from Director of Finance and Legal Services**

### **5.1 Financial implications**

There are no immediate financial implications from the consultation response. However, it is envisaged that if the proposals within the consultation are adopted then savings from spend on temporary accommodation may be realised (as currently people owed the main homelessness duty can insist on being provided with temporary accommodation until offered social housing) and there is likely to be a greater supply of re-let housing association properties.

As more detail emerges regarding the proposed changes, further analysis will be required to better understand the potential financial impact to the authority. Any such implications will be reported at the relevant time.

### **5.2 Legal implications**

The consultation paper sets out the Government's intention to change the legislation governing the way social housing is allocated; how local authorities discharge their main homelessness duty; and the types of tenancies granted to social housing tenants. Provisions on these matters will be introduced in the forthcoming Localism Bill.

## **6. Other implications**

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / LAA (or Coventry SCS)?**

The reforms are about localism and aim to give local authorities and social landlords the flexibility to make best use of the housing stock in a way which meets the needs of the local area. However at this stage it is too early to specify how the proposals will contribute towards achieving the council's key objectives and priorities as this is a response to government consultation.

### **6.2 How is risk being managed?**

At this stage it is too early to understand direct implications.

### **6.3 What is the impact on the organisation?**

The proposed reforms are radical and wide-ranging and the new flexibilities afforded by the proposed measures will impact on the council's responsibilities. This is particularly relevant in terms of the increased flexibility for local authorities to be able to bring the homeless duty to an end with an offer of suitable private rented accommodation and the way social housing is allocated in the future. However at this stage it is too early to identify clear implications as this is a response to government consultation. The impact on the council will be identified once further detail emerges.

### **6.4 Equalities / EIA**

It is too early to identify clear implications at this stage particularly as this is a response to government consultation. As further detail emerges, the council will need to carry out impact assessments when considering the options presented by the new flexibilities.

The government will be publishing impact assessments of the legislative changes as part of the introduction of the Localism Bill.

### **6.5 Implications for (or impact on) the environment**

N/A

### **6.6 Implications for partner organisations?**

There will be implications for housing associations operating in the city as Coventry City Council is a Large Scale Voluntary Transfer authority and no longer manages any social housing stock. The council also works in partnership with 11 housing associations to manage the Coventry Homefinder system for allocating social housing in the city.

The new flexibilities afforded by the proposed measures will have direct implications for partner housing associations particularly around the increased freedoms for social landlords to determine what sort of tenancy they grant to new tenants; reforming the social housing allocation system; increasing social housing mobility; addressing overcrowding and bringing empty properties back into use. There could also be implications for neighbouring authorities due to cross boundary housing market areas. The implications for partner organisation will become clearer once further detail emerges.

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Members: Councillor Skipper				

This report is published on the council's website:

[www.coventry.gov.uk/cmis](http://www.coventry.gov.uk/cmis)

## Appendix 1

### **LOCAL DECISIONS: A FAIRER FUTURE FOR SOCIAL HOUSING CONSULTATION**

Coventry City Council fundamentally objects to the proposed move away from lifetime tenancies towards fixed term tenancies in the social sector. This has negative implications for creating and maintaining balanced, sustainable communities and will reduce stability and security for individual households and families. Social housing is a key part of the housing landscape and should continue to play a key part in the mixed housing economy. In addition, housing is a human right that must be protected.

In terms of the impact on tenants, introducing fixed term tenancies will remove the stability and security that social tenants currently benefit from. Security and stability allow tenants to put down roots in a community, find employment, and acts as a platform for households to realise their aspirations. There is clear evidence that changing schools and having education disrupted can lead to poor educational outcomes; tenants may have to commute long distances if they are required to find a new home when their circumstances improve; and it could act as a disincentive for unemployed households to seek paid work if they might lose their tenancy as result.

It is important that social/affordable housing is not seen purely as a 'stepping stone' or transient tenure, but is also a valuable tenure in its own right. For many tenants it is the most appropriate form of tenure in the long term.

The impact and significance of these proposals is huge and therefore the length of the consultation period is unacceptable. In addition, the impact of these proposals, together with the proposed welfare reform and new rules regarding local communities' involvement in planning should not be considered in isolation of each other.

***Question 1: As a landlord, do you anticipate making changes in light of the new tenancy flexibilities being proposed? If so, how would you expect to use these flexibilities? What sort of outcomes would you hope to achieve?***

Not applicable – Coventry City Council underwent a Large Scale Voluntary Transfer (LSVT) in 2000 which involved all of the Council's housing stock being transferred to Whitefriars Housing, which in 2009 became part of the West Mercia Housing Group.

***Question 2: When, as a landlord, might you begin to introduce changes?***

Not applicable (see response to Q1).

***Question 3: As a local authority, how would you expect to develop and publish a local strategic policy on tenancies? What costs would you expect to incur?***

Developing a local strategic policy on tenancies would need to be an inclusive process carried out in partnership with Housing Associations operating in the local authority area. This will be particularly important in authorities such as Coventry that have gone through a Large Scale Voluntary Transfer and no longer own their own housing stock.

It would also be important to co-ordinate the development of the strategic policy with neighbouring authorities in the sub-region, due to cross-boundary housing market areas and the fact that many Housing Associations operate in more than one local authority area. Working with neighbouring authorities would allow a clear and consistent approach to be taken.

The local strategic policy on tenancies would need to be based on robust evidence of local needs and circumstances. There needs to be further clarity on the form of research that should be undertaken.

Costs would include staffing resources, consultation and data collection costs, and also the cost of periodically reviewing and updating the policy. We consider that the policy would need to be reviewed every 3-5 years.

The consultation paper does not indicate the likely timescales for the production and adoption of a local strategic policy on tenancies. However, it does indicate that the new Affordable Rent model (offering shorter-term tenancies and rents up to 80% of local market rents) will be introduced from April 2011. The strategic policy on tenancies would require a period of consultation with key stakeholders, time for research and formulation of the policy, and also full consideration by elected representatives through the local political process.

***Question 4: Which other persons or bodies should local authorities consult in drawing up their strategic tenancy policy?***

It is essential that Housing Associations are involved in formulating the local strategic policy on tenancies, particularly in local authority areas where Large Scale Voluntary Transfer has taken place.

It is also essential to include private sector landlords in this consultation. Any additional role for the private sector will need to be agreed and explicitly stated in the strategic tenancy policy. The Government should consider expanding the scope of the strategic tenancy policy to include private sector tenancies, in order for the policy to be comprehensive.

Other persons or bodies to be consulted should include (but should not be restricted to): tenants' organisations, voluntary and community organisations, advice agencies, contracted Supporting People providers, the Homes and Communities Agency, and other neighbouring Local Authorities in the sub-region.

***Question 5: Do you agree that the Tenancy Standard should focus on key principles? If so, what should these be?***

Yes, the Tenancy Standard should focus on key principles in a similar way that the current Tenancy Standard does. It should also state that Housing Associations need to take full account of the local strategic policy on tenancies when formulating their own tenancy policies.

***Question 6: Do you have any concerns that these proposals could restrict current flexibilities enjoyed by landlords? If so, how can we best mitigate that risk?***

Not applicable – see response to Q1

***Question 7: Should we seek to prescribe more closely the content of landlord policies on tenancies? If so, in what respects?***

Yes - It should be specified in the guidance that the landlord policy on tenancies must take full account of the local strategic policy on tenancies.

However, where a landlord operates in more than one local authority area, conflicts may arise between the landlord's policy and the different local authority strategic policies on tenancies. The government should consider ways to avoid this when producing guidance on the formulation of landlord tenancy policies.

**Question 8: What opportunities as a tenant would you expect to have to influence the landlord's policy?**

Not applicable

**Question 9: Is two years an appropriate minimum fixed term for a general needs social tenancy, or should the minimum fixed term be longer? If so, how long should it be? What is the basis for proposing a minimum fixed term of that length? Should a distinction be drawn between tenancies on social and affordable rents? If so, what should this be? Should the minimum fixed term include any probationary period?**

Coventry City Council fundamentally objects to the proposed move towards fixed term tenancies for social tenants and ending lifetime tenancies.

The ability to meet the aim of creating and supporting balanced, sustainable communities will be damaged if fixed term tenancies are introduced. If many residents are moved into and out of an area on fixed term tenancies, this creates 'churn' and the loss of a stable community. Areas with a high proportion of social housing could see a decline in mixed communities (especially mixed-income communities) if households have their tenancies ended when their circumstances improve. Estates have the potential to become 'ghettos'.

In terms of the impact on tenants, introducing fixed term tenancies will remove the stability and security that social tenants currently benefit from. Security and stability allow tenants to put down roots in a community, find employment, and acts as a platform for households to realise their aspirations. There is clear evidence that changing schools and having education disrupted can lead to poor educational outcomes; tenants may have to commute long distances if they are required to find a new home when their circumstances improve; and it could act as a disincentive for unemployed households to seek paid work if they might lose their tenancy as result.

It is important that social/affordable housing is not seen purely as a 'stepping stone' or transient tenure, but is also a valuable tenure in its own right. For many tenants it is the most appropriate form of tenure in the long term.

The Council no longer holds any housing stock of its own, but would have concerns about the extra administrative and management burden placed on Housing Associations in the city if fixed term tenancies were introduced.

**Question 10: Should we require a longer minimum fixed term for some groups? If so, who should those groups be and what minimum fixed terms would be appropriate? What is the basis for proposing a minimum fixed term of that length? Should a distinction be drawn between tenancies on social and affordable rents? If so, what should this be?**

Coventry City Council does not support the introduction of fixed term tenancies for any groups in social/affordable housing, for reasons detailed in the response to question 9.

**Question 11: Do you think that older people and those with a long term illness or disability should continue to be provided with a guarantee of a social home for life through the Tenancy Standard?**

Coventry City Council does not support the introduction of fixed term tenancies for any groups in social/affordable housing, for reasons detailed in the response to question 9.

**Question 12: Are there other types of household where we should always require landlords to guarantee a social home for life?**

Coventry City Council does not support the introduction of fixed term tenancies for any groups in social/affordable housing, for reasons detailed in the response to question 9.

**Question 13: Do you agree that we should require landlords to offer existing secure and assured tenants who move to another social rent property a lifetime tenancy in their new home?**

Coventry City Council welcomes the assurance that current social tenants should not have their rents or tenancy term affected whilst they live in their current home.

The Council does not support the introduction of fixed term tenancies for any groups in social/affordable housing, for reasons detailed in the response to question 9.

Therefore, landlords should be required to offer existing secure and assured tenants who move to another social rent property a lifetime tenancy in their new home.

**Question 14: Do you agree that landlords should have the freedom to decide whether new secure and assured tenants should continue to receive a lifetime tenancy when they move?**

Coventry City Council does not support the introduction of fixed term tenancies for any groups in social/affordable housing, for reasons detailed in the response to question 9.

Therefore, landlords should be required to offer new secure and assured tenants who move to another social rent property a lifetime tenancy in their new home.

**Question 15: Do you agree that we should require social landlords to provide advice and assistance to tenants prior to the expiry of the fixed term of the tenancy?**

Coventry City Council does not support the introduction of fixed term tenancies for any groups in social/affordable housing, for reasons detailed in the response to question 9.

**Question 16: As a landlord, what are the factors you would take into account in deciding whether to reissue a tenancy at the end of the fixed term? How often would you expect a tenancy to be reissued?**

This is not directly applicable to Coventry City Council as it is no longer a housing landlord.

**Question 17: As a local authority, how would you expect to use the new flexibilities to decide who should qualify to go on the waiting list? What sort of outcomes would you hope to achieve?**

Coventry City Council intends to continue to hold an open housing register.

The current policy allows 25% of properties to be let with priority given to the bidder with the earliest registration date – it is seen as important that people without 'need' (as defined in the Homefinder policy), but that have been on the list for some time, have a chance of securing a property.

The Council would intend to review the register periodically, removing applicants who have not bid on any properties within the last year, or those that have been registered for over five years but have refused offers made when they have made a successful bid on a property.

**Question 18: In making use of the new waiting list flexibilities, what savings or other benefits would you expect to achieve?**

Coventry City Council intends to continue to hold an open housing register.

**Question 19: What opportunities as a tenant or resident would you expect to have to influence the local authority's qualification criteria?**

Not applicable.

**Question 20: Do you agree that current statutory reasonable preference categories should remain unchanged? Or do you consider that there is scope to clarify the current categories?**

The current statutory reasonable preference categories should remain unchanged. No clarification is required.

**Question 21: Do you think that the existing reasonable preference categories should be expanded to include other categories of people in housing need? If so, what additional categories would you include and what is the rationale for doing so?**

The reasonable preference categories do not require expanding – current interpretation of the categories means that all groups with need/vulnerabilities are awarded reasonable preference.

**Question 22: As a landlord, how would you expect to use the new flexibility created by taking social tenants seeking a transfer who are not in housing need out of the allocation framework? What sort of outcomes would you hope to achieve?**

This is not directly applicable as Coventry City Council is no longer a housing landlord.

**Question 23: What are the reasons why a landlord may currently choose not to subscribe to a mutual exchange service?**

Not applicable – see response to question 1

**Question 24: As a tenant, this national scheme will increase the number of possible matches you might find through your web-based provider but what other services might you find helpful in arranging your mutual exchange as well as IT-based access?**

Not applicable

**Question 25: As a local authority, how would you expect to use the new flexibility provided by this change to the homelessness legislation?**

Coventry City Council already works with private landlords to provide suitable accommodation for homeless households through the Homeless People to Private Rented scheme (HPPR). This is offered to homeless households if suitable, to end the main homelessness duty, where the household agrees.

If the government legislates to give local authorities greater flexibility in bringing the homelessness duty to an end with offers of accommodation in the private rented sector, without

requiring the applicant's agreement, Coventry City Council would expect to expand the HPPR scheme.

Social housing reform should be considered holistically alongside increased use of the private rented sector. Not least in recognition of the councils homelessness duty recurring if applicants are made homeless again through no fault of their own, it will be important that the council plays an active role in ensuring quality of private rented accommodation and also that management is of a good standard.

However, it should be recognised that the changes to Housing Benefit and Local Housing Allowance have the potential to increase homelessness, thereby increasing the burden on the local authority to assess and assist homeless households.

***Question 26: As a local authority, do you think there will be private rented sector housing available in your area that could provide suitable and affordable accommodation for people owed the main homelessness duty?***

Suitable and affordable private rented accommodation exists to play a full part in homelessness provision in the City. However, greater reliance on this requires such property to be largely self regulated and well managed. Crucially, it also requires landlords to make property available. A major factor in ensuring this is to formally engage with private landlords, dealing with concerns and issues raised.

However, the Council would like to express concern at the changes proposed to the Local Housing Allowance which will impact on a household's ability to access the private rented sector. Calculations released by the Department for Work and Pensions show that the change in calculating LHA rates from the 50<sup>th</sup> percentile to the 30<sup>th</sup> percentile will mean that only 33% of the private rented sector properties in Coventry will be available to households on LHA (a reduction from 56% currently).

In addition, it will be more difficult to cultivate relationships with private landlords for schemes such as Homeless People into Privately Rented (HPPR) as LHA rates are reduced from 50th percentile to 30th percentile but also, over time, by the uprating of LHA rates by CPI rather than RPI. Compounding things further will be the move to universal credit - at the moment we use direct payments to private landlords as an incentive. A centralised universal credit will remove the option for local authorities to make direct payments to landlords.

***Question 27: Do you consider that 12 months is the right period to provide as a minimum fixed term where the homelessness duty is ended with an offer of an assured shorthold tenancy? If you consider the period should be longer, do you consider that private landlords would be prepared to provide fixed term assured shorthold tenancies for that longer period to new tenants?***

12 months is a satisfactory minimum fixed term period. Private sector landlords have consistently expressed the need to work in close collaboration with the council in order to be willing to take on additional risks such as extended rental periods – concerns have already been raised over Housing Benefit payments, tenants at risk of going into arrears and dealing with "rogue" landlords. Landlords will clearly be seeking help and support on such issues before willing to commit to extended fixed term contracts.

***Question 28: What powers do local authorities and landlords need to address overcrowding?***

Additional powers and incentives to free up under-occupied properties would be welcome but attention needs to be given to increasing the supply of larger properties in both the social and private sectors.

There exist a number of powers and incentives open to local authorities and social landlords to assist with addressing overcrowding. The key issue remains the lack of supply of larger properties to provide housing for households who are overcrowded in their current accommodation.

Additional funding needs to be made available to provide further properties of larger sizes in the affordable housing sector.

***Question 29: Is the framework set out in the 1985 Housing Act fit for purpose? Are any detailed changes needed to the enforcement provisions in the 1985 Act?***

The statutory over crowding framework is used by Coventry City Council Housing Advice team when assessing homelessness, as “Reasonable to continue to occupy”.

However the Homefinder (Choice Based Lettings) Policy is more generous in that it takes into account the number of bedrooms only (not living areas) and only allows for the use of mixed gender bedrooms for children up to aged 7 (whereas the Act allows for mixed gender up to age 10). The Homefinder policy also allows for all household members to be counted whereas the Act doesn’t recognise children under the age of 1.

The different applications of the statutory over crowding framework and the Homefinder policy can however cause confusion between what we locally offer and what must be statutorily referred to.

***Question 30: Should the Housing Health and Safety Rating System provide the foundation for measures to tackle overcrowding across all tenures and landlords?***

A number of statutory methodologies apply to the assessment of overcrowding. Of these HHSRS is considered the most appropriate standard. Use of this system prevents any potential conflict, in that other standards are taken into account within the assessment. HHSRS considers the effect of living in overcrowded conditions, and provides a numerical rating to show which households are living in the most hazardous conditions. This process allows other factors to be taken into account, such as property condition, access to gardens etc.