

# **Cherwell District Council**

## **Executive**

**1 March 2021**

### **Nominations Agreement for Housing Allocations**

#### **Report of Assistant Director Housing and Social Care Commissioning**

This report is public

### **Purpose of report**

To set out the purpose and content of a new Nominations Agreement that determines how Cherwell District Council ('CDC') works with registered providers ('RP') to nominate households from the housing register to social housing for rent.

## **1.0 Recommendations**

The meeting is recommended to:

- 1.1 approve the revised Nominations Agreement 2021 which will then replace the 2017 Nominations Agreement.
- 1.2 delegate authority to the Assistant Director Housing and Social Care Commissioning, in consultation with the Lead Member for Housing, to agree and enter in to any future amendments to the Nominations Agreement that are deemed to be necessary and do not constitute a major policy change.

## **2.0 Introduction**

- 2.1 The Nominations Agreement ('Agreement') is an important document which sets out the terms and procedures that both CDC and the RP owning or managing rented accommodation in the district will work to when making or receiving nominations of eligible households to take up occupancy of a vacant home. The agreement applies to 'general needs' housing that is let at affordable or social rent levels through CDC's housing register and choice-based lettings process ('Homechoice').
- 2.2 The current nominations agreement was adopted in 2017 and is due to be reviewed. CDC also needs to revise the agreement to refer to the introduction of charging for Homechoice from 1 April 2021.
- 2.3 The Agreement needs to be read in conjunction with the Housing Allocation Scheme which sets out the eligibility criteria for households applying for social housing and the factors that are taken in to account when prioritising households.

### **3.0 Report Details**

- 3.1 The fundamentals of the Agreement have not been changed but the Agreement has been made easier to read and a new section added about how we will charge RPs for the Homechoice service. Officers wrote to individual RPs in December 2020 with the details of what each RP will be charged specifically. This gave RPs 3 months' notice of the new charges.
- 3.2 The charging methodology is based on the number of properties an RP lets following advertisement through Homechoice. Officers have looked at lettings data over a 3 year period 2017-20 and for those RPs with more than 50 lets over that period CDC will charge a fixed fee in 2021/22 based on £75 per let. For all other RPs, i.e. those that had fewer than 50 lets in the 3 years, CDC will charge £75 per property on a 'pay as you go' system. Charges will be reviewed annually using 3 years' worth of data up to the previous financial year. For example; 2022/23 charges will be based on data covering 2018-21. The Housing Team has carried out benchmarking with several other councils and found that the majority do charge and the per advert/let cost ranged from just over £50 to £85.
- 3.3 There is no change to the percentage of void properties that RPs are required to advertise through Homechoice and this is stated in the Agreement. In the case of RPs generally the Agreement requires that they let 75% of their void properties through Homechoice. This means they can keep back 25% of voids for their own use e.g. for a 'management transfer' where they need to move an existing tenant within their stock. Sanctuary Housing has a separate transfer agreement with CDC dating back to 2004 when CDC's housing stock was transferred across. This states that 90% of voids will be allocated through CDC's housing allocation system. CDC would like to maintain this because Sanctuary holds the biggest stock in the district and CDC has a strong partnership that helps meet housing needs.
- 3.4 Officers have made the Agreement clearer in terms of the notice required for properties to be advertised and let through Homechoice. Officers require properties to be sent through at least 4 weeks in advance of the tenancy start date but no more than 6 weeks in advance of that date.
- 3.5 Officers have clarified that although shared ownership and other low cost home ownership options are not allocated through the local authority CDC does still require RPs to advertise these properties wherever possible through the official Help to Buy Agent's website.
- 3.6 The Disputes section now sets a timescale of 3 days after which a dispute between the CDC's Allocations Team and the RP that cannot be resolved at officer level will be escalated to manager level.

### **4.0 Conclusion and Reasons for Recommendations**

- 4.1 That the revised Nominations Agreement be approved in order to bring the document up to date and enable charging to be introduced from 1<sup>st</sup> April 2021 and that the associated delegation be approved to ensure that officers are able to respond quickly to operational demands. .

## **5.0 Consultation**

Consultation on a revised draft agreement was carried out with registered providers between 17 December 2020 and 18 January 2021.

10 RPs responded to the consultation. CDC Build! also responded as a user of Homechoice. The comments are set out in appendix 2 with the corresponding officer responses.

The key changes that have been made to the draft Agreement as a result of the consultation are :

- CDC will require properties to be advertised in a minimum of 2 consecutive cycles (if not let in the first cycle) rather than in 3 consecutive cycles as originally proposed.
- CDC will charge for each property successfully let through Homechoice, rather than for each advertisement as originally proposed.
- CDC now acknowledges in the Agreement that timescales cannot always be met e.g. notification periods for vacant properties and the turnaround time for nominations.

Officers have not accepted further changes requested by RPs and the reasons are set out in appendix 2. Each RP that commented will be given individual feedback.

## **6.0 Alternative Options and Reasons for Rejection**

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To not revise the Agreement. This is rejected on the grounds that we would not be able to introduce charging which is a necessary step in terms of the budget reductions that need to be made.

## **7.0 Implications**

### **Financial and Resource Implications**

7.1. Charging for choice based lettings is standard practice with the majority of local housing authorities charging for this service. Although CDC Housing has not historically charged for the service this is a justified course of action and will partially offset the cost of the service at a time where the service needs to contribute to budget savings.

Comments checked by:

Kelly Wheeler, Finance Business Partner, 01295 221570,

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### **Legal Implications**

- 7.2 The nominations agreement will establish a legally binding arrangement between the Council and each RP which enters into it to enable officers to work more effectively with those RPs in allocating housing to households on the Council's housing register. Whilst not a statutory requirement itself, it is a useful tool by which the Council can discharge its statutory duties under the Housing Act 1996 and serves to formalise the statutory obligation on RPs to cooperate with the housing authority.

Comments checked by:

Chris Mace, Solicitor, 01295 221808, [christopher.mace@cherwell-dc.gov.uk](mailto:christopher.mace@cherwell-dc.gov.uk)

### **Risk Implications**

- 7.3 The main risks are that a) registered providers refuse to start paying for the housing allocations service (which most councils do charge for) and b) that RPs refuse to sign the new agreement. These risks are low and will be managed as part of the service operational risks and escalated as and when necessary to the Leadership Risk Register.

Comments checked by:

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### **Equality and Diversity**

- 7.4 The Nominations Agreement is a key document in setting out how social housing for rent will be nominated to through partnership working between CDC and RPs. Although the agreement is not of direct relevance to social housing applicants it does set out how CDC and RPs will work together to ensure social housing is allocated to eligible households that have a need for affordable housing. Nominations should be carried out fairly, in line with the Housing Allocation Scheme and in accordance with the public sector equality duty. As such, it has been an important step to ensure that the revised document is as accessible as possible. The allocation of social housing contributes to reducing inequalities and addressing disadvantage.

Comments checked by:

Robin Rogers, Head of Strategy, Policy, Communications & Insight,  
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## **8.0 Decision Information**

### **Key Decision**

**Financial Threshold Met:** No

**Community Impact Threshold Met:** Yes

### **Wards Affected**

All

## **Links to Corporate Plan and Policy Framework**

Business Plan 2020-21 – Housing That Meets Your Needs

## **Lead Councillor**

Councillor John Donaldson, Lead Member for Housing

## **Document Information**

Appendix 1 – Revised Nominations Agreement

Appendix 2 – Summary of Consultation Submissions and Responses

## **Background papers**

Housing Allocations Scheme

Tenancy Strategy

Both available at [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

## **Report Author and contact details**

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