

WAVERLEY BOROUGH COUNCIL

HOUSING OVERVIEW & SCRUTINY COMMITTEE

20 MARCH 2018

Title:

**OUTCOME OF CONSULTATIONS TO REMOVE AGE RESTRICTIONS
FROM COUNCIL HOMES**

[Portfolio Holder: Cllr Carole King]
[Wards Affected: all]

Summary and purpose:

To advise the Committee of the outcome of consultations to remove “over 45 years” letting age restrictions to increase allocation flexibility, create balanced communities and maximise rental income.

How this report relates to the Council’s Corporate Priorities:

The consultation exercise supports the Customer Service, Community Wellbeing and Value for Money corporate priorities.

Financial Implications:

Increased flexibility by removing age restrictions will enable properties to be let more promptly and therefore reduce the loss of rental income from unoccupied properties.

Legal Implications:

In relation to the Joseph Ewart Trust sites, Charity Commission approval would be needed to lower the age restriction. The Joseph Ewart properties are intended for those aged over 60 years. For the other sites, property legal advice has been sought as to the covenants on title. Officers also checked with the Planning team for specific planning restrictions.

Introduction

1. The Council has 20 estates where homes are restricted to applicants over 45 years of age. Details of the estates are set out in Annexe 1. Over time the age restrictions have been reduced from retirement age, with no formal consultation with tenants. The schemes offer a range of accommodation from bungalows to two bedroomed flats. However no additional support or services are provided at the homes.
2. The Housing Improvement Sub-Committee received a report in January 2016 and supported in principle the removal of age restrictions subject to there being no freehold title restrictions and full consultation with key stakeholders.

Title Review

3. A desk top survey was completed of the 20 schemes to identify any title deeds, or planning covenants referring to age restrictions. The majority have no restrictions. Only four schemes have a covenant relating to provision of accommodation for elderly persons:
 - College Gardens, Farnham – Ewart Bequest homes for elderly residents (over 60 years in age) and subject to Charity Commission approval to changing the terms of the Trust
 - Redhearn Fields, Churt – planning consent refers to elderly persons flats
 - Lucas Fields, Haslemere – planning covenant for occupation by old people
 - The Glebe - planning application refers to erection of elderly persons' bungalows
4. However, the property legal advice provided noted that “elderly” was an ambiguous term and the covenants on the Land Registry titles potentially not enforceable.

Consultation

5. During November, December 2017 and January 2018 the Housing Service consulted with tenants and Ward Members in the 20 areas.
6. The consultation letter explained the housing need in the borough, community development and tenancy management:
 - There are over 1,500 households in housing need and 47% of applicants are aged between 20 and 39 and require one and two bedroomed homes.
 - Updating the allocation policy will help to create communities where those of different ages and backgrounds live together and where the quality of people's lives is improved.
 - Any new tenant would be issued with an introductory tenancy. We will monitor and manage the tenancy carefully and robustly during the introductory period. This will mean we can identify and resolve any issues promptly.
7. The consultation was split into three phases to manage the correspondence and responses. Only a small number of tenants and Members responded overall. However, a collective response was received from a group of residents in the first phase. A face to face meeting was held with Hugh Wagstaff in January for residents to fully understand the reasons for the proposals and to discuss their concerns. Five objections were received regarding proposal at Lucas Fields and two from College Gardens.
8. Many of the issues raised are not related to the age of tenants:
 - Limited parking and concern over parking conflicts.
 - Erosion of established retired community with shared experiences, understanding and informal care.
 - A belief that younger residents would lack time to engage with the community.

- Lack of soundproofing and anticipated neighbour conflict due to noise and clash of lifestyles.
- The deed of covenants referring to “elderly people”.

9. Five responses in support of the proposal were also received.

Review

10. An Officer / Member Panel reviewed all legal information, consultation feedback and historic letting information to assess the proposal to remove the age restrictions.
11. The Panel wanted to ensure housing need is met, add flexibility to lettings and create balanced communities. During the review the Panel has noted:
- Bungalows are desirable to downsizers with high banding.
 - Those requiring a ground floor dwelling for medical needs tend to be older applicants (preference will be given).
 - Homes with age restrictions have no additional services or adaptations for older people.
 - An unfair letting policy could be challenged.
 - Tenancy and Estate officers meet prospective tenants at viewings and can explain the nature of scheme and community.
 - Small turnover of stock would not introduce immediate or significant change to communities
 - Many concerns raised were not related to age but the condition of homes and perception of different generations.
 - Sheltered Housing (Senior Living Accommodation) available for those not wishing to live in a mixed community.
 - Removing age restrictions gives flexibility to lettings to ensure maximising rental income.
 - Any tenancy management issues will be addressed and monitored.
12. The Panel decided to remove the over 45s age restrictions at 18 schemes and retain the allocation restriction at College Gardens and Lucas Fields: College Gardens due to the Ewart Bequest status and Lucas Fields due to the high demand for homes by older applicants in the area and limited parking. The Panel agreed to review the Lucas Field restriction again in 12 months after a viability review to improve parking.
13. Residents and Members were informed of the outcome and advised that:
- To support our downsizing programme and ensure homes are matched appropriately to need all homes within this area will continue to be advertised with the text: *“preference may be given to applicants needing ground floor accommodation”*.
 - The Tenancy and Estate Team will continue to monitor and manage tenancies carefully and robustly to identify and resolve any issues promptly.

Conclusion

14. The team completed a comprehensive review of the schemes and made an informed decision to remove age restrictions to manage homes effectively. Member and tenant views were considered and meetings held to discuss and allay concerns.

Recommendation

It is recommended that the Housing Overview & Scrutiny Committee supports the outcome of the consultations and removal of age restrictions at 18 schemes, and retention of age restrictions at College Gardens and Lucas Fields.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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