

MINUTES OF THE MEETING OF THE HOUSING SCRUTINY PANEL HELD ON MONDAY, 22ND APRIL, 2024

MEMBERS: Councillors Kate Anolue, Josh Abey, Nicki Adeleke, Lee Chamberlain, Adrian Grumi, Nelly Gyosheva, Tom O'Halloran and Eylem Yuruk

Officers: Neil Wightman (Director of Housing Services (residents))

Also Attending: Cllr George Savva (Cabinet Member for Social Housing) and 1 member of the public

1. WELCOME & APOLOGIES

The Chair welcomed everyone to the meeting and introductions were made.

Apologies were received from Joanne Drew (Strategic Director of Housing and Regeneration).

2. DECLARATIONS OF INTEREST

No Declarations of Interest were received.

3. MINUTES OF THE PREVIOUS MEETING

AGREED the minutes of the meeting held on 11 March 2024.

4. HOUSING FRAUD/ILLEGAL SUBLETTING

RECEIVED the report of Neil Wightman (Director of Housing Services (residents)).

Neil Wightman presented this item; the short report provided introduced the work undertaken around housing fraud. Council housing fraud affects the availability and quality of housing available. It is important that fraud is both tackled and taken very seriously. Officers undertake a lot of detailed verifications and investigations pre and during applications. Fraud can also come to light post application.

The report details the main areas of fraud; Housing Application Fraud (involving applications to the housing register or homeless applications); Occupancy and Subletting fraud. Council tenants do not have permission to sublet, so if this occurs and they no longer reside there as their main primary home then this is a breach of their tenancy; Succession Fraud (this tends to occur in larger properties) and Right To Buy Fraud.

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Section 4.4 provided some examples of the work of the Counter Fraud Team. They undertake both preventative and proactive work. However, most of their work is reactive. Most fraud cases are from referrals e.g., from employees, councilors, contractors, and residents on suspected fraud cases.

Section 4 provided some information around cases where there has been an established outcome and some examples of case studies are also provided in the report (section 5), highlighting some of the powers that the counter Fraud team have.

Observations were then made, and questions taken:

A general observation on the report was that it contains no details on prosecutions which would have been helpful to demonstrate impact. It would also be helpful to provide comparison with the rest of London or the country if data is available. Neil Wightman to provide clarification of whether there is benchmarking undertaken. **Action Neil Wightman**

Neil provided clarification on the table in the report the asterisks indicated notional recovery figures per case. The table is successful cases only, however many other cases are being investigated. Some cases will take a lot longer, dependent on many factors such as the response of the person being investigated, the type of case, and intelligence received. The number of cases will fluctuate.

In response to a query on the difficulty of seceding with a case where fraud is suspected, members were advised that the burden of proof is high, there will often be conflicting evidence and a judgement must be reached. The more complex cases can go on for long time.

Following safety concerns raised on intelligence from the public and possible repercussion it was confirmed that the intelligence is used anonymously. It was not expected that those reporting completed a witness statement. This information is the start of a formal investigation. Neil Wightman to confirm whether people are aware when they report fraud that it is anonymous. **Action Neil Wightman**

It was clarified that it is in all tenancies for both Council and Housing Association that tenants cannot sublet their entire property.

Neil Wightman agreed to provide more details on preventative work following a request. **Action Neil Wightman**

It was confirmed there is one team the counter fraud team. They deal with the more difficult cases. The actual number of staff on this team is to be confirmed. **Action Neil Wightman**

The Housing Teams generally will deal with cases where they are investigating, particularly in homelessness. Homelessness and housing applications are statutory, and it is necessary to provide correct evidence

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which will be examined and needs to be verified. The fraud tends to come at a later stage and would then be investigated by the counter Fraud team.

It was queried for fraud caseloads how many cases on average result in an established outcome. Neil Wightman agreed to provide. **Action Neil Wightman**

In response to a query on prosecutions the panel was advised that on any fraud case or possession action there will be a legal judgement on whether the threshold has been met. If this is met the council will always prosecute. The sentence given would typically be fines or barring from the housing register for a period of time. These cases tend to be civil matter not criminal in general. A rent repayment order is possible where monies have been accumulated illegally.

Rogue landlords were also discussed and the dangers around the safety of the property where properties have been sublet illegally.

Following a query of succession fraud, it was confirmed that if a son/daughter has been living with their parents for a long while and caring for them will have a legal right to succeed in the tenancy. It may be more complicated where the relative is more distant or a carer this would be looked at under a discretionary policy on the right to succeed. The right is not the right to the home it is the right to housing. Often the home is larger than is needed, so the family will need to be allocated a right sized home.

5. REVIEW OF SOCIAL HOUSING ALLOCATIONS POLICY

RECEIVED the report of Neil Wightman (Director of Housing Services (residents)).

Neil Wightman presented this item which was a follow up to the last report at the last Housing Scrutiny meeting. The report provided an update on the review of social housing allocation scheme.

The responsibility of any scheme is to allocate a very limited resource to those in the greatest need. This is regulated under the Housing Act which provides the framework for how the scheme is run and what must be included.

Any new scheme will have an Equalities Impact Assessment undertaken.

The Scheme was last updated 18 months ago so this will be a light touch review. The Government is consulting on this which was covered in the report to the last meeting and the main areas that they are looking at are detailed in the report.

There are two options for the scheme these being bands or points. Under points the need is calculate against different points examples are contained in the report. Bands is usually easier to understand and involves 4 to 5 bands. Point schemes are more flexible despite being more complicated as there are

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more categories. Points systems better represent those who have more complex or cumulative needs.

The points scheme is currently used and going forward it is proposed to continue. The current scheme uses Choice Based Lettings which is a national product the recommendation will be to keep CBL.

Qualifications was covered at the last meeting; part of the consultation will be on whether to move to a longer period to establish a local connection. The Government is proposing 10 years for UK residents. A number of local authorities are moving to a higher threshold.

Priorities will be looked to see if they can be improved the main priority will remain overcrowding. The question to be looked at is who should be prioritised in terms of overcrowding and the issues to consider exception exclusions were detailed in the report. Adults in the household to be looked at a number of schemes with other local authorities do not include this group.

Enduring and cumulative needs will be recognised, want to look at where there is greater need within a household. The possibility of including neurodiversity is being explored going forward, particularly around children. There is a legal duty to offer a secure tenancy to households in temporary accommodation pre 2012 (currently 270 households).

There are a limited number of priorities that can be maintained due to the number of allocations made. Approximately just over 400 allocations are made each year including housing associations as well as Councils own stock. But with thousands of people on the register and thousands of homeless households, it is a difficult balancing act. Each year the number of people applying for housing goes up.

It was stressed that this is not a waiting list it is a Needs Register people often find this difficult to understand or rationalise. This is especially true if they have been waiting a long time.

Observations and discussions were then held around the following:

It was confirmed that the 10-year local connection will not be retrospective.

The one offer on Regeneration will be maintained, and these residents will not be impacted by the local connection.

At the point of consultation there will be a fully worked up document to look at. This will include Impact assessment information.

Clarification was sought on potentially including neurodiversity what this could mean. Generally, schemes that exclude over 21 years olds do not exclude people with health problems or vulnerabilities. Neurodiversity would be explored with dependent children. It was noted that families may have multiple

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complex needs including, physical health, neurodiversity as well as mental health. Trying to explore within the scheme giving additional priority.

The points system in general is a frequent casework item for many councilors. It was felt that residents did not appreciate that it is a need register rather than a waiting list. Residents get very frustrated. It was felt that it is very important to make clear when people apply that it is needs based and waiting time does not affect their place. Officers advised that whilst it is explained, this remains a constant question and frustration for people, with unfairness perceived. Officers confirmed that will be reviewing what is on the website and information provided to try to make more straightforward and clearer. **Action Neil Wightman**

Observation regarding 10-year local connection, there maybe people with a shorter local connection who often have an association with a lower income or more instability in their life. There was also mention of those who live on the borders on neighboring boroughs and may move short distances and this be counted against them in respect of a 10-year connection, it was felt that a little flexibility is needed. Officers advised that it is difficult to build in too much flexibility as the scheme then become open to challenge. People can apply to multiple local authorities; many local authorities will have same threshold. Nuances to be worked through.

Around exceptions to exclusions for those over 21 indicated in agenda papers are over 60 years old, it was queried why they are included as a blanket category. Over 60 years olds are not inherently vulnerable. Officers advised that a suggestion is that this group could be included and is open for discussion. It is ensuring that people are included for the right reasons, challenge on this point noted.

It was raised that the Allocation scheme is unpopular and complicated and leaves many disappointed families. There needs to be a way to explain better each time residents contact how the scheme works and the effect of any changes to their points. Overall improved explanation and education is needed. Officers advised that this will be part of the process going forward.

Officers were thanked for their time.

6. **WORK PROGRAMME 2023/24**

NOTED the completion of the Work Programme for 2023/24 and that the Housing Scrutiny Work Programme for 2024/25 will be discussed at the first meeting of the new municipal year.

7. **DATES OF FUTURE MEETINGS**

NOTED that future meetings will be confirmed at the Annual Council meeting on Wednesday 15 May 2024.

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The meeting ended at Time Not Specified.