

REPORT TO: Cabinet

MEETING DATE: 13 November 2012

BY: Executive Director (Services for Communities)

SUBJECT: Extensions Policy

1 PURPOSE

- 1.1 To seek Cabinet approval for the new Extensions to Council Houses Policy.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to approve the new Extensions to Council Houses Policy, which amongst a range of other measures seeks to ameliorate overcrowding in Council houses.

3 BACKGROUND

- 3.1 Due to high demand and the shortage of affordable housing a number of households are living in an overcrowded situation. In some cases it is not possible to meet these housing needs through re-housing.
- 3.2 It may be that by extending an existing property housing need could be met where re-housing is not possible or appropriate.
- 3.3 This is recognised in the recently approved Council Plan commitment to reintroduce and review the provision of loft conversions and extensions for council tenants.
- 3.4 The attached policy has been discussed and agreed by the Senior Housing Management Team.
- 3.5 Discussions have also taken place with East Lothian Tenants and Residents Panel (ELTRP) who have agreed that the policy can be introduced without the need for a full consultation exercise. Both the Council and ELTRP recognise that there are a number of significant consultations already underway or about to come forward (rent proposals

and Antisocial Behaviour Strategy) and that it would not be possible or appropriate to conduct a similar scale consultation at the same time, which in essence only affects a small number of council tenants.

- 3.6 Further procedural work is required to implement the extensions policy and this is underway.

4 POLICY IMPLICATIONS

- 4.1 The Extensions Policy meets the Council Plan commitment to reintroduce and review the provision of loft conversions and extensions for council tenants.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equalities Impact Assessment has been carried out and no negative impacts have been found with the policy itself. Care will be taken to ensure that the policy is clearly communicated to all council tenants. A copy of the EIA has been lodged in the Members Library.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – A new budget provision of £230,000 was approved by Council at its meeting on 23 October 2012. Future year allocations will be determined with reference to the HRA budget development process and agreed by Council at the appropriate time.
- 6.2 Personnel – Staff will be required to develop, implement and manage the procedures supporting the policy and this will be done from within existing resources but may result in increased workloads. This will be kept under review.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Extensions Policy.

AUTHOR'S NAME	Richard Jennings
DESIGNATION	Head of Housing and Environment
CONTACT INFO	James Coutts, Ext 7483
DATE	October 2012



East Lothian
Council

Extensions Policy

Consultation Draft

November 2012

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Polish

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This Policy is available on request in different languages and in other formats such as large print, tape, Braille.

Section 1: Introduction

The Extensions Policy as well as being a Council Plan commitment forms part of the Council's general policy framework. For example, it is linked to other Council policies and strategies such as the Local Housing Strategy, Homelessness Strategy and the Community Housing Allocations Policy.

Due to high demand and the shortage of affordable housing a number of households are living in an overcrowded situation. In some cases, it is not possible to meet these housing needs through re-housing.

Extensions or loft conversions are an important tool for helping address housing need but they are not an absolute right. Any tenant will need to demonstrate that all other housing options have been considered, such as transfers, mutual exchanges and alternative landlords before being considered for an extension. Other qualifying conditions exist and these are explained in Chapter 4.

The policy applies to Council tenants who are experiencing some form of overcrowding as per the Council's Housing Allocations Policy. Different policies and procedures exist for those tenants who require adaptations and/or extensions because of a medical need and these should be dealt with through the appropriate Community Care/Access Teams.

East Lothian Council has adopted the definition of equal opportunities presented in the 2007 UK Equality Review. The definition presents the concept of an 'equal society' seeks equality in the freedoms that people have to lead a fulfilling life.

'An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would chose, so that everyone can flourish. An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and be.' UK Equalities Review 2007.

This definition of equality captures three aspects of equality:

Opportunity - whether everyone really has the same substantive freedom to flourish.

Agency - what degree of choice and control an individual has in achieving the valued activity.

Process - whether discrimination (or some barrier or process) causes or contributes to a particular inequality.

We consider that the development of this extensions policy is an important development to ensure that all council tenants are treated fairly and equally in regard to the provision of loft conversions and extensions.

Section 2: Policy Objectives

2.1 The main objectives of our Extensions Policy are:

- providing applicants with detailed advice and information about their housing options
- deciding on extensions based on a detailed evaluation of an individual's or family's need after a thorough examination of their housing options
- being clear on the criteria and process for extensions
- meeting legal and good practice standards, in particular addressing housing need where overcrowding exists in council houses
- delivering suitably-sized accommodation to applicants with different housing needs in order to achieve balanced and sustainable communities
- working in partnership with all stakeholders and the community to meet our required standards
- to assist in preventing homelessness in line with our Homelessness Strategy
- applicants for extensions will not be discriminated against because of age, disability, language, religion or belief, race, sex, gender reassignment, sexual orientation or marriage or civil partnership, as well as discrimination on grounds of class or social origin or personal beliefs or opinions
- processing applicants' personal details in line with legal obligations to ensure confidentiality
- informing applicants about our appeals and complaints system so that applicants can obtain a fair hearing if they are not happy with Council decisions
- monitoring how we perform through all the stages of the extensions process
- reviewing our policy every three years in consultation with tenants, tenant groups and other stakeholders

Section 3: Legal & Regulatory Framework

3.1 Reasonable Preference

The **Housing (Scotland) Act 1987** tells us that certain sections of our community are to be given reasonable preference when allocating houses. Reasonable preference simply means the priority given to these applicants for housing as detailed below. We have made the overcrowding element the key component of our Extensions Policy.

These groups are:

(a) homeless people or people threatened with homelessness and

(b) people living in:

- housing below the tolerable standard
- overcrowded houses or in large families
- unsatisfactory housing conditions

3.2 Homelessness Responsibilities

It is important to stress that the **Housing (Scotland) Act 1987** also deals with homelessness law; and that applicants have specific housing rights under homelessness law.

Part II of the Housing (Scotland) Act 1987 (as amended by the 2001 and 2003 Acts) sets out the powers and duties of local authorities in dealing with applications from people seeking help on the grounds that they are homeless or threatened with homelessness.

These duties include providing temporary or permanent accommodation where appropriate and, more generally, the duty to give advice and assistance to anyone threatened with homelessness.

3.3 Housing Information Supplied by Applicants

Applicants are entitled to view personal information supplied in connection with their application for housing including requests for an extension. This is a right contained in the **Housing (Scotland) Act 1987**.

They are also entitled to access personal information as permitted under the **Data Protection Act 1998**.

We provide this information, on request, within **forty** working days.

3.4 Tenant Consultation

The **Housing (Scotland) Act 2001** states that landlords must consult with tenants and registered tenants organisations on proposals that affect them, such as housing management and related standards of service. The **Housing (Scotland) Act 1987** states that any changes must be made publicly available within six months of the alteration being made - this is a legal requirement.

The Extensions Policy is an important housing management policy. It is critical that we involve tenants and other stakeholders in its development and implementation.

3.5 Equalities Issues

All requests for extensions will be handled in a non-discriminatory way. We work to ensure that we meet our obligations under the Equality Act 2010 and other European Directives in relation to equal opportunities.

East Lothian Council's Single Equality Scheme sets out our commitment to equality, diversity, and human rights. This strategy is principally concerned with tackling discrimination and prejudice and the barriers faced by individuals and community groups on the grounds of:

- Race
- Disability
- Sex
- Age
- Sexual Orientation
- Gender reassignment
- Religion or Belief
- Pregnancy and Maternity

It should also be noted that the Housing (Scotland) Act 2001 requires both Registered Social Landlords and Local Authorities to follow Equal Opportunities law.

In line with East Lothian Council's positive approach to achieving equal opportunities, a full Equalities Impact Assessment was carried out on this policy in October 2012. For a copy of this assessment please email policy@eastlothian.gov.uk

Section 4: How the Extensions Policy works

This Policy sets out the criteria by which East Lothian Council considers requests for extensions and/or loft conversions.

Extensions or loft conversions are an important tool for helping address housing need but they are not an absolute right. Any eligible applicant (i.e. a family who is overcrowded as per the occupancy levels set out in the Council's Housing Allocations Policy) must apply in writing.

The tenant should also ensure that there have been no breaches of their tenancy agreement prior to submitting an application for extension. A tenancy breach could be, but is not limited to, any breach of the Council's Serious Tenancy Breaches Policy, outstanding rent arrears, antisocial behaviour or any legal action against the tenant, joint tenant or other household member.

Following a successful written request (i.e. where no tenancy breach exists) a housing options interview will be conducted to ensure that the exploration of an extension is the most appropriate route to meeting the tenant's housing need. Extensions will only proceed on the basis that this condition has been met and it is technically feasible to do so and that the budget can sustain the construction and project costs.

The tenant will also be made aware that should an extension be possible, and prior to any works starting, of the estimated change in rent as a result of the extension in line with the Council's Rent Setting Policy. The tenant will be required to confirm in writing their agreement to any rent increase as a result of the extension.

East Lothian Council will assess all requests in a fair, transparent and equitable manner.

The policy aims to approve extensions to eligible applicants based on the following criteria.

- No tenancy breaches exist
- Full consideration that all suitable housing options have been exhausted
- The needs of the overcrowded household
- A technical feasibility study
- Time spent on the housing list

4.1 Extension/loft conversion requests

Any eligible applicant (i.e. a council tenant who is overcrowded as per section 4.1 above) must apply in writing in the first instance. This can be in the form of a letter or email.

4.2 An Assessment of Need

Following checks on any tenancy breaches the applicant will be invited to a Housing Options Interview where an application form will be completed. The interview will explore other possible options such as Mutual Exchanges, Transfers, other housing tenures or providers.

Following completion of the form and the Housing Options Interview, if none of these options is suitable or appropriate the case will go forward to the Community Housing Managers Team (CHMT) meeting. The CHMT will then consider the request and if in agreement request a technical feasibility study to determine that an extension/loft conversion is technically possible.

4.3 Feasibility Requests

The CHMT will decide on the number of bedrooms/other rooms required to address the housing need who will then instruct the feasibility study on this basis.

The feasibility study may determine that it is not possible to extend the property or convert the loft because of existing property features, available space etc. In these instances a further Housing Options Interview will be offered.

The feasibility study must also determine that any possible extension will meet the Council's Value for Money criteria.

4.4 Budget/Prioritization

In the event of more requests coming forward which meet the qualifying criteria but cannot be delivered because of budget constraints a further assessment of need will determine the priority in which these extensions will be carried out by the CHMT. Where the same level of need exists the CHMT will then prioritize on the time the applicant has spent on the housing list. This may result in an extension waiting list whereby cases will only come forward where the budget allows i.e. in a future financial year.

4.5 Change in circumstances

Once an application has been received and registered, the applicant is responsible for informing the Council of any changes in their circumstances that may affect the extension request, for example, any change in household circumstances or contact details. Prior to any extension project going ahead circumstances will be verified to ensure that all criteria are still met.

4.6 When an extension won't be given

East Lothian Council reserve the right to cancel any application should there be any tenancy breaches such as rent arrears or as defined within the serious tenancy breaches policy, antisocial behaviour policy or any criminal behaviour. Similarly, where the applicant has provided misleading information or relevant information is withheld by the applicant, then this too will mean that the extension request will not be considered. In all cases we will write to the applicant informing them of our decision and of their right of appeal.

4.7 When an extension is approved

When an extension is approved the tenant will be advised of the estimated rent increase and will confirm acceptance in writing of that increase (estimated and final) prior to the work commencing.

The extension process will be managed by the Council's Project Team who will contact the tenant in all matters relating to the works.

4.8 Review

We will undertake a yearly review of all extension requests; the review date is based on date of application. This ensures that an accurate list is maintained and the information we hold is up to date.

If applicants fail to respond to the review, we send out a reminder allowing a further **fourteen day** period.

If applicants still fail to respond, we remove applications from the extension request list.

4.9 Cancellation

Applications are also cancelled if the applicant (a) requests this, for example, because she or he no longer requires an extension, or (b) if she or he has died. Applications will also be cancelled when the applicant has received and accepted an offer of suitable housing.

5.0 Performance Management

We will monitor all elements of the Extensions Policy so that practice can be modified as required; this supports the corporate organisational commitment to achieving continuous improvement in service delivery.

The issues that we monitor are as follows: -

- Number of extension requests
- Number of requests refused because of tenancy breaches
- Number of Housing Option interviews
- Number of cases where other housing options is preferred route (with breakdown of option reasons)
- Number of cases where extension is the preferred route
- Number of feasibility requests - successful and unsuccessful
- Number of extensions/loft conversions delivered
- Spend against budget
- Performance of contractors
- appeals and complaints
- equality information by reference to issues concerning age, disability, ethnicity and gender

Information on all of the matters that we presently monitor is available on request.

We present information monitored to Policy & Performance Review Panel on a six-monthly basis.

We also provide information on extensions to tenant groups and to tenants generally through the Homefront Newsletter, our website, and regular meetings with the East Lothian Tenants & Residents Panel.

5.1 Documentation

Extension policy documentation to meet agreed equality and plain language standards, for example, the policy and the information leaflet.

Section 6: Appeals and Complaints

This section provides information on our appeal and complaints systems. Details of how to appeal or complain are provided to all applicants as part of general information that they receive when applying for a pitch.

If you want to make a comment, suggestion or complaint about a council service, you can get a Feedback form from your local office. This tells you about the Council's complaints procedures. It includes a form where you can make your comments. Post the form to the council. You do not have to pay for stamps - just use the Freepost address on the leaflet. Or, you can phone the Complaints Officer to discuss the issue on 01620 826600.

6.1 Appeals

Applicants may appeal against decisions with which they are dissatisfied. Further information can be found in the 'Appeals for Community Housing Services' Leaflet.

6.2 Feedback to the Scottish Public Services Ombudsman

Applicants have the right to complain if we **don't**:

- apply policy principles properly or
- meet our standards, for instance, not providing accurate advice and information

We give tenants a copy of our complaints procedure when they sign their Tenancy Agreement.

We also provide information about the Scottish Public Services Ombudsman; this officer investigates complaints that concern maladministration. Tenants must, in general, use the internal complaints system before contacting the Ombudsman. You should contact the Scottish Public Services Ombudsman within 12 months of the date that you first noticed the problem you are complaining about. In special circumstances the Ombudsman may be prepared to deal with matters that have gone on longer than 12 months. Please write to the Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh. EH3 7NS. Freephone tel: 0800 377 7330, freephone fax: 0800 377 7331. Email: enquiries@scottishombudsman.org.uk