

# EAST LONDON SUB REGION NOMINATIONS PROTOCOL

East London Housing Partnership



## **East London Sub Region Protocol for Cross Borough Nominations**

### **1. Introduction**

This protocol defines the methodology and policy for pooling regional nominations to housing units developed with the East London Housing Partnership, including the following boroughs:

- Barking and Dagenham
- Corporation of London
- Hackney
- Havering
- Newham
- Redbridge
- Tower Hamlets
- Waltham forest

Partner housing associations developing in the sub region will be signatories to this Protocol. The London Regional Office of the Housing Corporation will be invited to endorse this document.

#### **The protocol:**

- Describes how nominations subject to pooling will be shared out. It applies to all new **socially rented** homes developed by housing associations with Social Housing Grant (SHG) and any other recipients of SHG.
- Applies to the re-letting of those homes and covers homes developed on sites out of London but funded through the East London Housing Partnership with SHG.

The exceptions to the protocol are detailed.

Where this protocol does not apply to nominations, the usual borough arrangements will be applicable.

### **2. Background**

The Housing Corporation introduced a strategic approach to investment in 2001/02. The move was in recognition of the fact that housing markets do not respect borough boundaries and that London's housing problems are best met on a strategic level. In response to this, in 2003 the East London Housing Partnership developed the East London Affordable Housing Investment Framework which provided an outline of what the eight boroughs wished to see developed in East London over the following two years.

The Approved Development Programme has moved incrementally since then to a pooling of nominations and a sharing of investment opportunities across the East London sub region.

It is expected that along side these sub regional schemes there are likely to be a small number, which, as a result of their strategic impact, will be pan-London schemes.

### **3. Principles**

The Protocol attempts to ensure:

- A consistent fair and coherent methodology and policy is applied with regard to sub-regional housing allocations and nominations (both initial lettings and subsequent re-lets).
- Due regard is given to those households with specific needs, such as Black and minority ethnic or supported needs housing.
- The independence of housing associations and their regulatory duty and the statutory and strategic duties of boroughs are mutually respected.
- Exceptional circumstances to any scheme will be considered as long as any arrangements are in agreement with the host borough and the housing association, are in keeping with meeting housing need as set out in East London Affordable Housing Investment Framework and have been formally approved by the East London Housing Partnership Board.
- A balance between the statutory duties to meet housing need and to alleviate homelessness, a commitment to community cohesion, sustainability and regeneration in its widest sense is achieved.
- To minimise through the operation of this protocol any forced rehousing of a borough's housing applicants in other boroughs' areas.

In signing this protocol partners agree to the following objectives:

- Co-operation, consensus and fairness

The partners agree to work together to meet the housing needs of people in East London and achieve consensus through adopting the approach set out in this protocol. Partners agree to aim to achieve greater consistency in allocation policies. Partners also agree to strive for continuous improvement with this agreement. The tensions in the nomination processes are recognised. We will work to resolve these issues through this Protocol, close liaison and other agreements.

- Equality and diversity and customer satisfaction

The parties will monitor and review the operation of the protocol processes to ensure that outcomes promote equality of opportunity and diversity.

In the operation of this protocol the parties agree to strive towards customer satisfaction and continuous improvement in its operation.

- Transparency

The parties agree to adopt open, transparent and accountable ways of working. We recognise inherent tensions in the nominations processes.

The parties agree to regular liaison to ensure the effective implementation of the protocol and to ensure that agreed outcomes are achieved.

- Community cohesion and sustainable communities

The parties are committed to promoting community cohesion and sustainable communities as set out in the London Housing Strategy. Partners will have regard to East London Affordable Housing Investment Framework and ensure that there is a reasonable balance between meeting housing need and sustainability.

- Accessibility and publicity

A communications strategy will be developed. The nominations and lettings processes developed from this Protocol will be publicised and operated in a manner that makes them accessible to all local communities in the East London Sub Region.

#### **4. Processes**

The Protocol applies to all Housing Corporation socially rented schemes funded through the National Affordable Housing Programme (formerly the approved Development Programme) element of the single regional housing pot on a sub regional basis. It does not apply to:

1. Existing agreements between individual boroughs and housing associations that pre-date the new sub regional and pan London arrangements
2. Temporary social housing
3. Regeneration of existing social rented homes. Subject to the application of other exemption clauses, the protocol would apply to those new rented homes in regeneration schemes, pro-rata across bedroom sizes, which are net additions to the social rented stock in regeneration schemes units not used by right to returns will also be exempted.
4. Supported housing schemes
5. Schemes not in receipt of Social Housing Grant
6. Low cost home ownership and key worker schemes, which are covered by separate agreements
7. Additional homes funded entirely through section 106 agreements
8. Where developments have been enabled by boroughs through their own capital funding, sale of land at below cost or use of S106 planning powers they will receive additional nominations to reflect the value of their contribution as a percentage of the Total Scheme Costs of the project. For example, if the local authority provides a discount of £100,000 on the value of the land and this represented 20% of the Total Scheme Cost [after the actual sale price of the land had been included] then that authority would receive an initial 20% top slice of the total scheme to reflect the discount. The remaining units would then be divided in the usual way, a further 25% host borough premium, 25% for the developing RSL, which will be subject to local nominations agreements and/or local Common Housing Register arrangements,

then a division based upon the relative HNI scores of the eight authorities in East London. So in a 20 unit scheme with a 20% discount, the host borough would get four units [20% top slice] then a further four [25% of 16], a further four would go to the developing RSL, which will be subject to local nominations agreements and/or local Common Housing Register arrangements, and then the host Borough would also receive whatever its HNI score would generate on the remaining eight units.

- 9 Properties funded jointly by an authority and the Housing Corporation. Contributions will be worked out on a pro rata basis and the relevant number of units then excluded from the terms of this protocol.

### **Method of Calculating Nominations**

The process of distributing nominations to new social rented homes is as follows:

- 25% host borough premium for each scheme developed in that borough
- 25% for the developing RSL, which will be subject to local nominations agreements and/or local Common Housing Register arrangements
- Borough Housing Needs Indicator is then applied to the whole sub regional pool after the 50% has been taken off.

### **Housing Needs Indicator**

The determining factors influencing whether a borough receives or nominates households under the sub regional arrangements are the Housing Needs Indicator (HNI) after the level of development HNI governs the quota of nominations for any given authority.

If the development of units within each borough reflected HNI, the nomination effects would be neutral. The presumption is that boroughs will maximise their nomination quota on in-borough schemes thereby minimising the number of cross borough nominations.

Current calculations of HNI will apply until such time that it is replaced with another system.

HNI Indicators for each Borough;

HNI Scores	% 2004-06 Programme	% 2006-08 Programme
Barking & Dagenham	4.57%	7.09%
City of London	0.36%	0.04%
Hackney	23.48%	20.62%
Havering	3.50%	3.28%
Newham	28.20%	29.48%
Redbridge	7.02%	6.56%
Tower Hamlets	21.51%	17.59%

Waltham Forest	11.36%	15.26%
East London Score	100%	100%

### **Calculating the share of relet properties**

To ensure the continuation of sub regional nomination arrangements into the future, the units will remain in perpetuity with the authority to which it was originally allocated.

## **5. Nominations Process - Application**

Boroughs and housing associations will receive a monthly updated spreadsheet giving the latest picture in terms of nomination rights. This may change if, as often happens, the programme changes in year. This spreadsheet will advise on the number and type of properties that should be offered to nominees from other boroughs.

It will be the responsibility of the developing RSL to liaise with the host Borough prior to the handover of a scheme. This will include ensuring the details of the nomination schedule are correct as agreed through the ELHP and agreeing specific details of which individual addresses are given to each qualifying Borough. Local discretion will be applied terms of use of wheelchair accommodation, floor height, etc

All requests for nominations from developing RSLs will then be made direct to the host borough and nominating boroughs simultaneously. It will be the responsibility of all boroughs to provide nominees within the timescales and if nominating boroughs fail to provide nominate or nominees reject offers then the nominations will revert to the host borough.

Both the host borough and the ELHP Co-ordinator will be provided with details of requests for nominees and progress, through the use of a standard ELHP scheme tracking template.

The nominating borough will have two options for referral. If both sets of these referrals were refuse, then the property will revert back to the host borough for nomination. The first nominations must be made by the nominating borough within two to three weeks of the property being advertised in the choice based lettings magazine. If this referral refuses the property, the nominating borough will have a further two to three working days to provide the second set of nominations. Although the property reverts back to the host borough where the nominating borough is unable to take up its rights, the property is still tagged to the original nominating borough which will be able to exercise its rights when the property is made available as a relet.

The developing RSLs are required to set up multiple viewings and signing up arrangements and feedback that information to the host borough.

## 6. Process for obtaining data in each Programme Cycle

- A. All Local Authority Lettings Managers are in possession of appropriate templates, which are filled in with details of individual schemes once their funding has been confirmed, and passed onto ELHP Coordination Team to calculate the entitlements.
- B. For every scheme included in the Sub Regional pot, the following will happen:
  - i. Total scheme no. of units is divided by 2, rounded to the next LOWEST number where there is a decimal (For example, if the development scheme is for 5 units in total, the number assigned to the sub regional pot is 5 divided by 2, which equals 2.5, rounded to the next lowest number, which is 2. Therefore the number of units assigned to the sub regional pot is 2 in this case). This number is then used to calculate, using the HNI ratios as set below, how many units are assigned to each borough according to their HNI score.
  - ii. An HNI calculator has now been added to the spreadsheet which should facilitate more accurate calculation of entitlements. The calculator is a simple pre-programmed table on the spreadsheet, where you only need to insert the number of units for the sub regional pot for the scheme, and pressing “enter” then calculates the apportionment of units to each borough, based on their HNI score. Partner lead officers are invited to go through this with the ELHP team if they perceive any problems, to facilitate familiarity with the process.
  - iii. When using the HNI scores to calculate entitlements, if total of rounded numbers for each borough is LESS than the number required for the Sub Regional pot, then the number with the highest DECIMAL value is chosen and rounded up to the next whole number, to make the total add up to the number required. The reverse is performed if the total for the rounded numbers add to MORE than the number required.
  - iv. For each scheme, the “entitlement” is calculated for each borough using the HNI score. This gives the “target” for each borough column, which is inserted manually into the spreadsheet, by dividing among “Unit Types” available for the individual scheme (having 50% of each Unit Type removed for Host Borough Premium) in an equitable manner as far as possible, ensuring that once all the entitlements for all the boroughs have been inserted, the

total for each Unit Type does not exceed the number available for the Sub Regional Pot.

- C. The RSL Lead Officer will alert the ELHP coordination team and the Local Authority Lettings Manager, as to which new scheme will be ready in Approximately 3 months; the calculations for sharing the properties are based on the pre-calculated entitlement schedules (see 'B' above). The 'Actual Lettings' data is confirmed directly between RSL Lead Officers, Borough Lettings Managers and the ELHP coordination team, and the RSL can go ahead to obtain nominations once the Local Authority Lettings Managers are satisfied that the calculations are correct.
- D. Any challenges to the Entitlement numbers calculations by the ELHP Coordination team should be highlighted as early as possible in the process to avoid confusion later on.
- E. The ELHP coordination team will contact both RSL and Local Authority Lead Officers at three monthly intervals to ensure that:
  - i. The schemes list for each borough is still accurate and valid
  - ii. To agree on the data to date
  - iii. Make amendments as necessary and report latest position
- F. The Local Authority Lettings Managers undertake to ensure that they check their schemes list for the Sub Regional pot at least every three months and report any changes / anomalies to the ELHP coordination team immediately in writing, ensuring the email has been received if that is the means used.
- G. The RSL lead officers will ensure that all schemes coming up to completion are brought to the attention of both the borough lettings manager and the ELHP coordination team well before the nominations process is due to begin, ensuring they are in possession of, and confirming with the ELHP team one last time, the entitlement calculations for the Sub Regional pot.
- H. The ELHP coordination team will keep the spreadsheet up to date and make summary data available to the Lettings Managers Group on a three monthly basis.

## **7. Sustainability**

The boroughs and housing associations in the sub region are committed to the principle of promoting community cohesion and sustainable communities as set out in the London Housing Strategy and the sub regional housing

strategy. The East London Housing Partnership recognises that there is more work to be done in translating this into action through the lettings process.

Consideration should be given to lettings at an early stage and that this should involve housing managers and future residents where possible. The partners should also have regard to households with specific needs, in particular, BME households.

## **8. Choice**

Not all of the Boroughs in the East London Housing Partnership have adopted choice based lettings. The protocol and the nominations arrangements have therefore been designed to be able to work in the context of both choice based lettings and direct lettings systems.

## **9. Marketing and Publicity**

The host authority or housing association should provide to nominating authorities such information as is necessary to market new developments to prospective tenants. In East London, nominations through choice based lettings must have a photograph. The parties undertake to ensure that there is appropriate literature about the schemes and landlords available to nominees. Housing associations will provide publicity for schemes subject to cross borough agreements well in advance of handovers.

## **10. Private Developers**

The East London Housing Partnership expects the Protocol to apply to any unregistered body that may in future develop new homes for rent through Social Housing Grant. If social housing is developed through an unregistered body and management retained by that body (rather than an RSL), this protocol will be revised accordingly following negotiation with that body. The aim will be to ensure that the new body will be obliged to fulfil the obligations of RSLs under this protocol.

## **11. Withdrawal from the Agreement**

The eight local authorities and their housing association partners understand and accept that inter borough nomination arrangements are a condition of capital funding from the Housing Corporation. If any one borough wishes to withdraw from the partnership arrangements set out in this protocol, the sub region will approach the Housing Corporation to request that housing associations are instructed to bypass that borough when dealing with nominations that should be subject to inter borough nominations.

## **12. Reviewing the Protocol**

To ensure that it is working effectively and does not give rise to any significant concerns the Protocol will be reviewed after six months and then every two years after that. The signatories will agree any amendments.

## **BOROUGH LETTINGS CONTACTS**

<b>Organisation</b>	<b>Name</b>	<b>Contact Number</b>	<b>Email Address</b>
LB Barking & Dagenham	Souman Sen	020 8227 5088	<a href="mailto:Souman.sen@lbbd.gov.uk">Souman.sen@lbbd.gov.uk</a>
City of London	Patricia Brindle	020 7332 1637	<a href="mailto:Patricia.brindle@cityoflondon.gov.uk">Patricia.brindle@cityoflondon.gov.uk</a>
LB Hackney	Remi Osadiya	020 8356 5758	<a href="mailto:Remi.osadiya@hackney.gov.uk">Remi.osadiya@hackney.gov.uk</a>
LB Hackney	John Isted	020 8356 5057	<a href="mailto:john.isted@hackney.gov.uk">john.isted@hackney.gov.uk</a>
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LB Newham	Geoff Savill	020 8430 5387	<a href="mailto:Geoff.savill@newham.gov.uk">Geoff.savill@newham.gov.uk</a>
LB Newham	Mark Goddard	020 8430 5405	<a href="mailto:Mark.goddard@newham.gov.uk">Mark.goddard@newham.gov.uk</a>
LB Redbridge	Ursula Rabbitte	020 8708 4159	<a href="mailto:Ursula.rabbitte@redbridge.gov.uk">Ursula.rabbitte@redbridge.gov.uk</a>
LB Redbridge	Yogesh Sharma	020 8708 4132	<a href="mailto:Yogesh.sharma@redbridge.gov.uk">Yogesh.sharma@redbridge.gov.uk</a>
LB Tower Hamlets	Rafiqul Hoque	020 7364 0235	<a href="mailto:Rafiqul.hogue@towerhamlets.gov.uk">Rafiqul.hogue@towerhamlets.gov.uk</a>
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## **RSL LETTINGS CONTACTS**

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