



Cabinet

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Local Lettings Plans

Report by:

Deputy Leader and Cabinet Member for Fairer Chelmsford

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Purpose

To establish a legally compliant and consistent process for the use of Local Lettings Plans that would enable the Council to make best use of existing and new housing stock whilst still meeting its legal duties to households in housing need, and to approve the document as presented in Appendix 1.

Options

1. Agree to the process, set out in Appendix 1, for creating Local Lettings Plans, and approve the document as presented in Appendix 1.
2. Amend and agree the process, set out in Appendix 1, for creating Local Lettings Plans, and approve the document
3. Not approve the process for creating Local Lettings Plans and continue the allocation of housing through the existing Allocations Policy.

Preferred Option and Reasons

That Cabinet agree to the process, set out in Appendix 1, to approve the document for creating Local Lettings Plans, as this allows the Council to make best use of existing and new housing stock whilst still meeting its legal duties to households in housing need.

1. Background

- 1.1 Part 6 of the Housing Act requires all Local Housing Authorities to have a policy for the allocation of social housing which takes into account its legal duties to those who are homeless and in most urgent housing need. The Council should not allocate any homes outside of this policy.
- 1.2 The prevailing principle of any allocation policy is that applicants are given priority according to their need with reasonable preference being awarded to those who are homeless. Where applicants have the same level of priority consideration is then given to those at this level who have been waiting the longest, i.e. having the earliest 'effective date' when they were awarded this level of priority.
- 1.3 Generally this is accepted as being a fair and reasonable way to balance the need for housing with supply. In 'exceptional circumstances' the policy allows for the Council's Strategic Housing Services Manager to agree to an allocation to be made otherwise in accordance with the policy, ensuring that there is flexibility when needed to avoid any unintended consequences but this is restricted to individual cases and inevitably rarely used.
- 1.4 Whilst an allocations policy manages the needs of applicants, there can be times when housing authorities and social landlords also need to consider how best to manage some of the local housing stock. Most households in housing need will require homes that are intended for what is usually described as general needs but there can be times when local circumstances may justify some additional criteria to be applied and therefore the use of a Local Lettings Plan.
- 1.5 As the title suggests, Local Lettings Plans do not apply to all of the properties in the local authority's area but should be restricted to a particular locality based on either the needs of that particular area or the need for a particular type of property that is unique to, or rarely available outside of a particular location.

2. Examples of Local Lettings Plans

- 2.1 The value of being able to deploy a Local Lettings Plan lies with its flexibility to respond to very local and sometimes temporary issues. For this reason it is

inadvisable to be too prescriptive as to the detail of any future such plan but some examples below may help to demonstrate their use and benefit.

- 2.2 Addressing anti-social behaviour: when there has been an identified problem, for example in high density housing or a particular part of an estate, a local lettings plan may be helpful in achieving a better balance of households to dilute and help with the management of this problem
- 2.3 Regeneration and redevelopment of an area: when existing tenants need to leave their homes as part of a redevelopment of an area, some may need to remain as close to local services and support and a local lettings plan can enable them to move to homes in the same area reducing delay in plans to develop new homes
- 2.4 Making best use of existing housing stock: there may be a concentration of a particular type of homes in a certain location that if allocated otherwise than in accordance with the existing policy could create better outcomes, for example level access properties or bungalows that could meet the needs of existing tenants with lower priority but then make available larger homes that would not otherwise become available for homeless families.
- 2.5 These are only simplistic examples, it is important that the prevailing way of allocating homes is always through the existing allocations policy of the housing authority with plans and strategies aligned to ensure current and future supply responds to the overall and most urgent housing needs of the district. For this reason a Local Lettings Plan should always be seen as something that is adopted as a temporary measure.

3. Process for Local Lettings Plans

- 3.1 For the reasons outlined above it is difficult to predict when a Local Letting Plan will be needed or the situation it is intended to resolve but it is important that the Council has a process to ensure that this would be legally compliant and not unreasonably disadvantage Housing Register applicants.

- 3.2 Adopting a process which has the oversight of the Director in consultation with the relevant Portfolio Holder achieves the optimum balance between oversight and expediency. This also enables any proposed plan to be amended or rejected if it then transpires that the aims or outcomes of a plan would be ineffective or counterproductive.
- 3.3 For a proposed plan to be approved it must also have limited duration to avoid general needs housing becoming restricted to a limited use that could eventually restrict the Council's ability to meet the wider needs of the majority of the Housing Register's applicants.
- 3.4 Appendix 1 details the process to be followed when creating a Local Lettings Plan.

4. Conclusion

- 4.1 A Local Lettings Plan allows a local housing authority to respond flexibly to very local and temporary issues such as anti-social behaviour, management of tenants during regeneration, and maximisation of housing stock.
- 4.2 Due to Local Lettings Plans allowing allocation outside of the Council's Allocations Policy they need to be restricted to a particular locality based on either the needs of that particular area or the need for a particular type of property that is unique to, or rarely available outside of a particular location.
- 4.3 It is difficult to predict when a Local Letting Plan will be needed or the situation it is intended to resolve but it is important that the Council has a process to ensure that this would be legally compliant and not unreasonably disadvantage Housing Register applicants. Therefore, it is proposed to adopt a process that achieves the optimum balance between oversight and expediency.

List of appendices:

None

Background papers:

None

Corporate Implications

Legal/Constitutional:

This is an executive matter which is within the remit of Cabinet to determine. Establishing a process for the use of Local Lettings Plans ensures the Council exercises any

discretion for the allocation of housing in a responsible and accountable manner. This policy is permitted under Section 166A(6)(b) of the Housing Act 1996 and is referenced in paragraph 4.27 of the statutory guidance issued under Section 169 of the same Act.

Financial: Use of a Local Lettings Plan can make best use of housing stock reducing financial cost to the Council

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: Adoption of a Local Lettings Plan can be useful in responding to short-term risks

Equality and Diversity: Local Lettings Plans will be subject to an equality and diversity impact assessment at the time they are drafted.

Health and Safety: None

Digital: None

Other: None

Consultees:

None for the proposal to adopt a process, but the implementation of a Local Lettings Plan would involve consultation and agreement with the relevant Registered Provider

Relevant Policies and Strategies:

Chelmsford City Council's Housing Allocation Policy

Chelmsford City Council's Housing Strategy and Homelessness Strategies

Appendix 1

Operation of Process for Local Lettings Plans

Whilst the concept is simple, ensuring the outcomes are achieved in a way that doesn't create an unfair advantage or disadvantage between applicants to whom the Council has a legal duty to accommodate can become quite complex. For this reason a degree of flexibility is often necessary taking into account the personal requirements of all applicants who may be affected along with the cooperation of their landlords.

Key steps:

- 1) Identify opportunity to improve supply or address problematic issues, e.g. chain lettings, respond to unmet need, anti-social behaviour.
- 2) Consult with Registered Provider on feasibility of a lettings plan.
- 3) Identify existing applicants who would benefit from a lettings plan and those who would otherwise be in priority for the allocation of these homes.
- 4) Identify alternate options for any applicants who would be excluded by the proposed plan if implemented.
- 5) Assess impact of a proposed plan – ensuring no applicants are unreasonably disadvantaged and compliance with Equalities Act.
- 6) Confirm with Registered Provider and where relevant any other Registered Providers or other landlords who may be involved.
- 7) Prepare a report for approval by Director of Sustainable Communities in consultation with the Cabinet Member for a Fairer Chelmsford, which includes information on:
 - Need for local lettings plan
 - Impact of proposed plan including EQIA
 - Period plan will operate for
 - Date for reviewing operation of plan – outcomes
- 8) In cases where plans are approved, work with Registered Provider on agreeing whether homes will be advertised or allocated as a transfer including those which are released or needed as an alternative option for those who would otherwise be entitled to those with pre-existing priority.
- 9) Identify applicants who will be allocated homes in the local letting plan including possible substitutes.
- 10) Identify applicants for other homes where relevant.

- 11) Conduct preliminary allocation of homes and confirm with Director and Portfolio holder on implementation of local lettings plan or where necessary any amendments.
- 12) Implement local lettings plan and review outcomes.
- 13) End local lettings plan with formal notification to Registered Provider or agree time limited extension with approval from Director in consultation with Cabinet Member.