

## **PROPOSED IMPLEMENTATION OF RESTRICTIONS CONTAINED IN S157 HOUSING ACT 1985 TO RESTRICT ONWARD DISPOSALS OF COUNCIL PROPERTIES SOLD UNDER THE RIGHT TO BUY (RTB) IN DESIGNATED RURAL AREAS, NATIONAL PARK AND AREAS OF OUTSTANDING NATURAL BEAUTY WITHIN THE NEW FOREST DISTRICT COUNCIL ADMINISTRATIVE AREA**

### **1. RECOMMENDATION**

That the Cabinet:

- (a) Considers the results of the recent consultation exercise and recommends to Council the adoption of the restrictions set out S157 Housing Act 1985 and the proposed Policy at Appendix 1; and
- (b) authorises Executive Heads and Service Managers to make decisions on waivers set out in the Local Restrictions Policy in consultation with the Portfolio Holder for Housing Services.

### **2. INTRODUCTION**

- 2.1 This report sets out the findings of the recent consultation exercise concerning the proposed adoption of a new Housing Policy restricting onward disposals of former RTB properties in designated rural areas, the National Park and Areas of Outstanding Natural Beauty (the 'protected areas') so they can only be sold to people who have lived or worked in the 'protected areas' for at least 3 years.
- 2.2 The background to the proposed policy was provided in detail to Cabinet at its meeting on 2nd December 2020, at which time a consultation exercise was approved.

### **3. CONSULTATION**

- 3.1 In line with the agreed consultation process, 565 current tenants within the 'protected areas' were directly consulted on the proposed policy as well as 19 Parish Councils<sup>1</sup>. Others were also given the opportunity to give their view through a wider consultation which appeared on the Council's website.
- 3.2 Having been posted a copy of the draft Policy and covering letter, Consultees were invited to give online responses to the following questions on a yes/no/don't know basis. Respondents were also given the opportunity to make any related comments.

A	Where it can, should the Council use its powers to preserve former Council homes within the National Park and Cranbourne Chase AONB for the benefit of people with a local connection?
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<sup>1</sup> Consultation from December 4<sup>th</sup> 2020 to 1<sup>st</sup> January 2021

B	Do you support the introduction of this policy to ensure formal Council housing is sold or let to people with a local connection?
C	Do you support the inclusion of a waiver that allows the sale or letting of a property to people without a local connection in exceptional circumstances?

#### 4. CONSULTATION RESULTS

- 4.1 The results of the consultation exercise are detailed within Appendix 2 but in summary, a total of 34 responses were received from four broad categories. (Although the NFDC Tenant Involvement Group (TIG) constitutes an 'interested body' it has been separately reported due to the inclusion of eight composite responses).

Category	Number of responses
Existing council tenants in designated rural areas	24
Parish/Town Councils (Brockenhurst)	1
Body or Individual with interest in the Policy	1
NFDC Tenant Involvement Group	8

#### 5 Question A: Where it can, should the Council use its powers to preserve former Council homes within the National Park and Cranbourne Chase AONB for the benefit of people with a local connection?

- 5.1 In total 82% (28 out of 34 respondents) supported the Council's use of its powers to preserve former council homes within the National Park and the Cranborne AONB for the benefit of people with a local connection. Those in favour included all members of the TIG, Brockenhurst Parish Council and 19 out of 24 existing council tenants. A total of 5 respondents objected, including 4 existing tenants and 1 interested individual.

#### 6 Question B: Do you support the introduction of this policy to ensure formal Council housing is sold or let to people with a local connection?

- 6.1 76% of respondents (26 out of 34) supported the introduction of the proposed policy to ensure formal council housing is sold or let to people with a local connection. 6 respondents (including 4 existing tenants, the individual interested person and a member of TIG) did not support the proposed policy.

#### 7 Question C: Do you support the inclusion of a waiver that allows the sale or letting of a property to people without a local connection in exceptional circumstances?

- 7.1 Although less than 50% of respondents (15 out of 34) explicitly supported the proposed inclusion of a waiver, only 11 respondents (33%) objected to the waiver proposal including 9 existing tenants and Brockenhurst Parish Council. A significant minority of respondents to this question (7) fell into the 'don't know' category.

#### 8 Additional Comments.

- 8.1 Comments from those in favour of the proposed restrictions included:

*"I am a village woman and have grown up here all my life except for a year until I got my council property when my eldest was a baby and I feel that council properties in the rural areas should be kept for the people who have either family here or have grown up here as I would never want to live anywhere else".*

*“Housing stocks are at an all time low. There are very limited opportunities for local young people to stay in their village when they grow up. Council houses are for local people not for people from outside the area to come in and buy an ex council house. This has pushed prices up and have become unaffordable to local people and more often than not they become second homes”.*

*“I feel the restrictions should include those with family connections in the local area as well, particularly as the younger generation have had to move away for work but may want to come back to live and work near parents for childcare support or to look after family members etc.”*

*“Sorry to go on but we feel very passionate about this!! Council houses should NOT be sold, so after 5 years they can sell it on for double the price!!! To strangers that have no respect for the forest or those that live in it”.*

## 8.2 Comments from those opposed to the proposed restrictions included:

*“If this scheme is introduced then due to the property having a restriction placed on it, a tenant who buys their home through the right to buy scheme should get a discount (30-40%) over and beyond that normally received, because the property will have a significant reduced market value”.*

*“You should not be shifting this moral and potentially financial responsibility onto your loyal tenants who should be entitled to the same rights on property ownership as any other resident of the new forest”.*

*“If people have a Right to Buy there should not be restrictions on their right to resell. You have tenants who have rented from you for many, many years. They should not be penalised because, until now, they have not been able to purchase their homes”.*

*“I believe all people whom wish to live in this wonderful part of our country should be allowed to do so”.*

## 8.3 Comments about the proposed inclusion of waivers included:

*“I feel a waiver is a loophole open to abuse. Should someone be allowed to buy a property due to “exceptional circumstances”? Who will monitor whether it is not then rented out to someone with no local connection or as a holiday let? Also, if I was on the Housing List and had been for a number of years, I would not be happy someone from outside the area had “jumped the queue”. My view would be to Keep it Simple – A and B conditions only. Whatever the outcome it is good the Council are making efforts to keep properties for local people”.*

*“‘C’ needs to be on a case by case basis”.*

## 9. Conclusion

### 9.1 Despite a limited number of responses overall – especially from existing tenants - , very strong support was expressed for the Council using its powers to preserve former council homes within the National Park and Cranborne Chase AONB; and for the introduction of the proposed policy to ensure that former Council housing is sold or let to people with a local connection.

- 9.2 Responses for the inclusion of a waiver were more mixed however a greater number of respondents expressed support for the waiver than did not.
- 9.3. Taking all of the responses into account, it is recommended that the Council proceeds to adopt the Proposed Policy in full and without amendment.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There may be a reduction in the capital receipt accruing to the Council when the Council dwelling is first sold by between 5 - 25%, depending on local market conditions at the time, on a case by case basis.

## **11. ENVIRONMENTAL AND CRIME AND DISORDER IMPLICATIONS**

- 11.1 There are none.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 The Council is subject to the public sector equality duty, as set out in section 149 of the Equality Act 2010. The duty covers defined protected characteristics comprising age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex; and sexual orientation. The Council must have due regard to the requirements of the public sector equality duty in the exercise of its functions, particularly in the introduction of new policies.
- 12.2 This original report<sup>2</sup> set out the aims and objectives of the proposed Local Connection Restriction Policy. As described that report, the proposed Policy has been subject to a targeted consultation of those current tenants within the 'protected areas' as well as Parish Councils within these areas. There has also been an opportunity for others to feedback their views through a wider consultation on the Council's website.
- 12.3 It is considered that the proposed Policy will have a positive impact on those with protected characteristics as it will increase the options for affordable home ownership in the 'protected areas'; particularly for those who have limited income due to age, gender or disability. However, it is recognised that it may have an impact on those who do not readily meet the Council's proposed local connection restrictions. The Council considers its proposed local connection restrictions strike a fair balance of promoting local priorities whilst limiting the adverse impact on such groups, particularly taking into account the discretionary ability to waive the restrictions in the exceptional circumstances outlined paragraph 4.3 of the original report.

## **13. PORTFOLIO HOLDER COMMENTS**

- 13.1 I fully support the Policy and taking the results of the consultation exercise into account recommend that it be adopted without delay.

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<sup>2</sup> CABINET – 2 DECEMBER 2020

## **14. HOUSING OVERVIEW AND SCRUTINY PANEL COMMENTS**

- 14.1 As reported to Cabinet in December Housing Overview and Scrutiny Panel have expressed their support for the draft policy.

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### **Background Papers:**

[Cabinet Report – 2 December 2020](#)