

Cabinet

**Grand Jury Room, Town Hall
5 September 2012 at 6.00pm**

The Cabinet deals with the implementation of all council services, putting into effect the policies agreed by the council and making recommendations to the council on policy issues and the budget.

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COLCHESTER BOROUGH COUNCIL CABINET

5 September 2012 at 6:00pm

Leader (& Chairman): Councillor Anne Turrell (Liberal Democrats)
Deputy Chairman: Councillor Martin Hunt (Liberal Democrats)
Councillor Lyn Barton (Liberal Democrats)
Councillor Tina Bourne (Labour)
Councillor Annie Feltham (Liberal Democrats)
Councillor Beverley Oxford (The Highwoods Group)
Councillor Paul Smith (Liberal Democrats)
Councillor Tim Young (Labour)

AGENDA - Part A

(open to the public including the media)

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

3. Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose

to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.

- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

4. Have Your Say!

(a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

5. Minutes

1 - 7

To confirm as a correct record the minutes of the meeting held on 4 July 2012.

6. Call-in Procedure

To consider any items referred by the Strategic Overview and Scrutiny Panel under the Call-In Procedure. At the time of the publication of this Agenda there were none.

7. Housing

<ul style="list-style-type: none"> i. Gateway To Homechoice // Revision of Allocations Policy 	<p>8 - 135</p> <p>See report by the Head of Life Opportunities</p>
<ul style="list-style-type: none"> ii. Revenue Voids Contract 2012-16 	<p>136 - 142</p> <p>See report by the Head of Strategic Policy and Regeneration</p>
8. Renaissance	
<ul style="list-style-type: none"> i. Northern Gateway Vision 	<p>143 - 146</p> <p>See report by the Head of Strategic Policy and Regeneration</p>
9. Renaissance/Business and Resources	
<ul style="list-style-type: none"> i. Northern Gateway // Approval of Heads of Terms 	<p>147 - 151</p> <p>See report by the Head of Strategic Policy and Regeneration</p>
10. Business and Resources	
<ul style="list-style-type: none"> i. Procurement Strategy and Supporting the Local Economy 	<p>152 - 154</p> <p>See report by the Head of Resource Management</p>
<ul style="list-style-type: none"> ii. 2011/12 Year End Review of Risk Management 	<p>155 - 181</p> <p>See report by the Head of Resource Management</p>
11. General	
<ul style="list-style-type: none"> i. Local Government Ombudsman Annual Review 2011-2012 	<p>182 - 186</p> <p>See report by the Monitoring Officer</p>
<ul style="list-style-type: none"> ii. Progress of Responses to the Public 	<p>187 - 188</p> <p>To note the contents of the Progress Sheet.</p>

12. Exclusion of the Public

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this

agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

COLCHESTER BOROUGH COUNCIL CABINET

5 September 2012 at 6:00pm

AGENDA - Part B

(not open to the public or the media)

Pages

13. Housing

i. Revenue Voids Contract 2012-16

The following report contains exempt information (financial/business affairs of a particular person, including the authority holding information) as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

See report by the Head of Strategic Policy and Regeneration

14. Renaissance/Business and Resources

i. Northern Gateway // Approval of Draft Heads of Terms

The following report contains exempt information (financial/business affairs of a particular person, including the authority holding information) as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

See report by the Head of Strategic Policy and Regeneration

CABINET

4 JULY 2012

Present :- Councillor Anne Turrell (the Leader of the Council)
(Chairman)
Councillors Lyn Barton, Tina Dopson, Annie Feltham,
Martin Hunt (Deputy Leader) , Beverley Oxford and
Paul Smith

Also in Attendance :- Councillor Nick Barlow
Councillor Nick Cope
Councillor Pauline Hazell
Councillor Sonia Lewis
Councillor Will Quince
Councillor Dennis Willetts

12. Minutes

The minutes of the meetings held on 23 May and 30 May 2012 were confirmed as a correct record.

13. Have Your Say!

Bobby Hunt addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He expressed his regret that he had not received the written response promised after his comments at the meeting on 30 May 2012. Residents of Joyce Brooks House had not been offered suitable accommodation together as had been promised and were not being treated with respect. He hoped other Councillors felt differently about Joyce Brooks House and would help save it for residents.

Councillor Dopson, Portfolio Holder for Housing, apologised for missing the Have Your Say speakers at the meeting on 30 May 2012 and whilst a written response had not yet been sent, she had sought to speak to them and had also spoken to their legal representative. She stressed that negotiations were a private matter between the Council and the residents until the matter was resolved. There was no benefit in the negotiations being held in public or through the press. The Council would work with residents to ensure an acceptable deal but this may take some time and stressed that residents should take issues to her personally rather than to the press.

Norman Bailey addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) He considered the handling of Joyce Brooks House had been an affront to democracy. He believed the fault lay with all members of the Cabinet and called on other Portfolio Holders to explain their position. He also expressed concern about the Monitoring Officer's interpretation of the Petition Procedure Rules to prevent a debate on the issue by full Council and highlighted the wording of another authority's petition policies which he believed were less rigid. He called on the Council to ensure the matter was resolved and also to agree to a debate by Full Council.

Councillor Dopson, Portfolio Holder for Housing, indicated that she was dealing with the residents through their legal representative and could not enter into detailed explanations of the negotiations with those not involved. She agreed that a resolution to the situation was necessary. Councillor Turrell, Portfolio Holder for Strategy, indicated that a debate by Full Council would have been inappropriate as the decision had already been taken before the request was received. Therefore the debate would have served no purpose.

Andy Abbott addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He asked how a reduction in the provision of a service could be interpreted as anything other than a cut. Given the increase in the age of the population the only way that demand for social housing could be shown to be falling was by manipulating the figures and by encouraging people not to apply for social housing. Social housing was being made less appealing through the removal of live-in wardens. He believed all Colchester residents should support the residents of Joyce Brooks House for defending the concept of publicly owned sheltered housing for future generations.

Councillor Dopson thanked Mr Abbott for his work in supporting the residents of Joyce Brooks House and other vulnerable groups. However she expressed concern that he was generating anxiety amongst residents of other sheltered housing schemes by disseminating incorrect information.

Tim Oxtan addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He was concerned that the recent exhibition on the new bus station had been insufficiently advertised and officers in attendance had been unable to answer his queries. The new station was more an agglomeration of bus stops rather than a station and users would be at risk from cars leaving the Britannia Road car park. He queried why the Council had not negotiated the continued use of the current site.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, and Councillor Barton, Portfolio for Renaissance, responded and emphasised that the station could not continue on the current site. The exhibition had been advertised properly and over 500 people had attended. The station would contain the facilities that the public had indicated they wanted in a public consultation and tests had proved that the station could handle the necessary traffic movements.

Andy Hamilton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) about the walled green at the corner of Sussex Road and Lexden Road. This had fallen into a state of disrepair and attempts to repair it had apparently come to nothing due to a lack of clarity over land ownership. An offer by a local resident to brighten up the area and rebuild the wall had been rebuffed by a firm of property consultants, who appeared to be acting on behalf of local residents. He believed that in the circumstances and as local residents were not prepared to resolve the situation, the Council could act on the grounds of health and safety to pedestrians and remove the loose bricks. If vandalism continued, the Council should remove the wall. It was now the Council's responsibility to resolve the situation.

Councillor Lewis attended and, with the consent of the Chairman, addressed the

Cabinet to advise that local councillors had sought to address this issue but had been unable to establish who owned the land. If they had the authority to repair the wall, they would do so.

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He thanked Councillor Hunt, Portfolio Holder for Street and Waste Services for his response to his suggestion at the last Cabinet meeting and encouraged the Council to promote this and demonstrate to residents that it took recycling seriously. He asked if the toilets at the new bus station would be maintained by a member of staff on site and suggested that the maintenance of all town centre toilets could be contracted out to a small local firm. They could be authorised to charge for usage but would maintain them properly.

Councillor Hunt, Portfolio Holder for Street and Waste Services, undertook to respond to the query about the staffing of the toilets at the bus station.

14. 2013/14 Budget Strategy, Medium Term Financial Forecast and Budget Timetable

The Head of Resource Management submitted a report a copy of which had been circulated to each Member.

Councillor Willetts attended and, with the consent of the Chairman, addressed the Cabinet. In his capacity as Chairman of Finance and Audit Scrutiny Panel, he reported the Panel's view that the underspend of £196,000 following a projected overspend of £200,000 reflected a need for more careful accounting. The Panel had also requested information on the proposed charges for the Park and Ride scheme in order to assess the impact of the facility on town centre parking. This information had still not been provided.

In his capacity as Deputy Leader of the Conservative Group, Councillor Willetts expressed his disappointment at the inclusion of an assumed 2.5% rise in Council Tax and that the New Homes Bonus was being used to "prop up" the budget rather than being spent on infrastructure to support new housing development. He was pleased to note the savings proposed in Sport and Leisure Services.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, stressed that the charges for the Park and Ride scheme were the responsibility of Essex County Council. The Council had not yet received them but they would be provided to Finance and Audit Scrutiny Panel as soon as they were available.

Councillor Smith, Portfolio Holder for Business and Resources, explained that the reduction in the projected overspend was an indication that the Council's financial controls were effective. The funding received through the New Homes Bonus only offset the loss of funding from the Housing Planning and Delivery Grant and the LABGI. He emphasised some of the schemes and initiatives that would be funded from the budget such as the Chinese exhibition, a contribution to the Police and Crime Panel and the repairs to the town walls. He stressed that the rise in Council Tax in the report

was a planning assumption at this stage.

RESOLVED that:-

- (a) The pre-audit outturn position for the financial year 2011/12 be noted.
- (b) The releases from balances for projects set out at paragraph 3.5 of the Head of Resource Management's report be agreed and the ability to agree releases from balances up to £100k as set out at paragraph 3.7 of the Head of Resource Management's report be reinstated.
- (c) The budget forecast, approach and timetable for the preparation of the 2013/14 budget and updated position in respect of balances be noted.
- (d) The updated Medium Term Financial Forecast for the period to 31 March 2015 as set out at Appendix A be noted.
- (e) The latest position in respect of the Capital Programme be noted and the changes to the capital programme shown at paragraph 7.2 of the Head of Resource Management's report be agreed and capital funding be released for the schemes shown at paragraphs 7.8 and 7.9 of the Head of Resource Management's report.

REASONS

The Council is required to approve a financial strategy and timetable in respect of the financial year 2013/14 and a Medium Term Financial Forecast (MTFF) for the two subsequent financial years.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

15. Year End Performance Report including Strategic Plan Action Plan and Proposed Targets /Actions for 2012/13

The Head of Life Opportunities submitted a report a copy of which had been circulated to each Member.

Councillor Quince attended and with the consent of the Chairman, addressed the Cabinet. He noted that KSi W3 on the recycling of household waste had not been met. The target of 42% was less than the target of 60% contained in a previous Liberal Democrat manifesto. Colchester's performance relative to other authorities in Essex had slipped since the administration had been in power. He sought an assurance that Colchester's position would improve once the recycling figures for Essex were published next week. If the Council had signed up to the Waste Strategy it would now have been in a position to introduce the collection of food waste across the borough.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, Councillor

Hunt, Portfolio Holder for Street and Waste Services, Councillor Smith, Portfolio Holder for Business and Resources and Councillor Dopson, Portfolio Holder for Housing, responded. The emphasis on recycling did not take account of the impact of reducing waste and reusing materials. There had been a 1.7% drop in the amount of waste to landfill despite an increase in the number of households. The 60% target figure could easily be met by introducing wheelie bins and collecting all material unsorted but the Council considered it was preferable to collect sorted recyclable materials on the doorstep. The financial benefits of signing the Waste Strategy had been overstated.

RESOLVED that:-

- (a) The 2011/12 year end performance summary and appendices be noted;
- (b) The proposed indicators for inclusion into next year's performance management reporting process and the targets to measure progress be agreed;
- (c) The strategic plan actions for 2012/13 at Appendix 3 of the Head of Life Opportunities report be noted.

REASONS

Part of the Council's performance management framework includes the commitment to report the Council's year end performance progress to Cabinet.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

16. Reinvigorating the Right to Buy: Retaining Right to Buy Receipts for Replacement Affordable Housing

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member.

Councillor Lewis attended and with the consent of the Chairman addressed the Cabinet to indicate that the Shadow Cabinet supported the proposals in the Head of Strategic Policy and Regeneration's report.

RESOLVED that:-

- (a) The Council enter into an agreement with the Government to retain additional right to buy receipts which can be used to offset up to 30% of the cost of replacement affordable housing.
- (b) To consider capital projects needed to fulfill the terms of the agreement beyond those projects already included in the capital programme for building new affordable housing during the annual agreement of the Housing Investment Programme.

(c) The Head of Strategic Policy and Regeneration be authorised to sign the agreement.

REASONS

The Right to Buy scheme was introduced in 1980 and gives qualifying social tenants in England the right to buy their home at a discount. Secure tenants of both local authorities and non-charitable housing associations have the Right to Buy if they have been public sector tenants for at least five years.

The Right to Buy scheme is set by Government and sets out the maximum amount of discount and the rate of accrual.

From April 2012 the cap on the amount of discount a tenant can receive under the right to buy has been raised to £75,000. The Government has given Local Authorities the opportunity to retain the receipts from the additional sales this may generate to fund the provision of replacement affordable housing.

The Government has made assumptions on the usual number of Right to Buy sales which can be expected. Local Authorities will be able to retain receipts arising from sales over and above this.

Entering into the agreement will enable the provision of affordable housing, reflecting the Council's objective in the Strategic Plan to provide more affordable homes across the borough.

In order to keep the additional receipts, Colchester Borough Council, will need to enter into an agreement under section 11(6) of the Local Government Act 2003 with the Secretary of State for Communities and Local Government. The Council will then be able to retain any receipts from additional right to buy sales, provided that it ensures a sufficient amount of resources are spent on the provision of affordable housing.

Under the agreement, the Secretary of State for Communities and Local Government will agree to;

- allow Colchester to retain additional right to buy receipts to fund the provision of replacement stock, and
- allow Colchester three years (from commencement of the agreement) to invest those receipts before asking for the money to be returned.

In return, Colchester Borough Council will agree;

- that right to buy receipts will not make up more than 30% of the total spend on replacement stock, and
- to return any unused receipts to the Secretary of State with interest.

Colchester will be unable to retain receipts for Quarter 1 because the agreement will not be returned by the qualifying date set by the Government of 27 June 2012. However, to date there have been no completions for this quarter and therefore there is no financial loss to the Council.

ALTERNATIVE OPTIONS

Colchester Borough Council could choose not to enter into an agreement. Under these circumstances, the Council will have to give surplus receipts to the Secretary of State. The receipts will then be passed to the Homes and Communities Agency for them to invest in replacement stock which could be anywhere in the country. Colchester will lose the opportunity to ensure the receipts are invested locally and in the type of homes most needed.

17. Progress of Responses to the Public

The Head of Corporate Management submitted a progress sheet a copy of which had been circulated to each Member.

Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated that a response to the petition on re-opening the public toilets Greenstead Library would be sent shortly.

RESOLVED that the contents of the Progress Sheet be noted.

REASONS

The progress sheet was a mechanism by which the Cabinet could ensure that public statements and questions were responded to appropriately and promptly.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

5 September 2012

Report of	Head of Life Opportunities	Author	Diane Foley
Title	Revision of Gateway to Homechoice Allocations Policy		
Wards affected	All Wards		

This report concerns amendments to the Allocations policy for social housing covering the 8 authorities within the 'Gateway to Homechoice' scheme.

1. Decision(s) Required

- 1.1 To approve the revised Allocations Policy (Appendix A).
- 1.2 To approve the principle to discharge an accepted homelessness duty into the private sector where appropriate and resources are available to do so (Appendix B).

2. Reasons for Decision(s)

- 2.1 To ensure the policy remains up-to-date, relevant, and contributes to the Council's ambitions for social housing and tackling homelessness.
- 2.2 The review of the policy was necessary to consider the effect of legislative changes arising from the Localism Act 2011, welfare reform changes due to take place April 2013 and Code of Guidance – Allocation of Accommodation published in 2012 <http://www.communities.gov.uk/publications/housing/allocationaccommodationguide>

3. Alternative Options

- 3.1 The current allocations policy could be kept unchanged. However, this would leave some issues causing difficulties to local authorities unresolved, some of which incur expenditure.
- 3.2 We could consider not using the ability to discharge homeless duty into the private sector and continue to only offer social housing to those people who we accept a homeless duty. However because of the severe shortage of social housing and the demand on temporary accommodation this option is not recommended.

4. Supporting Information

- 4.1 Choice Based Lettings (CBL) is the way we allocate homes to people seeking housing from the Council or from a Registered Partner (RP). Rather than the Council attempting to match an applicant to an empty property, choice-based lettings requires people seeking housing to bid for empty homes that are advertised by the landlord. The person with the highest priority who has bid for a given property will generally be made the offer.

- 4.2 Gateway to Homechoice was launched in May 2009 covering seven of the Greater Haven Gateway authorities (Babergh, Braintree, Colchester, Ipswich, Maldon, Mid-Suffolk, Suffolk Coastal). Waveney District Council joined the scheme on 13 January 2011. Working in partnership with the other authorities makes it more cost effective to the Council and gives a wider range of choice to those seeking housing.
- 4.3 The scheme has one allocations policy which governs which properties applicants are eligible for. It also includes the relative priority applicants are awarded to reflect their housing need under the policy.
- 4.4 An allocations policy is a legal requirement for bodies allocating social housing. Some categories of applicants are given preference under legislation (called reasonable preference categories). These include those with medical or welfare needs to move, homeless households and those living in overcrowded or unsuitable conditions. Other categories of applicants can then be given preference to reflect local circumstances, for example under the existing policy preference is given to existing tenants wanting to move to a smaller property.
- 4.5 Controls are also in place to ensure that no more than a certain proportion of homes in one district can be allocated to households migrating inwards from other areas. Regular reviews are carried out to monitor both inward and outward migration and for the Colchester district there has been a net migration of people out of Colchester, suggesting that local households are getting the maximum benefit of mobility with no net loss in terms of the number of homes being available.
- 4.6 The original policy was devised through consultation with members, applicants, tenants and partner organisations during 2008. The policy was reviewed in 2011 and minor changes were approved.
- 4.7 Various national changes affecting the policy for allocation of housing have prompted a need to review and make amendment to the Gateway to Homechoice Policy. Particular areas for review are:
- Placing restrictions on who is able to register;
 - Defining non-statutory levels for over-crowding and therefore entitlement to various size of property;
 - Responding to issues of under-occupation;
 - Possibility of increasing the range of those who are seen as priority groups for housing; and
 - The extent to which choice is offered to existing and new tenants in social housing.
- 4.8 **Review process**
Gateway to Homechoice established a steering group with a remit to:
- Analyse trends and data from the housing register and lets
 - Establish the key areas of consideration for the review
 - Carry out first stage consultation
 - Produce review recommendations (Appendix D)
 - Complete a 12 week second stage consultation on these review recommendations
 - Obtain approval for the revised policy from each of the Local Authority partners
 - Implement appropriate changes, including changes to the Gateway to Homechoice IT system.
 - New policy operational 1 November 12

5. Proposals

- 5.1 To adopt the new Allocations Policy as in Appendix A.
- 5.2 Full details of recommended changes are in Appendix E. The main suggested amendments are:
 - 5.2.1 **Definition of a household** – This is to be made clearer, less ambiguous and consistent with the definition used as part of the homelessness legislation.
 - 5.2.2 **Deliberate changes to households** – For example where two families choose to move into one home and become overcrowded as a result, or act in a deliberate way that makes their housing situation worse; in these cases priority will not be awarded.
 - 5.2.3 **Homeless households where prevention band has been given** – Where the date for the need to move has expired priority will be reviewed to see if there is still a risk of homelessness. Where applicants have failed to make reasonable bids for homes the local authority will make bids on their behalf and if an offer is unreasonably refused their priority will be removed.
 - 5.2.4 **Accepted homeless households – the ability to discharge the duty into private sector accommodation** - The Localism Act allows authorities to fully discharge the full housing duty by a ‘private rented sector offer’. This must be an offer of an Assured Shorthold Tenancy with a minimum fixed term of one year. Applicants will lose the discretion to decline the offer as a final discharge, although they will retain the right to request a review of suitability whether or not they accept the offer. We have previously been able to offer assistance into the private sector and discharge duty but only when the applicant agrees to this. This change is likely to mean that if we have suitable private rented accommodation applicants will not need to go into temporary accommodation.
 - 5.2.5 **Bedroom entitlement** – Our existing policy is more generous on bedroom entitlement than the Housing Benefit rules for private rented accommodation. The recommendation is to raise the age up to which children can be expected to share a bedroom and make it more consistent with benefit regulations. This would reduce the number currently overcrowded in terms of existing policy. The proposed policy would also give the same priority to those in private rented accommodation as is currently given to those in social rented properties, recognising the future changes to homelessness legislation and making the policy fairer.
 - 5.2.6 **Additional priority for certain groups** – The proposal is that this is extended in line with emerging legal changes for ex-service personnel and also for those who have been approved as foster parents.
 - 5.2.7 **Restricting those who have recently moved into social housing** – The existing policy enables new tenants to apply for alternate housing as soon as they have been moved. The new proposal means that those who are housed through Gateway would not be able to apply for another move for 12 months (unless there are extreme circumstances). This would deter applicants from making inappropriate choices and give fairer access to others.

6. Strategic Plan References

- 6.1 Creating opportunities for all its residents

7. Consultation

- 7.1 An event with representatives of Local Authority staff and Council Members, Housing Association partners, tenant representatives, and voluntary and statutory agencies was

held in January 2012 asking their opinions on suggested changes to the policy. The event was by invitation with 75 delegates attending.

- 7.2 A multiple choice online survey, aimed at Gateway to Homechoice customers was placed on the website for their comments, customers were invited to participate via a web message. Overall, the average response rate was 5% of the active housing register.
- 7.3 Managers of our Local Authority housing teams were asked to complete the questions used in the online survey to reflect the views of their teams.
- 7.4 The Policy Review and Development Panel gave their comments on the proposed changes which fed into the recommendations.
- 7.5 Taking into account all the above feedback recommendations were made and the second stage consultation was from 8th May 2012 – 30th July 2012.
- 7.6 A Members Briefing session on the recommendations was held on 28 June 2012.

8. Publicity Considerations

- 8.1 Letters to all those who will be given reduced priority (due to overcrowding) if the policy is adopted have been sent out in August advising them of the proposed changes.
- 8.2 If the policy is adopted they will again be advised in October of the proposed changes in November.
- 8.3 Policy changes will be placed on the website and leaflets amended to reflect changes in policy

9. Financial implications

- 9.1 No financial implications. It is hoped that these changes will generate better outcomes and some may avoid expenditure, for example, allowing local authorities to ensure homeless households are housed quickly will avoid some expenditure on temporary accommodation

10. Equality, Diversity and Human Rights implications

- 10.1 A revised equality impact assessment has been completed on the revised allocations policy. The assessment did not show any particular areas of concern or that any communities were unfairly disadvantaged under the existing scheme or allocations policy. There is a resulting action plan which is being progressed under the lead of the Greater Haven Gateway Equality and Diversity group.
<http://www.colchester.gov.uk/article/4959/Life-Opportunities>

11. Standard References and implications

- 11.1 There are no particular human rights; community safety; health and safety or risk management implications

Background Papers

- Appendix D Gateway to Homechoice Recommendations Report for review, impact assessments and consultation results



Gateway to Homechoice Allocation Policy

Adoption Date: 1 November 2012
Review Date: 1 November 2013

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Glossary of Terms

Affordable Rent	Local Authority or Registered Provider accommodation let at a higher rent level compared to social rent, normally up to 80% of market rent levels.
ALMO	Arms Length Management Organisation is a not-for-profit company that manages the housing stock and provision of housing services on behalf of a Local Authority. Ownership of the housing stock remains with the Local Authority.
Applicants	People who apply to join the housing register who are seeking access to Local Authority or Registered Providers properties for rent or low cost ownership.
Bidding	Bidding is a term used to describe the method by which an applicant expresses their interest in an available social rent property through the Gateway to Homechoice CBL scheme.
Choice Based Lettings (CBL)	CBL is a lettings system for social housing. Properties are openly advertised and applicants are able to express their interest and choice for the properties they would like to live in.
Decant	Decant is a term applied to existing tenants of Local Authority or RP accommodation who are moved into alternative Local Authority/RP accommodation, in order for repairs or improvements to be carried out.
Fixed Term and Flexible Tenancies	'Fixed term' tenancies are used by some RPs. 'Flexible' tenancies are used by some Local Authorities. Both types of tenancy are for a fixed period of time (normally 5 years).

Housing Register	The housing register is a list of applicants who are interested in being considered for social housing. Eligible applicants are able to apply to join the housing register and will be prioritised based on their need for social housing.
Large Scale Voluntary Transfer – (LSVT)	Large Scale Voluntary Transfer refers to Local Authorities that have transferred their housing stock to a RP. The RP owns the housing stock and is responsible for overall management and provision of housing services. The RP will advertise their housing stock through the Gateway to Homechoice CBL scheme.
Partner Organisation – (PO)	The term PO refers to the eight Local Authorities or RPs participating in the scheme.
Registered Provider – (RP)	RP are private, non-profit making organisations who provide low cost social housing. Sometimes RPs can be referred to as Housing Associations.
Social Housing	Social housing is a term used to describe accommodation owned and managed by Local Authorities and Registered Providers. This includes accommodation let on social rent and affordable rent levels.
Social Rent	Local Authority or RP accommodation let at a lower rent level compared to affordable rent or market rent.
Stock Holding Local Authority	Stock holding refers to Local Authorities who have a housing stock and are responsible for the overall management and provision of housing services. Stock holding Local Authorities will advertise their housing stock through the Gateway to Homechoice CBL scheme.
TIS	Tenants Incentive Scheme is an incentive scheme provided by Local Authorities and RPs aimed at existing social housing tenants within the Gateway to Homechoice area, who wish to downsize into smaller sized social housing.

Key terminology used in this document

Throughout this document we will use some set terminology. This includes the following:

- The sub-regional housing register and choice based lettings scheme will be referred to as the Gateway to Homechoice sub-regional scheme or the scheme.
- The allocation policy will be referred to as the policy
- Local Authority and RP accommodation available for rent will be referred to as social housing (this includes properties let on social rent and affordable rent levels).
- People seeking access to Local Authority and RP accommodation (available for rent or low cost ownership) will be referred to as applicants.
- Local Authorities who participate in the Gateway to Homechoice scheme will be referred to as partner organisations (POs).
- Applications will be assessed and given a priority band based on their housing needs. Under the scheme, there are five priority bands, ranging from Band A – E. This priority band award will be referred to as “Band A, Band B, Band C, Band D or Band E”.

The scheme's aims

Fairness

Our aim is to:

- Ensure the widest possible access to housing by offering choice of accommodation, whenever possible: this includes options in the private sector.
- Give applicants the opportunity to express preferences whenever possible, whilst allowing us to meet the local needs of each Local Authority in the sub-region.
- Prevent discrimination on the grounds of race, religion, sex or marital status, sexual orientation or disability.
- Write our publications in plain English and offer translations, large print or a reading service where needed, to help applicants make an informed housing choice.

Excellence

Our aim is to:

- Be courteous and efficient.
- Respond to the needs of our customers and our partners and ensure the views of our customers are heard.
- Set out clear standards for services so that everyone knows what to expect
- Provide applicants with advice regarding access to social housing and other housing options, both over the phone and in person.
- Direct applicants to the appropriate team or agency where specialist advice is required e.g. housing advice or welfare rights services.
- Meet our legal and strategic requirements, whilst considering the needs of the local community.
- Confirm in writing any decision made in relation to an application for housing.
- Ensure decisions reflect the policy and are consistent and transparent

Applicant responsibilities

The scheme aims to proactively work with applicants. An applicant's responsibilities are to:

- Provide full and accurate details on a housing application. This will include full and accurate details in all correspondence.
- Tell us immediately if your circumstances change in any way.
- Respond to requests for information.
- Make a decision on viewed properties within the specified time scale agreed with the landlord.

1. Introduction to Gateway to Homechoice

1.1. Background information

- 1.1.1. Gateway to Homechoice is a sub-regional scheme (known as “the scheme”) consisting of a single housing register and a choice based lettings system for allocating social housing.

- 1.1.2. Gateway to Homechoice is an online scheme and can be accessed at www.gatewaytohomechoice.org.uk.

- 1.1.3. The scheme operates in the Greater Haven Gateway sub-region. The Greater Haven Gateway sub-region includes the Local Authority areas of Babergh, Braintree, Colchester, Ipswich, Maldon, Mid Suffolk, Suffolk Coastal and Tendring.

- 1.1.4. Waveney District Council is not officially part of the Greater Haven Gateway sub-region, but has joined the scheme.

- 1.1.5. Tendring District Council is part of the Greater Haven Gateway sub-region, and has opted not to join the scheme.

- 1.1.6. The scheme was introduced in April 2009. The scheme and its allocation policy were fully reviewed in 2012.

1.2. Partnership arrangements for the scheme

1.2.1. There are eight Local Authorities participating in the scheme. Throughout this document, the Local Authority partners will be referred to as “partner organisations (POs)”.

1.2.2. The POs who participate in the scheme are listed below, along with information of each POs housing arrangements.

PO Name	Housing Arrangements
Babergh District Council	Stock Holding
Braintree District Council	LSVT Transferred their housing stock to Greenfields Community Housing.
Colchester Borough Council	ALMO Management of their housing stock is undertaken by Colchester Borough Homes.
Ipswich Borough Council	Stock Holding
Maldon District Council	LSVT Transferred their housing stock to Moat Homes Ltd.
Mid Suffolk District Council	Stock Holding
Suffolk Coastal District Council	LSVT Transferred their housing stock to Flagship
Waveney District Council	Stock Holding

1.2.3. For POs contact details, please refer to Appendix 1

1.2.4. Within each PO area, there are also Registered Providers (RPs). Where nomination agreements exist with POs, the RPs will advertise their vacant social housing through the scheme.

1.2.5. The scheme operates with:

- one shared IT system for the eight PO areas
- a single housing register of housing need for the eight PO areas
- one common allocation policy for the eight PO areas

- 1.2.6. The POs use a common allocation policy (known as “the policy”), to assess applications and allocate social housing. There may be local variations in order to make the best use of social housing, in which case, the POs will ensure that advertised properties are clearly labelled. (For further information, please refer to sections 7.1, 7.2 and 10.1 of this document).

1.3. Governance arrangements for the scheme

- 1.3.1. The scheme is subject to a sub-regional agreement. This agreement ensures the scheme is kept up to date and meets national best practice.
- 1.3.2. The scheme is managed by a Project Board, made up of Housing Managers from the participating POs and RPs.
- 1.3.3. The Project Board will contribute to monitoring, developing, funding and making policy decisions about the scheme.

1.4. Housing Register

- 1.4.1. The housing register is a single register of housing need for the PO areas.
- 1.4.2. The housing register is the way in which all applicants must apply for social housing.
- 1.4.3. The housing register provides POs with information on housing needs and this information is used as part of the planning and development of new affordable housing.
- 1.4.4. The demand for social housing is greater than levels of available social housing. The housing register exists to enable the POs to prioritise households who are in the greatest housing need and to maximise their opportunities for re housing.

1.5. The Allocation Policy

1.5.1. The scheme's allocation policy sets out the following aspects for the scheme:

- The objectives of the scheme
- How the housing register operates
- Who is eligible to join or remain on the register and be considered for social housing
- How housing need is assessed
- How social housing is let in the sub-region
- How the sub-regional scheme operates

1.6. A summary of the objectives of the scheme

1.6.1.1. To meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) Part VI as amended by the Homeless Act (2002) and the Localism Act 2011.

- The POs will ensure the scheme's allocation policy complies with all legislative requirements, related legislation, case law, local policies and Local Authority and sub-regional strategies.

1.6.1.2. Provide a single system of choice in housing across the whole sub-region

- The POs will develop the policy in accordance with the principles set sub-regionally.
- All assessments of need and allocations will be made according to the agreed allocation policy.
- The scheme will provide applicants with choice and involvement in selecting the home and area in which they wish to live. This includes selecting the property type, location and tenure arrangements. Exceptions will apply for some groups, for further information, please see sections 8.3 and 8.4.
- The scheme aims to provide applicants with sufficient information to allow them to make informed choices about their housing options.
- The scheme also has the Housing, Help and Work Advice tool that can give information on range of housing options, for example, information on social housing, shared ownership, private renting and mutual exchanges. The tool also signposts applicants to appropriate services and

support agencies in their chosen PO area. Access to this tool can be found via the homepage of the scheme's website.

1.6.1.3. Produce a system that is easy to understand, open and fair

- To ensure consistency, fairness and transparency, the scheme will:
 - enable applicants to easily join the scheme
 - provide information and advice so applicants can understand the housing assessment and allocation processes
 - enable applicants to access their housing application so they can make updates (as appropriate) and access details of their priority award
 - clearly label properties to be advertised
 - ensure robust governance arrangements through the scheme's Project Board
 - maintain a consistent review process
 - carry out regular performance monitoring
 - work according to a single allocation policy based on common principles
 - work according to detailed procedures for needs assessment and allocations
 - provide comprehensive feedback on properties let through the scheme

1.6.1.4. Increase the sustainability of local communities

- Properties may be advertised with criteria aimed at improving long-term stability of a community.

1.6.1.5. Facilitate genuine opportunities for mobility across the sub-region

- In order to maximise choice and mobility opportunities for applicants, each PO will advertise their properties to applicants who have a local connection to any of the eight PO areas. Exceptions will apply for some groups, for further information, please see sections 8.3 and 8.4.
- In cases where an applicant successfully moves to a PO area where they have no established local connection, the move will be referred to as a "cross border let".
- Applicants with no connection to the sub-region will still be able to join and participate in the scheme, but they will not be given the same degree of priority as applicants with an established local connection. (Applicants with no connection to the sub-region will be given one priority band lower than if they had a local connection to the sub-region).

1.6.1.6. Meet local housing need

- In some areas, properties will be restricted to people with a close local connection to a village. This is because special planning laws have been used to develop these properties. In such cases, properties will be clearly advertised to show that a local connection rule applies.
- To ensure the scheme continues to meet local housing need levels, the POs levels of inward and outward migration and cross border lets will be monitored quarterly.

This monitoring will include analysis of the number of properties let by property type and size. If a PO's inward migration exceeds outward migration levels significantly, the Project Board will apply a local connection restriction to the affected property type and size. In such circumstances, it will mean the restricted properties will only be available to applicants who have an established local connection to that PO area.

1.6.1.7. To assist in minimising homelessness and assist applicants with the highest assessed need

- As demand for social housing exceeds supply levels, the scheme is designed so applicants in the greatest housing need are prioritised for social housing.
- All applicants will have their housing needs assessed. Each application will be given a priority banding award, which reflects the applicant's current housing circumstances.
- The needs assessment process (through the priority bands), will take account of the reasonable preference criteria outlined in the Housing Act (1996) as amended by the Homelessness Act (2002).
- Properties will generally be let to the applicant who:
 - has the highest level of housing need,
 - has been waiting the longest,
 - has expressed an interest in the property
 - meet any specific criteria for the property (e.g. local connection)
- All statutory homeless applicants will be assessed for social and private rent opportunities, in accordance with the sub-regional policy for discharging duties to statutory homeless applicants. (For further information, please refer to Appendix 2).

1.6.1.8. To ensure that vulnerable applicants are supported

- The POs will ensure appropriate support is available for anyone experiencing difficulties in accessing or using the scheme.
- A number of measures are available to ensure that vulnerable applicants are not disadvantaged. These include:
 - Providing appropriate advice and assistance
 - Translating documents on request
 - Providing information in other formats on request
 - Partnership working with support agencies
 - Producing and publishing a sub-regional vulnerable people strategy
 - Undertaking monitoring and regular reviews of the allocation policy
 - Records of applicants who due to their vulnerability, require additional help
 - Monitoring systems to ensure that vulnerable groups are successfully using the scheme and not disadvantaged by the scheme

1.6.1.9. Aim to provide a complete housing options service to increase opportunity for all

- The scheme has been developed to enable applicants to consider all their housing options.
- In conjunction with the scheme's Housing, Help and Work Advice tool, applicants can view a range of housing options, which include:
 - Available social housing from POs and RPs operating in the sub-region.
 - Low cost home ownership and intermediate housing.
 - Mutual exchange opportunities (via the House Exchange at www.g2h.houseexchange.org.uk).
 - Private rent accommodation.

1.6.1.10. Ensure the scheme allows POs to make the best use of properties

- Properties with adaptations or properties specifically developed for someone with a disability will usually be advertised through the scheme.
- Due to the shortage of adapted properties, POs will give preference to households who require an adapted property/specific type of adaptation.

- Adapted properties will be clearly labelled in the property advertisement, giving details of the adaptations. In addition, the property advertisement will give details of which groups will be eligible to express an interest (bid) or be given preference.

1.7. Summary of how the scheme will operate

- 1.7.1. The scheme's website has information on how to make an application and bid for available properties. This includes a detailed online demonstration of how the scheme works.
- 1.7.2. Anyone can apply to join the scheme by completing an on-line application.
- 1.7.3. Applications should be made to the PO area where the person is currently living.
- 1.7.4. If an applicant does not currently live in any of the PO areas, they should apply to the PO area where they hold a local connection.
- 1.7.5. If an applicant does not have a local connection to any of the eight POs, they should apply to the PO where they wish to live.
- 1.7.6. The holding PO will be responsible for the application.
- 1.7.7. Applications will be assessed to ensure the applicant is eligible to join the housing register.
- 1.7.8. Applicants who join the housing register are placed in one of five priority bands. The band will reflect the applicant's assessed need for housing.
- 1.7.9. Applicants who join the housing register will be given a bedroom entitlement. This will be the assessed number of bedrooms needed by the household. Applicants will be able to bid on properties that meet their household requirements (also referred to as "eligible properties").
- 1.7.10. Some applicants may be assessed for a particular property type based on their assessed housing needs e.g. properties with adaptations. Applicants will be able to bid on their eligible properties.
- 1.7.11. Most vacant properties will be advertised in a weekly cycle via the scheme's website.

- 1.7.12. Applicants can only express an interest for eligible properties. In order to be considered for a property, applicants must meet the labelling criteria specified in the property advertisement.
- 1.7.13. Applicants may express an interest for two eligible properties in each weekly bidding cycle.
- 1.7.14. If an applicant has a local connection with other POs in the scheme, the holding PO may make further checks and enquiries.
- 1.7.15. Applicants may express their interest in a property by using one of the following methods:
- Placing a bid via their Gateway to Homechoice account
 - Using the Interactive telephone service (0845 2700724)
 - Visiting or contacting a local PO office (in person, by email or telephone)
 - Using an advocate
 - Assisted bidding. By arrangement, the PO can place bids on behalf of applicants for suitable properties, in the areas of their choice. This option will only be available to vulnerable applicants or applicants experiencing difficulties in participating in the scheme.
- 1.7.16. Once the bidding cycle has finished, a shortlist of applicants interested in the property will be generated by the IT system.
- 1.7.17. The policy is used to determine which applicants are prioritised from the shortlist.
- 1.7.18. Feedback on successful lettings is provided through the scheme's website. This will include the priority band of the successful applicant and their effective date. The feedback will not include any personal information relating to the successful applicant.

2. Review of the scheme

- 2.1.1. The Project Board, comprising of representatives from the POs and RPs, will meet quarterly to monitor the scheme and manage any changes required.
- 2.1.2. The last full review of the scheme and the allocation policy was in 2012.
- 2.1.3. The next review of the scheme and the allocation policy is scheduled for November 2013.

3. Legal Framework for the scheme

3.1. Framework

- 3.1.1. The allocation policy (known as “the policy”) has been drafted to comply with:
- The requirements of Part 6 of the Housing Act (1996), as amended by the Homelessness Act (2002)
 - Localism Act 2011
 - Equality Act 2010
- 3.1.2. The policy has regard to the following:
- Allocation of accommodation: guidance for local housing authorities in England (2012)
 - Sub-regional policy for discharging duties to statutory homeless applicants
 - Greater Haven local lettings policy
 - Greater Haven Gateway strategic tenancy strategy
 - Greater Haven Gateway housing strategy
 - POs housing strategies
 - POs homelessness strategies
 - POs tenancy strategies
- 3.1.3. The policy sets out the circumstances of applicants to whom reasonable preference must be given, when deciding who will be offered a property.

3.2. Allocations (covered by the policy), where the rules under Part 6 do not apply

For the following allocations, the rules of Part 6 of the Housing Act 1996 will not apply:

- 3.2.1. Where a PO needs to provide alternative accommodation for a PO tenant, in order to carry out repairs or improvements to their property.
- 3.2.2. Where the PO has a duty to re-house home owners following a compulsory purchase, provide suitable alternative accommodation under the Land Compensation Act 1973, s39, or under the Rent Agricultural Act 1976.
- 3.2.2.1. If it is not possible to provide a permanent tenancy immediately, the applicant will be registered and awarded Band A.

- 3.2.3. Where a PO grants a secure tenancy to a former owner-occupier or statutory tenant of a defective home under the Housing Act 1985, s554 or s555.
- 3.2.4. Where a PO provides temporary accommodation for Local Authority employees under Para 5, Schedule 1 of the 1985 Housing Act (Temporary accommodation for persons taking up employment).

3.3. The policy does not apply to the following situations (also not covered by the rules in Part 6)

- 3.3.1. Temporary accommodation provided for homeless households under Part 7 of the Housing Act 1996. Applicants in this situation can apply to join the scheme.
- 3.3.2. Mutual exchanges between PO tenants or PO and RP tenants under the Housing Act 1985, s92.
- 3.3.3. Where a secure tenant dies, the tenancy is periodic, and there is a person qualified to succeed the tenant (as defined in the Housing Act 1985 and Localism Act 2011), then that person will be offered the secure tenancy. If the home is bigger than they reasonably need, they may be offered a suitable alternative property, which meets their assessed housing need.
- 3.3.4. Where a secure tenant with a fixed term tenancy dies and the tenancy remains secure by virtue of the Housing Act 1985.
- 3.3.5. Where a secure tenancy is assigned to someone who would have qualified to succeed to the tenancy, if the secure tenant died immediately before the assignment. That person becomes the secure tenant.
- 3.3.6. Where a court makes an order deciding who is to be the secure tenant under:
 - a) The Matrimonial Causes Act 1973, s24 (property adjustment orders in connection with matrimonial proceedings)
 - b) The Matrimonial and Family Proceedings Act 1984, s17 (1) (property adjustment orders after overseas divorce); or
 - c) The Children Act 1989, schedule 1, paragraph 1 (orders for financial relief against parents).

3.4. Legal Context

- 3.4.1. Every application will be considered according to its facts. The scheme accepts every applicant's situation is different and therefore all assessments will be considered on an individual basis and take into account individual circumstances.
- 3.4.2. Applications will be assessed by the holding PO and given a priority band that reflects the applicant's assessed need for housing. Under the scheme, there are five priority bands, ranging from Band A – E. The priority band system ensures POs can:
- allocate properties to those applicants the highest assessed housing need; **and**
 - meet their legal obligations (as set out in the Housing Act 1996, as amended by the Homelessness Act 2002).

3.5. Reasonable preference

- 3.5.1. The law sets out the five groups of applicants for whom reasonable preference must be considered. These groups are:
- Applicants who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002).
 - Applicants who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by such authority under section 193(3).
 - Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
 - Applicants who need to move on medical or welfare grounds (including grounds relating to disability).
 - Applicants who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).
- 3.5.2. The policy has been designed to ensure applicants who meet the reasonable preference categories will be given the due priority on the housing register.
- 3.5.3. Under the policy, priority bands A, B and C, reflect the reasonable preference categories (as detailed in point 3.5.1 above).

- 3.5.4. The Allocation of accommodation: code of guidance for local authorities in England (2012), gives Local Authorities the power to include additional reasonable preference categories.
- 3.5.5. The scheme has considered the powers to include additional reasonable preference categories, however due to prevailing demand and availability of properties across the sub-region; it will not be possible to award reasonable preference to applicants in the following situations:
- a) Applicants with young children who have limited or no access to a garden
 - b) Applicants with young children living in flats above ground floor

Applicants in the situations described in points (a) and (b) above, who have a medical and/or welfare need to move to alternative accommodation, can be considered for additional priority on medical and/or welfare grounds. (For further information on medical and welfare assessments and priority awards, please refer to section 17.20).

3.6. Additional preference

- 3.6.1. Under section 166A (3) of the Housing Act 1996, Local Authorities have the power to frame their allocation policies and schemes to give additional preference to particular groups who:
- a) meet the statutory reasonable preference categories (as detailed in section 3.5 of the policy); **and**
 - b) have an urgent housing need

The law states the following groups of people should be considered for additional preference if they meet points (a) and (b) above:

- 3.6.1.1. Applicants who need to move urgently because of a life threatening illness or sudden disability. Applicants meeting this criterion will be assessed for additional priority on medical and/or welfare grounds. (For further information, please refer to section 17.20 of the policy).
- 3.6.1.2. Families with severe overcrowding which poses a serious health hazard. Applicants meeting this criterion will be assessed for additional priority on medical and/or welfare grounds. (For further information, please refer to section 17.20 of the policy).

- 3.6.1.3. Applicants who are homeless and require urgent re-housing as a result of violence, threats of violence (including intimidated witnesses) and those escaping serious anti social behaviour or domestic violence. Applicants meeting this criterion will normally be assessed in accordance with homeless legislation. (For further information, please refer to section 17.20 of the policy).
- 3.6.1.4. Armed forces, reserve forces personnel and bereaved spouses or civil partners of armed forces personnel, under the following circumstances:
- (i) former members of the armed forces
 - (ii) serving members of the armed forces who need to move because of serious injury, medical condition or disability sustained as a result of their service
 - (iii) bereaved spouses and civil partners of members of the armed forces, leaving services family accommodation following the death of their spouse or partner
 - (iv) serving or former members of the reserve forces, who need to move because of a serious injury, medical condition or disability sustained as a result of their service

Applicants who meet the reasonable preference criteria and any of the criteria listed in points (i) – (iv) above, will be awarded additional preference by being prioritised within their band when they apply for eligible properties.

- 3.6.1.5. Foster carers who are registered and approved by Social Services may be considered for additional preference and extra bedroom entitlement. Applicants meeting this criterion will be assessed for additional priority on medical and/or welfare grounds. (For further information, please refer to section 17.20 of the policy).

3.7. Equal opportunities and diversity

- 3.7.1. The POs will be responsive, accessible and sensitive to the needs of all applicants.
- 3.7.2. The POs will not tolerate prejudice and discrimination.
- 3.7.3. The POs will actively promote equality.

3.8. Monitoring and reviewing the allocation policy

- 3.8.1. The Project Board will monitor the operation of the policy
- 3.8.2. The Project Board will be responsible for ensuring the policy is regularly reviewed and meets its stated objectives and complies with legislative changes.

4. The Housing Register

4.1. Who is eligible to join the housing register?

- 4.1.1. Anyone can apply to join the housing register, but not everyone will be eligible to join the housing register.
- 4.1.2. In accordance with legislation, Local Authorities are permitted to set their own scheme eligibility criteria.
- 4.1.3. The eligibility criteria for joining the housing register are as follows:
 - Only those 16 and over can make an application. If the applicant is 16 or 17 they will not be offered a tenancy, unless they have a guarantor. This may include an applicant whose partner is 18 or over. In circumstances where the partner is over the age of 18, the partner should be the main applicant.
 - The main applicant must not be subject to immigration control or be a person from abroad, unless they are a 'qualifying person'. They must pass the habitual residence test (as defined in section 161 of the Housing Act 1996 and the Allocation of Housing Regulations 1996 (SI 1996 number 2753), as amended by the Homeless Act 2002).
 - The main applicant must be resident in the UK
- 4.1.4. POs will not be able to register anyone who is not eligible to be housed.
- 4.1.5. Applicants are advised there is high demand for social housing in the sub-region. Many people who are eligible to join the housing register may not be successful in obtaining an offer of a property.

4.2. Who may not be eligible to join or remain on the housing register?

4.2.1. In accordance with legislation, Local Authorities are permitted to set their own scheme eligibility criteria.

4.2.2. Applicants may be found to be ineligible and therefore unable to join or remain on the housing register if:

They, or a member of their household have been subject to a notice seeking possession because they are guilty of unacceptable behaviour, serious enough to make them unsuitable to be a tenant, for example, if they have broken the conditions of their tenancy because of anti-social behaviour and this was either:

- (a) proven by their conviction of an offence, for example, being a perpetrator of sexual or racial harassment, use of the premises for illegal purposes e.g. drug offences; **or**
- (b) backed up by evidence, which would have been presented in court action for possession, had their tenancy not ended before the action could be taken

4.2.3. The POs decision to find someone ineligible to join or remain on the housing register (on the grounds in 4.2.2 listed above) will be based on the circumstances at the time of application and assessment. The PO will consider the applicant's current circumstances when reaching its decision, for example, the health of the applicant and any dependants and any other relevant factors.

4.2.4. A decision that an applicant is ineligible due to his or her unsuitability to be a tenant will be objective and will be taken with reference to relevant information, such as Police or Environmental Services reports or by reviewing landlord records.

4.2.5. If a PO decides an applicant is ineligible, they will notify the applicant of the decision and also the right to request a review of the decision. (For further information on requesting a review of a housing register decision, please refer to section 15).

4.2.6. A person deemed ineligible due to his or her unsuitability to be a tenant, may make a fresh application if they consider their behaviour should no longer be a deciding factor, due to a change in circumstances. It will be the individual's responsibility to show that his or her circumstances or behaviour have changed.

4.3. Multiple applications

- 4.3.1. The scheme does not permit multiple applications. An applicant can only have one active application on the housing register.

4.4. Joint applicants

- 4.4.1. Where more than one eligible applicant wishes to have a shared application, they will be considered as joint applicants. This will include married couples, civil partners and co-habiting couples.
- 4.4.2. For a joint application, both applicants have to be eligible to join the housing register. (For further information on the eligibility criteria, please refer to section 4.1).
- 4.4.3. Joint tenants of a social housing tenancy, who no longer want to live in the same property, can apply to join the housing register. POs may accept applications from one or both parties. No priority will be given to the application simply because they want to live apart.
- 4.4.3.1. Applicants will not be able to participate in the scheme (i.e. bid for properties) until the issues of assignment relating to the existing tenancy have been resolved. POs will advise the applicants to seek advice from their current landlord or professional legal services, before signing over any rights to the existing tenancy (as this could result in one party being made homeless). For further information, please refer to section 4.9.

4.5. Household members – who can be included on an application

- 4.5.1. A person is considered to be a member of a household if they:
- b) usually reside with the main applicant, as a member of the family/household. (This would include any close blood relative, marital relationships and co-habiting partners); **or**
 - c) might reasonably be expected to reside with the main applicant.

4.6. Household members – who will not be included on an application

- 4.6.1. Some people will not automatically be considered to be part of the main applicant's household. This will include lodgers and live in help.
- 4.6.2. People found not to be eligible as part of the main applicant's household will be advised by the PO to make their own housing register application.
- 4.6.3. In cases where the main applicant or member of their household requires an extra bedroom for a carer, the PO will make appropriate investigations and seek supporting evidence that a live in carer is required. (For further information, please refer to section 9.4).

4.7. Adding a new household member to an application

- 4.7.1. If the main applicant wishes to add new household member/s, to their application, the housing application will need to be updated, providing the new household member's details.
 - 4.7.1.1. Details can be updated on the main applicant's online application form (which can be accessed via the applicant's Gateway to Homechoice account). (For further details on how to update an application, please refer to section 5.1 and 6.5 of the policy).
- 4.7.2. The PO will assess any new household members in accordance with points 4.5 and 4.6 of the policy. Each case will be assessed on individual circumstances.
 - 4.7.2.1. In accordance with the policy, new eligible household members will be included in the assessment for bedroom entitlement. Overcrowding priority will not be considered for 12 months (from the date of the new household member joining the household).
 - 4.7.2.2. After 12 months, the application will be reviewed, and if appropriate at that point, overcrowding priority will be applied.
 - 4.7.2.3. If the priority band increases, the effective date will be amended to the date the overcrowding priority was applied.

4.8. Two households forming one household on an application

- 4.8.1. When two households wish to form one household on one housing application, the PO will complete a full assessment of the housing situation. The assessment will establish if either party's existing accommodation is adequate to meet the needs of the new household structure.
- 4.8.2. If either party's accommodation is deemed adequate for the needs of the new household structure, the PO will award Band E.
 - 4.8.2.1. The PO will advise the household to reside in the suitable property.
 - 4.8.2.2. Should the applicants disregard the PO's advice and opt to move into the unsuitable accommodation, the PO will consider if the applicants have deliberately made their housing situation worse in order to increase their housing priority. (For further details of actions taken in circumstances where an applicant has deliberately made their housing situation worse, please refer to section 6.13 of the policy).
- 4.8.3. If both parties' accommodation is assessed as being unsuitable for the new household structure, the PO will not at the point of application give any additional priority due to overcrowding.
 - 4.8.3.1. In accordance with the policy and if appropriate, the household will qualify for additional bedroom entitlement but overcrowding priority will not be considered for 12 months (from the date of the new household formed).
 - 4.8.3.2. The PO will assess to see if the application is eligible for additional priority on welfare grounds. (For further information on welfare assessments, please refer to section 17.20 of the policy).
 - 4.8.3.3. If welfare priority is not applicable, the application will be reviewed after 12 months (from the date the new household was formed), and if appropriate at that point, overcrowding priority will be applied. If the priority band increases, the effective date will be amended to the date the priority changes.

4.9. Circumstances when eligible applicants will not be able to participate in the scheme

4.9.1. Some applicants, who are eligible to join the register, may not be allowed to participate in the scheme for a temporary period. These will include:

- **Applicants successfully housed into a social housing property through the scheme**

Applicants will be able to re join the housing register, but unless their circumstances have changed, will be given an effective date of one year from the start of their tenancy. They will be able to bid for properties but it is unlikely they will be successful in being offered accommodation because of their effective date.

- **Applicants housed temporarily in a PO's private lettings scheme under a homeless duty**

These applicants may have an Assured Shorthold Tenancy with a private landlord with a mandatory six month period. Therefore, to ensure they do not incur financial liability for two tenancies, they will be restricted from bidding for properties, until 28 days before the end of the fixed term of their Assured Shorthold Tenancy.

- **Applicants who are not considered ready to sustain a tenancy because of their age or need for specialist support**

Applicants will be restricted from bidding for properties. The PO will be responsible for carrying out regular reviews of the applicant's circumstances in conjunction with any specialist support providers.

- **Applicants who have accepted an offer of housing, but the property is not yet ready**

- **Joint applicants of an existing social housing tenancy who no longer wish to live together and require separate housing applications**

In such cases, the applicants will not be able to participate in the scheme until the existing tenancy has been resolved.

POs will advise the applicant to seek advice from their landlord or professional legal services before signing over any rights to the existing tenancy (as this could result in one party being made homeless and subsequently affect any future priority on the housing register).

The only exception may be where the PO has assessed a homeless duty is owed to both parties. In such situations, the PO reserves the right to allow the parties to participate in the scheme.

- **Applicants who repeatedly select and/or view properties which they have no intention of taking**

In exceptional circumstances applicants can be suspended from taking part if they repeatedly select and or view properties which they have no intention of accepting. The PO will monitor these cases very carefully and discuss whether it is appropriate to restrict participation with the applicant before action is taken.

4.9.2. The decision to restrict an eligible applicant from participating in the scheme will be considered following a full assessment of the individual circumstances.

4.9.3. If a decision is taken to restrict an eligible applicant from participating in the scheme, the PO will decide on these cases explaining to the applicant:

- the reasons why they are temporarily not able to take part in the scheme
- any conditions which will need to be met before they will be entitled to resume participation in the scheme
- the date when they will be able to resume participation in the scheme or request a review of the original decision
- any conditions which will need to be met before they will be entitled to resume participation in the scheme
- the right to a review of the PO decision. (For further information on the review of a housing register decision, please refer to section 15 of the policy).

5. How the register works

5.1. Making a new application

- 5.1.1. Any one who wishes to join the housing register will need to set up a Gateway to Homechoice account and complete the online registration and housing application form.
- 5.1.2. By setting up a Gateway to Homechoice account, a person can complete a housing application, place bids and provide updates if their circumstances should change in the future.
- 5.1.3. The scheme's website can found at www.gatewaytohomechoice or on the websites of the POs.
- 5.1.4. POs can provide advice and assistance to anyone experiencing difficulties in accessing or completing the registration process. (Contact details for the POs can be found in Appendix 1).
- 5.1.5. Once an account has been set up, the applicant will be assigned a unique housing reference number and this will act as the login for the account.
 - 5.1.5.1. Applicants will also need to select a memorable date, which will act as the password to their account. (Passwords can be re-set by selecting the relevant option on the website or by contacting one of the POs).
- 5.1.6. As part of the online application process, applicants will be asked to select a PO to hold their application. Applicants should select the PO based on the following criteria:
 - Applications should be made to the PO area where the person is currently living.
 - If an applicant does not currently live in any of the 8 PO areas, they should apply to the PO area where they hold a local connection.
 - If an applicant does not have a local connection to any of the eight POs, they should apply to the PO where they wish to live.

- 5.1.7. The selected PO will be responsible for processing and assessing the application.
- 5.1.8. Once the online application form is submitted, the selected PO will receive the application and will assess it. (For further information on the assessment of applications, please refer to section 6.4).
- 5.1.9. Each partner PO receives large numbers of applications on a daily basis. POs will endeavour to process applications within 28 days of receipt.

5.2. Applications from previous applicants (those housed or whose application has been closed)

- 5.2.1. Applicants who have previously been registered and their application has been closed can re apply to join the register. These applicants do not need to complete the entire registration process, as detailed in section 5.1.
- 5.2.2. Previous applicants will have an existing account and will retain their unique housing reference number and memorable date.
- 5.2.3. Previous applicants wishing to submit a new housing application will need to access their previous housing application (via their Gateway to Homechoice account) and update it based on the current circumstances.
- 5.2.4. Applicants previously housed into social housing will be permitted to re apply to the housing register; however they will receive the effective date of 12 months after their tenancy began. (For further information, please refer to section 4.9.1).

5.3. Applicants' consent and declaration

- 5.3.1. When an applicant applies for housing, they must complete a declaration. The submission and confirmation of the declaration section contained in the on line application form, will be taken as the applicants formal declaration and agreement, confirming that:
 - The information provided by the applicant is complete, true and accurate.
 - The applicant will inform the POs immediately of any change in circumstances.
 - The applicant understands that information will be shared with all the POs and all participating RPs together with other relevant organisations in order to complete or verify information or to prevent fraud or protect public funds in other ways.

- The applicant consents to POs making enquiries of any relevant persons to confirm the information on the application form is correct, or to add to the information given where this is necessary to complete an assessment of need or consider suitability for housing.

5.4. Data protection

- 5.4.1. The POs will make every effort to keep information provided by applicants safe and confidential. They will comply with policies on Data Protection, which can be viewed on their websites.

5.5. Closing an application

- 5.5.1. An application will be closed from the housing register in the following circumstances:
- At the applicants' request.
 - If the applicant becomes ineligible for housing in accordance with section 4.2.
 - When the applicant has been housed through the scheme.
 - When a statutory homeless applicant has been housed into private sector accommodation.
 - When a tenant of social housing completes a mutual exchange.
 - Where an applicant does not maintain their application through the re-registration process, or where they move and do not provide a contact address.
 - If the applicant fails to respond to a request for further information within a reasonable time.
- 5.5.2. Should an applicant whose application has been closed wish to re-join the housing register they will receive a new effective date according to the rules in paragraph 6.7.
- 5.5.3. Where appropriate, a PO may agree to reinstate a removed application provided the applicant notifies them within 3 months of removal.

5.6. False Information

- 5.6.1. Any applicant who deliberately attempts to deceive or defraud the POs in order to secure a home to which they are not entitled, may lose any home provided for them, and may also be prosecuted. The law imposes severe penalties, including substantial fines or imprisonment, where an offence is proved.

5.7. Councillors and Involvement in decision making

- 5.7.1. Elected Council members cannot take part in the assessment and allocation process but this does not prevent them seeking or providing information on behalf of their constituents or from being involved in future policy development.

6. Assessment of Housing Need

6.1. Legal background

- 6.1.1. All applicants will be assigned a priority band following a full assessment of their household's needs. This is to ensure the POs assist those applicants in the greatest housing need and also meet their legal obligations (as set out in section 3 of the policy).

6.2. Advice and information

- 6.2.1. All POs will ensure that housing advice and options information is available free of charge, to everyone. This will include:
- Information on how to apply for housing
 - Where to get help to make an application
 - Obtaining assistance if an applicant requires help with making an application
- 6.2.2. Information on a range of housing options is available on the scheme's website.
- 6.2.3. Applicants experiencing difficulties accessing or completing an application can contact one of the POs for advice or assistance. (Contact details for the POs can be found as Appendix 1).

6.3. Housing Needs Bands

- 6.3.1. Applicants will be placed into one of the following five housing needs bands, based on the information provided in their application:
- Band A (urgent housing needs)
 - Band B (high housing need)
 - Band C (moderate housing need)
 - Band D (low housing need/reduced preference)
 - Band E (no housing need)
- 6.3.1.1. Band A will contain those applicants in highest housing need.
- 6.3.1.2. Band E will contain those applicants in lowest need.
- 6.3.2. Applicants will be placed in the highest possible band that represents their housing need.
- 6.3.2.1. Where applicants have 2 or more assessed Band B housing needs, they will be moved to Band A. (Please note, this does not apply to those accepted as statutory homeless. Additional preference is applied within Band A to assist accepted statutory homeless applicants in severe need).
- 6.3.2.2. Where applicants have “multiple needs”, by this we mean meeting four or more Band C reasons), the applicant will be moved to Band B.
- 6.3.3. Where any PO makes an assessment of need and places an applicant in one of the five housing needs bands, this band will apply to the whole scheme. Different POs will not place applicants in different bands, even if they have a local connection to more than one authority.
- 6.3.4. Some allocations will be dealt with outside the scheme’s policy, in these cases the applicant will be placed into Band F.
- 6.3.4.1. Applicants placed into Band F do not participate in the scheme (they are not able to bid for properties).
- 6.3.5. For further information on the bands, please refer to section 16 of the policy.

6.4. Assessment of Applications

- 6.4.1. Once an application has been received it will be assessed by the PO selected by the applicant.
- 6.4.2. The PO will assess each applicant's eligibility to join the housing register. (For further information, please see section 4.1).
- 6.4.3. Sometimes it may be necessary to obtain additional information for assessment and verification purposes. If this is necessary, the Local Authority will write to the applicant providing details of the information required.
- 6.4.4. If an applicant fails to provide the information requested, the application can be closed. (For further information, please see section 5.5).
- 6.4.5. Once an application has been fully assessed and entered onto the Housing Register; the applicant will receive an acknowledgement letter. The letter will:
- Explain which band the applicant has been placed in on initial assessment. If they are subsequently assessed as having a medical or welfare need they will be advised separately after the assessment has been made.
 - Confirm the size (and if applicable the type) of property the applicant is eligible for.
 - Confirm the applicants' effective date.
 - Include a reminder about informing the PO of any change in circumstances.
 - Give details of appeal and review procedures.
 - Give the applicants login number.
 - If an applicant is temporarily restricted from bidding or has reduced preference it will explain the reasons why.
 - Give details of the authorities where they have a local connection.

6.5. Changes of circumstances

- 6.5.1. If circumstances change, it is the responsibility of the applicant to update their on-line application form.
- 6.5.2. Changes in circumstances can include:
- Moving home
 - Changes to the household members
 - Birth of a child
 - Changes in medical conditions
 - Changes in welfare situations
- 6.5.3. Applicants can review and update their on-line application form via their account.
- 6.5.4. POs will provide advice and assistance to applicants experiencing difficulties in updating their on-line application form. (For Local Authority contact details please refer to Appendix 1).
- 6.5.5. All updates will be assessed by the PO responsible for the application. The application will be re assessed in line with the policy.
- 6.5.6. Failing to update an application following a change of circumstances could mean the application is inaccurate, contains false information and has the wrong priority award.
- 6.5.6.1. If false information has been given deliberately, action will be taken by the POs and may have serious consequences for the applicant. (For further information, please refer to section 5.6).

6.6. Renewing an applications

- 6.6.1. The POs carry out renewal to ensure applications are accurate and valid.
- 6.6.2. Applicants will be notified of the need to complete the renewal through their account.
- 6.6.3. It is the responsibility of an applicant to complete the renewal and provide any updates to their current circumstances
- 6.6.4. Applicants will usually be given 30 days to complete a renewal.
- 6.6.4.1. If an applicant fails to complete the renewal, their application may be closed. (For further information, please refer to section 5.5).

- 6.6.5. Failing to update an application following a change of circumstances could mean the application is inaccurate, contains false information and has the wrong priority award.
- 6.6.5.1. If false information has been given deliberately, action will be taken by the POs and may have serious consequences for the applicant. (For further information, please refer to section 5.6).

6.7. Deciding the effective date

- 6.7.1. Priority position within a band is decided by the applicant's effective date. The effective date is usually the date the application is received, except;
- Where an applicant is moved from one band to a higher band. Their new effective date will be the date their circumstances changed.
 - Where an applicant receives priority on medical or welfare grounds, their effective date will be the date they applied for this award.
 - Where an applicant has been accepted as Homeless their effective date will be the date they applied as homeless; unless they already qualify for Band B with an earlier date.

6.8. Local Connection to the sub-region

- 6.8.1. The applicant will have a local connection to the sub region if:
- Their only or principle home is within the boundaries of the district covered by the sub-region.
- or**
- They were placed in specialised housing which is not available in the sub-region, but had a local connection previously through residence.
- or**
- They (not a member of their household) are in permanent paid work in the sub region.
- or**
- They have a son, daughter, brother, sister, mother or father, who is over 18 and lives in the sub-region, and has done so for at least five years before the date of application.

6.8.2. In accordance with the Allocation of Housing (Qualification Criteria for Armed Forces – England – Regulations 2012), the following people will be deemed to have a local connection to the sub-region if:

- The main or joint applicant is serving in the regular forces or who has served in the regular forces within five years of the date of their application.

or

- The main or joint applicant has recently ceased, or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where:

- (a) the spouse or civil partner has served in the regular forces; **and**
- (b) their death was attributable (wholly or partly) to that service.

or

- The main or joint applicant is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

6.8.3. Applicants will lose their local connection if:

- Since applying to join the register they have moved outside the sub-region and no longer meet any other local connection conditions.
- They had a local connection through a close relative but the relative no longer resides in the area.
- They had a local connection through their employment but this no longer applies.

6.9. Connection to the local authority area

6.9.1. To ensure the scheme continues to meet local housing need, some properties may be advertised as being available only to applicants with a local connection to an individual PO area. (For further information please refer to section 10).

6.9.2. The criteria for local connection to an individual PO area will be the same as the criteria for local connection to the sub-region but will relate to that PO area only.

6.9.3. Applicants will be asked to identify their local connection to the sub-region and an individual PO in that sub-region.

6.9.3.1. If they have a local connection to more than one PO they should mention this on their application form.

6.10. Applicants from outside the sub-region who have no local connection to the sub-region

- 6.10.1. The sub-region is a high demand area where demand for social housing is in excess of supply.
- 6.10.2. For this reason applicants, who live outside the sub-region with no local connection to it, cannot expect the same priority for housing as those with a local connection.
- 6.10.3. Applicants living outside the sub-region will be assessed in the same way as others to establish their housing need. If the applicant has no local connection to the sub-region, the application will then be placed one band lower than the assessment, except, that, an application assessed as in Band E will stay in Band E but will be shortlisted below those people in Band E who do have a local connection.

6.11. Special Assessments of Need

- 6.11.1. Applicants placed in temporary accommodation under s193 of the Housing Act 1996 by other Boroughs not in the sub-region are entitled to reasonable preference and will be placed in Band C.

6.12. Reduced Preference

6.12.1. Section 166a, sub section 5 of the Housing Act (1996) as amended by the Homelessness Act 2002 and Localism Act 2011, allows allocation schemes to give reduced preference to the following groups of applicants:

- An applicant with significant financial resources “where the applicant was financially able to secure alternative accommodation at market rent for himself”
- Where the “behaviour of the applicant (or member of his household) affects his suitability to be a tenant”.

6.12.2. Significant financial resources

An applicant will be given reduced preference where:

- An applicant with reasonable preference with sufficient resources to buy a property applies to the register. Their housing need will be assessed as usual, however, their priority may be restricted due to their financial resources.
- The applicant’s income, capital and/or interest held (and which could be redeemed) in a current home or other property would be taken into account along with their ability to get a mortgage and the size and type of property needed.
- Those who cannot afford to buy a property on the open market but who could afford to buy through a low-cost home ownership scheme or have sufficient resources to rent in the private sector, will be placed in Band D under reduced preference if they have an assessed need. The financial thresholds will be reviewed annually and published on the Gateway to Homechoice website.

6.12.2.1. Members of the armed forces, who have received a lump sum payment as compensation for an injury or disability sustained during active service, will not be subject to reduced preference on grounds of significant resources.

6.12.3. Suitability to be a tenant

An applicant will be given reduced preference where:

- The applicant owes any PO, or another local authority or RP, money from a former tenancy either because of not paying rent or charges for use and occupation or through damaging the property. Debts with private landlords could also be taken into account. If it can be demonstrated that the applicant has entered into and maintained effective arrangements for repaying this debt it may not necessarily result in reduced preference criteria.
- An applicant has received a notice from their current landlord because of their own actions e.g. rent arrears or anti-social behaviour. Under these circumstances, a PO reserves the right to apply reduced preference or suspend the applicant from participating in the scheme or make the applicant ineligible. This will depend on which tenancy conditions have been breached. For further information, please refer to sections 4.2 and 4.9.
- An applicant has been evicted from a home owned by a Council or RP.
- An applicant has abandoned a property, (left the property without giving the required notice to their landlord).
- An applicant has assaulted or harassed an employee or agent of a Council or RP.
- An applicant or members of their prospective household have committed acts causing or likely to cause a nuisance or annoyance to their neighbours or others in the locality of where they live or where they have previously lived.
- An applicant has failed to maintain a rented property in a proper and reasonable condition.
- An applicant has deliberately damaged a property.
- An applicant (or member of their prospective household) has committed acts of anti-social behaviour.
- An applicant has obtained a previous tenancy fraudulently

6.12.4. In these circumstances, generally an applicant will be placed in Band D to reflect reduced preference if they hold another assessed housing need. If they have no assessed housing need they will be placed in Band E.

6.12.5. A PO will notify applicants given reduced preference. Applicants can ask for the decision to be reviewed. The PO will inform applicants in writing, if there is action they can take to improve their assessment. Decisions will be reviewed each year. (For further information on the scheme's review process, please refer to section 15).

- 6.12.6. This is not a blanket policy. In exceptional circumstances, applicants will be given additional preference despite meeting one of the criteria outlined above. This may occur, for example, where an owner-occupier has a severe medical need and needs sheltered housing, or a person fleeing domestic violence has rent arrears; each case will be considered on its merits.

6.13. Applicants who have deliberately made their housing situation worse

- 6.13.1. The PO will consider whether an applicant has deliberately made their housing situation worse to increase their housing need, and consequently improve their chances of re housing through the register.
- 6.13.2. If it is decided that the applicant has made their housing situation worse, they will remain in the band that reflects their housing need in their previous accommodation.
- 6.13.3. If the applicant was not registered from their previous address, the assessment of housing need will be based on the accommodation occupied before their accommodation changed.
- 6.13.4. The assessment will be reviewed after 12 months, on request. If the restriction is removed, the application will be placed in the band that reflects current circumstances. Their effective date will be the date they moved to the new band.

6.14. Owner-occupiers

- 6.14.1. Owner-occupiers or applicants who own other residential property are eligible to join the housing register, but will be placed below other groups in our lowest priority band (Band E).
- 6.14.2. Applicants who previously owned a property and have sold it will be asked to provide proof of the sale and evidence of any proceeds received.
- 6.14.3. Generally, owner-occupiers will not be able to move to another band or be awarded medical or welfare priority.

- 6.14.4. Property owners may be able to be moved to a higher band, awarded medical or welfare priority and made an offer of accommodation if:
- they are over 60 and have been assessed as being unable to meet their housing need from their own resources; **or**
 - they have a disability and need an adapted property and have also been assessed as being unable to meet their housing needs from their own resources and the home they need is not available in the housing market.
- 6.14.5. Owner-occupiers will be able to express an interest for a property if they wish to do so, however, because a Council or RP tenancy can only be held as a main home, homes are not usually offered to applicants who still own their home or are paying a residential mortgage. An exception may be considered where an elderly owner-occupier wants to express an interest in low demand sheltered accommodation.
- 6.14.6. The PO will assess whether an applicant can meet their housing needs from their own resources. To make this assessment they will need details of the applicant's income and savings.
- 6.14.7. Based on information received there may be one of three outcomes:
- That the applicant could buy suitable accommodation outright.
 - That the applicant may be able to buy suitable accommodation with an affordable mortgage (with assistance from the welfare benefit system if appropriate).
 - The applicant is unable to buy suitable accommodation.
- 6.14.8. If it is decided that the applicant is unable to buy suitable accommodation, it will be recommended they qualify to move to a higher band if they are awarded priority on medical or welfare grounds.

6.15. Applicants in 'tied' accommodation which is suitable for their needs

- 6.15.1. Applicants are considered to be in tied accommodation if the occupation of their home is essential for the performance of their duties as an employee. This includes applicants who are accommodated by HM Forces.

- 6.15.2. Applicants in 'tied' accommodation will be placed in Band E. They will be moved to Band C if:
- (i) they are six months away from retirement; **or**
 - (ii) they have received a legally binding notice asking them to leave their accommodation
- 6.15.3. Applicants who are armed forces/reserve forces personnel or bereaved spouses/civil partners of the armed forces personnel, and who meet points (i) or (ii) above, will be prioritised within their band. (For further information, please refer to the section on additional preference, 3.6.1.4).
- 6.15.4. Applicants who are qualifying agricultural workers may be covered by the Rent Agricultural Act 1976. (For further information, please refer to section 17.17).

7. Finding a Home under the scheme

7.1. Advertising available homes

- 7.1.1. All social landlords using the scheme will advertise their properties as widely as possible.
- 7.1.2. In exceptional cases a property may not be advertised through the scheme. For example if a property is needed urgently to deal with an emergency, facilitate a decant, meet the needs of those with specific housing needs, or it is specifically adapted and meets a particular need of an applicant, or it is needed to provide temporary accommodation to fulfil a statutory duty. This will include "extra care" and very sheltered accommodation.
- 7.1.3. Direct Lets may apply in the following circumstances:
- Extra care and very extra care properties.
 - If a property is needed to house someone in a social housing property temporarily.
 - In cases where someone has to be moved immediately a direct let may be made.
 - In the case of a specially adapted property built for a specific person.
 - Decants
 - Where a homeless applicant has either failed to bid or failed to bid on a property on which they could be successful, or has refused a property and the PO needs to move them on from temporary accommodation.
 - If there is no suitable temporary accommodation and the PO would be breaching their duty.
 - Where it has been deemed that the person is at risk or is a risk to others and it is not appropriate for them to bid through the scheme.

- 7.1.3.1. Where a direct let is made, the property will not be advertised through the scheme, but we will report that that property has been used as a direct let to ensure transparency. All applicants will be placed in Band F which is a non-bidding category.
- 7.1.4. Some partner RPs may decide not to advertise all their properties through the scheme. This will depend upon the level of nomination rights agreed with each PO.
- 7.1.5. To ensure applicants are aware of available properties, they will be advertised:
- On the Gateway to Homechoice website (www.gatewaytohomechoice.org.uk)
 - At local offices.
 - In a property newsletter sent to all RPs, voluntary agencies and other agencies who request it or sent to:
 - Applicants in Bands A and B, who require assistance with bidding and request a newsletter
 - Applicants who require sheltered accommodation
- 7.1.6. Advertisements will include information about the property, which can include the following:
- a description of the home
 - a photograph of the property
 - rental type (social or affordable rent)
 - rental charge and period (e.g. weekly, monthly, 4 weekly)
 - service charges
 - length of tenancy (e.g. fixed term tenancy and number of years)
 - special facilities
 - adaptations
- 7.1.7. The advertisement will also highlight if there are any special criteria for letting the property, (we refer to this as “labelling”). Examples could include when a property is only available to applicants with a local connection or applicants of a certain age range. (For further information, please refer to section 7.2 below).
- 7.1.7.1. The labelling will show who is able to bid for the property. The system will automatically restrict applicants who do not meet the labelling criteria from expressing an interest.

- 7.1.8. To be considered for a property, applicants must place their bids by the advertising cycle deadline. (For further information on expressing an interest in advertised properties, please refer to section 7.3 below).

7.2. Labelling properties

- 7.2.1. POs will label advertised homes to provide as much information as possible about the property, and details of who is eligible to express an interest.
- 7.2.2. Where an applicant does not meet the criteria outlined, they will not be considered for the property.
- 7.2.3. Labelling criteria will include:
- **Local connection**
If the home is only available to households with a local connection to a village or PO area, or with the sub-region.
 - **Transferring tenant**
Sometimes RP or POs may decide that a home will only be available for their own existing tenants.
 - **Property size**
Applicants must be eligible for the size/type of property. Applicants will be advised their eligibility when they join the scheme.
 - **Housing needs bands**
Some homes may only be offered to applicants in particular bands.
 - **Adapted homes**
Homes particularly suitable for people with disabilities will have special symbols to help applicants with those needs identify them. Adverts for adapted or accessible homes (for example those with wheelchair access) will specify that they are only available for people assessed as needing them.
 - **Supported Housing**
Homes which have been developed for vulnerable groups who require support, will be advertised to those applicants who are eligible for such support. This will include homes in sheltered housing schemes.
 - **Age Restrictions**
Some homes may have a minimum age requirement.

- **Local Lettings Policy**
To promote sustainable and settled communities, POs may introduce specific lettings policies in some areas which will vary from this allocations policy. For example, where there is a need to balance the child to adult ratio or there are too many vulnerable residents in an area.
- **Pets**
The advert will identify whether pets are allowed.
- **Home type and facilities**
The advert will show the home type, floor level, heating, service charges and any other relevant details.
- **Tenancy type for ‘fixed-term’ or flexible tenancies only**
Where properties are to be let on a fixed-term or flexible tenancy, the advert will display this information and the length of the fixed-term.

7.3. Expressing an interest in available homes (bidding)

- 7.3.1. Expressing an interest in a property is also referred to as “bidding”.
- 7.3.2. Properties are advertised through the scheme’s website.
- 7.3.3. Available properties will be advertised on a weekly cycle.
- 7.3.4. Applicants can express their interest by placing up to two bids on properties that meet their housing requirements during each bidding cycle.
- 7.3.5. To be considered for an available home, applicants must place their bids by the publicised deadline and must any meet any labelling criteria.
- 7.3.6. Applicants will be able to register their interest in a property by placing a bid through several methods:
 - Placing a bid via their Gateway to Homechoice account
 - Using the Interactive telephone service (0845 2700724)
 - Visiting or contacting a local PO office (in person, by email or telephone)
 - Using an advocate
- 7.3.7. Support will be offered to applicants who require assistance to use the scheme. (For further information, please refer to Appendix 1 for the Local Authority contact details).
- 7.3.8. The number of bids and the length of the bidding cycle will be considered as part of the regular scheme reviews.

7.4. Making an offer of accommodation

- 7.4.1. Once the weekly advertising cycle finishes, the scheme's IT system will produce a shortlist of applicants who have expressed an interest in the property. The shortlist will contain applicants who meet the property's specified labelling criteria.
- 7.4.2. The successful applicant for each home will usually be the one who is eligible, meets any labelling criteria, in the highest band, and with the earliest effective date.
- 7.4.3. A viewing of a property may not be offered if:
- an applicant's circumstances are found to be different to those stated in their housing application
 - an applicant has been found to have made false claims
 - problems have been identified which may make the applicant or their household unsuitable for the property or as a tenant of the property
- 7.4.3.1. In such cases the applicant will be told why they were not being put forward for viewing.
- 7.4.3.2. If false information has been given deliberately, action will be taken by the POs and may have serious consequences for the applicant. (For further information, please refer to section 5.6).

7.5. Feedback

- 7.5.1. After each advertising cycle, information and feedback on the properties let will be available on the Gateway to Homechoice website. The information and feedback will include the following:
- Property size and type
 - If the property was let as social or affordable rent
 - Location of the property
 - Number of bids for each property
 - Priority band of the successful applicant
 - Effective date of the successful applicant

- 7.5.2. The information and feedback will also contain information relating to any properties that were not advertised as part of the scheme, for example, properties used to decant tenants. This information and feedback will be made available to ensure transparency. (For further information on reasons why properties may not be advertised, please refer to section 7.1.2).
- 7.5.3. The POs believe that the provision of feedback is important, to ensure transparency and also help applicants to make informed and realistic choices.

7.6. Accompanied Viewing

- 7.6.1. Once the top applicants have been identified, arrangements will be made by the appropriate partner landlord for them to see the property as quickly as possible.
- 7.6.2. The landlord will decide whether or not they take multiple applicants to view at the same time or make individual appointments.
- 7.6.3. At the viewing or on the phone, the applicants will be given further information about the property, which may include information on repairs to be carried out, the date when the property is expected to be available, and any special conditions of tenancy.
- 7.6.4. After the viewing, the applicant who is highest on the shortlist and interested after viewing the property, will be offered a tenancy.
- 7.6.5. The selected applicant will have up to 24 hours to decide whether or not to accept the offer. In exceptional circumstances this period of time may be increased.

7.7. Refusals

- 7.7.1. When an applicant rejects a home after viewing, the applicant next on the shortlist will be considered.
- 7.7.2. Applicants may need to complete a viewing feedback form, if requested by the landlord, so any special issues with a property or area can be identified.
- 7.7.3. If an applicant refuses a property there will usually be no penalties except in certain circumstances. (For further information, please refer to sections 4.9.1 and 8.3).

- 7.7.4. If an applicant signs a tenancy agreement and then rejects the property, this does not count as a refusal. At this stage, they are legally a tenant. If they have given notice on a previous property it may not be possible to withdraw the notice.
- 7.7.5. Should an applicant accept a tenancy but then decide they do not wish to proceed, it is likely that their landlord will insist on four weeks notice.
- 7.7.5.1. Even if the applicant is permitted to withdraw their notice, they may still be suspended from the scheme and not allowed to participate for 12 months.
- 7.7.5.2. The POs will decide if they need to complete a new application.
- 7.7.5.3. Each situation will be considered on the individual circumstances.

7.8. Lower Demand homes

- 7.8.1. Where there are no expressions of interest from eligible applicants, a property will be re-advertised. The criteria for selection may also be reviewed.

8. Offers of accommodation

8.1. Choice and mobility opportunities

- 8.1.1. In order to maximise choice and mobility opportunities for applicants, each PO will advertise their properties to all applicants who have a local connection to any of the eight Local Authority areas. Exceptions will apply for some groups, for further information, please see sections 8.3 and 8.4.
- 8.1.2. To ensure the scheme continues to meet local housing needs, levels of inward and outward migration (also called 'cross border moves') between the PO areas will be monitored quarterly by the Project Board.
 - 8.1.2.1. If inward migration exceeds outward migration significantly, properties will be restricted to applicants with a local connection to the PO area until the balance has been redressed. Properties will be clearly advertised to show a local connection is required. (For further information on labelling of properties, please refer to section 7.2).
- 8.1.3. Certain areas or homes may be restricted to applicants with a local connection to a village or local area. This is because some properties are developed through special planning laws and mean a local connection is required. In such cases, properties will be clearly advertised to show a local connection is required.

- 8.1.4. Most applicants can decide where in the sub-region they would like to live. The only exceptions are statutory homeless applicants, applicants moving on from supported housing schemes and applicants awarded medical and/or welfare priority to give or receive support. (For further information on the restrictions for these groups, please see section 8.2 – 8.7 below).
- 8.1.5. For new developments, properties will be subject to a local lettings policy that restricts allocations to applicants with a local connection to the PO area. This will normally only apply on the first time of letting the properties. For further information on local lettings policies, please refer to section 10.

8.2. Summary of applicants with restricted bidding arrangements

The following applicants will be subject to restricted bidding arrangements under the scheme.

- Applicants where a Local Authority owes a statutory homeless duty and who are not at risk of violence, threats or harassment.
- Applicants who are assessed as meeting the statutory homeless criteria, but who are not within 28 days of becoming homeless and are not at risk of violence, threats or harassment and have received a homeless prevention award (Band B).
- Certain applicants in Band A. For further information, please refer to section 8.5.

8.3. Applicants owed a statutory homeless duty

Legal context

- Under section 193 (7AA)-7AC) of the Housing Act 1996, as amended by S148(5)-(7) of the Localism Act 2011, Local Authorities can fully discharge their housing duties to statutory homeless applicants by making one offer of suitable social or private sector accommodation.
- The Local Authority with the statutory homeless duty (known as the “awarding PO”) will have regard to the policy for discharging duties to statutory homeless applicants, when deciding to offer social or private sector accommodation. (For further information, please refer to the policy for discharging duties to statutory homeless applicants, found at Appendix 2)
- Offers may be made based on availability of social and private rented accommodation.

8.3.1. Arrangements for applicants owed a statutory homeless duty and offered private sector accommodation

8.3.1.1. Arrangements for applicants owed a statutory homeless duty and offered private sector accommodation are contained in Appendix 2 of this policy document.

8.3.2. Arrangements for applicants owed a statutory homeless duty and made an offer of social housing

8.3.2.1. Statutory homeless applicants bidding for social housing will be subject to location and time restricted bidding under the scheme. For further information, please see below:

(a) Location bidding restrictions for statutory homeless applicants

- Statutory homeless applicants will be restricted to bidding for properties in the awarding PO area. Location bidding restrictions are applied because:
 - homeless legislation states a Local Authority will owe a housing duty to anyone who meets the statutory homeless criteria and has established a local connection to that Local Authority area
 - applicants accepted as being statutory homeless, many also challenge the decision of a Local Authority on suitability grounds if they are offered accommodation outside of the Local Authority area
- Location bidding restrictions will not necessarily be applied if the statutory homeless applicant is at risk of violence, threats or harassment. In such cases, the awarding PO will consider the facts of the case and decide if it is appropriate for the applicant to be exempt from location bidding restrictions. If the awarding PO finds the applicant's circumstances warrant an exception, the applicant will be permitted to bid for properties across the sub-region.

(b) Time limited bidding restrictions for statutory homeless applicants

- Statutory homeless will be given 4 weeks to bid for appropriate properties.
- This 4 week time limit will be set from the date the applicant is formally accepted as being homeless. Applicants will be notified of the 4 week time limit and will be expected to actively participate in the scheme.

- During the 4 weeks, the awarding PO reserves the right to bid on the applicant's behalf for suitable properties.
- If a bid is placed on the applicant's behalf and is successful, or a direct offer of a property is made, this will be considered to be the applicant's formal offer of accommodation. Under these circumstances, if the applicant refuses the formal offer of accommodation, the awarding PO may end the statutory homeless duty. (For further information, please see section 8.3.3 below).

8.3.3. Refusal or failure to respond to an offer of suitable accommodation by a statutory homeless applicant

- 8.3.3.1. In accordance with the Housing Act 1996, part 7 (as amended) and the policy for discharging statutory homeless duties, all statutory homeless applicants are entitled to one reasonable offer of accommodation.
- 8.3.3.2. If a statutory homeless applicant refuses or fails to respond to a reasonable offer of accommodation, the awarding PO can end its statutory duty to provide accommodation.
- 8.3.3.3. In such circumstances, the awarding PO will explain the applicants' right to request a review of the suitability of the accommodation offered. The PO will also explain the applicant may lose their right to temporary accommodation. (For further information on statutory homelessness review and appeals, please refer to the policy for discharging duties to statutory homeless applicants in Appendix 2 and section 8.3.4 below).
- 8.3.3.4. An applicant, whose statutory homeless duty has been ended as a result of their refusal or failure to respond to an offer of suitable accommodation, can remain on the housing register.
- 8.3.3.5. The awarding PO will remove the statutory homeless priority banding award. The application will be reassessed and given the priority band that reflects their current situation. The effective date will not change. The PO will advise the applicant of their new priority band and the right to request a review of the decision to remove the statutory homeless priority banding. For details on how to request a review of a housing register decision, please refer to section 15.
- 8.3.3.6. The applicant will be advised of the decision to remove their statutory homeless priority banding award and given details of their new priority award and effective date.

8.3.4. Reviews and appeals on the suitability of an offer (for applicants whose statutory homeless duty has been ended)

8.3.4.1. The awarding PO will explain the applicant's right to request a review of the suitability of the offer of accommodation offered.

8.3.4.2. For further information review and appeals on the suitability of an offer to statutory homeless applicants, please refer to the policy for discharging duties to statutory homeless applicants in Appendix 2.

8.4. Arrangements for applicants awarded homeless prevention priority under the scheme

8.4.1.1. POs have the ability to award homeless prevention priority (Band B) to applicants who meet the statutory homeless criteria, but are not within 28 days of becoming homeless.

8.4.1.2. The awarding PO will update the application and the effective date (to the date of the interview).

8.4.1.3. Applicants awarded homeless prevention priority will be subject to location and time restricted bidding under the scheme.

(a) Location bidding restrictions for applicants awarded homeless prevention priority

- As with statutory homeless applicants, those awarded homeless prevention priority are restricted to bidding in the awarding Local Authority area.
- Location bidding restrictions will not necessarily be applied if the statutory homeless applicant is at risk of violence, threats or harassment.
- In such cases, the awarding PO will consider the facts of the case and decide if it is appropriate for the applicant to be exempt from location bidding restrictions. If the PO finds the applicant's circumstances warrant an exception, the applicant will be permitted to bid for properties across the sub-region.

(b) Time limited bidding restrictions for applicants awarded homeless prevention priority

- The awarding PO will set the time period for bidding, which may be in line with the applicant's circumstances e.g. valid notice periods/section 21 notices to quit.
- Applicants will be notified of the time limit period and the expectation to actively participate in the scheme, by bidding on appropriate properties.
- The awarding PO reserves the right to review the priority band award and/or bid on the applicant's behalf for suitable properties during the time period if the applicant has:
 - (i) failed to bid for any properties
 - (ii) failed to bid for properties which they would have likely to have been successful in securing
 - (iii) placed bids on unsuitable properties
 - (iv) placed a bid on a suitable property and then refused the offer
- If during the set time limit period, the PO decides to bid on behalf of the applicant, they will notify the applicant of their decision and the reasons for this action.

8.4.2. Refusal or failure to respond to an offer of suitable accommodation by an applicant with homeless prevention priority

- 8.4.2.1. If an applicant with homeless prevention priority refuses or fails to respond to an offer of a suitable property, the awarding PO reserves the right to review the application and remove the homeless prevention award.
- 8.4.2.2. If awarding PO removes the homeless prevention award, the application will be reassessed and given the band that reflects their current situation. If the applicant's new band is lower, there will be no change to their effective date, but if their circumstances mean the band remains the same, they may be given a new effective date.
- 8.4.2.3. Under these circumstances, the PO will notify the applicant of their decision and the reasons for this action. The PO will also advise the applicant of their new priority band, effective date and the right to a review of the decision. (For further information on the reviews of housing application decisions, please refer to section 15).

8.4.3. Reviews and appeals for applicants whose homeless prevention priority is removed

- 8.4.3.1. If an applicant's homeless prevention priority is removed, they will have the right to request a review of the Local Authority's decision.
- 8.4.3.2. For further information on requesting a review of a housing register decision, please refer to section 15.

8.5. Arrangements for applicants awarded urgent/high priority (Band A)

- 8.5.1.1. Some applicants in Band A will be subject to time limited restrictions. In some cases, applicants will also be subject to location restrictions. This is because Band A is the highest priority band and applicants will be expected to actively participate in the scheme.
- 8.5.1.2. Applicants in Band A will be kept under regular review by the awarding PO, to ensure they are bidding appropriately. Failure to do so may result in the priority being reduced.
- 8.5.1.3. Detailed below are the categories in Band A that are subject to location and time limited bidding restrictions:

(a) Location bidding restrictions for certain applicants in Band A

- Accepted Homeless in severe need
 - Applicants will be restricted to the awarding PO area, in accordance with the arrangements for statutory homeless applicants. (For further information please refer to section 8.3.2.2 of the policy).
- Applicants awarded medical or welfare priority because they need to move to a specific PO area in order to give or receive support
 - Applicants will be restricted bidding to the specific PO area where they wish to live. This is because the award is based on the applicant moving to the PO area.

- Applicants who are ready to move on from supported housing schemes
 - POs will have their own arrangements with housing providers to assist applicants to move on from supported housing schemes. Location bidding restrictions will be applied because ongoing support will usually be a condition of their tenancy.
 - In certain cases, applicants may be permitted to bid for properties across the sub-region; however this will only be permitted following agreement between the awarding PO, receiving PO and Supporting People teams.

(c) Time limited bidding restrictions for certain applicants in Band A

Applicants in Band A will be subject to time limited bidding restrictions. Suggested time limits are listed below; however, the POs reserve the right to set the time limits based on local circumstances, which can include the availability of accommodation required by the applicant in the PO area.

- Accepted homeless in severe need
 - Applicants will be subject to a time limited bidding restriction of 4 weeks. This is in accordance with arrangements for statutory homeless applicants. (For further information please refer to section 8.3.2 of the policy).
- Applicants awarded high medical or welfare priority
 - Applicants will be subject to a time limited bidding restriction of 2 bidding cycles
- Applicants awarded multiple needs in Band A
 - Applicants will be subject to a time limited bidding restriction of 2 bidding cycles
- Applicants who are ready to move on from supported housing schemes
 - Applicants will be subject to a time limited bidding restriction of 6 months
- Retiring scheme managers
 - Applicants will be subject to a time limited bidding restriction of 6 months
- Relationship breakdown (applicants in social housing properties where they are under occupying and assessed as having a housing need)
 - Applicants will be subject to a time limited bidding restriction of 6 months

- Successions (applicants in social housing properties where they are under occupying but have been assessed as having a housing need)
 - Applicants will be subject to a time limited bidding restriction of 6 months

8.6. Failure to bid, refusal or failure to respond to an offer of suitable accommodation of applicants in Band A

- 8.6.1.1. If an applicant in Band A fails to bid or refuses or fails to respond to an offer of a suitable property, the awarding PO reserves the right to review the application and remove the priority award.
- 8.6.1.2. In cases where applicants in Band A (assessed as being accepted homeless in severe need), refuse or fail to respond to an offer of suitable accommodation, the awarding PO may end the statutory homeless duty. (For further information, please see section 8.3.3).
- 8.6.1.3. If the PO removes the priority award, the application will be reassessed and given the priority band that reflects their current situation. The effective date will not change.
- 8.6.1.4. Under these circumstances, the PO will notify the applicant of their decision and the reasons for this action. The PO will also advise the applicant of their new priority band, effective date and the right to a review of the decision.
- 8.6.2. Reviews and appeals for applicants whose a Band A priority is removed**
- 8.6.2.1. If an applicant's Band A priority is removed, they will have the right to request a review of the POs decision.
- 8.6.2.2. For further information on requesting a review of a housing register decision, please refer to section 15.

8.7. Offering properties to tenants who owe rent

8.7.1. Tenants on the register will not normally be offered a new tenancy if they are in arrears with their rent. An offer is possible if:

- The rent owed is no more than four times the weekly rent (less any Housing Benefit payable). Any rent owing must be paid before the tenant signs to accept the new tenancy.
Note: This may not always apply to RP tenants, as the rent account may need to be clear before making the offer. This is checked with the RP at the time.
- A PO has accepted a duty to house the applicant under the Homelessness legislation. However the applicant will still be expected to agree to pay outstanding rent.
Note: If court action is being taken to gain possession or other legal action, no offers of housing will be made without the agreement of the PO.
- The applicant is a Council or RP tenant who has a high priority because they:
 - have been temporarily moved from their property by the Council or RP to allow repairs or re-development work to take place.
 - are moving under the Transfer Incentive Scheme (TIS). In this case the rent they owe cannot be more than any payment due from the scheme. An exception may be made if a move would benefit both housing needs in the area and the POs housing management work. The PO and the Landlord must agree this.
 - have a 'high' medical, welfare or hardship assessment. For clarification purposes this is for those who have been awarded Band A on medical or welfare grounds. No offers of housing will be made without the agreement of the PO.
 - tenants who are at significant risk due to violence or harassment. No offers of housing will be made without the agreement of the PO.
- In some circumstances, a new tenancy will be approved if there is rent owing. This could include applicants who have accrued rent arrears as direct result of housing benefit deductions due to under occupation of their property. These cases will need to be agreed by the PO and the landlord. Generally these cases will include a strong social or housing management need for the household to move.

9. Type of property offered

9.1. Property size and household size

- 9.1.1. The POs will always aim to make the best use of their housing stock.
- 9.1.2. Sometimes properties will not be offered to the applicant with the highest priority, for example if another applicant needs ground floor or specially adapted accommodation. Sometimes properties may not be offered if it will result in either overcrowding or under-occupation or if the landlord deems it to be unaffordable.
- 9.1.3. In exceptional circumstances, and with the agreement of the landlord, an applicant will be allowed to move into a property that is smaller than their needs, if doing so improves their situation. For example, if an applicant has 4 children and is entitled to a four bedroom property, but is living in a 2 bedroom flat, their application for a 3 bedroom property may be considered.
- 9.1.4. The following table advises how many bedrooms an applicant should have.

Household Size	Bedroom entitlement
1 adult	Bed sit or 1 bedroom
2 adults living together as a couple	1 bedroom
2 adults living together, but not as a couple	2 bedrooms
1 adult (or 2 adults living together as a couple) with 1 child or expecting their first child	1 or 2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the same sex	2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the opposite sex, where both children are under 10 years old	2 bedrooms
1 adult (or 2 adults living together as a couple) with either: <ul style="list-style-type: none">- 2 children of the opposite sex where one child is aged 10 years or more- 2 children and the applicant or their partner is pregnant- 3 children- 4 children (all of one sex or 2 boys and 2 girls)	3 bedrooms

Household Size	Bedroom entitlement
1 adult (or 2 adults living together as a couple) with either: <ul style="list-style-type: none"> - 4 children (3 children where one is over the age of 10 years or more) - Or up to 6 children 	4 bedrooms
1 adult (or 2 adults living together as a couple) with 6 or more children	5 or more bedrooms

9.2. Parents with ‘staying access’ to dependent children or shared residency orders

- 9.2.1. Applicants with a shared residence order or staying access for children are not automatically entitled to bedrooms for their children.
- 9.2.2. The general principle is that a child needs one home of an adequate size, and that the POs will not accept responsibility for providing a second home for children.
- 9.2.3. The POs will make an assessment based on the individual circumstances.

9.3. Applicants with a medical or social need for a larger property

- 9.3.1. Applicants can apply for an extra bedroom due to their medical or social needs. Their circumstances will be considered and evidence supporting the need for an extra room will be required.

Applicants in receipt of housing benefit will need to be aware that from April 2013, they may not qualify for housing benefit for an extra bedroom. In such circumstances, the applicant will be responsible for paying any short fall.

9.4. Extra rooms for carers

- 9.4.1. If an applicant needs an extra room for a carer, the PO will investigate and offer advice on the need for an extra room. The PO will make the decision. The guidelines are as follows:
- Social Services should be able to give supporting evidence that a ‘live in’ carer is needed, and that if the support was not given voluntarily or paid for by the client, they would qualify for funding for a ‘live in’ carer.
 - If one person has two carers working on a rota to cover 24 hours we would assume that they only needed one bedroom.

- In most cases only one extra bedroom for a carer will be considered. Extra rooms for a carer's dependents cannot usually be considered.

9.4.2. If the applicant does not need 24 hour care or intensive support an additional bedroom would not normally be considered, however an individual assessment will be made.

Applicants in receipt of housing benefit will need to be aware that from April 2013, they may not qualify for housing benefit for the extra bedroom. In such circumstances, the applicant will be responsible for paying any short fall.

9.5. Bungalows – Age restricted

9.5.1. Many of the bungalows advertised are designed for older people, or people with disabilities.

9.5.2. In areas where there is high demand and limited availability of bungalows, preference will be given to:

- Those aged 60 or over.
- Those under 60 with Bands A or B medical assessment for mobility, who require this type of accommodation.
- In areas where there is an abundance of bungalows, applicants under 60 with a Band C medical assessment for mobility, will be considered. Under these circumstances, applications will only be considered when it has been assessed that a bungalow is the most suitable type of accommodation to meet their housing need.
- Those who will release a property that is needed by the Council (as decided by the TIS) aged between 40 and 60.

Note: The property advert will stipulate there is age restriction applied

9.5.3. To make best use of stock, in exceptional circumstances, other applicants will be able to bid for age restricted bungalows, in order to resolve a high welfare issue, which cannot be resolved by other types of accommodation.

9.6. Bungalows – without age restrictions

9.6.1. Due to differing demand in certain localities some of the POs have bungalows they let to applicants of any age. It will be clearly stated on the advertisement who can apply for the properties.

- 9.6.2. Bungalows adapted to meet the needs of wheelchair users or severe mobility problems will be offered to those who have been assessed as needing that type of property.

9.7. Properties empty for major repairs and alterations (decants)

- 9.7.1. A decant is where the landlord needs to do major repairs to their property or redevelop the area and the property needs to be vacant for this work to be carried out.
- 9.7.2. This will only apply to tenants of local authorities or tenants of RPs who allocate 100% of their properties through the scheme. This is usually a temporary move.
- 9.7.3. All such cases will be dealt with outside the scheme, to enable the landlord to move applicants as quickly as possible. These moves will be featured in the scheme feedback to ensure full transparency.

10. Local Lettings Policies

10.1. Introduction

- 10.1.1. In exceptional circumstances, the partnership may decide to let properties on a slightly different basis from normal, in the interests of building a strong and sustainable community or to deal with particular local issues. The set of criteria where this applies will be called a “local lettings scheme”.
- 10.1.2. The decision to apply a local lettings scheme will be jointly made by the landlord of the property and the PO.
- 10.1.3. For existing developments there will need to be clear evidence of the need for a variation in the normal policy, and a time limit for review of not more than 2 years. The implications for equal opportunities and for the ‘reasonable preference’ criteria of the law will be considered.
- 10.1.4. On new developments, the partnership may consider widening the eligible bands for home types on first lettings, again taking equal opportunities and legal issues into account.
- 10.1.5. Sometimes RPs may have agreed that they will allow a certain amount of their stock go to their own tenants. If so homes may be advertised accordingly.

10.2. Local lettings policy – properties

- 10.2.1. Local lettings policies may be used in an area or a block of flats with significant management problems, which put other tenants at significant risk and where other action has failed. In these circumstances action may be taken against the perpetrators and a decision made as to whether a local lettings procedure should apply.
- 10.2.2. Although applicants will only apply once to the scheme, some RP will still operate their own allocations policies, and in such circumstances the highest bidder may not always fit the criteria for the letting. Some RP may keep transfer registers for their tenants and use this to find tenants for some homes.

10.3. Local lettings policy – people

- 10.3.1. The local lettings policy will also be used if a PO knows that an applicant has committed serious offences, which restrict where they can live. This could include Registered Sex Offenders or those identified as posing a serious risk to a specific community.
 - 10.3.1.1. In such cases the PO will consult fully with the Police, Probation Service and other interested parties.
 - 10.3.1.2. In such cases (and after a risk assessment has been completed), applicants may have their bidding restricted to certain areas where it is deemed they provide less risk or a direct let may be offered.

10.4. Local lettings policy – connection to an area (normally villages)

- 10.4.1. Some housing developments, particularly in villages, have been designated for people with a local connection to that area. This means that only applicants with a local connection to the area will be given preference for that property.

11. Allocating properties designed for people with physical disabilities or properties for older people

11.1. Allocating sheltered housing

11.1.1. When allocating sheltered housing the same general principles as for other property types are followed, apart from the following:

- An assessment of the applicant's suitability and need for support must be completed before any tenancy is offered. If the applicant is considered unsuitable for sheltered accommodation, they will be advised and given advice on homes more suitable to their needs.
- When assessing the applicant's suitability for sheltered housing they will also be given advice about the scheme and how to bid. If they need help this will be noted and appropriate arrangements made. All applicants requesting sheltered housing will be monitored to ensure that they are participating in the scheme.

11.2. Allocation of extra-care sheltered housing or very sheltered housing

11.2.1. The scheme will not used for extra care or very sheltered housing schemes. This means that the properties will not be advertised.

11.2.2. These schemes have been commissioned with Social Services and RP and the eligibility rules means that applicants are assessed both on their housing and support needs. For more information on these schemes please contact your PO.

11.2.3. Applicants waiting for extra care will be placed in Band F (non-bidding band).

11.3. Properties designed or adapted for people with physical disabilities

11.3.1. All applicants who need a property suitable for wheelchair users will usually be assessed by an Occupational Therapist report before an offer can be considered.

11.3.2. Properties particularly designed for, or accessible to, people with disabilities will be advertised as such to help applicants with those needs identify them.

- 11.3.3. Properties which have been adapted to a very high standard may not be included in the scheme and will be directly allocated. The appropriate officer in the PO will make the decision whether the home is to be part of the scheme.

11.4. Age restrictions on homes

- 11.4.1. Except in special circumstances, sheltered housing and linked accommodation is let to people over the state retirement age (60 years for both men and women) or to those aged 55 and over in receipt of disability allowance and who need supported housing.
- 11.4.2. Some landlords may offer sheltered accommodation to those aged 55 or over who are not in receipt of disability allowance. This will be stated in the individual advert. (For further information, please refer to sections 11.1 and 11.2 for information about how the scheme allocates sheltered housing and extra-care, sheltered housing).
- 11.4.3. Bungalows are reserved for applicants as determined in section 9.5 and 9.6.

12. Types of Tenancies offered

The types of tenancies that can be offered by POs and RPs are as follows:

- 12.1.1. Introductory and starter tenancies
- These are probationary tenancies, set for a 12 month period.
 - Local Authorities can use introductory tenancies
 - RPs can use starter tenancies
 - These probationary tenancies have less security than permanent tenancies (also known as secure or assured tenancies).
 - Introductory and starter tenancies are used by POs and RPs to ensure new tenants look after their property and maintain and sustain their tenancy conditions
 - Tenants who successfully manage their tenancy during the probationary 12 month period are normally converted to a different tenancy type, which could be a longer fixed period tenancy or a permanent tenancy.
 - The conversion of a tenancy will be subject to the discretion of the landlord.
 - If a serious breach of the tenancy conditions occurs during the probationary 12 month period, the PO or RP can consider terminating the tenancy or extending the introductory/starter tenancy.
 - Tenants on introductory or starter tenancies are able to join the housing register and will be assessed in accordance with the scheme's policy.
 - Tenants on introductory or starter tenancies will not be able to mutually exchange their home or assign their tenancy.

12.1.2. Fixed term and flexible tenancies

- These are tenancies offered for a fixed period of time, usually for 5 years.
- Local Authorities can use flexible tenancies
- RPs can use fixed term tenancies.
- These tenancy arrangements are used to ensure that tenants residing in the properties continue to have a need for social housing.
- Landlords will be responsible for carrying out regular reviews of tenants during the period of the tenancy. These reviews ensure tenants are meeting the agreed tenancy conditions and can afford to the rent the property.
- Before the end of the end of the tenancy period, the landlord will carry out a full assessment of the tenant's circumstances. Depending on the situation at the time, the landlord may decide to renew the tenancy for a further fixed term period or decide that the tenant no longer requires social housing.
- Landlords will offer advice and assistance to tenants whose fixed term or flexible tenancy is not renewed. This advice and assistance will be free of charge and will include advice on all housing options.

12.1.3. Permanent tenancies (known as assured or secure tenancies)

- Local Authorities use secure tenancies
- RPs use assured tenancies
- Often assured or secure tenancies are offered following successful management of an introductory or starter tenancy.
- Assured and secure tenancies give the tenant the right to remain in the property so long as the terms of the tenancy are not broken (for example for rent arrears, nuisance, anti-social behaviour, using the premises for illegal activities).
- If the terms of either tenancy are broken, the landlord can serve notice based on set grounds for possession and apply to the County Court to seek possession of the property. Information on possession proceedings can be obtained from Landlords, PO Housing Advice Teams or through independent housing advice services, such as Citizens Advice Bureau or Shelter.

12.2. Letting permanent housing on a temporary licence

- 12.2.1. Homes are sometimes temporarily let to homeless applicants under a licence agreement or non-secure tenancies. This accommodation will not be let through the scheme.

13. Checks to make sure housing is offered to those with the greatest housing need

13.1. Renewing applications on the register

- 13.1.1. To keep the register up to date applicants will be required to complete a renewal. For further information, please refer to section 6.6.
- 13.1.2. Applicants who fail to respond to the request to renew their application may have their applicant closed. For further information, please refer to section 5.5.

13.2. Home visits before we make an offer of housing

- 13.2.1. POs and other landlords may visit applicants at the address given on their application form or conduct a telephone interview before actively considering them for an offer of tenancy.
- 13.2.2. The officer visiting will need to be satisfied that the details given by the applicant are correct. The failure of an applicant to disclose relevant information to the PO may result in the application being suspended or withdrawn. The PO may also seek to prosecute the applicant.
- 13.2.3. If application details are not accurate or circumstances have changed significantly the application will be re-assessed.
- 13.2.4. The PO may ask for a tenancy reference from their current landlord.

14. Making the best use of our housing stock

14.1. Tenants of Registered Providers (RP) where no nominations rights exist

14.1.1. There are some RP within the sub-region that are not subject to nomination agreements and can therefore choose to let their homes according to their own rules. Applications from tenants with these landlords will be treated in the same way as an application from a tenant in the private sector.

14.2. Council and RP tenants from outside the sub-region

14.2.1. Council and RP tenants living in accommodation outside the sub-region can apply to join the housing register.

14.2.2. Applicants living outside of the sub-region, will be assessed in the same way as others to establish their housing need.

14.2.3. If the applicant does not have a local connection to the sub-region, the application will then be placed one band lower than the assessment. (For further information, please refer to section 6.10.3).

15. Reviews

15.1. Rights to a review

15.1.1. Applicants have the right to ask for a review of decisions made about your application for housing or offer of accommodation. This includes:

- Decisions about refusing an application to join the register
- Removing an application from the register
- Assessment of bands
- Offers of housing

15.2. How to request a review of a Housing Register Decision

15.2.1. Applicants who disagree with a decision a PO has made may request a review of that decision. This may include the assessment of priority.

15.2.2. The appeal must be in writing within 21 days of the decision to the PO that made the decision. It must outline the reasons for the appeal. If an applicant is unable to appeal in writing an interview appeal may be offered.

15.2.3. The PO will reply in writing, giving the reasons for changing or upholding the original decision. Although the PO will aim to reply within 5 – 10 working days, they are legally obliged to reply within 56 days of receiving a request for a review.

15.2.4. If an applicant wants to appeal again against the decision they can request that another PO hears their review. The review process will be as follows:

- Babergh – appeal to Braintree
- Braintree – appeal to Colchester
- Colchester – appeal to Ipswich
- Ipswich – appeal to Maldon
- Maldon – appeal to Mid Suffolk
- Mid Suffolk – appeal to Suffolk Coastal
- Suffolk Coastal – appeal to Waveney
- Waveney – appeal to Babergh

15.3. Appealing against the suitability of an offer of housing

- 15.3.1. Separate rules apply to statutory homeless applicants. (For further information, please refer to the policy for discharging duties to statutory homeless applicants, found at Appendix 2 and the relevant PO Homelessness Review Policy).
- 15.3.2. With the exception of offers to statutory homeless applicants, there are generally no penalties for refusals of permanent accommodation under the scheme. However, if housing register applicants receive a direct offer and refuse the offer their priority may be reduced. For information on how to appeal against the reduced priority please refer to section 15.2 above.
- 15.3.3. If a housing register applicant wishes to appeal against the offer of housing they must appeal in writing to the PO within two working days of the offer being refused. The PO will normally confirm the outcome of the appeal within ten working days.
- 15.3.4. The written reply will explain the right to take the appeal further if the applicant is not satisfied with the decision.
- 15.3.5. On refusing an offer of accommodation the PO may ask applicants to complete a form to record the reasons why the property has not been accepted. This will be used to monitor the scheme and allow POs to make improvements where possible.

15.4. Complaints procedure

- 15.4.1. If an applicant is dissatisfied with any aspect of the management of their application, other than when a review can be made, they should contact the PO and ask for a complaints form.

15.5. The Local Government Ombudsman

- 15.5.1. If an applicant is not satisfied with the action of a PO or RP, they can send a written complaint to the Local Government Ombudsman.
- 15.5.2. The applicant must give the PO or RP the opportunity to deal with a complaint first, using its complaints procedure.
- 15.5.3. The Local Government Ombudsman will consider a complaint if an applicant believes they have been treated unfairly as a result of maladministration. Examples include:
- Delayed taking action without good reason
 - Taken into account irrelevant considerations or ignored relevant considerations
 - Not followed rules (legal or local procedures)
 - Given the wrong decision
 - Not reached a decision in the correct way
- 15.5.4. The Local Government Ombudsman will not consider certain matters, for example, if 12 months has passed since the cause for complaint occurred or where matters are, or could be, subject to court proceedings.
- 15.5.5. The Local Government Ombudsman can be contacted at:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Tel: 0762 480 3014
Website: www.lgo.uk

16. Banding Scheme

Each application will be assessed and placed in a band based on the individual circumstances of each case.

16.1. Band A

- Negotiated surrender of a tenancy within the sub region.
- Retiring Scheme Managers in Council or RP properties where accommodation was a condition of their employment within the sub region.
- Statutory accepted homeless applicants in severe need.
- Critical medical/welfare award (includes emergency situations).
- Nominations (move on from specified agencies).
- Qualifying Agricultural Workers within the sub region.
- Relationship breakdowns (Council properties where they are under occupying but have been assessed as having housing need) within the sub region.
- Successions (Council properties where they are under occupying but have been assessed as having housing need) within the sub region.
- Releasing a property in need (Council or RP properties) or where it prevents the Council making expensive alterations to the property within the sub region.
- Tenant Incentive Scheme (TIS) currently in three or four bedroom accommodation, releasing one or two bedrooms within the sub region.
- Multiple needs. If someone has two or more needs in Band B, they will be moved into Band A.

Note: Accepted Homeless cases do not come under this category. If additional preference is needed for homeless cases, they will be assessed as Accepted Homeless in severe need.

16.1.1.1. Some applicants in Band A will be subject to time limited restrictions. In some cases, applicants will also be subject to location restrictions. This is because Band A is the highest priority band and applicants will be expected to actively participate in the scheme. (For further information, please refer to section 8.5).

16.1.1.2. Applicants in Band A will be kept under regular review by the awarding PO, to ensure they are bidding appropriately. Failure to do so may result in the priority being reduced. (For further information, please refer to section 8.5).

16.2. Band B

- Serious medical/welfare award.
- Tenant Incentive Scheme (TIS) currently in one or two bedroom accommodation, releasing one or two bedrooms within the sub region.
- Overcrowded in social or private rented housing within the sub region (Please note, this will not apply to applicants whose statutory homeless duty has been ended by the PO and who are residing in temporary accommodation and overcrowded. For further information, please see section 17.2).
- Statutory accepted homeless applicants.
- Those applicants required to leave their property as a result of an emergency prohibition order served in relation to the premises under the Housing Act 2004 within the sub region.
- A prohibition order or demolition order has been served, or is about to be served in relation to the applicants dwelling by the Private Sector Team of the particular scheme Council. This indicates that the property contains one or more Category 1 Hazards that probably cannot be remedied.
- An improvement notice has been, or is about to be served in relation to the applicants dwelling by the Private Sector Housing Team of the particular scheme Council and:
 - The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time.
 - The cost of the remedies is beyond the means of the applicant (where applicable).
 - The remedies will make the property unsuitable for occupation by the applicant.
- Applicants assessed as meeting Band A criteria, but with no local connection to the sub region.
- Multiple needs. Applicants with four or more needs in Band C will be moved into Band B.
- Applicants threatened with homelessness, who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the particular scheme PO as likely to be in priority need and who are receiving housing advice from the particular scheme Council to prevent homelessness.

Note: Applicants awarded priority to prevent homelessness will be subject to location and time limited bidding restrictions. For further information, please refer to section 8.4.

16.3. Band C

- Moderate medical/welfare award
- Notice to quit
- Applicants who are homeless or threatened with homelessness, who are assessed by the particular scheme PO, as not in priority need.
- Applicants who following a homelessness application have been deemed by the particular scheme PO to be in priority need, but intentionally homeless.
- Overcrowded in social or private rented housing outside of the sub region (For further information, please refer to sections 17.2.4 and 17.2.5).
- No fixed abode.
- Fixed term licensees.
- Shared facilities.
- Lacking facilities.
- A hazard awareness notice has been served by the Private Sector Housing Team of the particular scheme Council, in relation to a Category 1 or 2 hazard at the applicants dwelling and:
 - The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time; or
 - The cost of the remedies are beyond the means of the applicant (where applicable); or
 - The remedies will make the property unsuitable for occupation by the applicant.
- A suspended improvement notice or prohibition order exists but a foreseeable change in the applicants circumstances will cause it to become active and result in a high priority situation.
- Applicants assessed as meeting Band B criteria, but with no local connection to the sub region.

16.4. Band D

- Applicants assessed as meeting Band C criteria, but with no local connection to the sub region.
- Reduced preference. For further information, please refer to section 6.12).

16.5. Band E

- Caravan or mobile home, but no housing need.
- Tied accommodation, but no housing need.
- Applicants who live in a property that is adequate to meet their needs in terms of property type, size and facilities.
- In prison.
- A suspended prohibition order or improvement notice has been or will be served by the Private Sector Housing Team of the particular scheme Council, in relation to the applicants dwelling, but the criteria leading to it becoming active are not met by the applicant.
- A hazard awareness notice or improvement notice has been or will be served by the Private Sector Housing Team of the particular scheme Council, in relation to the applicants dwelling, but the specified remedies are low cost and straight forward to achieve.
- Owner Occupiers.

Note: Owner Occupiers will normally only be offered tenancies in sheltered accommodation or where there is no other demand.

17. Housing Priority

17.1. Deciding who has priority on the register

- 17.1.1. Applicants will be placed in the relevant band defined by their specific circumstances. Reasonable preference, where appropriate, is awarded in accordance with legal responsibilities.

17.2. Overcrowding

- 17.2.1. Homeless applicants cannot fulfil the overcrowding criteria. This will also apply to applicants whose statutory homeless duty has been ended by the PO and who are residing in temporary accommodation and overcrowded
- 17.2.2. Applicants will be placed in Band B if they are overcrowded by one or more bedrooms and live in social or private rented accommodation. The overcrowding must arise within the household of the tenant, as named on the transfer application.
- 17.2.3. Applicants will be placed in Band C if they are overcrowded and living with relatives or friends.
- 17.2.4. Overcrowded applicants living outside the sub-region with no local connection to the sub-region living in either private rented or social housing will be placed in Band C.
- 17.2.5. Overcrowded applicants living outside of the sub-region with a local connection to the sub-region living in either private rented or social housing will be placed in Band C.
- 17.2.6. Additional priority may be considered on medical and/or welfare grounds. For further information please refer to section 17.20. If applicants need an extra room for medical or welfare/hardship reasons they will not be considered overcrowded but will be assessed for medical or welfare priority.
- 17.2.7. Overcrowding priority will not be given if someone moved into the applicants' household making them overcrowded. This will be looked at on welfare grounds. As part of the assessment, consideration will be given as to whether applicants have deliberately made their housing situation worse. (For further information, please refer to section 6.13 of the policy).
- 17.2.8. Where an applicant is pregnant and they are entitled to a larger property they will not receive overcrowded priority until that baby is born.

17.3. Children sharing bedrooms

- 17.3.1. Children of the same sex are expected to share a bedroom unless there is a medical or welfare reason why the children cannot share a bedroom. Medical and welfare priority will be assessed using the scheme's standard process.
- 17.3.2. Applications will only be considered for overcrowding priority if the applicant is the main person who cares for the children named on the application. Welfare or medical grounds may be considered in other circumstances.
- 17.3.3. Applicants who have two children of opposite sex in a two bedroom Council or RP property who need a three bedroom property will be placed in Band B when one of their children is 10 or over.

17.4. Bedroom size

- 17.4.1. Bedrooms of less than 6.7 square metres are not considered for use by more than 1 child.
- 17.4.2. Rooms of less than 8 square metres are not seen as suitable for use by more than one 'non-dependent' adult (aged 16 or over), usually being the son or daughter.
- 17.4.3. Rooms between 6.7 – 8 m² are not considered suitable for more than 2 children and a second bedroom occupied by 4 or more children is considered unreasonable.

17.5. Applicants without children

- 17.5.1. Single applicants and couples without children who are living in overcrowded conditions will not be given priority for overcrowding unless they are in self-contained accommodation which is too small, for example a couple in a one person bed-sit. For example, young adults living with their parents or people temporarily sharing with friends will not get overcrowding priority.

17.6. Disrepair, poor design and lack of facilities

- 17.6.1. Any complaint about poor repair within Council or RP properties must be reported to the applicant's landlord's Repairs service.
- 17.6.2. Applicants living in private sector accommodation in poor condition must be referred to the Council's Private Sector Housing team who will assess the situation and then make their recommendations according to the banding scheme. (For further information, please see Section 16 of the policy).
- 17.6.3. If an applicant lacks facilities such as cooking facilities, washing facilities, toilet facilities or heating they will be placed in Band C.

17.7. Sharing with another household

- 17.7.1. Applicants will be placed in Band C if they share any of the following facilities with either people they are not related to or their family.
 - living room
 - kitchen
 - bathroom or toilet

17.8. People living in mobile homes or caravans

- 17.8.1. Applicants living in a caravan, mobile home or houseboat will be placed in Band E if there is no other housing need, reflecting parity with other private sector applicants. It does not matter if the caravan is on a site or not or if they own or rent the property.
- 17.8.2. If their accommodation lacks facilities they will be placed in Band C. (For further information, please refer to section 17.6.3 of the policy).

17.9. Homelessness and temporary or insecure accommodation

17.9.1. Section 8.3 of the policy details the specific arrangement for applicants accepted as being statutory homeless.

17.9.2. Accepted homeless households are applicants to whom:

- a PO has accepted a duty under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless)

and

- the PO accepts a duty to provide permanent PO or RP housing or private rented accommodation

17.9.3. The POs will have regard to the policy for discharging duties to statutory homeless applicants when deciding to offer social or private sector accommodation. (For further information, please refer to the policy for discharging duties to statutory homeless applicants, found as Appendix 2)

17.9.4. All accepted statutory homeless applicants housed in temporary accommodation, including Bed & Breakfast accommodation, hostels, homeless at home will be placed in Band B.

17.9.5. Accepted statutory homeless applicants placed in self-contained temporary accommodation under a Council's private sector lettings schemes or placed in supported accommodation will be awarded Band B. However their application may be suspended from taking part in the scheme for a period (they will be advised of this when they are placed in that accommodation). For further information, please refer to section 4.9.

17.9.6. Under the scheme, all accepted statutory homeless applicants will be expected to make expressions of interest for any suitable property in the awarding PO area. Homeless applicants will not be able to express an interest while their application is suspended.

17.9.7. Applicants will be monitored to make sure they are participating. Homeless applicants will be restricted to bidding in the awarding PO area.

17.10. Accepted homeless households in severe need

17.10.1. These are applicants to whom:

- the PO has accepted a duty under the Homelessness legislation
and
- the PO accepts a duty to provide permanent Council or RP housing
and
- are elderly and vulnerable due to frailty*.
- have a terminal or severe long-term illness.
- have severe mental health problems, have been unable to cope in temporary accommodation, and have been 'sectioned' or are likely to be admitted under the Mental Health Act.
- are permanent wheelchair users.
- are Council or RP tenants who have an urgent need to transfer as they are suffering from violence or threats of violence and are considered to be at significant risk.
- if the Council is unable to provide/continue to provide suitable temporary accommodation.

Note: Where the above circumstances apply these applicants will be placed in Band A.

17.10.2. The PO will decide who will be placed in Band A. Recommendations will be made by the Homelessness Team because they have the most accurate and up-to-date information on the applicant, due to the investigations completed before an applicant is accepted as homeless.

17.10.3. *Elderly non-frail applicants may still be placed in Band A, however clear supporting evidence will be required to support their application.

17.11. Other Homeless households not owed a duty

17.11.1. Other homeless applicants who are not owed a duty under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless) are still entitled to reasonable preference and will be placed in Band C of the scheme.

17.12. Prevention of homelessness

- 17.12.1. Applicants threatened with homelessness who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the particular scheme PO as likely to be in priority need and who are receiving housing advice from the particular scheme PO to prevent homelessness (this would require a homelessness prevention referral from the particular scheme Council's advice and homelessness service) will be placed in Band B.
- 17.12.2. Households placed in Band B to prevent homelessness will be subject to time limited bidding restrictions, after which, their case will be reviewed and the enhanced banding may be withdrawn. (For further information, please refer to section 8.4 of the policy).
- 17.12.3. If they are subsequently accepted as homeless they will remain in Band B but their earlier effective date will remain, unless their enhanced banding had been withdrawn.

17.13. Assured shorthold tenants under notice

- 17.13.1. Assured shorthold tenants who have received a 'Notice Requiring Possession' from their landlord will be placed in Band C if there is less than three months before the notice expires.
- 17.13.2. If notice has been received because the tenant has breached a condition of their tenancy agreement, the PO reserves the right to apply reduced preference or suspend the applicant from participating in the scheme or make the applicant ineligible. This will depend on which tenancy conditions have been breached. For further information, please refer to sections 4.2, 4.9 and 6.12).
- 17.13.3. All applicants will be offered advice regarding their housing options.

17.14. Lodger under notice

- 17.14.1. This applies to applicants living in the same property as their landlord.
- 17.14.2. They must be renting a room that is for their own use only, and be paying a market rent.
- 17.14.3. Proof that notice has been served is required.
- 17.14.4. Applicants will be placed in Band C if there is less than three months before the notice expires.
- 17.14.5. The PO will then check to see whether the notice will be enforced.
- 17.14.6. If their notice has been received because of rent arrears or anti-social behaviour or because of their own actions then they will be given reduced preference and placed in Band D.

17.15. Tenants of tied accommodation under notice

- 17.15.1. Tenants in tied accommodation with no need to move will be placed in Band E.
- 17.15.2. If they have received a legal notice asking to leave that accommodation they will be placed in Band C.
- 17.15.3. If their notice has been received because of rent arrears or anti-social behaviour or because of their own actions then they will be given reduced preference and placed in Band D.

17.16. Protected tenants with a possession order

- 17.16.1. This applies to a tenant with a 'protected' tenancy (that is a tenancy with protection from eviction, but not an assured shorthold tenancy).
- 17.16.2. They must have been served with a court order for possession and then will be placed in Band C.

Important Note: As highlighted in section 6.13 of the policy, applicants will not get extra priority if a PO considers they have made their housing situation worse, and that their actions have been unreasonable in this respect'. If a possession order has been granted because of a breach of tenancy, an applicant may be placed in Band D (reduced preference).

17.17. Qualifying Agricultural workers (protection under the Rent Agricultural Act 1976)

- 17.17.1. Certain categories of agricultural workers, who are provided with accommodation as a condition of their employment, may be protected against eviction even if their employment comes to an end.
- 17.17.2. The worker can only be asked to leave their accommodation if an Agricultural Dwelling House Advisory Committee (ADHAC) decides that the accommodation will be required by a successor or that the property is no longer in the interest of efficient agriculture.
- 17.17.3. If ADHAC decides that a worker must leave their accommodation, the PO must use their best endeavours to offer housing to the worker.
- 17.17.4. A PO would not be properly carrying out its duty if it were to refuse to offer suitable accommodation to the worker because they did not have enough priority on the register.
- 17.17.5. In such cases the applicant will be placed in Band A and be subject to regular reviews to ensure the applicant is bidding appropriately. For further information, please refer to section 8.5).

17.18. Fixed-term licensee

- 17.18.1. This applies to applicants living in supported housing schemes.
- 17.18.2. Applicants in these schemes will be placed in Band C.
- 17.18.3. Applicants in supported housing schemes may apply for medical/welfare priority if they are ready to move onto permanent accommodation.
- 17.18.4. If they receive a welfare/medical priority they will be placed in the highest band that applies.

17.19. Applicants with no fixed address

- 17.19.1. This applies to applicants who have no fixed address.
- 17.19.2. They will be placed in Band C.
- 17.19.3. If they are in prison they will be placed in Band E.

17.20. Medical, welfare and hardship

- 17.20.1. Priority can only be awarded under one heading: medical, welfare, hardship or harassment.
- 17.20.2. Applicants can be assessed under all headings, but will get awarded priority under only one heading.
- 17.20.3. Any medical or welfare priority can be reassessed if an applicant's circumstances change.
- 17.20.4. Applicants that have been given a priority under welfare or medical grounds to move to a local authority area to give or receive support will be restricted to bidding for properties in that local authority area.

17.21. Medical assessments

This applies if an applicant's present housing is detrimental to their health, or if a move to more suitable accommodation would have a positive effect on their health.

- 17.21.1. Applicants may also be awarded priority if the applicant is asking to be rehoused so they can receive care or specialist support
- 17.21.2. Extra information may be sought from private sector landlords, housing officers, GPs, health visitors and other parties.
- 17.21.3. The table below is used to act as a guide to priority:

Effect on housing	Medical problem			
	Very Serious 1	Serious 2	Moderate 3	Low 4
Very Serious 1	Band A	Band B	Band C	No award
Serious 2	Band B	Band B	Band C	No award
Moderate 3	Band C	Band C	Band C	No award
Low 4	No award	No award	No award	No award

- 17.21.4. Applicants accepted under Homelessness legislation will not be eligible for medical priority. If a homeless applicant's temporary accommodation is unsuitable on medical grounds the PO will first look to see if alternative temporary accommodation can be found.
- 17.21.5. Homeless households can be considered through a medical assessment if an extra room is required on medical grounds.
- 17.21.6. Applicants who have been awarded Band B prevention of homelessness cannot be assessed under medical or welfare grounds as these awards are based on their permanent accommodation and a Band B prevention award is because they are not in permanent accommodation.

17.22. Welfare/Hardship assessments

- 17.22.1. This applies if at least one person in the household is vulnerable and less able to find settled or suitable accommodation.
- 17.22.2. These people will have a need to move but may not get medical priority because their present housing may be suitable for their needs.
- 17.22.3. The table below is used to act as a guide to priority:

Need for settled suitable accommodation	Level of vulnerability		
	High 1	Medium 2	Low 3
High 1	Band A	Band B	Band C
Medium 2	Band B	Band B	Band C
Low 3	Band C	Band C	Band C

- 17.22.4. Foster carers who have been registered and approved by Social Services will be considered for additional priority and bedroom entitlement on welfare grounds.
- 17.22.5. Homeless applicants will not be looked at under welfare issues. If a homeless applicant's temporary accommodation is unsuitable on welfare grounds the PO will first look to see if alternative temporary accommodation can be found.
- 17.22.6. If a homeless applicant or household is particularly vulnerable and they may be at significant risk in temporary accommodation the PO can consider the category of 'accepted homeless applicants in severe need' to increase them to Band A. (For further information, please refer to section 17.10).

17.23. Tenants with a home that is bigger than they need

- 17.23.1. This applies to sub-regional secure tenants or tenants of RPs (where the sub-region has nomination rights), who are 'under-occupying' their homes and want to move to a smaller property. These applicants are given high priority because it enables a household with high need to move into the freed up larger property.
- 17.23.2. Applicants who are currently in 4 or 3 bedroom accommodation and will be releasing one or two bedrooms will be placed in Band A.
- 17.23.3. Applicants who are in 2 bedrooms or less and wish to move to smaller accommodation will be placed in Band B.
- 17.23.4. Some POs may also provide some financial incentives to move and can provide further information on request.
- 17.23.5. Applicants will be assessed under the criteria for occupation (please see 9.1) but will be allowed to bid for properties one bedroom more than they qualify for e.g. a single tenant currently occupying a 4 bed property will be able to bid on bedsits/one beds or two bed properties.
- 17.23.6. A tenant wishing to move into a smaller property from within a sheltered housing scheme, or linked to another linked sheltered scheme will not be entitled to priority under the transfer incentive scheme. This is because sheltered accommodation is not in high demand.

17.24. Applicants offered housing because of the death of a secure tenant in the sub-region

- 17.24.1. This applies if the applicant qualifies to 'succeed' to a tenancy when the tenant dies.
- 17.24.2. To be a 'successor tenant' the applicant has to meet certain rules – usually must be related to the tenant, or be their partner, and have lived in the property a certain time.
- 17.24.3. The rules for this are in the tenancy conditions for the property. In such circumstances the applicant will be placed in Band A.
- 17.24.4. If the successor tenant does not need the property because of its size, or the adaptations or services in the property, they may be served a notice seeking possession under Schedule 2, Ground 16 of The Housing Act 1985.

- 17.24.5. If the applicant has no legal right to succeed but has lived in the property for the last 12 months the PO may decide to offer a move to more suitable accommodation. Each case will be individually assessed.
- 17.24.6. Under the scheme, applicants are able to express an interest for properties under the scheme but if they have not expressed an interest within six months of their application their case will be reviewed and the PO may reserve the right to express an interest for them on suitable properties.
- 17.24.7. If the offer of a new home is refused the applicant may lose their right to remain in their present property.

17.25. Applicants offered housing because of a relationship breakdown of a secure/assured tenant in the sub-region

- 17.25.1. This category applies to secure and assured tenants only.
- 17.25.2. Applicants will be placed in Band A when there is a relationship breakdown and the joint tenant moves out and ends the tenancy and the other tenant either:
- qualifies to be offered the property; **or**
 - qualifies to be offered a smaller property; **or**
 - qualifies for the property size but does not need the adaptations within the current property.
- 17.25.3. If a joint tenant ends the tenancy when moving out, the property is not automatically offered to the tenant remaining.
- 17.25.4. If an applicant qualifies to be offered the same property we will make them an offer of that property.
- 17.25.5. This property will not be part of the scheme.
- 17.25.6. If an applicant qualifies to be offered a smaller property they will be placed in Band A.
- 17.25.7. They will be able to express an interest for properties under the scheme but if they have not expressed an interest within six months of their application their case will be reviewed. The POs reserve the right to express an interest for them on suitable properties.

17.25.8. If a property is then subsequently refused they may lose their right to remain in their current property.

17.26. Transfers which will release a property that is needed

17.26.1. Applicants will be placed in Band A of the scheme if they wish to move and:

- the property they would leave is needed to meet the urgent housing needs of another household on the register which otherwise would not be met within a reasonable time
- or**
- where it prevents the Council making expensive alterations to the property; and
- there is not a serious shortage of the types of home they want to move to.

17.27. Applicants where tenancy surrender has been negotiated

17.27.1. Applicants in this category would be placed in Band A if a tenancy surrender has been negotiated and meets these conditions:

- they were a Council or RP tenant when taken into custody and the offence did not mean that they had broken their tenancy or the tenant has to go into a mental health or other special facility for an extended period; **and**
- they have, or are likely, to be sent to prison or institution for more than 13 weeks (including the time spent on remand); **and**
- they have conducted their tenancy in a reasonable way and have not broken their tenancy agreement; **and**
- their rent is up to date; **and**
- they have not been served with a 'notice seeking possession'; **and**
- they offer to end their tenancy.

17.27.2. Before agreeing to a tenancy surrender, the landlord will agree this with the PO. Tenancy surrenders will not go ahead until the PO gives their written confirmation.

17.27.3. Tenancy surrenders are only applicable in the sub-region.

17.28. Nomination agreements with supported housing providers (move on)

- To help POs retain spaces within specialist or supported accommodation, POs have agreed to house a certain number of clients every year from this accommodation
- Each PO in the sub-region will have their own individual nomination agreements or move on agreements and further details are available from each PO.
- This arrangement does not apply to people who have been accepted under homelessness legislation.
- These applicants would be placed in Band A of the scheme.
- Applicants will be subject to time limited bidding restrictions of no more than six months.
- If no expression of interest had been received in that time their case would be reviewed and their priority could be removed.
- These applicants are restricted to bidding in the awarding PO area as that is where their support is provided.
- In certain cases cross boundary bidding will be allowed but agreement will be required from the awarding PO, receiving PO and Supporting People teams.
- For further information on location bidding restrictions and time limited restrictions, please refer to section 8.5.

Appendix 1

Contact details for each PO

Babergh District Council

Corks Lane, Hadleigh, Ipswich, Suffolk, IP7 6SJ

Telephone: 01473 825757

Website: www.babergh.gov.uk

Email: homechoice@babergh.gov.uk

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Braintree District Council

Causeway House, Bocking End, Braintree, Essex, CM7 9HB

Telephone: 01376 552525

Website: www.braintree.gov.uk

Email: homechoice@braintree.gov.uk

Greenfields Community Housing

Greenfields House, Charter Way, Braintree, Essex, CM7 8FG

Telephone: 01376 535400

Website: www.greenfields.org.uk

Email: csc@greenfieldsCH.org.uk

Colchester Borough Council

Rowan House, Sheepen Road, Colchester, Essex, CO3 3WG

Telephone: 01206 282222

Website: www.colchester.gov.uk

Email: homechoice@colchester.gov.uk

Colchester Borough Homes

Rowan House, Sheepen Road, Colchester, Essex, CO3 3WG

Telephone: 01206 282514

Website: www.colchesterboroughhomes.co.uk

Email: cbh@colchester.gov.uk

Ipswich Borough Council

Grafton House, 15-17 Russell Road, Ipswich, Suffolk, IP1 2DE

Telephone: 01473 423000

Website: www.ipswich.gov.uk

Email: homechoice@ipswich.gov.uk

Maldon District Council

Princes Road, Maldon, Essex, CM9 5DL

Telephone: 01621 854477

Website: www.maldon.gov.uk

Email: homechoice@maldon.gov.uk

Mid Suffolk District Council

131 High Street, Needham Market, Suffolk, IP6 8DL

Telephone: 01473 724760

Website: www.midsuffolk.gov.uk

Email: homechoice@midsuffolk.gov.uk

Moat Homes Ltd

Mariner House, Galleon Boulevard, Crossways, Dartford, DA2 6QE

Telephone: 0845 359 6161

Website: www.moat.co.uk

Email: customer@moat.co.uk

Suffolk Coastal District Council

Melton Hill, Woodbridge, Suffolk, IP12 1AU

Telephone: 01394 444822

Website: www.suffolkcoastal.gov.uk

Email: homechoice@suffolkcoastal.gov.uk

Flagship

Keswick Hall, Norwich, Norfolk, NR4 6TJ

Telephone: 0808 168 4555

Website: www.flagship-housing.co.uk

Waveney District Council

The Marina Customer Service Centre, Marina, Lowestoft, NR32 1HH

Telephone: 01502 523524

Website: www.waveney.gov.uk

Email: homechoice@waveney.gov.uk

Appendix 2

Policy for discharging statutory homeless duties

Adoption Date: 1 November 2012
Review Date: 1 November 2013

1. Policy overview

- 1.1 This document relates to the policy and procedural arrangements for discharging statutory homeless duties. The document will be referred to as “the policy”.
- 1.2 The policy applies to the following Local Authorities:
- Babergh District Council
 - Braintree District Council
 - Colchester Borough Council
 - Ipswich Borough Council
 - Maldon District Council
 - Mid Suffolk District Council
 - Suffolk Coastal District Council
 - Waveney District Council
- 1.3 The Local Authorities, who have signed up to the policy, all participate in the Gateway to Homechoice housing register and choice based lettings system.
- 1.4 The policy works along side the Gateway to Homechoice Allocation Policy.
- 1.5 The policy will comply with:
- The Housing Act 1996, as amended by the Homelessness Act 2012
 - The Localism Act 2011
 - Equality Act 2010
 - Suitability of Accommodation Order (expected November 2012)

2. Policy aims and objectives

- 2.1 The policy will ensure a comprehensive and consistent needs and risk assessment is carried out for each statutory homeless household. This approach will ensure applicants' needs are appropriately met and risks to personal safety and that of staff and the community are minimised.
- 2.2 This policy and the needs assessment procedure will ensure there is no discrimination on the grounds of gender, age, religion, race, disability, nationality or sexuality.
- 2.3 Each case will be assessed on an individual basis, to avoid blanket policies.

3. Assessment Procedure

- 3.1 Enquiries will be made by the Local Authority Officers into the following areas of need and risk:
- Bedroom eligibility under Local Housing Allowance
 - Physical Mobility / Health needs
 - Mental / Emotional Health needs
 - Practical Support / Advice needs
 - Cultural/ Faith needs
 - Risks to staff and community
 - Risk to self (e.g. substance misuse/self-harming)
 - Recent housing history
 - Ability to manage finances/maintain home
 - Ability to manage personal health and hygiene
 - Concerns raised by the applicant
 - Status of Homelessness Application
 - Area of preference. The use of the Private Rented Sector will potentially provide greater opportunity for households to remain in their preferred area.
 - Confirmation of the affordability of each option. Each case will be assessed on its own merit.
 - Financial circumstances. Households above the current Gateway to Homechoice financial thresholds (for income and savings) will automatically be considered for private rent accommodation. Households with sufficient capital to meet 12 months' rent in advance in the private rented sector will receive reduced preference under the Gateway to Homechoice Allocations Policy and, if a homeless duty is accepted, then an offer (wherever possible) will be made to discharge into the private sector.
- 3.2 The outcome of these enquiries will be recorded on each Local Authority's Housing Advice/Enquiry form.
- 3.3 Some Local Authorities will complete a housing needs assessment as part of initial housing options advice and as part of the homeless application process.
- 3.4 The outcome of these enquiries will determine the eligible accommodation option(s) for each household. Available options for customers are detailed in section 4.
- 3.5 The policy and procedure for selecting households for properties is detailed in section 5.

4. Available options for customers

4.1 Assessed as suitable for discharge into private sector

a) Singles/Couples

- Singles – Under the age of 35 for shared housing only, unless they are in an exempt category of persons.
- Singles – 35 and over can be considered for bedsits, studio or one beds
- Couples – one beds

- Must be 18 years or over
- Low support needs
- Homelessness Application has been accepted
- Assessed income and savings are above the current Gateway to Homechoice financial thresholds (see section 3.1) or the property identified is assessed as being affordable to the household and they are assessed as being able to manage their finances with limited support.

b) Families

- Households aged 18 years or over and have children or include an expectant mother

- Low support needs
- Homelessness Application has been accepted
- Assessed income and savings are above the current Gateway to Homechoice financial thresholds (see section 3.1) or the property identified is assessed as being affordable to the household and they are assessed as being able to manage their finances with limited support.

4.2 Suitable ONLY for Council or RP Properties

- All singles, couples and families who do not meet the criteria as above.

- For further information, please refer to the Gateway to Homechoice Allocation Policy.

5. Selecting Households for Properties

5.1 Policy

A selection procedure is in place in order to prioritise households for properties when they become available. The decision to prioritise households for properties will be at the Local Authority's discretion. Each case will be assessed on individual circumstances and in line with the terms of this policy and procedure. In certain cases a landlord may determine the criteria for who will be accepted into the property.

5.2 Procedure

When a suitable property becomes available priority will be given as follows:

1st – Exceptional medical cases or other circumstances where it was agreed B&B/temporary accommodation would be unacceptable if the household was not prioritised for a property. Households with sufficient capital to meet 12 months' rent payments.

Then if none (or none suitable)

2nd - Households in Bed & Breakfast/temporary accommodation (longest stay first).

Then if none (or none suitable)

3rd- Households where negotiations have taken place (e.g. with a landlord) to avoid B&B if we prioritised them for a property.

Then if none (or none suitable)

4th - Next suitable homeless household (where a homeless duty has been accepted) with the oldest date homeless.

6. Offers of accommodation

6.1 Policy

Statutory homeless households are entitled to one reasonable offer of accommodation.

The Local Authority will consider its homeless duty discharged if a suitable offer (known as a “final” offer) is refused, in either the private rented or social sector.

6.2 Procedure for offers in the private sector

6.2.1 If an applicant is deemed to be suitable for a private sector offer and a suitable property is available, they will be made an offer immediately.

6.2.2 The private sector offer must be an offer of an Assured Shorthold Tenancy, with a minimum fixed term of one year.

6.2.3 Under these circumstances, this will be considered to be the applicant’s one offer of suitable accommodation and will therefore discharge the statutory homeless duty.

6.2.4 If the applicant refuses the offer of accommodation, the Local Authority can end its statutory homeless duty.

6.2.5 Once the offer has been formally made, the applicant’s homeless and housing register applications will be closed. Should the applicant wish to reapply to the housing register, they will need to complete a new application and their priority will be assessed based on their current accommodation.

6.2.6 If an applicant is deemed suitable for a private sector offer and there are no suitable properties available, the applicant will be given Band B and will be able to bid for social housing, subject to location and time bidding restrictions. (For further information on time and location bidding restrictions, please refer to the Gateway to Homechoice Allocation Policy).

If a suitable private rented property becomes available before an offer of social housing can be made, then points 6.2.2 – 6.2.5 above will apply.

6.3 Procedure for offers of accommodation in the social sector

- 6.3.1 Applicants assessed as being suitable for a social housing offer of accommodation will be subject to location and time restricted bidding under the scheme. For further information, please refer to the Gateway to Homechoice Allocation Policy.

7. Refusal or failure to respond to an offer of suitable accommodation

7.1 Policy

If a statutory homeless applicant refuses or fails to respond to a suitable offer of accommodation in the private or social sector, the Local Authority can end its statutory duty to provide accommodation.

7.2 Procedure

- 7.2.1 If a statutory homeless applicant refuses or fails to respond to a suitable offer, the Local Authority will explain the applicant's right to a review against the suitability of the offer of accommodation.
- 7.2.2 The Local Authority will also explain to the applicant that they may lose their right to temporary accommodation. For further information, please refer to section 9 below and to the relevant Local Authority Reviews Procedure.
- 7.2.3 An applicant, whose statutory homeless duty has ended as a result of their refusal or failure to respond, can remain on the housing register; however the Local Authority will remove the statutory homeless priority award. Their application will be reassessed and given the band that reflects their current situation. For further information, please refer to the Gateway to Homechoice Allocation Policy.

8. New approaches from applicants previously housed into the private sector

8.1 Policy

If an applicant becomes unintentionally homeless from their private rented tenancy within 2 years, the statutory homeless duty automatically revives (once).

In cases where the duty revives and the applicant applies to a different Local Authority, the applicant can be referred back to the original Local Authority, unless there is a risk of domestic violence.

8.2 Procedure

The revived duty may again be discharged through an offer of private or social rented accommodation, in accordance with this policy.

9. Reviews on the suitability of accommodation offered

As part of the offer process and in accordance with each Local Authority's policies and procedures, applicants will be advised of their right to request a review on the suitability of the accommodation offered. Applicants will also be advised of advice services, for example Citizens Advice Bureau or Shelter.

9.1 Review process

9.1.1 Applicants can request a review within 21 days of the Local Authority telling them that they consider an offer to be suitable and that it has discharged its duty under the homeless legislation.

9.1.2 Review requests can be made in writing or verbally to the relevant Local Authority. The Local Authority will advise the applicant of the full procedure and process for completing a review of the suitability of the accommodation offered.

9.1.3 The Local Authority will consider review requests received after 21 days, but they are not obliged to agree to carry out the review.

9.1.4 Once a review request has been received, the Local Authority will write to the applicant to:

- acknowledge the request
- provide details of the review procedure

9.1.5 The Local Authority will need to complete the review within 56 days of receiving the applicant's original review request (unless a longer period is agreed).

9.1.6 The review will be carried out by a Local Authority Senior Officer. This Officer must not have been involved in the original decision.

9.2 Review outcomes

9.2.1 The review outcome can be:

- Unsuccessful – in this situation the Local Authority's original decision will stand.
- Successful – in this situation the Local Authority will amend their original decision.

9.2.2 Once the review has been completed, the Local Authority will write to the applicant informing them of the review decision. The letter will be sent to the applicant or will be available for collection from the Local Authority offices.

9.2.3 The outcome letter will explain the following:

- the review decision
- how the Local Authority reached this decision; and
- the right to appeal the review decision to the County Court if the applicant believes the decision is legally incorrect. An appeal must be made within 21 days of being notified of the review decision. (For further information on the appeals process, please see below).

9.3 Accommodation options during and after a review decision

- 9.3.1 During the review process, the Local Authority is not legally obliged to provide the applicant with temporary accommodation. Applicants will be advised to accept the final offer of accommodation whilst the review is being considered. This is because:
- the applicant will have somewhere to stay during the review process
 - there is no guarantee of a further offer of accommodation following the outcome of the review.
- 9.3.2 During the review process, the property originally offered, may at the landlord's discretion, be held open whilst the review is considered. Unfortunately this may not be possible in cases of private rented accommodation.
- 9.3.3 If the review is unsuccessful and the property is still available, the applicant may be offered the property again. If the applicant refuses the offer, they will be referred to a Local Authority Senior Officer, who will confirm if the statutory homeless duty has been ended.

10. County Court Appeals

- 10.1 An applicant can appeal to the County Court on any point of law for one of the following reasons:
- if they feel the review decision is legally incorrect; **or**
 - if the Local Authority has not met the time limit to complete the review process
- 10.2 All appeals must be made to the County Court within 21 days of the review decision.
- 10.3 Applicants considering an appeal to the County Court are advised to obtain independent legal advice e.g. citizens advice bureau or shelter.
- 10.4 The Local Authority is not legally obliged to provide the applicant with accommodation during an appeal process.

11. Complaints to the Local Government Ombudsman

- 11.1 If an applicant is not satisfied with a review decision, they can complain to the Local Government Ombudsman.
- 11.2 The Ombudsman will not consider certain matters, for example, if 12 months has passed since the cause for complaint occurred or when matters are, or could be, subject to court proceedings.
- 11.3 The Ombudsman will consider a complaint if an applicant believes they have been treated unfairly as a result of maladministration. Examples include:
- Delayed taking action without good reason
 - Taken into account irrelevant considerations or ignored relevant considerations
 - Not followed rules (legal or local procedures)
 - Given the wrong decision
 - Not reached a decision in the correct way
- 11.4 Contact details for the Local Government Ombudsman are:

The Local Government Ombudsman

PO Box 4771

Coventry

CV4 0EH

Telephone: 0762 480 3014

Website: www.lgo.uk

12. Reviewing the Policy and Eligibility

This Policy will be reviewed in line with any significant change in legislation, guidance issued by the DCLG or significant case law. Separate to this it should be reviewed every five years.

Discharging homeless duty into the Private Rented Sector

Section 1

Briefing Report

Background

The Localism Act 2011 has made significant changes to the way in which Local Authorities can deal with applications for social housing and homelessness applications under Parts 6 and 7 of the Housing Act 1996. At the present time we have not had a confirmed date for a commencement order for this change, but it is expected to be November 2012.

Local Authorities owe applicants who are homeless, eligible for assistance, in priority need and not intentionally homeless the main housing duty to secure suitable accommodation (unless a referral to another Local Authority can be made under the local connection provisions). Applicants can remain in temporary accommodation for a long period while they wait for a permanent offer of social housing.

Currently we can and do offer Assured Shorthold Tenancies with private landlords. However the applicant can decline such offers as a full and final discharge of duty and insist that such accommodation should only be provided as temporary accommodation.

Strategic Implications of this duty

The ability to discharge duty into the private sector enables us to build on providing more sustainable options in social housing communities. In 2011/12 we let 4565 properties across the sub-region – 650 of these lets went to those where we had accepted a statutory duty (14%). The vast majority of our accepted homeless applicants are housed into social housing.

This means fewer properties are available for other housing needs groups and transfer cases leading to frustration. In many cases where large families are involved we have no temporary accommodation available and therefore will put these people into private rented accommodation as temporary accommodation where they can reside for several years before an offer of social housing is made.

The Localism Act allows Local Authorities to fully discharge the full housing duty by a 'private rented sector offer' (s193(7AA)-(7AC) Housing Act 1996 as

amended by s.148(5)-(7) Localism Act 2011. This must be an offer of an Assured Shorthold Tenancy with a minimum fixed term of one year. Applicants will lose the discretion to decline the offer as a final discharge, although they will retain the right to request a review of suitability whether or not they accept the offer.

A Local Authority does not have to use a private rented sector offer, it is just one of the options that will be available to it.

It is expected that these changes will apply only to new applicants i.e. those that make a homeless application on or after the date of commencement.

Each local authority will have to get these changes approved by Local Authority before they will be able to use these new powers.

If an applicant is housed in this way and subsequently given a section 21 notice to leave within two years of the offer being accepted, then, where the applicant is eligible for assistance and not intentionally homeless, the homelessness duty to secure further suitable accommodation is revived. The duty revives even if the applicant no longer has a priority need, but it only applies to the first incidence of homelessness within the two-year period.

Following the coming into force of the relevant sections of the Act, a person provided with accommodation in the private rented sector as final discharge of a homelessness duty will have no 'reasonable preference' for an allocation of permanent housing by reason of homelessness. This will end a significant link between Parts 6 and 7 of the Housing Act 1996.

As far as reasonably possible, Local Authorities must secure accommodation in their own areas. In recognition that this might not always be possible (particularly in London) and many Local Authorities are likely to make more out-of-borough private rented sector offers, the local connection provisions are amended so that where an applicant who accepted such an offer becomes homeless again within two years of the offer being accepted and applies to a different authority, s/he can be referred back to the original authority, unless there is a risk of domestic violence.

Suitability of Accommodation

The Government will introduce a new Suitability of Accommodation Order for private rented sector offers. The current guidance on suitability contained in the Code of Guidance will also continue to apply.

The Suitability Order is likely to cover:

- Reasonable physical condition
- Electrical regulations
- Fire Safety
- CO poisoning – carbon monoxide alarm
- Fit and proper person – landlord
- HMO licensing
- EPC
- Gas safety record
- Tenancy Agreement (12 months)
- (note guidance from the DCLG said that a full inspection by an Environmental Health Officer would not be required)

Implementation of discharge of duty into the private sector

- Policy for the use of s193 (7F)
- Approval by Members
- Availability, affordability and suitability of private rented accommodation
- Training and information sharing to explain new power and new processes

Recommendation

The Local Authorities signed up to Gateway to Homechoice, recommend that we adopt the proposal to discharge duty into the private sector where appropriate, based on the draft policy in section 2 of this report.

The Local Authorities will continue to meet their legal duties to homeless households but homelessness will no longer give automatic priority for social housing as accepted homeless cases may now have the duty ended in the private rented sector wherever sufficient and suitable supply is available.

Access to social housing is limited and priority will be given in accordance with the allocations policy

Section 2

Policy for discharging statutory homeless duties

1. Policy overview

- 1.1 This document relates to the policy and procedural arrangements for discharging statutory homeless duties. The document will be referred to as “the policy”.
- 1.2 The policy applies to the following Local Authorities:
 - Babergh District Council
 - Braintree District Council
 - Colchester Borough Council
 - Ipswich Borough Council
 - Maldon District Council
 - Mid Suffolk District Council
 - Suffolk Coastal District Council
 - Waveney District Council
- 1.3 The Local Authorities, who have signed up to the policy, all participate in the Gateway to Homechoice housing register and choice based lettings system.
- 1.4 The policy works along side the Gateway to Homechoice Allocation Policy.
- 1.5 The policy will comply with:
 - The Housing Act 1996, as amended by the Homelessness Act 2002
 - The Localism Act 2011
 - Equality Act 2010
 - Suitability of Accommodation order (expected in November 2012)

2. Policy aims and objectives

- 2.1 The policy will ensure a comprehensive and consistent needs and risk assessment is carried out for each statutory homeless household. This approach will ensure applicants' needs are appropriately met and risks to personal safety and that of staff and the community are minimised.
- 2.2 This policy and the needs assessment procedure will ensure there is no discrimination on the grounds of gender, age, religion, race, disability, nationality or sexuality.
- 2.3 Each case will be assessed on an individual basis, to avoid blanket policies.

3. Assessment Procedure

- 3.1 Enquiries will be made by the Local Authority Officers into the following areas of need and risk:
 - Bedroom eligibility under Local Housing Allowance
 - Physical Mobility / Health needs
 - Mental / Emotional Health needs
 - Practical Support / Advice needs
 - Cultural/ Faith needs
 - Risks to staff and community
 - Risk to self (e.g. substance misuse/self-harming)
 - Recent housing history
 - Ability to manage finances/maintain home
 - Ability to manage personal health and hygiene
 - Concerns raised by the applicant
 - Status of Homelessness Application
 - Area of preference. The use of the Private Rented Sector will potentially provide greater opportunity for households to remain in their preferred area.
 - Confirmation of the affordability of each option. Each case will be assessed on its own merit.
 - Financial circumstances. Households above the current Gateway to Homechoice financial thresholds (for income and savings) will automatically be considered for private rent accommodation. Households with sufficient capital to meet 12 months' rent in advance in the private rented sector will receive reduced preference under the Gateway to Homechoice Allocations Policy and, if a homeless duty is accepted, then an offer (wherever possible) will be made to discharge into the private sector.

- 3.2 The outcome of these enquiries will be recorded on each Local Authority's Housing Advice/Enquiry form.
- 3.3 Some Local Authorities will complete a housing needs assessment as part of initial housing options advice and as part of the homeless application process.
- 3.4 The outcome of these enquiries will determine the eligible accommodation option(s) for each household. Available options for customers are detailed in section 4.
- 3.5 The policy and procedure for selecting households for properties is detailed in section 5.

4. Available options for customers

4.1 Assessed as suitable for discharge into private sector

a) Singles/Couples

- Singles – Under the age of 35 for shared housing only, unless they are in an exempt category of persons.
 - Singles – 35 and over and over can be considered for bedsits, studio or one beds
 - Couples – one beds
- *Must be 18 years or over*
 - *Low support needs*
 - *Homelessness Application has been accepted*
 - *Assessed income and savings are above the current Gateway to Homechoice financial thresholds (see above) or the property identified is assessed as being affordable to the household and they are assessed as being able to manage their finances with limited support.*

b) Families

- Households aged 18 years or over and have children or include an expectant mother
- *Low support needs*
 - *Homelessness Application has been accepted*
 - *Assessed income and savings are above the current Gateway to Homechoice financial thresholds (see above) or the property identified is assessed as being affordable to the household and they are assessed as being able to manage their finances with limited support.*

4.2 Suitable ONLY for Council or RP Properties

- All singles, couples and families who do not meet the criteria as above.
- For further information, please refer to the Gateway to Homechoice Allocation Policy.

5. Selecting Households for Properties

5.1 Policy

A selection procedure is in place in order to prioritise households for properties when they become available. The decision to prioritise households for properties will be at the Local Authority's discretion. Each case will be assessed on individual circumstances and in line with the terms of this policy and procedure. In certain cases a landlord may determine the criteria who will be accepted into the property.

5.2 Procedure

When a suitable property becomes available priority will be given as follows:

1st – Exceptional medical cases or other circumstances where it was agreed B&B/temporary accommodation would be unacceptable if the household was not prioritised for a property. Households with sufficient capital to meet 12 months' rent payments.

2nd - Households in Bed & Breakfast/temporary accommodation (longest stay first).

Then if none (or none suitable)

3rd- Households where negotiations have taken place (e.g. with a landlord) to avoid B&B if we prioritised them for a property.

Then if none (or none suitable)

4th - Next suitable homeless household (where a homeless duty has been accepted) with the oldest date homeless.

6. Offers of accommodation

6.1 Policy

Statutory homeless households are entitled to one reasonable offer of accommodation.

The Local Authority will consider its homeless duty discharged if a suitable offer (known as a “final” offer) is refused, in either the private rented or social sector.

6.2 Procedure for offers in the private sector

- 6.2.1 If an applicant is deemed to be suitable for a private sector offer and a suitable property is available, they will be made an offer immediately.
- 6.2.2 The private sector offer must be an offer of an Assured Shorthold Tenancy, with a minimum fixed term of one year.
- 6.2.3 Under these circumstances, this will be considered to be the applicant’s one offer of suitable accommodation and will therefore discharge the statutory homeless duty.
- 6.2.4 If the applicant refuses the offer of accommodation, the Local Authority can end its statutory homeless duty.
- 6.2.5 Once the offer has been formally made, the applicant’s homeless and housing register applications will be closed. Should the applicant wish to reapply to the housing register, they will need to complete a new application and their priority will be assessed based on their current accommodation.
- 6.2.6 If an applicant is deemed suitable for a private sector offer and there are no suitable properties available, the applicant will be given Band B and will be able to bid for social housing, subject to location and time bidding restrictions. (For further information on time and location bidding restrictions, please refer to the Gateway to Homechoice Allocation Policy).

If a suitable private rented property becomes available before an offer of social housing can be made, then points 6.2.2 – 6.2.5 above will apply.

6.3 Procedure for offers of accommodation in the social sector

- 6.3.1 Applicants assessed as being suitable for a social housing offer of accommodation will be subject to location and time restricted bidding under the scheme. For further information, please refer to the Gateway to Homechoice Allocation Policy.

7. Refusal or failure to respond to an offer of suitable accommodation

7.1 Policy

If a statutory homeless applicant refuses or fails to respond to a suitable offer of accommodation in the private or social sector, the Local Authority can end its statutory duty to provide accommodation.

7.2 Procedure

- 7.2.1 If a statutory homeless applicant refuses or fails to respond to a suitable offer, the Local Authority will explain the applicant's right to a review against the suitability of the offer of accommodation.
- 7.2.2 The Local Authority will also explain to the applicant that they may lose their right to temporary accommodation. For further information, please refer to section 9 below and to the relevant Local Authority Reviews Procedure.
- 7.2.3 An applicant, whose statutory homeless duty has ended as a result of their refusal or failure to respond, can remain on the housing register; however the Local Authority will remove the statutory homeless priority award. Their application will be reassessed and given the band that reflects their current situation. For further information, please refer to the Gateway to Homechoice Allocation Policy.

8. New approaches from applicants previously housed into the private sector

8.1 Policy

If an applicant becomes unintentionally homeless from their private rented tenancy within 2 years, the statutory homeless duty automatically revives (once).

In cases where the duty revives and the applicant applies to a different Local Authority, the applicant can be referred back to the original Local Authority, unless there is a risk of domestic violence.

8.2 Procedure

- 8.2.1 The revived duty may again be discharged through an offer of private or social rented accommodation, in accordance with this policy.

9. Reviews on the suitability of accommodation offered

As part of the offer process and in accordance with each Local Authority's policies and procedures, applicants will be advised of their right to request a review on the suitability of the accommodation offered. Applicants will also be advised of advice services, for example Citizens Advice Bureau or Shelter.

9.1 Review process

- 9.1.1 Applicants can request a review within 21 days of the Local Authority telling them that they consider an offer to be suitable and that it has discharged its duty under homeless legislation.
- 9.1.2 Review requests can be made in writing or verbally to the relevant Local Authority. The Local Authority will advise the applicant of the full procedure and process for completing a review of the suitability of the accommodation offered.
- 9.1.3 The Local Authority will consider review requests received after 21 days, but they are not obliged to agree to carry out the review.
- 9.1.4 Once a review request has been received, the Local Authority will write to the applicant to:
- acknowledge the request
 - provide details of the review procedure.

9.15 The Local Authority will need to complete the review within 56 days of receiving the applicant's original review request (unless a longer period is agreed).

9.1.6 The review will be carried out by a Local Authority Senior Officer. This Officer must not have been involved in the original decision.

9.2 Review outcomes

9.2.1 The review outcome can be:

- Unsuccessful – in this situation the Local Authorities original decision will stand
- Successful – in this situation the Local Authority will amend their original decision.

9.2.2 Once the review has been completed, the Local Authority will write to the applicant informing them of the review decision. The letter will be sent to the applicant or will be available for collection from the Local Authority offices.

9.2.3 The outcome letter will explain the following:

- the review decision
- how the Local Authority reached this decision; and
- the right to appeal the review decision to the County Court if the applicant believes the decision is legally incorrect. An appeal must be made within 21 days of being notified of the review decision. (For further information on the appeals process, please see below).

9.3 Accommodation options during and after a review decision

9.3.1 During the review process, the Local Authority is not legally obliged to provide the applicant with temporary accommodation. Applicants will be advised to accept the final offer of accommodation whilst the review is being considered. This is because:

- the applicant will have somewhere to stay during the review process
- there is no guarantee of a further offer of accommodation following the outcome of the review.

- 9.3.2 During the review process, the property originally offered, may at the landlord's discretion, be held open whilst the review is considered. Unfortunately this may not be possible in cases of private rented accommodation.
- 9.3.3 If the review is unsuccessful and the property is still available, the applicant may be offered the property again. If the applicant refuses the offer, they will be referred to a Local Authority Senior Officer, who will confirm if the statutory homeless duty has been ended.

10. County Court Appeals

- 10.1 An applicant can appeal to the County Court on any point of law for one of the following reasons:
- if they feel the review decision is legally incorrect; **or**
 - if the Local Authority has not met the time limit to complete the review process
- 10.2 All appeals must be made to the County Court within 21 days of the review decision.
- 10.3 Applicants considering an appeal to the County Court are advised to obtain independent legal advice e.g. citizens advice bureau or shelter.
- 10.4 The Local Authority is not legally obliged to provide the applicant with accommodation during an appeal process.

11. Complaints to the Local Government Ombudsman

- 11.1 If an applicant is not satisfied with a review decision, they can complain to the Local Government Ombudsman.
- 11.2 The Ombudsman will not consider certain matters, for example, if 12 months has passed since the cause for complaint occurred or when matters are, or could be, subject to court proceedings.
- 11.3 The Ombudsman will consider a complaint if an applicant believes they have been treated unfairly as a result of maladministration. Examples include:
- Delayed taking action without good reason
 - Taken into account irrelevant considerations or ignored relevant considerations
 - Not followed rules (legal or local procedures)
 - Given the wrong decision
 - Not reached a decision in the correct way
- 11.4 Contact details for the Local Government Ombudsman are:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone: 0762 480 3014
Website: www.lgo.uk

12. Reviewing the Policy and Eligibility

This Policy will be reviewed in line with any significant change in legislation, guidance issued by the DCLG or significant case law. Separate to this it should be reviewed every five years.

Summary of Gateway to Homechoice Allocation Policy changes

Subject area	Topic	Proposal	Feedback	Recommendation	Section of policy
Household	Defining a household	<p>Adopt same definition used under homeless legislation:</p> <p>“Any person/s that can be reasonably be expected to reside with the applicant”.</p>	<ul style="list-style-type: none"> • Consistent with homeless assessments • Help with assessing entitlement to bedroom and overcrowding priority awards. 	Adopt proposal	4.5
	People who are not part of the household	Lodgers and live in help not to be classed as a member of the household	<ul style="list-style-type: none"> • Consistent with homeless assessments • Help with assessing entitlement to bedroom and overcrowding priority awards. 	Adopt proposal	4.6

Appendix E

Subject area	Topic	Proposal	Feedback	Recommendation	Section of policy
	Two households coming together on one application	<p>A full assessment of both parties existing accommodation will be carried out with the intention of establishing if either party's accommodation is large enough for the new household structure. The PO will advise the household of the outcome of the assessment.</p> <p>If the either parties existing accommodation is large enough to meet needs of the new household structure the application will be awarded Band E.</p> <p>If the household disregards the POs advice moves in to the unsuitable property they will be considered as deliberately making their circumstances worse in order to increase housing priority.</p> <p>If both parties accommodation is found to be unsuitable the household will be eligible for additional bedroom entitlement (and can therefore bid on eligible properties) however overcrowding priority will not be awarded for 12 months. The household can apply for additional priority on medical and/or welfare grounds.</p>		Adopt proposal	4.8

Appendix E

Subject area	Topic	Proposal	Feedback	Recommendation	Section of policy
Statutory Homeless applicants	Location and time limited restricted bidding	<p>Statutory homeless applicants (Bands A & B) will be subject to the following restrictions:</p> <ul style="list-style-type: none"> • Restricted to the PO area with the statutory homeless duty • Restricted to 4 weeks to bid for properties. During the 4 week period the PO reserves the right to bid on behalf of the applicant for suitable properties. 	<ul style="list-style-type: none"> • Meet local concerns and housing need 	Adopt proposal	8.3
Homeless prevention	Location and time limited restricted bidding	<p>Homeless applicants given homeless prevention priority (Band B) will be subject to the following restrictions:</p> <ul style="list-style-type: none"> • Restricted to the PO area with the statutory homeless duty • The PO will set the time period for bidding (linked to notice periods). At the end of the time period the PO will review the bidding and reserves the right to bid on behalf of the applicant for suitable properties/review banding award. 	<ul style="list-style-type: none"> • Meet local concern and housing need 	Adopt proposal	8.4
Discharge of homeless duties into the private sector	Policy and procedure	<p>Policy and procedure has been developed for discharging statutory duties to homeless applicants. The policy is referenced in the allocation policy document and can be found as Appendix 2.</p>		Adopt proposal	Appendix 2

Appendix E

Subject area	Topic	Proposal	Feedback	Recommendation	Section of policy
Bedroom entitlement and overcrowding priority	Children of the opposite sex	The qualifying age for an extra bedroom and overcrowding priority to 10 years old.	<ul style="list-style-type: none"> • Proposal in line with housing benefit rules • Reduce risk of potential affordability issues for households who rely on housing benefit • Clearer for customers 	Adopt proposal	9.1.4 & 17.2
	Children of the same sex	Children of the same sex are expected to share a bedroom. Consideration for an extra bedroom will be given on medical and/or welfare grounds if the eldest child is 16 years old.	<ul style="list-style-type: none"> • Proposal in line with housing benefit rules • Reduce risk of potential affordability issues for households who rely on housing benefit • Clearer for customers • Best use of social housing stock 	Adopt proposal	9.1.4 & 17.2

Appendix E

Subject area	Topic	Proposal	Feedback	Recommendation	Section of policy
	Overcrowding priority for applicants in social and private sector accommodation	Same overcrowding priority for applicants in social and private sector accommodation within the sub-region	<ul style="list-style-type: none"> Fairer system Meet E&D concerns 	Adopt proposal	16.2
Additional preference for certain groups	Extra priority for Social Services registered and approved foster carers	Foster carers who are registered and approved by Social Services will be considered for additional priority under welfare priority awards	<ul style="list-style-type: none"> A robust procedure and policy is required to establish the point at which extra priority should be applied e.g. the point of registration and approval by Social Services 	Adopt proposal	17.22.4
	Ex service personnel	In line with legal requirements, ex service personnel will be considered for additional preference (if they meet the set qualification criteria). Applicants meeting the set qualification criteria will be prioritised within their priority band when they apply for eligible properties.	<ul style="list-style-type: none"> In line with legal requirements. 	Adopt proposal	3.6.1.4

Appendix E

Subject area	Topic	Proposal	Feedback	Recommendation	Section of policy
People housed into social housing	Time limited restricting	Allow returning applicants (who have been housed into social housing) to re join the register, however they will be restricted from participating in the scheme for 12 months.	<ul style="list-style-type: none"> • Prevent customers from choosing unsuitable accommodation • Fair to existing applicants waiting on the register 	Adopt proposal	4.9

5 September 2012

Report of	Head of Strategic Policy and Regeneration	Author	Gareth Mitchell John Rock
			282719 282762
Title	Revenue Voids Contract (2012-2016)		
Wards affected	All wards		

This report sets out the procurement process for tendering the Revenue Voids Contract for the Council's housing stock and recommends an appointment to provide the service.

1. Decision(s) Required

- 1.1 To agree to appoint Morrison Facilities Services Ltd. to deliver the Revenue Voids contract.
- 1.2 To agree to enter with the successful contractor into a 4 + 2 year JCT Standard Form of Measured Term Contract 2006 Edition Revision 2 (2009), further amended as set out in the Tender Document and based on the percentage adjustment to the tendered Schedule of Rates.

2. Reasons for Decision(s)

- 2.1 The existing contract period for the provision of the Revenue Voids is coming to an end. As a result the work has been exposed to competitive tender in order to establish continuous improvement and best value. The work is managed through the Deed of Variation agreed between Colchester Borough Homes and Colchester Borough Council as Schedule 12 to the Management Agreement.
- 2.2 The procurement approach agreed by Cabinet on 1st December 2010 as part of the Asset Management Strategy is to let a JCT Measured Term Contract for this and similar types of work. As approved the Council will act as the awarding body (Employer) and Colchester Borough Homes (CBH) as the Employer's agent (Contract Administrator).

Expressions of interest were sought through a Pre Qualification Questionnaire (PQQ) process conducted on behalf of the Council by CBH, from which prospective contractors were selected. Of 35 contractors who were sent a PQQ, 24 were returned and following analysis by CBH 4 contractors were invited to tender for the works.

Tenders were received on the 10th August 2012 and were analysed and scored by CBH on 13th August 2012.

The evaluation of Quality conforms with the detail contained in the invitation to tender and also the Contract Preliminaries through an assessment based on relevant sections of the PQQ covering past performance on similar contracts, performance indicators, and references.

3. Alternative Options

- 3.1 Not to accept the tender of the proposed contractor and continue with the present arrangements. This would not deliver best value and show continuous improvement which the Council has a duty to seek.
- 3.2 Not to appoint the contractor selected through the procurement process – The Council could be open to legal challenge if it deviated from its procurement process.

4. Supporting Information

- 4.1 The revenue voids service is operated on vacated housing properties to return them to a habitable and safe standard for re-letting. It does not cover major works which are of a capital nature but ensures compliance with statutory obligations including electrical testing.
- 4.2 Following the implementation of the Asset Management Strategy and in line with the Council's duty to seek Best Value it was decided to re-tender the Revenue Voids work to commence in October/November 2012.
- 4.3 EU regulations are not required for this size of contract and so it was advertised in local papers for 2 weeks. A two-stage contractor selection process consisting of a Pre-Qualification Stage which is open to all interested parties, followed by a Tender Stage which is restricted to contractor's selected by analysis of the first stage responses was followed. The Pre-Qualification Stage invites interested contractors to submit information concerning their Financial Capacity, Technical Capability, Relevant Experience and References. Information is requested in a Pre-Qualification Questionnaire from all interested contractors.
- 4.4 In January a detailed project plan was formulated and timeline to complete the procurement process. This was presented to and agreed by the Operational Site Meeting held on the 26th January 2012.
 - 35 contractors responded to the advertisement and 24 submitting completed Pre-Qualifying Questionnaires (PQQ).
 - CBH carried out a robust analysis of the completed PQQ's which resulted in 4 contractors being invited to tender.
 - Tenders were sent out to the 4 prospective contractors on the 19th July 2012 and 3 were returned and opened by legal services on 10th August 2012.
 - The tenders were scored on an 80% cost, 20% quality split derived from the returned tenders and PQQ's. The cost analysis was conducted by CBH on the 13th August 2012 and the quality part scored again by CBH following the return of PQQ's.
- 4.5 A copy of the overall results attributed to Tender Price and Quality are attached as a Background Paper (Appendix A) which is included in part B of the Agenda.
- 4.6 As part of the procurement process a robust tender specification was developed to ensure the Council and its tenants receive best value on the evaluation criteria of price and quality. The documentation included Performance Indicator's and strong emphasis on quality and resident satisfaction.

- 4.7 The Form of Contract to deliver the contract is the Joint Contracts Tribunal (JCT) Standard Form of Measured Term Contract 2006 Edition Revision 2 (2009) further amended as set out in the Tender Document. The successful contractor will be awarded a 4 year contract with an option to extend by agreement with the Council for a further period of 2 year, depending on their performance over the contract period.
- 4.8 Current robust controls and monitoring arrangements will continue as a minimum standard. The formal monthly Operational Site Meeting (OSM) attended by both CBC and CBH have put in place arrangements to capture the performance monitoring of all contracts which includes progress against the agreed programme, monitoring of expenditure against agreed budgets, analysis of performance against KPI's, the quality and standard of the services provided to tenants by reviewing customer satisfaction reports and direct liaison with tenants.
- 4.9 The role of CBH as the Contract Administrator (CA) is key to the success of this contract. CBH will manage the contract on behalf of the Council which will include managing day to day issues/arrangements of the contract and act as the main point of contact for all parties through a nominated representative. The CA through the nominated representative will attend the monthly OSM to report on the contractor's performance. The role of CA is also clearly defined within the JCT form of contract.
- 4.10 It should be noted that on a financial (Experian) check Morrison Facility Services Ltd. had a very low Delphi score. As CBC have an existing contract with this company (Gas Servicing and Repairs Contract) discussions have taken place and Morrison Facility Services Ltd, have stated this is due to a restructure and recent mobilisation of new contracts.
- 4.11 Following the credit check report from (Experian) returning an amber status, further analysis was undertaken and details of the causes for the recent sudden fall in the Delphi score were sought from Morrison. The findings of this are as follows:
- Despite the low Delphi score, an analysis of the accounts does not show any liquidity difficulties. The company attributes the fall to trading difficulties last year as a result of local government spending cuts affecting discretionary spending. Morrison responded quickly to the margin pressure, undertaking a big restructuring programme during the year and exiting some contracts that had become commercially unviable. The early poor trading, followed by the restructuring costs, meant that Morrison traded at a loss last year and this has reduced most of the key metrics for the credit rating.
 - Experian's suggested credit rating is £100k. As the contract value is between £350k and £500k per annum, it is extremely unlikely that this limit would be breached at any point due to the nature of the work involved in the contract.
 - The company appears to be well supported, with the ultimate parent being the Anglian Water Group. The immediate parent, Morrison PLC, have also suffered as a result of recent events, but currently show a Delphi score of 46 which is average for comparable organisations. Their suggested credit limit is £810k.

5. Proposals

- 5.1 To accept the recommendations of CBH and CBC by:
- 5.2 Awarding the contract to deliver the Revenue Voids Contract to Morrison Facilities Services Ltd.

5.3 To enter with the successful contractor into a 4 + 2 year JCT Standard Form of Measured Term Contract 2006 Edition incorporating Revision 2 (2009), further amended as set out in the Tender Document.

6. Strategic Plan References

6.1 This decision is part of delivering against the “Homes for All” priority in the Council’s Strategic Priorities 2009 – 12 by ensuring the housing stock is maintained to a decent standard.

7. Consultation

7.1 Tenants were involved in the tender process and will be further involved in the set up and mobilisation of the successful contractor with particular emphasis on engaging with the tenant forums and void operational group.

8. Publicity Considerations

8.1 Good communication with tenants is vital and the Council working closely with CBH will need to issue information to our tenants to advise them of new contract arrangements, how it will affect them with ongoing updates as the programme progresses. Again this information will follow once the contract is let and more detail discussions have taken place with the successful contractor.

9. Financial implications

9.1 The financial implications are contained within the main body of the recommendation report with appendix A. This contains commercially sensitive information and should only be viewed as a representation of spend to enable contractors to be equally assessed against each other. However the anticipated first year annual direct spend on works based upon notional delivery requirements amounts to approximately £300,000. There are sufficient funds allocated within the annual Housing Revenue Account budget to cover this.

10. Equality, Diversity and Human Rights implications

10.1 Link to individual strategy provided
<http://www.colchester.gov.uk/article/4962/Strategic-Policy-and-Regeneration>

10.2 Through the Housing Procurement Strategy within the (AMS) staff ensure that all future procurement and purchasing documentation recognise, understand and support CBC and CBH policies with regard to equal opportunities, diversity and human rights.

11. Community Safety Implications

11.1 There are none directly arising from this report.

12. Health and Safety Implications

12.1 Through the role of Contract Administrator CBH will be responsible for ensuring Health and Safety requirements are fully complied with.

13. Risk Management Implications

- 13.1 By following the Councils own procurement policy and by implementing the controls and recommendations as set out in this report, the Council is seeking to mitigate against any potential risks or challenges.

Background Papers

Copy of the overall results attributed to Tender Price and Quality (Appendix A) are included in Part B of the Agenda.

Agenda item 7(ii)

Revenue Voids Contract (2012-16) – Addendum to report by the Head of Strategic Policy and Regeneration

The following paragraph 4.12 to be added to the report:-

4.12 Following feedback from MFS, a credit check using the Dun & Bradstreet assessment tool has also been conducted on the three companies tendering for the contract, and the results are provided below:-

Dun & Bradstreet Assessment

Morrison Facilities Services Ltd	Overall condition of the Business (4 Star) Compared with other businesses (4 Star)
Company B	Overall condition of the Business (5 Star) Compared with other businesses (5 Star)
Company C	Overall condition of the Business (4 Star) Compared with other businesses (3 Star)

Under the Dun & Bradstreet assessment criteria a 5 star indicates a company which is “Well above average”, 4 star indicates “Above average” and 3 star indicates “Average” business positions.

The MFS score in this assessment indicates a company that is in above average condition, including when compared to other businesses in the same sector. In the procurement process set out at paragraph 4.4, MFS were the top ranked company based on cost and quality.

Using the Dun & Bradstreet assessment criteria the strongest performing contractor is Company B, but they have submitted a tender which will increase the tendered rates above those tendered by MFS.

The Company C tender was a strong bid coming second in ranking but using the Dun & Bradstreet assessment criteria they are not as strong when using the “Compared to other businesses” criteria, being assessed as 3 Star. The Company C tender also represents an increase in tendered rates against MFS.

Despite the low Delphi score, an analysis of MFS accounts does not show any liquidity difficulties. It appears to coincide with the publication of accounts showing an operating loss for the year to 31/03/12 of £16m. The company attributes the fall to trading difficulties last year as a result of local government spending cuts affecting discretionary spending. A look at previous years’ accounts that show a net profit tends to support this. MFS state that they responded quickly to the margin pressure, undertaking a big restructuring programme during the year and exiting some contracts that had become commercially unviable. The early poor trading, followed by the restructuring costs, meant that MFS traded at a loss last year and this has reduced most of the key metrics for the credit rating.

MFS have also drawn attention to what they regard as an incorrect classification of their company according to the Standard Industrial Classification (SIC) code with regards to the Experian Delphi assessment. Their current classification with Experian is as a Property Management company whereas their Dun and Bradstreet classification is as a Repair Services and Building Trade contractor. They intend to address this directly with Experian as their view is that this has a material effect on their Delphi score.

5 September 2012

Report of	Head of Strategic Policy and Regeneration	Author	Patrick O'Sullivan
Title	Approval of the Northern Gateway Vision		☎ 282976
Wards affected	All		

This report concerns the endorsement of the recommendations contained within the Vision that has been developed for the Northern Gateway site at Junction 28 on the A12

1. Decision(s) Required

- 1.1 To endorse the vision and recommendations arising from the process recently completed for the Northern Gateway site next to the Community Stadium at Junction 28 on the A12.
- 1.2 To agree that the Northern Gateway Vision should form an integral part of any future marketing process for the land, be an inward investment tool for the Council and be used to ensure delivery of the development at the Colchester Northern Gateway is in accordance with the vision and aspirations contained within it.

2. Reasons for Decision(s)

- 2.1 In July 2011 Cabinet requested that a Vision be developed for the Council owned land adjacent to the Community Stadium.
- 2.2 For a site of this size and prominence it is vital that development is taken forward in a co-ordinated and measured way and the Vision will set down the standards of quality, sustainability and deliverability.
- 2.3 Cabinet approval of the vision and phased approach, recommended will trigger the creation of a project plan for delivery and the bringing forward of the first sites for development

3. Alternative Options

- 3.1 The Council could reject the recommendations of the Vision and re-run the process with freshly procured consultants.
- 3.2 The Council owned land could be left undeveloped while surrounding privately owned sites are brought forward, and the final elements of road infrastructure are completed.
- 3.3 The Council could bring forward development without a co-ordinated approach however this could lead to a mix of unrelated uses and a lack of cohesive design development.

4. Supporting Information

- 4.1 Further to the Cabinet request that a Vision be developed for the Northern Gateway, competitive procurement processes were carried to select the appropriate consultants for the task. In addition to CB Richard Ellis who had already been procured as Planning Consultants, the Council also instructed Allies and Morrison Urban Practitioners to facilitate the visioning process, together with Motion Transportation Consultants.
- 4.2 Workshops were held with a range of stakeholders from within the Council and Essex County Council. The Highways Agency was also consulted
- 4.3 As a result of the information gathered, Allies and Morrison have created the Northern Gateway Vision for consideration by the Council
- 4.4 Although Colchester Borough Council Planning Services were involved in the process, this document will not be a statutory planning document and it is intended to use it as a very valuable tool in marketing the site to interested potential occupiers and attracting inward investment to the area.

5. Proposals

- 5.1 That the Vision document, including the key principles of design and development is adopted by the Council. This envisages a new Gateway development for Colchester. It will have a participatory sports and leisure theme to it. It will excel in its visual interest and design as well as making a significant contribution to the Council's sustainability agenda. It will deliver 3,500 jobs and be supportive of the commercial activities within the Town Centre. Finally, it will make a substantial contribution to the Council's revenue stream in the future.
- 5.2 The Council to also support a phased approach to development at the Northern Gateway. This will involve initially seeking uses for which Planning Permission already exists but accepting that later phased will be influenced by the results of the review of the Core Strategy.
- 5.3 Finally, the Vision is to be seen as a foundation upon which to develop more detailed guidance, based upon the original design concepts within the document.

6. Strategic Plan References

- 6.1 The Vision and Gateway concept is designed to create a fresh, new, and vibrant statement about Colchester. This will result in significant job creation but will also create many new sports and leisure opportunities for residents and visitors to Colchester. It aims to inspire by its design and make a significant contribution to the Council's sustainability agenda.

7. Consultation

- 7.1 Officers within both Colchester Borough Council and Essex County Council have been widely consulted in the creation of this Vision.
- 7.2 Local Ward Members have been advised at every stage as has the Myland Community Council.

- 7.3 Board Members at the Colchester Community Stadium have also been involved in the process. This has incorporated representatives of both Colchester United Football Club and the Colchester United Community Sports Trust
- 7.4 Members of the public will be able to comment upon the development as individual sites are brought forward, based upon the existing outline planning permission.
- 7.5 The general public will also form part of the process to review the Core Strategy later in 2012, which may well shape the elements of later phases of this project.

8. Publicity Considerations

- 8.1 A press release will be issued following this decision.
- 8.2 The full contents of the Vision will be available to the public via the Regeneration pages of the Council's website.

9. Financial implications

- 9.1 There are no direct financial implications to taking the decision to endorse the Vision and design recommendations.
- 9.2 However, acceptance of the Vision will herald a fresh phase of milestones for the Northern Gateway Project. This will generate potential for significant capital receipts and new revenue streams arising from the development of individual sites. On each occasion when sites are brought forward for development, Cabinet will be fully advised of the individual financial implications of each proposal before further decisions are made.

10. Equality, Diversity and Human Rights implications

- 10.1 This project does not present a change to existing policy nor the introduction of any new policies.
- 10.2 This project does not have any direct implications for the Council regarding the Human Rights Act

11. Community Safety Implications

- 11.1 There are no direct implications for Community Safety arising from this decision. However, it is part of the Vision for the Northern Gateway that the facilities that it will offer together with the encouragement of all residents to re-engage with participatory sport, will have a measurable improvement in crime and disorder in the future.

12. Health and Safety Implications

- 12.1 None identified at this stage.

13. Risk Management Implications

- 13.1 The risks associated with rejecting the recommendations of the Vision are that the Council will be required to repeat the process with significant financial implications. In addition, this will lead to delays and confusion within the market as to the seriousness of the Council's intentions to bring forward the site.

- 13.2 The opportunity to take forward an immediate commencement of delivery of the Northern Gateway Vision is key. This is, conceivably, the most valuable development site within the complete ownership of the Council. It offers the prospect of creating a brand new, high quality, sports and leisure destination which will not only be of interest and enjoyment to current and future residents of the Borough, but, it is hoped that it will also become a major regional attraction. The inability to act quickly to deliver early wins in respect of a number of sites will result in lost opportunities to maximise key capital and revenue returns.
- 13.3 The inability to progress the Vision and delivery mechanisms which flow from it will result in delays in creating job opportunities as a time when new employment is required.
- 13.4 Even though the Council is bringing forward the Northern Gateway at a seemingly challenging time in the world economic cycle, the currently perceived interest in the market to be involved in the scheme is extraordinary. Having developed this interest over the last 12 months, while creating the Vision, it would be an enormous opportunity missed not to immediately capitalise on it by seeking to bring some of these ideas under contract.

Background Papers

1. Northern Gateway Vision dated June 2012.
2. Here is the link to the Vision document on the Regeneration website:
<http://www.colchester.gov.uk/article/5032/Map-and-area-overview>

5 September 2012

Report of	Head of Strategic Policy and Regeneration	Author	Patrick O'Sullivan
Title	Northern Gateway – Approval of Draft Heads of Terms		
Wards affected	All		

This report seeks approval of draft Heads of Terms (which include the key financial terms detailed in the confidential part of this report) between the Council and Lancaster plc in respect of a proposed lease of 1.5 acres of land at the Northern Gateway

1. Decision(s) Required

- 1.1 Subject to consideration of the confidential report also on the agenda, to approve the draft Heads of Terms which will form the basis of the Lease, including a proposed capital receipt and annual revenue contribution.
- 1.2 To accept the commercial advice from the Council's valuers, NPS, that the draft Heads of Terms currently represent the best consideration to the Council, taking into account current market conditions.
- 1.3 To give delegated authority to the Executive Director Ian Vipond, in consultation with the Portfolio Holder for Regeneration and the Portfolio Holder for Business and Resources, to conclude the Heads of Terms substantially in accordance with the approved draft and complete negotiations on a Lease and associated documents.

2. Reasons for Decision(s)

- 2.1 Further to the recent development of a Vision for the Northern Gateway, the Council should now commence the phased delivery of the project.
- 2.2 The Lancasters are an established Colchester family company. It is for this reason that the headquarters of the operation has historically been based in the Borough. This letting will preserve existing jobs and lead to the creation of additional employment.
- 2.3 The land transaction will bring an important revenue stream to the Council together with an immediate capital payment.

3. Alternative Options

- 3.1 The Council could refuse to accept that the proposed Heads of Terms offer the Council the best possible consideration for this site, or agree that they fail to realise the Council's aspirations in respect of the Vision for the Northern Gateway, which would lead to Lancaster relocating from the Borough with a loss of 43 jobs. This will end the long association between the Lancaster family and Colchester.

- 3.2 The Council could seek to renegotiate terms with the prospective Leaseholder, or decide that the contributions to the Council's capital and revenue are not sufficiently desirable. The Council's agent, NPS has confirmed in a report attached to the confidential part of this item, that in their professional opinion, the financial terms proposed by Lancaster plc do represent the best consideration for the Council's asset, in current economic conditions
- 3.3 The Council could seek to sell the freehold rather than consider a leasehold deal. However, a leasehold sale will allow the Council to retain the freehold value plus it will receive an annual income from the site.
- 3.4 The Council could seek to retain this land until the broader development proposals at Northern Gateway have been progressed; however the opportunity to retain the Lancaster jobs will be lost and this scheme is in keeping with the Vision aspirations for the area..

4. Supporting Information

- 4.1 In April 2012 Lancaster plc approached the Council looking for a location on the Northern Gateway on which to locate their Toyota franchise.
- 4.2 Their lease expires on their current site in early 2013, and they are required to give up vacant possession. They have sought other replacement sites with Colchester without success. If they are unable to find a suitable alternative location within the Borough within the time available, they will have to relocate away from Colchester. If this is required, this will end a long term relationship between the Lancaster family and Colchester.
- 4.3 In addition, 43 jobs will immediately be lost to the Borough together with the prospect of missing out on the benefits of a further 15 jobs to be created in the next 2 years.
- 4.4 The proposed lease will create the first opportunity for the Council to benefit from the work that has been carried out to prepare the Northern Gateway for delivery.

5. Proposals

- 5.1 The Council proposes agreement to the draft Heads of Terms with Lancaster plc which will form the basis of final negotiations in respect of a long Lease to be granted.
- 5.2 The draft Heads of Terms are attached to the confidential section of this report

6. Strategic Plan References

- 6.1 This proposal will enable job retention and creation, while making a contribution to the Council's reserves of capital as well as future revenue streams
- 6.2 We are advised that the proposed scheme will be" BREEAM (Leading design and assessment method for sustainable buildings)Excellent, so making a significant contribution to the Council's sustainability aspirations at the Northern Gateway.

7. Consultation

- 7.1 Significant consultation was undertaken during the creation of the Northern Gateway Vision.

7.2 Whilst limited consultation has been carried out in respect of this proposed transaction, independent valuation advice has been enclosed within the confidential section of this report which demonstrates that the Council has achieved Best Value.

7.3 Future consultation over the proposed scheme will take place as part of the planning process.

8. Publicity Considerations

8.1 To date, no publicity has been carried out but the retention of jobs in Colchester is a positive step.

8.2 Further details will become public during the planning process.

8.3 The Council will include details of the scheme on the Regeneration pages of the Council's website, at the appropriate time

9. Financial implications

9.1 The detailed financial proposals associated with this proposed lease are enclosed in the confidential part of this report, together with the assessment of Best Value contained within the report from NPS.

10. Equality, Diversity and Human Rights implications

10.1 The Council has not sought to market the land but in accordance with the Land Disposals Act will be using its well being powers to treat with Lancaster.

10.2 This project does not present a change to existing policy nor the introduction of any new policies.

10.3 This project does not have any direct implications for the Council regarding the Human Rights Act

11. Community Safety Implications

11.1 None identified at this stage

12. Health and Safety Implications

12.1 None identified at this stage

13. Risk Management Implications

13.1 There is a significant risk that Lancaster plc will relocate both their Toyota franchise and their Head Office outside the Borough, if this proposal is rejected. This will result in 43 current jobs being lost to the Colchester, plus missing out on the future benefit of the creation of 15 new jobs.

13.2 In order to meet the high quality set down by the Northern Gateway Vision it is important that the building is designed in such a way to ensure the highest possible sustainability standards.

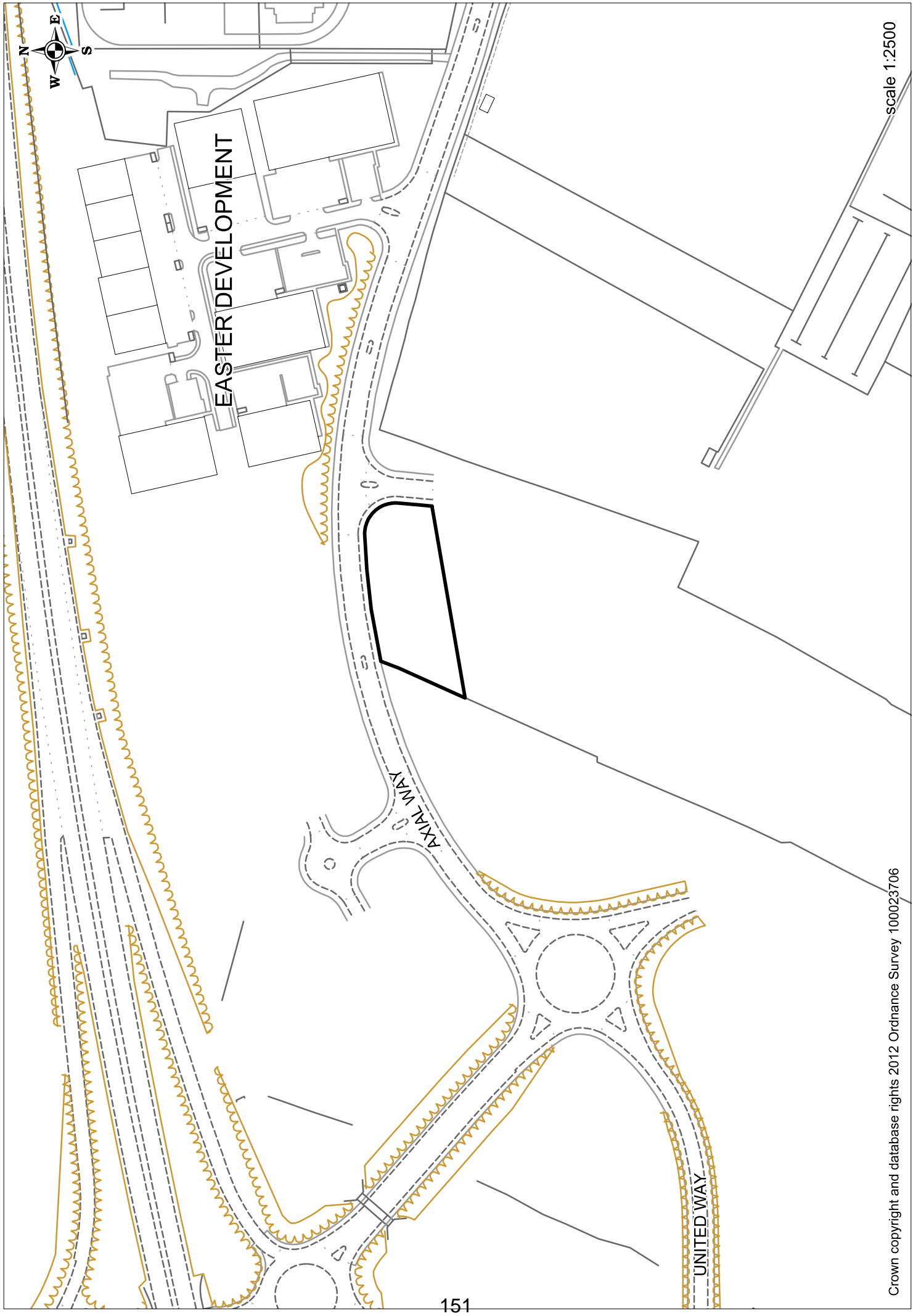
Background Papers

Site Plan

The proposed Heads of Terms and the Valuation Report from NPS (confidential).

Northern Gateway Vision link:

<http://www.colchester.gov.uk/article/5032/Map-and-area-overview>



EASTER DEVELOPMENT

AXAL WAY

UNITED WAY

Report of	Head of Resource Management	Author	Jackie Martin
Title	Procurement Strategy and supporting the local economy		
Wards affected	All Wards		
			508920

This report concerns how the Council utilises the procurement process to support the economic, social and environmental wellbeing of the local community.

1. Decision Required

- 1.1 To agree to amendments to the Council's procurement processes to introduce a requirement to consider appropriate and relevant measure to address local economic, social and environmental well-being when preparing future procurement activity, in advance of the likely requirements of the Public Services (Social Value) Act 2012 regulations.

2. Reasons for Decision

- 2.1 To promote the economic, social and environmental wellbeing of the local community.

3. Alternative Options

- 3.1 The alternative option would be to wait and respond to the Public Services (Social Value) Act 2012 regulations when they are introduced.

4. Supporting Information

The Current Procurement Process

- 4.1. The current officer delegations allow contracts of any value to be procured using the appropriate procurement process, where an approved budget exists. Contracts requiring a budget to be approved are the subject of a cabinet report. The procurement process and documentation requirements are governed by contract standing orders and procurement guidance.
- 4.2. The Council has obligations to promote the free movement of goods and services, the freedom to provide services and freedom of establishment. There is also secondary legislation in the form of directives notably the Public Sector Directive and the Remedies Directive both of which are implemented into UK law through the Public Contracts Regulation 2006. The EU rules are intended to ensure there is no discrimination favouring local or national suppliers and to open up a common EU market for public supply.

Public Services (Social Value) Act 2012

- 4.3 The Public Services (Social Value) Act 2012, (the Act) will apply to services contracts or services framework agreements as defined in the Act and the new requirements will need to be satisfied before the procurement process begins.
- 4.4 The Act will introduce a new duty to address and document, prior to commencing a procurement process:-
- i) how what is proposed to be procured might improve the economic, social and environmental well-being within the relevant area; and
 - ii) how, in conducting the process of procurement, the Council might act with a view to securing that improvement
- 4.5 The Act will operate alongside existing procurement law and does not amend it. There is an initial risk that the Act may need to be tested in the courts. Accordingly, a cautious approach is recommended in order to minimise the risk of a successful procurement challenge
- 4.6. The documentation should only consider matters that are relevant to what is proposed to be procured and, in doing so it must also consider the extent to which it is proportionate in all circumstances to take those matters into account. Any future cabinet report on contracts that falls within the Act will need to cover these points. When the Act comes into force, procurement procedures and guidance will be amended to acknowledge the above additional requirements.

Proposed Approach

- 4.7 It is proposed that the Council's procurement guidance is amended to include a requirement to consider appropriate and relevant measures to address local economic, social, environmental wellbeing and sustainability at the specification stage of future procurement activity.
- 4.8 In considering local wellbeing and sustainability for future procurement activity, the Council will need to have regard to the wider procurement obligations, particularly not to directly or indirectly favour UK suppliers or suppliers from a particular area.
- 4.9 The Council can fairly consider the use of lots, rather than awarding larger contracts that may inadvertently exclude smaller companies, community groups and social enterprises from successfully applying for particular contracts. In each case this would be balanced against contract management issues and associated risks
- 4.10 Currently, the Council uses a standard prequalifying questionnaire (PQQ) in order to select organisations that will be shortlisted to tender. The PQQ is a high level assessment of the financial and technical standing of an organisation. The PQQ can be adapted for each procurement exercise in order to ensure that only relevant and proportionate questions are asked.
- 4.11 Organisations do not tend to like PQQ'S that require a significant amount of resources to complete as there is no guarantee that they will be invited to tender. The use of bespoke PQQs should maximise interest, which could also lead to a greater interest from smaller companies, community groups and social enterprises.

- 4.12 PQQ'S can take into consideration wellbeing and sustainability considerations providing that they are relevant to the evaluation of an organisation and to what is actually being procured. The Council is entitled to award a contract based on the lowest price or on the basis of which tender is most economically advantageous and this must be stated in the notice and/or in the tender documents and should also detail how any evaluation method will be applied.
- 4.13 Generally speaking any tender process has to be fair, open and transparent and the new duty is unlikely to change existing procurement obligations. As procurement is covered by complex legislation it is recommended that internal legal advice is routinely sought in preparing for future procurement activity.

5. Summary of Proposals

5.1 Cabinet is requested to:

- Agree to amend the Council's procurement process and guidance to include a requirement to consider appropriate and relevant measures to address local economic, social, environmental wellbeing and sustainability at the specification stage of future procurement.
- Note the future new duties under the Public Services (Social Value) Act 2012 on the pre-procurement process.

6. Standard References

6.1 There are no specific references to the Strategic Plan; publicity or consultation considerations; or direct financial, equality, diversity, human rights, community safety; health, safety or risk management implications.

Background Papers

- Colchester Borough Council Procurement Strategy 2009 – 2012
- Public Services (Social Value) Act 2012

Report of	Head of Resource Management	Author	Hayley McGrath
Title	2011/12 Year End Review of Risk Management		
Wards affected	Not applicable		

This report concerns the Risk Management work undertaken for the period 1 April 2011 to 31 March 2012.

1. Decisions Required

- 1.1 Note the risk management work undertaken during 2011/12.
- 1.2 Note the current strategic risk register.
- 1.3 Approve the proposed risk management strategy for 2012/13 and refer it to full Council for inclusion in the Council's Policy Framework.

2. Reason for Decisions

- 2.1 Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.
- 2.2 During the year quarterly progress reports are presented to the Finance and Audit Scrutiny Panel detailing work undertaken and current issues. This report was presented to F.A.S.P. on 24 July 2012 where they approved it's referral to this meeting (see draft minute extract at Appendix 4).
- 2.3 The Risk Management Strategy is one of the key Corporate Governance documents that supports the Constitution of the Council and forms part of the Policy Framework. Accordingly any amendments have to be approved by full Council.

3. Key Messages

- The economy and cuts in public spending continue to have had a significant impact on the key risks during the year. The highest risk on the year end strategic register remains the potential impact of future central government decisions to reduce public funding, including that of the Council's partners.
- As well as having a direct effect on resources, cuts in public spending are also influencing non-financial risk areas, such as staff motivation, as a result of implementing required savings.
- The strategic risk register identifies actions to minimise risks. It is recognised that there are also external factors, such as changes in the borough economy, that the Council has less direct influence over however actions are identified to reduce the potential impact of these risks
- Risk Management principles continue to be reinforced and embedded in the organisation. The 2010/11 Annual Governance Report, issued by the Audit Commission in September 2011, stated that "Good systems, processes and controls are in place, including effective risk management systems". This is

demonstrated by the 2011/12 internal audit review which only raised one recommendation.

4. Supporting Information

- 4.1 The aim of the Council is to adopt best practices in the identification, evaluation, cost-effective control and monitoring of risks across all processes to ensure that risks are properly considered and reduced as far as practicable.
- 4.2 In broad terms risks are split into three categories:
- Strategic – those risks relating to the long term goals of the Council
 - Operational – risks related to the day-to-day operation of each individual service
 - Project – consideration of the risks relating to specific initiatives
- 4.3 Strategic risks are essentially those that threaten the long term goals of the Council and therefore are mainly based around meeting the objectives of the Strategic Plan. They may also represent developing issues that have the potential to fundamentally effect service provision, such as proposals to dramatically change the corporate assessment process. Strategic risks are owned by members of the Senior Management Team.
- 4.4 Operational risks are those that threaten the routine service delivery of the Council. Each service area has their own operational risk register that details the risks associated with providing the service. These registers are reported, in summary format, to the Senior Management Team and committee on an annual basis. High risks and the success in controlling them are reported to Senior Management Team on a quarterly basis, as these assist in the formulation of the strategic risk register.
- 4.5 Project risks are those that relate solely to the successful delivery of that specific project. They tend to be quantifiable issues, such as resource or time related, and constantly change and develop over the course of the project as each stage is completed. The lead on the project is responsible for ensuring that there is an appropriate risk register and high level issues are reported to the senior management team.

5. Summary of 2011/12

- 5.1 The requirement to raise the profile of the Council's anti-fraud and corruption processes was identified on the Annual Governance Statement for 2010/11. Therefore a significant focus for 2011/12 has been to work with the Monitoring Officer to revise the relevant policies and embed them throughout the organisation. This has included the creation of the Ethical Governance Framework, providing training sessions for all managers, developing access to information and the creation of an Ethical Governance Group. The group consists of relevant officers who have an input into the governance arrangements including the Monitoring Officer and the Audit Manager. The interim Director of Finance for CBH and the Independent chair of the Standards Committee also sit on the group. For the first time the Leader of the Council and the Chief Executive have issued an Ethical Governance Statement that sets out the Council's stance against fraud and corruption.
- 5.2 Work has been ongoing during the year to ensure that risk management processes continue to be embedded in the organisation. The Risk and Resilience Manager has attended at least one Group Management Team meeting for each service to discuss current risk issues and review their operational risk register. An information area has also been created on the Hub. This provides details of all the Council's risk management processes, including copies of the strategic risk register. It also provides templates and guidance to enable officers to review risks themselves.

- 5.3 There were no fundamental changes to the risk management function, or the processes used to identify and control risk, during 2011/12.
- 5.4 An audit of the risk management function was carried out in January 2012. Because it was a regularity audit there was no assurance rating given however there was only one level two recommendation raised. This related to the Risk and Resilience Manager checking the operational risk registers for accuracy.
- 5.5 The risk registers for the Joint Museum Service and the North Essex Parking Partnership both continue to be produced and reported to the joint committees.
- 5.6 The layout of the strategic risk register has been reformatted, from landscape to portrait, so that the action plan for each group of risks is clearly defined.

6. Strategic Risk Register

- 6.1 During 2011/12 the strategic risk register was reviewed by senior management every quarter and reported to the Finance and Audit Scrutiny Panel every six months. During April 2012 PMB carried out a fundamental review of the strategic risks and have approved the quarter 1 register for 2012/13, attached at appendix 1. These risks have been mapped onto a risk chart as shown at appendix 2.
- 6.2 The review has confirmed that the issues relating to the uncertainties around the economic climate and the impact that this is having on staff morale continue to be the highest risks.

7. Risk Management Strategy for 2012/13

- 7.1 The Council's current approach to managing risk was introduced in 2006/07. A requirement within the strategy, and also of the annual audit assessment, is to review the approach each year to ensure that it is still appropriate to the Council's needs.
- 7.2 Therefore a review has been undertaken and the strategy has been updated for 2012/13. The revised strategy is attached at appendix 3. There are no fundamental changes proposed to the risk process with amendments only to external review comments and the recognition of key partners and contractors in the risk management process

8. Proposals

- 8.1 To note and comment upon the Councils progress and performance in managing risk during 2011/12 and the current strategic register and endorse the submission of the revised Risk Management Strategy to full Council for inclusion in the Policy Framework.

9. Strategic Plan References

- 9.1 The strategic risk register reflects the objectives of the strategic plan and the actions have been set with due regard to the identified key strategic risks. Therefore the risk process supports the achievement of the strategic objectives.

10. Risk Management References

- 10.1 The failure to adequately identify and manage risks may have an effect on the ability of the Council to achieve its objectives and operate effectively.

11. Other Standard References

- 11.1 There are no direct Consultation, Publicity, Financial, Human Rights, Equality and Diversity, Community Safety or Health and Safety implications as a result of this report.

**Quarter1 2012/13
Colchester Borough Council – Corporate Strategic Risk Register
April 2012 – June 2012**

1. AMBITION								
Specific Risks		SCORE						Consequence
		Current			Previous			
		P	I	O	P	I	O	
1a	In a period of public sector resource reductions the ability to have ambition and to deliver on that ambition.	3	2	6				Major changes needed to the town of Colchester would not be delivered thus affecting the quality of life of its residents and businesses.
1b	Unrealistic internal and external expectations on the speed of delivery.	3	3	9				Major economic downturn in public sector resourcing over the next few years will hamper the speed of delivery across the services provided.
1c	The Council is unable to effectively influence changes in the Borough economy.	3	4	12	2	4	8	Poorer external assessments by independent agencies and loss of Council reputation.
1d	Over reliance on a limited number of people limits ability to deliver our ambition.	3	3	9	2	3	6	The Borough Council loses its status and influencing ability at sub-regional, regional and national levels.
1e	The resource implications of the UCC FSR are greater than anticipated.	2	4	8				The review does not achieve its full potential and anticipated improvements are not realised, resulting in Customers not receiving an improved level of service.

ACTION PLAN – AMBITION		
Action	Owner	Review
Constantly challenge the ambition shown by the Council and look for new and innovative ways of delivering that ambition.	Chief Executive / Executive Directors / Heads of Service	July 2012
To make the most of Information and Communication Technology; continue the process of Fundamental Service Reviews	Executive Management Team	July 2012
Continue internal assessment of service effectiveness and seek external assessments as appropriate for continuous improvement purposes.	Senior Management Team	July 2012
Consider longer term impacts of staffing reductions.	Senior Managers and Human Resources function	July 2012
There should a continual process of monitoring the resource requirements both during the review and during the implementation phase, and any variances reported formally as soon as they occur. Each key stage report should include an honest challenge of assumptions .	ED Customer Excellence	July 2012

2. CUSTOMERS								
Specific Risks		SCORE						Consequence
		Current			Previous			
		P	I	O	P	I	O	
2a	The increasing expectations of our customers, set alongside the financial challenges to service delivery, may pose some challenges to customer excellence, service and delivery and the reputation of the authority.	4	3	12	3	3	9	The Authority fails to deliver the high standards of service and delivery which our customers expect, especially in relation to self service and the reliance on IT capabilities.
2b	There is increasing expectation that the Council will step in to deliver services when other providers either fail or reduce service provision	4	3	12				The Council suffers from a loss of reputation as customers expectations are not met. There is increased demand on existing services leading to a reduction in standards of delivery

ACTION PLAN – CUSTOMERS

Action	Owner	Timing
A programme of engagement and consultation is put in place to ensure customers are able to inform service priorities and delivery	ED Customer Excellence	July 2012
Front line services need to ensure that customers are fully aware of the level of service that can be expected and details should be made available to sign post customers to other relevant organisations.	ED Customer Excellence	July 2012

3. PEOPLE									
Specific Risks		SCORE						Consequence	
		Current			Previous				
		P	I	O	P	I	O		
3a	Unable to update skills at a time when we need a changing skill set to deliver in a different economic climate	3	3	9				Decline in service performance	
3b	Failure to sustain adequate resource to support Training and Development because of the financial situation	3	3	9				Disengaged and demotivated staff	
3d	Failure to provide effective and visible political and managerial leadership.	3	3	9				Efficiency and productivity reduction	
3e	Staff motivation declines with impact of fundamental service reviews and implementation of other budget efficiencies	4	4	16				Inability to meet changing requirements and needs	
								Customer perceptions decline as we deliver less	
								Loss of key staff	

ACTION PLAN – PEOPLE		
Action	Owner	Timing
Ensure effective communications strategy around budget implications with staff	ED People & Performance	July 2012
Ensure people strategy is updated to reflect changing needs as appropriate	ED People & Performance	July 2012
Continue to recognise the importance of training and development budgets and use more innovative methods to keep skills up to date	ED People & Performance	July 2012
Ensure performance management process is effectively implemented and monitored to include development needs and plans	ED People & Performance	July 2012
Active promotion and use of Colchester Learning Managers programme and development to meet evolving needs	ED People & Performance	July 2012
Ensure outcomes of fundamental service reviews reflect training and development needs to support changes in services.	ED Customer Excellence	July 2012

4. HORIZON SCANNING

Specific Risks	SCORE						Consequence	
	Current			Previous				
	P	I	O	P	I	O		
4a	To continuously assess future challenges to ensure Council is fit for future purpose	2	4	8				If not properly managed then either the Council will lose the opportunity to develop further or will have enforced changes to service delivery.
4b	Not taking or creating opportunities to maximise the efficient delivery of services through shared provision, partnerships or commercial delivery	4	3	12				Adverse impact on local residents / resources. Missed opportunities to boost local economy.
4c	Failure by the Council to spot / influence at an early stage the direction of Central Government policies / new legislation.	3	3	9	2	3	6	Conflict between Council / Government agendas. Reduction in levels of service provision and potential withdrawal of services.
4d	Potential impact of future central government decisions to reduce public funding, including that of our partners	4	5	20	3	5	15	

ACTION PLAN – HORIZON SCANNING

Action	Owner	Timing
Ensure organisational readiness to respond to external challenges through the Way We Work programme strands: - People - Transformation - Customer Excellence - Leadership of Place	EMT	July 2012
Supported by a robust Medium term Financial strategy and organisational development strategy.	EMT	July 2012
Continuous review of strategies and policies to reflect changing context.	EMT	July 2012
The budget situation is under constant review, including the impact of decisions from central government. Additional actions and areas for spending reviews are being identified.	EMT	July 2012

5. PARTNERSHIPS										
Specific Risks		SCORE						Consequence		
		Current			Previous					
		P	I	O	P	I	O			
5a	Failure or inappropriate performance management of one or more strategic partnerships or key contracts E.g. Haven Gateway, Growth Cities Network, CAPITA, CBH	4	3	12						The cost of service delivery is increased however quality decreases. Failure to deliver key priorities. Reputational and financial loss by the Authority. Failure to deliver expected outcomes through partnerships
5b	Change of direction / policy within key partner organisations and they revise input / withdraw from projects.	4	3	12	3	3	9			Requirement to repay external funding granted to partnership – taking on the liabilities of the ‘withdrawn’ partner. External assessment of the Councils partnerships are critical and score poorly.
5c	Potential inability to agree shared outcomes/ agendas with partners and the Council’s ability to influence partner’s performance.	3	4	12	3	3	9			

ACTION PLAN – PARTNERSHIPS		
Action	Owner	Timing
Assess proposed strategic partnerships to ensure that they will satisfy the Council’s objectives before commitment to new partnerships is made.	EMT	July 2012
Define a relationship / performance management process for partnerships	ED People & Performance	July 2012
Ensure that there is a mechanism to review partnerships and assess the value added.	ED People & Performance ED Leadership of Place	July 2012

6. ASSETS & RESOURCES									
Specific Risks		SCORE						Consequence	
		Current			Previous				
		P	I	O	P	I	O		
6a	Failure to protect public funds and resources – ineffective probity / monitoring systems	3	4	12	2	4	8	Service delivery failure	Financial and reputational loss by the Authority
6b	Risk that Asset Management is not fully linked to strategic priorities and not supported by appropriate resources	3	4	12				Personal liability of Officers and Members.	Legal actions against the Council
6c	Inability to deliver the budget strategy in the current economic climate	3	4	12	3	5	15	Loss of stakeholder confidence in the Borough	Inability to sustain costs
6d	Failure to set aside sufficient capital funds for strategic priorities	3	4	12	3	2	6	Failure to deliver a balanced budget	Required to use Reserves & Resources to fund services and capital priorities
6e	Increased risk to ICT resilience with migration to new supplier and ever increasing demands around information security	2	5	10				Severe impact on cash-flow leading to negative effect on performance targets	

ACTION PLAN – ASSETS & RESOURCES		
Action	Owner	Timing
Ensure that there is a robust system of internal control that encompasses all assurance systems including Internal Audit, Risk Management, Budget process, Corporate Governance and performance management. This must be reported to senior officers and members on a regular basis to ensure that it is fully embedded	EMT / Head of Resource Management	There is cycle of reviewing and reporting including internal Audit, Risk management and the AGS Review July 2012
Continue to ensure that the budget monitoring process is reflective of finances across the whole Council not just individual service areas	Head of Resource Management	Regular reporting to PMB. & FASP. Review July 2012
Develop the annual budget strategy to ensure it has controls built in to be able to respond to changes in the strategic objectives and is innovative to reflect the current climate and emerging options	Head of Resource Management	Annual exercise. Council approves budget in Feb 2013
Review the medium term financial outlook and capital programme processes to ensure they are kept up to date and realistic	Head of Resource Management	MTFS is part of the budget strategy & considered during the process. Capital programme reported to FASP quarterly Review January
Regular reviews with new ICT supplier Ensure IT policies comply with information security requirements and that staff are aware of the correct procedures.	ED People & Performance	From beginning of new contract and ongoing

SCORE DEFINITIONS	1 Very Low	2 Low	3 Medium	4 High	5 Very High
Impact	Insignificant effect on delivery of services or achievement of Strategic Vision & Corporate Objectives.	Minor interruption to service delivery or minimal effect on Corporate Objectives.	Moderate interruption to overall service delivery/effect on Corporate Objectives or failure of an individual service.	Major interruption to overall service delivery or severe effect on Corporate Objectives.	Inability to provide services or failure to meet Corporate Objectives
Probability	10% May happen – unlikely	10 -25% Possible	26 – 50% Could easily happen	51 – 75% Very likely to happen	Over 75% Consider as certain

KEY OPERATIONAL RISKS – For Information

SERVICE	RISK	CONSEQUENCE	CONTROLS	RESPONSIBILITY
Corporate Management	Loss of all Land Charges income	<ul style="list-style-type: none"> Financial loss to the Council Guidance required by Govt 	<ul style="list-style-type: none"> Ensure income streams are maximised as much as possible and action taken to re-engineer service through a mini review. Reduce costs where possible to mitigate impact of loss of income. 	Legal Services Manager and Land Charges Manager
Corporate Management	FSR – Capacity issues of business partners / HR Service Centre and challenges of ICT capacity.	<ul style="list-style-type: none"> Inability to effectively provide strategic and HR transactional support to the FSRs. ICT solutions identified in FSRs cannot be achieved in the required timescales. 	<ul style="list-style-type: none"> FR to be a core objective for Business Partners and prioritised and planned accordingly. Dedicated resource to support consultation and assessment processes for Rev and Bens and Street Services identified to be paid for by services. ICT solutions to be fully scoped and business cases to be completed. 	Strategic HR Manager ICT Manager
Corporate Management	Lack of Project Mgt principles in procuring software in services	<ul style="list-style-type: none"> Lack of joined up approach and continued purchase of systems that do not match or integrate effectively with corporate systems 	<ul style="list-style-type: none"> ICT Strategy to include new approach to project mgt and new controls going forward. Business partner approach with more contact and awareness of activities in services in relation to systems and requirements. 	ICT Manager
Enviro & Protect Servs	Reduction in investment in services	<ul style="list-style-type: none"> Cuts in service provision, negative impact on image / reputation. 	<ul style="list-style-type: none"> Financial planning and reporting to Members / CMT / SMT Ensure services meet community needs and Strategic Plan objectives Measure to Increase on external income 	Head of EPS
Enviro & Protect Servs	Income targets not met	<ul style="list-style-type: none"> EPS generates a net income to the Council, supporting other services therefore a decrease in income has a detrimental effect on all services. 	<ul style="list-style-type: none"> Regular monitoring in use and income. Ensure that the business case for increasing capacity is agreed and implemented. 	Head of EPS
Life Opportunities	Inadequacy of Repairs and Renewals provision.	<ul style="list-style-type: none"> Reduction or closure of services due to failure of plant, equipment or infrastructure. 	<ul style="list-style-type: none"> Funding programmes presented during budget setting process. 	Head of Life Opportunities
Life Opportunities	Impact of national downturn in the economy and housing market (due to the 'credit crunch') on the community.	<ul style="list-style-type: none"> Changes to housing benefit legislation. 	<ul style="list-style-type: none"> Ensure that money advice and debt counselling via CAB and County Court desk for possession hearings via Shelter continues to be available. Investigate the possibility of introducing a mortgage rescue package. 	Head of Life Opportunities

SERVICE	RISK	CONSEQUENCE	CONTROLS	RESPONSIBILITY
Resource Management	Loss of key members of staff	<ul style="list-style-type: none"> Lack of expertise Impact on service provision Impact on other staff 	<ul style="list-style-type: none"> Identification of key staff and roles Succession planning Documented procedures Establishment of training for customer focused, vulnerable service and roles 	Head of Resource management & HRBP
Strategic Policy & Regeneration	Lack of focus on governance issues	<ul style="list-style-type: none"> Poorly informed business processes Lack of focus on critical issues 	<ul style="list-style-type: none"> Clear information and expectations are required as part of the management process. SSP to allow focus on priorities FSR to tackle process in Housing Project management in regen 	Head of SPR
Street Services	Effect of implementing FSR changes, including new technology and working procedures.	<ul style="list-style-type: none"> Temporary decrease in service delivery quality. Personal impact on staff wellbeing. Increased costs in short term. 	<ul style="list-style-type: none"> Ensure that there is a detailed implementation plan Develop monitoring procedures 	Head of Street Services
Street Services	Car park income targets not met	<ul style="list-style-type: none"> 10% shortfall in takings equates to over £400k reduction in income that supports other services. 	<ul style="list-style-type: none"> Regular monitoring in use and income. 	Parking Services Manager.

RISK MATRIX QTR 1 2012/13

Low Risks	Medium Risks	High Risks
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Scoring 1-5

Risk Tolerance Line

Probability of Occurrence	5 Very High					
	4 High			2a 2b 4b 5a 5b	3e	4d
	3 Medium		1a	1b 1d 3a 3b 3d 4c	1c 5c 6a 6b 6c 6d	
	2 Low				1e 4a	6e
	1 Very Low					
		1 Very Low	2 Low	3 Medium	4 High	5 Very high
Severity of Impact						

RISK MANAGEMENT STRATEGY

This document outlines the Council's commitment to managing risk in an effective and appropriate manner. It is intended to be used as the framework for delivery of the Risk Management function and provides guidance on developing risk management as a routine process for all services.

INTRODUCTION

The Council undertakes that this strategy will ensure that:

1. The management of risk is linked to performance improvement and the achievement of the Council's strategic objectives.
2. Members and the Senior Management Team own, lead and support on risk management.
3. Ownership and accountability are clearly assigned for the management of risks throughout the Council.
4. There is a commitment to embedding risk management into the Council's culture and organisational processes at all levels including strategic, programme, project and operational
5. All members and officers acknowledge and embrace the importance of risk management as a process, by which key risks and opportunities are identified, evaluated, managed and contribute towards good corporate governance.
6. Effective monitoring and reporting mechanisms are in place to continuously review the Council's exposure to, and management of, risks and opportunities.
7. Best practice systems for managing risk are used throughout the Council, including mechanisms for monitoring and reviewing effectiveness against agreed standards and targets.
8. Accountability to stakeholders is fully demonstrated through periodic progress reports and an annual statement on the effectiveness of and the added value (benefits) from the Council's risk management strategy, framework and processes.
9. The Council's approach is regularly assessed by an external, independent body against other public sector organisations, national standards and Best Practice.
10. The Risk Management Strategy is reviewed and updated annually in line with the Council's developing needs and requirements.

Endorsement by Adrian Pritchard, Chief Executive

“Colchester Borough Council is committed to ensuring that risks to the effective delivery of its services and achievement of its overall objectives are properly and adequately controlled. It is recognised that effective management of risk will enable the Council to maximise its opportunities and enhance the value of services it provides to the community. Colchester Borough Council expects all officers and members to have due regard for risk when carrying out their duties.”

A handwritten signature in black ink that reads "A. R. Pritchard." The signature is written in a cursive style with a long, sweeping underline.**WHAT IS RISK MANAGEMENT**

Risk Management is the control of business risks in a manner consistent with the principles of economy, efficiency and effectiveness. It is an essential performance management process to ensure that both the long and short term objectives of the Council are achieved and that opportunities are fully maximised.

Risk Management is not about eliminating risk, as this would limit the ability of the organisation to develop and deliver its ambitions. Its purpose is to recognise the issues that could effect the achievement of our objectives and develop actions to control or reduce those risks. Acknowledgement of potential problems and preparing for them is an essential element to successfully delivering any service or project. Good management of risk will enable the Council to rapidly respond to change and develop innovative responses to challenges and opportunities.

‘The Good Governance Standard for Public Services’ issued by The Independent Commission on Good Governance in Public Services states that there are six core principles of good governance including ‘Taking informed, transparent decisions and managing risk’. The document goes on to state ‘Risk management is important to the successful delivery of public services. An effective risk management system identifies and assesses risks, decides on appropriate responses and then provides assurance that the chosen responses are effective’.

BACKGROUND

A process for managing risks was first adopted by the Council in 2003 and since then has been developed to ensure that it continues to be an effective management system. This strategy defines Colchester Borough Council's definition of risk and the processes to be followed.

In broad terms risks are split into three categories:

- Strategic – those risks relating to the long term goals of the Council
- Operational – risks related to the day-to-day operation of each individual service
- Project – consideration of the risks occurring as a result of the Council's involvement in specific initiatives

The following are some of the practical ways that risks are managed and how effectiveness is measured.:

- Creation of an overall strategic register.
- Creation of operational risk registers for all service areas.
- Consideration of risk in Committee reports.
- Development of a comprehensive risk register for the regeneration programme and consideration of risk as a project management tool.
- Successful internal and external assessment.
- Provision of advice to other authorities regarding our management of risk.

The Audit Commission, in their 2010/11 Annual Governance Report stated that the Council has "Good systems, processes and controls in place, including effective risk management systems".

This is an endorsement that we have devised a practical and workable approach to managing risk. This has resulted in the Council becoming more risk aware and actually taking more risks, as demonstrated by the comprehensive risk register for the regeneration projects. Colchester is also highly regarded for managing risk by both our insurers and other authorities.

The 2010/11 internal audit of risk management gave a substantial assurance opinion. Some recommendations were raised during this audit and these mainly related to how the information was shown on the risk registers.

OWNERSHIP

The responsibility to manage risk rests with every member and officer of the Council however it is essential that there is a clearly defined structure for the co-ordination and review of risk information and ownership of the process.

Appendix D is from the CIPFA/SOLACE risk management guide, Chance or Choice. It is a generic map of responsibility for each part of the risk management process.

The following defines the responsibility for the risk management process at Colchester:

Cabinet – Overall ownership of the risk management process and endorsement of the strategic direction of risk management.

Portfolio Holder for Business & Resources – Lead member for the risk management process

Finance & Audit Scrutiny Panel (FASP) – Responsible for reviewing the effectiveness of the risk management process and reporting critical items to cabinet as necessary.

Performance Management Board (PMB) – Ownership of the strategic risks and overview of the operational risks. Actively support the Risk Management Strategy and framework.

Executive Director – People & Performance – Lead officer for the risk management process, demonstrating commitment to manage risk

Head Of Resource Management – Responsible for co-ordination of the risk management process, co-ordinating and preparing reports and providing advice and support.

Heads of Service – Ownership, control and reporting of their service's operational risks. Contribute to the development of a risk management culture in their teams.

All Employees – To understand and to take ownership of the need to identify, assess, and help manage risk in their individual areas of responsibility. Bringing to the management's attention at the earliest opportunity details of any emerging risks that may adversely impact on service delivery.

Internal Audit, External Audit and other Review Bodies – Annual review and report on the Council's arrangements for managing risk throughout the Council, having regard to statutory requirements and best practice. Assurance on the effectiveness of risk management and the control environment.

AIMS & OBJECTIVES

The aim of the Council is to adopt best practices in the identification, evaluation, cost-effective control and monitoring of risks across all processes to ensure that risks are properly considered and reduced as far as practicable.

The risk management objectives of Colchester Borough Council are to:

- Integrate risk management into the culture of the Council
- Ensure that there are strong and identifiable links between managing risk and all other management and performance processes.
- Manage risk in accordance with best practice
- Anticipate and respond to changing social, environmental and legislative requirements
- Prevent injury, damage and losses and reduce the cost of risk
- Raise awareness of the need for risk management by all those connected with the Council's delivery of services.
- Ensure that opportunities are properly maximised through the control of risk.
- Reduce duplication between services in managing overlapping risks and promote 'best practise'.

Risk Management forms an important part of the Council's system of Internal Control. Previously the Audit Commission assessed the function as operating at level 3 as part of their 'Use of Resources' review.. However, the Use of Resources assessment is no longer carried out but the criteria laid down for each assessment level , set out in Appendix C, still provides a robust framework for delivering an effective service.

STRATEGIC RISK MANAGEMENT

Strategic risks are essentially those that threaten the long term goals of the Council and therefore are mainly based around meeting the objectives of the Strategic Plan. They may also represent developing issues that have the potential to fundamentally effect service provision, such as proposals to dramatically change the corporate assessment process.

Strategic risks will be controlled using a register that will detail the risks and associated controls. The register will be owned by the Senior Management Team, with ownership for risks being assigned to individual officers, and will be reviewed every quarter. The strategic risks will be reported to F.A.S.P. every quarter.

OPERATIONAL RISK MANAGEMENT

Operational risks are those that threaten the routine service delivery of the Council. Each service area will have their own operational risk register that details the risks associated with providing the service. These registers will be reported, in summary format, to the Senior Management Team and committee on an annual basis. High risks and the success in controlling them will be reported to Senior Management Team on a quarterly basis, as these will help in the formulation of the strategic risk register.

LINKS

It is essential that risk management does not operate in isolation to other management processes. To fully embed a risk management culture it has to be demonstrated that risk is considered and influences all decisions that the Council makes. It is essential that there is a defined link between the results of managing risk and the following:

- The Strategic Plan
- Service Plans
- Revenue and Capital Budgets
- Annual Internal Audit Plan

ACTION REQUIRED

The following actions will be implemented to achieve the objectives set out above:

- Considering risk management as part of the Council's strategic planning and corporate governance arrangements.
- Ensuring that the responsibility for risk management is clearly and appropriately allocated
- Maintaining documented procedures for managing risk
- Maintaining a corporate approach to identify and prioritise key services and key risks across the Council and assess risks on key projects.
- Maintain a corporate mechanism to evaluate these key risks and determine if they are being adequately managed and financed.
- Establish a procedure for ensuring that there is a cohesive approach to linking the risks to other management processes
- Including risk management considerations in all committee reports
- Providing risk management awareness training to both members and officers.
- Developing risk management performance indicators.
- Establishing a reporting system which will provide assurance on how well the Council is managing its key risks and ensures that the appropriate Members and officers are fully briefed on risk issues.
- Preparing contingency plans in areas where there is a potential for an occurrence to have a significant effect on the Council and its business capability.
- Regularly reviewing the risk process to ensure that it complies with current national Governance Standards and Best Practice.
- Developing risk management links with key partners and contractors, to ensure that principles are adopted in all areas of service delivery.
- Creation of an annual 'Action Plan' that details particular areas of development for the coming year, including details of the value added and how they will be embedded.

REVIEW

To ensure that the risk management process is effective it will need to be measured and reported to P.M.B., F.A.S.P. & Cabinet. As well as a structured reporting process of risks and controls during the year there will need to be an annual review demonstrating the success of the following:

- The inclusion of risk management principles within Service Plans and budgets.
- The development of the Internal Audit plan based on the risk issues.
- Achievement against identified performance indicators.
- Members consistently ensuring managing risk is considered as part of the decision making processes within the Council.
- Service managers making recommendations that regard risk as an opportunity as well as a threat .
- Risk management principles being considered in service reviews, for example in areas such as options for change and service improvements.
- Changes in risk being independently identified and assessed by Service Managers
- Compliance with the use of resources criteria and self assessment requirements.

Suitable opportunities to benchmark the risk management service against other organisations should also be explored to ensure that it is effective and the work carried out by the Council conforms to best practise.

The four appendices attached give greater detail of key issues:

Appendix 1 – Outline of the risk management process

Appendix 2 – Details of how Risk Management will be reported.

Appendix 3 – The 2007 Use of Resources Criteria for Risk Management

Appendix 4 – CIPFA guidance on Risk Management Responsibilities

APPENDIX A

The Risk Management Process

Risk Management is a continual process of identifying risks, evaluating their potential consequences and determining the most effective methods of controlling them and / or responding to them. The risks faced by the Council are constantly changing and the continual process of monitoring risks should ensure that we can respond to the new challenges. This process is referred to as the risk management cycle.

Stage 1 – Risk Identification

Identifying and understanding the hazards and risks facing the council is crucial if informed decisions are to be made about policies or service delivery methods. There is detailed guidance available on how to identify risks which includes team sessions and individual knowledge. Once identified a risk should be reported to the Head of Service who will consider its inclusion on the relevant risk register. If the risk is identified in between register reviews then it is reported to the Risk & Resilience Manager for information and the Head of Service is responsible for managing the risk.

Stage 2 – Risk Analysis

Once risks have been identified they need to be systematically and accurately assessed. If a risk is seen to be unacceptable, then steps need to be taken to control or respond to it.

Stage 3 – Risk Control

Risk control is the process of taking action to minimise the likelihood of the risk event occurring and / or reducing the severity of the consequences should it occur.

Stage 4 – Risk Monitoring

The risk management process does not finish with the risk control procedures in place. Their effectiveness in controlling risk must be monitored and reviewed. It is also important to assess whether the nature of the risk has changed over time.

APPENDIX B

Reporting

No matter how good the process to identify and control risks is, it will not be effective unless the information gained from it is reported and used to influence other management issues / processes. Therefore it is essential that there is a defined process and timetable for reporting the results of the risk management process to both members and officers.

Types of Report

- The strategic risk register needs to be reviewed on a quarterly basis by P.M.B.
- Six monthly review of the operational risk registers and a summary report of these reviews to P.M.B.
- A six monthly report needs to be provided to Committee (F.A.S.P.) detailing the current strategic and high level operational risks and the progress made in controlling them.
- An annual report reviewing Risk Management activity and an action plan for the coming year - taking into account changes in methodology and results of internal and external reviews. Going to P.M.B., FASP and Cabinet. This needs to cover all of the three areas of risk
- Ad-hoc reports need to be provided to P.M.B. when new, significant risk issues arise.

The reports can be summarised as follows:

	Service's	P.M.B.	F.A.S.P.	Cabinet
Quarterly		Review of strategic risk register		
6 Monthly	Review of operational risk register	Summary of operational review from services	Progress report of strategic & high level operational risks	
Yearly		Scrutiny of annual progress report to cttee on R.M. & action plan for coming year.	Endorsement of annual progress report on R.M. & action plan for coming year	Summary of past years work on R.M. and agreement of action plan for the coming year.

Appendix C

Audit Commission Key Line of Enquiry Criteria

4. INTERNAL CONTROL How well does the council's internal control environment enable it to manage its significant business risks?		
Key line of enquiry 4.1 The council manages its significant business risks		
Audit Focus Evidence that: the council has a risk management process in place the risk management system covers partnership working		
Criteria for Judgement		
Level 2	Level 3	Level 4
<p>* The council has adopted a risk management strategy/policy that has been approved by members.</p> <p>* The risk management strategy/policy requires the council to:</p> <ul style="list-style-type: none"> • identify corporate and operational risks • assess the risks for likelihood and impact • identify mitigating controls • allocate responsibility for the mitigating controls. <p>* The council maintains and reviews a register of its corporate business risks linking them to strategic business objectives and assigns named individuals to lead on the actions identified to mitigate each risk.</p> <p>* Member responsibility for corporate risk management is identified in the terms of reference of one or more committees as appropriate.</p> <p>* Reports to support strategic policy decisions, and project initiation documents, include a risk assessment.</p>	<p style="text-align: center;">1.1.2</p> <p>* The risk management process is reviewed and updated at least annually.</p> <p>* The risk management process specifically considers risks in relation to significant partnerships and provides for assurances to be obtained about the management of those risks.</p> <p>* All appropriate staff are given relevant training and guidance to enable them to take responsibility for managing risk within their own working environment.</p> <p>* The members with specific responsibility for risk management have received risk management awareness training.</p> <p>* Members with responsibility for corporate risk management receive reports on a regular basis and take appropriate action to ensure that corporate business risks are being identified and effectively managed, including reporting to full council as appropriate.</p>	<p>* A senior officer and member jointly champion and take responsibility for embedding risk management throughout the council.</p> <p>* The council can demonstrate that it has embedded risk management in its business processes, including:</p> <ul style="list-style-type: none"> • strategic planning • financial planning • policy making and review • performance management <p>* All members receive risk management awareness training appropriate to their needs and responsibilities</p> <p>* The council considers the opportunity side of innovative and challenging projects.</p> <p>* Reports to support strategic policy decisions, and initiation documents for all major projects, require a risk assessment including sustainability impact appraisal.</p>

Appendix D Risk Management Responsibilities – CIPFA / SOLACE Guidance

	Framework, Strategy and Process	Identifying risk	Analysing Risk	Profiling risk	Prioritising action based on risk appetite	Determining action on risk	Controlling risk	Monitoring & Reporting	Reporting to external stakeholders.
Members	Agreeing the Framework, Strategy and Process Determined by Officers	Identifying risk	Analysing Risk	Profiling Risk	Determining the risk appetite and prioritising risk. Agreeing the priorities determined by officers			Reviewing the effectiveness of the risk management process.	Reporting to external stakeholders on the framework, strategy, process and effectiveness .
Risk Management Team	Providing advice And support to the executive Management Team and Members	Providing advice and support.	Providing Advice and support	Providing advice and support	Providing advice and support			Co-ordinating the results for reporting to the corporate management team and members	
Senior Management Team	Determining the framework, Strategy and Process	Identifying strategic and cross-cutting issues	Analysing Strategic and cross-cutting issues.	Profiling strategic and cross-cutting issues.	Determining the risk appetite and prioritising strategic and cross-cutting issues	Determining action on strategic and cross-cutting issues. Delegating responsibility for control.		Monitoring progress on managing strategic and cross-cutting risks and reviewing the implementation of the risk management framework, strategy and process. Reporting to members.	Reporting to external stakeholders on the framework, strategy, process and effectiveness.
Head of Resource Management	Providing Advice and Support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Co-ordinating the results for reporting to the executive management team and members	Preparing draft reports for the corporate management team and members to issue.
Service Managers / G.M.T'ss		Identifying service Risks	Analysing Service risks.	Profiling service risks.	Prioritising action on service risks.	Determining action on service risks. Delegating responsibility for control.		Monitoring progress on managing service risks. Reporting to the group management team	
Employees, contractors And partners		Maintaining awareness of risks and feeding these into the formal process.	Maintaining awareness impact of risks and feeding information into the processes				Controlling risk in their jobs.	Monitoring progress on Managing job related risks Reporting to the service manager.	

Extract from the minutes of the meeting of the Finance and Audit Scrutiny Panel 24 July 2012

11. 2011/12 Year End Review of Risk Management

Ms. Hayley McGrath, Risk and Resilience Manager, presented the 2011/12 Year End Review of Risk Management that forms part of the Council's policy framework.

The key messages within the report was that the economy and cuts in public spending continue to have had a significant impact on the key risks during the year and the highest risk on the year end strategic register remains the potential impact of future central government decisions to reduce public funding, including that of the Council's partners. As well as having a direct effect on resources, cuts in public spending are also influencing non-financial risk areas, such as staff motivation, as a result of implementing required savings.

Ms. McGrath said that in summary for 2011/12, the requirement to raise the profile of the Council's anti-fraud and corruption processes was identified on the Annual Governance Statement for 2010/11, and therefore a significant focus for 2011/12 has been to work with the Monitoring Officer to revise the relevant policies and embed risk management processes throughout the organisation. The Risk and Resilience Manager has attended at least one Group Management Team meeting for each service to discuss current risk issues and review their operational risk register, and the risk registers for the Joint Museum Service and the North Essex Parking Partnership both continue to be produced and reported to the respective joint committees.

Ms. McGrath confirmed that during 2011/12 the Strategic Risk Register had been reviewed and changed, with one risk removed and two risks added, one of these being 6e, the increased risk to ICT resilience with migration to new supplier and ever increasing demands around information security. Mrs. Hedges said there remain actions around this and all other risks, and would not anticipate this situation changing. For the risks associated with ICT resilience, the risks may have reduced due to the new IT provider being in-place and forging a solid relationship with the Council, but it has to be recognised that this still remains a high risk due to the fundamental impact that a system closure would have on all users. It was confirmed to Councillor Greenhill that the Council was looking to the IT supplier to build risk into the resilience arrangements.

RESOLVED that the Panel considered and noted the risk management work undertaken during 2011/12, the current strategic risk register, and the proposed risk management strategy for 2012/13, and endorsed the submission of this report to Cabinet.



Cabinet

Item
11i

5 September 2012

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Local Government Ombudsman – Annual Review 2011/2012		
Wards affected	Not applicable		

This report request the Cabinet to note the Local Government Ombudsman’s Annual Review for 2011/2012

1. Decision Required

- 1.1 To note the contents of the Local Government Ombudsman’s Annual Review for 2011/2012.

2. Reasons for Decision(s)

- 2.1 To inform the Cabinet of the number and type of decisions made by the Local Government Ombudsman in relation to Colchester during 2011/2012.

3. Alternative Options

- 3.1 No alternative options are presented.

4. Supporting Information

- 4.1 The Local Government Ombudsman issues an Annual Review to each local authority. The Annual Review for Colchester for the year ending 31 March 2012 is attached to this report at Appendix 1. The information provided is divided between the Advice Team, which deals with initial assessments of enquiries and/or complaints and the Investigative Team which actually investigates complaints.
- 4.2 It is worth noting that anyone can choose to make a complaint to the Local Government Ombudsman. Accordingly, the number of complaints is not an indicator of performance or level of customer service. In most instances there was no case to answer. The Local Government Ombudsman will normally insist that the Council has the opportunity to resolve the complaint locally through its own complaints procedure before commencing its own investigation.
- 4.3 The Standards Committee has an overview of Local Government Ombudsman investigations and the contents of the Annual Review will be reported to the Committee in due course.

5. Key Headlines

- 5.1 There were no findings of maladministration against the Council and no formal reports were issued.

- 5.2 Last year 28 enquires were received by the Advice Team a 52% decrease from the 54 received in the previous year. Of these 12 were classed as premature complaints and referred back to the Council to be considered through its own complaints procedure. A further 7 enquiries were dealt with by the Ombudsman providing advice and the remaining 9 were referred to the Investigative Team for consideration.
- 5.3 The main subject areas covered by the Advice Team which had a decrease in numbers was Planning and Development which saw a reduction to 11, a 58% decrease from the 19 received in the previous year. Of the total figure for Planning and Development 6 cases were referred for investigation. In addition there was a reduction in numbers regarding Benefits and Tax to 1, a 99% decrease from the 10 received in the previous year.
- 5.4 The Investigative Team decided 11 complaints against the Council which is a 48% decrease from the 23 decided in the previous year. One local settlement was agreed (where the Council agreed to take action which the Ombudsman considered was a satisfactory response to a complaint) which is a decrease from the previous years total of 6. The Council did not pay any compensation during the year.
- 5.5 The Council's average response time to the Ombudsman's written first enquiries was 27.0 days which is an improvement from the previous year's figure of 29.6 days. The Ombudsman's target was previously 28 days although they no longer monitor this.
- 5.6 During the past year we took the opportunity to provide a training session for services which was delivered by an assistant ombudsman. The session was well received and provided beneficial advice to services on dealing with complaints.
- 5.7 From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman. The Local Government Ombudsman has stated that they will work with the Independent Housing Ombudsman to ensure a smooth transition.

6. Financial Considerations

- 6.1 No direct implications other than mentioned in this report.

7. Strategic Plan References

- 7.1 The lessons learnt from complaints to the Ombudsman link in with our Customer Excellence element of the Strategic Plan by constantly learning and putting lessons learnt into practice. This will in turn lead to improved customer service as we continue to meet and exceed our customers' expectations

8. Equality, Diversity and Human Rights Implications

- 8.1 No direct implications.

9. Publicity Considerations

- 9.1 Details of the Annual Review will be posted on the Council's website.

10. Consultation Implications

- 10.1 No direct implications.

11. Community Safety Implications

11.1 No direct implications.

12. Health and Safety Implications

12.1 No direct implications.

13. Risk Management Implications

13.1 No direct implications.

Appendix 1: Local Authority Report -Colchester BC

For the period ending - 31/03/2012

(Figures in brackets for the period ending 31/03/2011)

LGO Advice Team

Enquiries and complaints received	Adult care services	Benefits & Tax	Corporate and other services	Education & Children's services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Advice given	0 (0)	0 (1)	0 (1)	0 (2)	4 (1)	1 (0)	1 (1)	0 (1)	1 (0)	7 (7)
Formal/informal premature complaints	0 (0)	0 (6)	0 (0)	0 (0)	1 (1)	1 (0)	6 (4)	0 (0)	4 (12)	12 (23)
Forwarded to investigative team (resubmitted)	0 (0)	0 (1)	0 (0)	0 (0)	0 (2)	1 (1)	0 (0)	0 (0)	3 (2)	3 (6)
Forwarded to investigative team (new)	1 (0)	1 (2)	0 (1)	0 (0)	0 (0)	0 (4)	1 (5)	0 (1)	3 (5)	6 (18)
Total	1 (0)	1 (10)	0 (2)	0 (2)	5 (4)	2 (5)	8 (10)	0 (2)	11 (19)	28 (54)

Investigative Team

Decisions	Reports: Maladministration and injustice	Local Settlements (no report)	Reports Maladministration No injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman Discretion (no report)	Outside Jurisdiction	Total
2011/ 2012	0	1	0	0	6	0	4	11
2010 / 2011	0	6	0	0	13	4	0	23

Appendix 1: Local Authority Report -Colchester BC

For the period ending - 31/03/2012

Average local authority response times 01/04/2010 to 31/03/2011

Response times	First enquires	
	Number of first enquires	Average number of days to respond
2011/2012	5	27.0
2010 / 2011	12	29.6
2009 / 2010	11	29.3

Types of authority	<= 28 days %	29 -35 days %	> = 36 days %
District Councils	65	23	12
Unitary Authorities	59	28	13
Metropolitan Authorities	64	19	17
County Councils	66	17	17
London Boroughs	64	30	6
National Parks Authorities	75	25	0

Agenda Item 11(ii)

PETITIONS, PUBLIC STATEMENTS, QUESTIONS

(i) Have Your Say speakers

Date of Meeting	Details of Member of the Public	Subject Matter	Form of Response	Date Completed
Cabinet, 4 July 2012	Bobby Hunt	Joyce Brooks House	Verbal response provided by the Portfolio Holder for Housing at Cabinet meeting, written response sent by the Portfolio Holder for Housing on 2 August 2012	2 August 2012
Cabinet, 4 July 2012	Norman Bailey	Joyce Brooks House	Verbal response provided by the Portfolio Holder for Housing at Cabinet meeting, written response sent by the Portfolio Holder for Housing on 19 July 2012	19 July 2012
Cabinet, 4 July 2012	Andy Abbott	Joyce Brooks House	Verbal response provided by the Portfolio Holder for Housing at Cabinet meeting, written response sent by the Portfolio Holder for Housing on 26 July 2012	26 July 2012
Cabinet, 4 July 2012	Tim Oxtan	Plans for the new bus station	Verbal response given at the meeting by the Leader of the Council and Portfolio Holder for Strategy and the Portfolio Holder for Renaissance	4 July 2012
Cabinet, 4 July 2012	Andy Hamilton	The walled green at the corner of Sussex Road and Lexden Road	Verbal response given at the meeting by the Leader of the Council and the Portfolio Holder for Strategy	4 July 2012

Cabinet, 4 July 2012	Nick Chilvers	Provision and staffing at toilet facilities in the new bus station and the town centre generally	Verbal response given at the meeting by the Portfolio Holder for Street and Waste Services and written response sent by the Portfolio Holder for Street and Waste Services on 3 August 2012.	3 August 2012
Council, 18 July 2012	Andy Abbott	Joyce Brooks House	Statement read by the Leader of the Council and Portfolio Holder for Strategy	18 July 2012
Council, 18 July 2012	Norman Bailey	Joyce Brooks House	Statement read by the Leader of the Council and Portfolio Holder for Strategy	18 July 2012
Council, 18 July 2012	Nick Chilvers	Safety issues in respect of the new bus station	Verbal response given at the meeting by the Portfolio Holder for Renaissance	18 July 2012

(ii) Petitions

Date petition received	Lead Petitioner	Subject Matter	Form of Response	Date Completed
21 March 2012	Owen Bartholomew	Reopening and cleaning of toilets next to Greenstead library	Response sent by Head of Street Services on 9 August 2012	9 August 2012

