

MEETING: CABINET MEMBER - REGENERATION  
DATE: Wednesday 16 February 2011  
TIME: 10.00 am  
VENUE: Town Hall, Bootle (this meeting will be video conferenced to the Town Hall, Southport)

Councillor

DECISION MAKER: Maher  
SUBSTITUTE: Fairclough

SPOKESPERSONS: Dorgan Hough

SUBSTITUTES: Ibbs Sumner

COMMITTEE OFFICER: Olaf Hansen Committee Clerk  
Telephone: 0151 934 2067  
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E-mail: olaf.hansen@sefton.gov.uk

The Cabinet is responsible for making what are known as Key Decisions, which will be notified on the Forward Plan. Items marked with an \* on the agenda involve Key Decisions

A key decision, as defined in the Council's Constitution, is: -

- any Executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater
- any Executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards

**If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.**

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# A G E N D A

Items marked with an \* involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>	
1.	<b>Apologies for absence</b>		
2.	<b>Declarations of Interest</b> Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.		
3.	<b>Minutes of the meeting held on 19 January, 2011</b>		(Pages 5 - 8)
4.	<b>Private Sector Housing Enforcement Fees and Charges</b> Report of the Neighbourhoods and Investment Programmes Director	All Wards;	(Pages 9 - 16)
* 5.	<b>Merseyside Sub - Regional Choice Based Lettings Scheme - Allocations Policy</b> Report of the Neighbourhoods and Investment Programmes Director	All Wards;	(Pages 17 - 72)
6.	<b>Sefton Business Village Partnerships Review</b> Report of the Neighbourhoods and Investment Programmes Director	Blundellsands; Cambridge; Church; Derby; Dukes; Harington; Linacre; Manor; Molyneux; Park; Ravenmeols; Sudell;	(Pages 73 - 78)
7.	<b>Regional Growth Fund</b> Joint Report of the Planning and Economic Development Director the Neighbourhoods and Investment Programmes Director	All Wards;	(Pages 79 - 86)

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THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON WEDNESDAY 26 JANUARY 2011. MINUTE NO.72 IS NOT SUBJECT TO "CALL IN".

## CABINET MEMBER - REGENERATION

### MEETING HELD AT THE TOWN HALL, BOOTLE ON WEDNESDAY 19 JANUARY 2011

PRESENT: Councillor Maher

ALSO PRESENT: Councillors Dorgan and Hough

Councillors Friel and Veidman

#### **64. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

#### **65. DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### **66. MINUTES OF THE MEETING HELD ON 15 DECEMBER, 2010**

RESOLVED:

That the Minutes of the meeting held on 15 December be confirmed as a correct record.

#### **67. SKILLS FUNDING AGENCY (SFA)/ EUROPEAN SOCIAL FUND (ESF) PROVISION (GREATER MERSEYSIDE PROVISION FOR NEET ESF 2011 -2013 YOUTH PROGRAMME)**

The Cabinet Member considered the joint report of the Strategic Director of Children's Services and the Planning and Economic Development Director that provided information of the Greater Merseyside Provision for NEET (not in employment, education or training) ESF (European Social Fund) 2011–13 Youth Programme.

RESOLVED: That

- (1) the Skills Funding Agency (SFA)/ European Social Fund (ESF) Provision (Greater Merseyside Provision for NEET ESF 2011–13 Youth Programme) report be noted; and
- (2) the Strategic Director Children, Schools and Families and the Planning and Economic Development Director be requested to draft further reports regarding the programme's progress.

# Agenda Item 3

CABINET MEMBER - REGENERATION- WEDNESDAY 19 JANUARY 2011

## **68. REECH (RENEWABLE ENERGY AND ENERGY EFFICIENCY IN HOUSING)**

Further to Minute No.63 of the meeting held on 15 December 2010, the Cabinet Member considered the joint report of the Planning and Economic Development Director and the Neighbourhoods and Investment Programmes Director that advised that the REECH (Renewable Energy and Energy Efficiency in Community Housing) Project had been approved by the North West Development Agency.

This was a key decision and was included on the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) the REECH (Renewable Energy and Energy Efficiency in Community Housing) Project be noted; and
- (2) the Planning and Economic Development Director and the Neighbourhoods and Investment Programmes Director be requested to draft further reports regarding the project's progress.

## **69. NORTH LIVERPOOL / SOUTH SEFTON STRATEGIC REGENERATION FRAMEWORK**

Further to Minute No. 56 of the meeting held on 27 October 2010, the Cabinet Member considered the report of the Planning and Economic Development Director that provided appraisal of the North Liverpool / South Sefton Strategic Regeneration Framework (Strategic Regional Framework). The report also sought endorsement of the Framework.

Councillor Friel, as both Ward Councillor and on behalf of his fellow Ward Councillors, addressed the meeting's attendees expressing his concern and vehement opposition to any proposed expansion of the docks eastwards beyond Derby Road, Bootle. The Planning and Economic Development Director responded to Councillor Friel's concerns.

RESOLVED: That

- (1) North Liverpool/South Sefton Strategic Regeneration Framework report be noted;
- (2) the North Liverpool/South Sefton Strategic Regeneration Framework, as amended and detailed within the report, be approved;
- (3) the Planning and Economic Development Director be authorised to begin discussions with Liverpool City Council and other partners on possible governance, decision-making and public engagement

arrangements for the SRF partnership, and to present them to the Cabinet Member for discussion and/or approval;

- (4) the Planning and Economic Development Director be authorised to begin policy development and action planning for the SRF, and recommend the most appropriate options for implementing SRF action plans, programmes and projects;
- (5) the Planning and Economic Development Director be advised not to enter into any SRF liabilities without the approval of the Cabinet; and
- (6) Councillor Friel's comments and the fact that Cabinet Member – Regeneration would not support any proposal for the expansion of the docks eastwards beyond Derby Road, Bootle be noted.

## **70. ANCHOR STAYING PUT SEFTON**

Further to Minute No.45 of the meeting of Cabinet Member – Health and Social Care held on 22 December 2010, the Cabinet Member considered the joint report of the Adult Social Care Director and the Neighbourhoods and Investment Programmes Director that advised of the notification of Anchor Housing Association to discontinue the "Staying Put Service" from 31 March 2011 and provided information on the proposed interim arrangements.

RESOLVED:

That the Anchor Staying Put Sefton report be noted.

## **71. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:

That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act. The Public Interest Test has been applied and favours exclusion of the information from the press and public.

## **72. BEDFORD/QUEENS, 19/29 STANLEY ROAD BOOTLE, HOUSING MARKET RENEWAL INITIATIVE - DISPOSAL TO PLUS DANE HOUSING ASSOCIATION LIMITED**

The Cabinet Member considered the joint report of the Neighbourhoods and Investment Programmes Director and the Environmental and Technical Services Director that sought approval for the disposal of the

# Agenda Item 3

CABINET MEMBER - REGENERATION- WEDNESDAY 19 JANUARY  
2011

Council's interest in the site of 19-29 Stanley Road within the Bedford Road/Queens Road Housing Market Renewal Area, to Plus Dane Housing Association Limited.

RESOLVED: That the Cabinet be recommended to:

- (1) approve the disposal of the site 19-29 Stanley Road to Plus Dane Housing Association Limited, at less than best consideration reasonably obtainable, on the basis of the terms and conditions detailed within the report; and
- (2) the Strategic Director Communities and interim Head of Corporate Legal Services be given authority to negotiate and agree any other detailed terms and conditions, if any, and complete the transaction.



# Agenda Item 4

**REPORT TO:** Cabinet Member Regeneration  
Cabinet

**DATE:** 16<sup>th</sup> February 2011  
17<sup>th</sup> February 2011

**SUBJECT:** Private Sector Housing Enforcement Fees and Charges

**WARDS  
AFFECTED:** All

**REPORT OF:** Alan Lunt – Neighbourhoods & Investment Programmes  
Director

**CONTACT  
OFFICER:** Clare Taylor  
Private Sector Housing Team Manager  
0151 934 2273

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To establish the charges to be made for taking certain enforcement action under the provisions of the Housing Act 2004.

**REASON WHY DECISION REQUIRED:**

The Neighbourhoods & Investment Programmes Director does not have delegated authority to make decisions relating to such matters.

**RECOMMENDATION(S):**

Cabinet Member Regeneration :

is requested to agree the proposed charges for Private Sector Housing Enforcement Fees and to

request Cabinet:

to approve the scale of enforcement charges under the Housing Act 2004 as set out in Appendix A to this report.

**KEY DECISION:** No

**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** April 2011

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**ALTERNATIVE OPTIONS:** That the scale of enforcement charges is not adopted or is varied from the levels proposed.

**IMPLICATIONS:**

**Budget/Policy Framework:** The setting of Fees and Charges does not form part of the Council’s budget setting process.

**Financial:** It is anticipated that introduction of charges will generate approximately £1,700 per year income.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:**

**Risk Assessment:** There is a risk that the proposed charges may be challenged on appeal as not being reasonable. This can be determined by a Residential Property Tribunal when considering such an appeal. However the Government has not set any limit to the charges and it is felt that the proposed charges can be justified.

**Asset Management:** NA

**CONSULTATION UNDERTAKEN/VIEWS**

Benchmarking comparisons have been undertaken with other Local Authorities

The Interim Head of Corporate Finance & Information Services has been consulted and his comments have been incorporated into this report.

**FD 616 /2011**

The Head of Corporate Legal Services has been consulted and has no comments on this report. **LD 00028/11**

**CORPORATE OBJECTIVE MONITORING:**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		x	
2	Creating Safe Communities		x	
3	Jobs and Prosperity		x	
4	Improving Health and Well-Being		x	
5	Environmental Sustainability		x	
6	Creating Inclusive Communities		x	
7	Improving the Quality of Council Services and Strengthening local Democracy	x		
8	Children and Young People		x	

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

Housing Act 2004

# Agenda Item 4

## 1. BACKGROUND

The Housing Act 2004 (the Act) introduced the Housing Health and Safety Rating System to replace the previous Housing Fitness Standard together with new provisions for the enforcement of housing standards with effect from 6 April 2006. In addition the Act introduced provisions for the licensing of Houses in Multiple Occupation (HMO), selective licensing of other private rented accommodation and management orders for empty dwellings or other dwellings that should be licensed.

Authority to administer the provisions of the Housing Act 2004 was delegated to the Neighbourhoods & Investment Programmes Director. Section 49 of the Act allows for reasonable charges to be made for enforcement action.

The Council may make reasonable charges for certain activities involving the service of notices or making of orders etc and consideration has been given to the most appropriate form and level of such charges. Some authorities charge on the basis of the actual time spent by individual officers on each case whilst others charge on the basis of a fixed fee.

A comparison of practices elsewhere is presented below at Appendix B.

Within Merseyside, Liverpool, Wirral and St Helens all charge on the basis of officer time, but have a maximum fee of £300 per notice, whereas Knowsley charge a fixed rate which varies with Notice type, (unless there are exceptional circumstances which would warrant the charge to be increased), though this is currently under review by them.

It should be noted that if charges are applied to the service of Statutory Notices, the number of appeals to notices served may well increase, which in turn would incur a cost to defend those appeals. However, it is not felt that this should prevent the Housing Authority from using its power to recover reasonable expenses incurred in taking enforcement action.

## 2. METHODOLOGY

It is proposed that a scale of fixed fees be adopted in Sefton as set out in the **APPENDIX A**. These fees are based upon an hourly rate for a Technical Officer of £36.14 and an average estimated time for the completion of the different procedures. The hourly rate should adequately reflect the normal salary range of officers involved in the enforcement procedure including employer costs and on costs. The time taken for each procedure has been estimated from experience in housing enforcement procedures. Provision is included for dealing with exceptional cases.

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An example of the time taken to take enforcement action (Improvement Notice) is set out in the chart below:

	<b>Action</b>	<b>Time (Hrs)</b>
	Initial inspection including travel time	2
	Land Registry Enquiry	£4.00
	Drafting and sending schedule of works, Requisition for Information form & cover letter to landlord	3
	Monitoring informal compliance inc. revisit, telephone calls, reminder letter	2
	Drafting and serving Notice with cover letter	2
	Monitoring formal compliance inc. revisit, telephone calls, reminder letter	2
	<b>TOTAL</b>	<b>11</b>

The alternative would be to monitor the actual time taken by all staff involved in the process and charge according to their different salaries, with on costs etc. This however is likely to result in different charges between officers for the same enforcement action. This has the potential to confuse landlords and raise concerns of unfair or inconsistent procedures.

It is not proposed to charge for the service of a Hazard Awareness Notice as this is considered to be a form of informal action within the Private Sector Housing Enforcement Policy and is also a form of action which may commonly be used to advise owner occupiers of the condition of their homes.

In line with the other Merseyside Local Authorities, it is proposed to set a maximum charge of £300 per notice, which is considered reasonable and justifiable.

The proposed charges will be reviewed annually and in light of experience to ensure that they effectively recover the Council costs in taking enforcement action.

### **3. FINANCIAL**

Enforcement action has traditionally been at a low level within Sefton and most cases dealt with on an informal basis. The likely revenue to the Council in introducing these charges, based on the number of notices served during the last 12 months is approximately £1,700 per annum. An additional benefit is likely to be made in terms of officer time as it is envisaged that Landlords are more likely to co-operate with officers informally, thus preventing the need to serve Statutory Notices.

### **4. CONCLUSION**

The Housing Act 2004 provides for the Council to make reasonable charges for certain enforcement procedures. A scale of such fees is proposed for adoption by the Private Sector Housing Team of the Neighbourhoods & Investment Programmes Department. The scale of fees would be made readily available on the Councils website and shared with interested parties e.g. Landlords forum.

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## APPENDIX A

### SCALE OF ENFORCEMENT CHARGES – HOUSING ACT 2004

1. The following charges shall normally be applied under section 49 Housing Act 2004

Section of the Act	Type of Enforcement Action	Charge
11 or 12	Improvement Notice	£ 300
20 or 21	Prohibition Order	£ 300
40	Emergency Remedial Action	£ 150
43	Emergency Prohibition Order	£ 300
28 or 29	Hazard Awareness Notice	Nil
17	Review of Suspended Improvement Notice	£ 100
26	Review of Suspended Prohibition Order	£ 100
265 of Housing Act 1985	Demolition Order	£ 300

2. Where the enforcement procedure includes obtaining specialist reports or surveys such as electrical safety report, gas safety report or structural engineers report etc the cost of that report **will be** added to the above fees.
3. Where the enforcement procedure results in two forms of action such as an Improvement Notice and a Prohibition Order or Emergency Remedial Action then the charge for the second action will be reduced to £ 100
4. In exceptional cases the Neighbourhoods & Investment Programmes Director may increase the amount of the standard fee where in their opinion the work involved is significantly greater than average due to the size of the property or extent of deficiencies. In such cases the charge will be calculated at the rate of £37.14 per hour as at April 2011, to be increased by inflation in subsequent years.
5. The Neighbourhoods & Investment Programmes Director may reduce or waive the above fees where in their opinion the circumstances are exceptional and would result in hardship for the individual(s) responsible for the payment of the charge.

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## Appendix B

Council	Rationale	Average/typical charge
Liverpool	Done on case by case basis average £300	£300
Halton	Nil	0
Knowsley	Under review proposed fee £462. Overall price is discounted by 50% if paid within 30 days of invoice date.	£231/£462
Wirral	Case by case on hourly rate £31 per hour previously capped at £300	£300
Blackburn with Darwen	Reviewed each April.	£250
Blackpool Council	Increases each year- agreed costs on sub regional basis with Wyre and Fylde	£375
Bolton	£432.00 - Plus £28.90 per additional hour over 8 hours. Overall price is discounted by 50% if paid within 28 days of invoice date.	£216/£432
Bury	09/10 which is reviewed annually	£310
Manchester City Council	£42.00 per hour, max charge £300.00	£300
Oldham	All applicable Housing Act notices served. Subject to review 09/10	£300
Rochdale	under review	£0
Salford	Nil	£0
Stockport Council	Nil	£0
Tameside	Approval given at beginning of June 09. No inflationary increase built in but subject to review in 12 months.	£350
Trafford	Charge is increased each April in line with inflation. This charge is for improvement notices only (not including suspended notices).	£233.67
Warrington	Concessions to satisfy the Residential Property Tribunal [Fees] [England] Order 2006	£150
Wigan	2010-11 (The charge is increased by the rate of inflation each April)	£337

Approximate average: £282

Note 1. Average based on: -

Those that charge including proposed fees in blue

Those that charge on a case by case basis using their average

Those that apply a discount using the lower rate

Note 2. The figures provided by GM Private Sector Housing Group were collated in 09/10



# Agenda Item 5

**REPORT TO:** Cabinet Member – Regeneration  
Cabinet

**DATE:** 16<sup>th</sup> February 2011  
17<sup>th</sup> February 2011

**SUBJECT:** Merseyside Sub – Regional Choice Based Lettings Scheme  
– Allocations Policy

**WARDS  
AFFECTED:** Borough wide

**REPORT OF:** Neighbourhoods and Investment Programmes Director

**CONTACT  
OFFICER:** Neil Davies, Strategy Manager, 934 4837

**EXEMPT/  
CONFIDENTIAL:** N/A

**PURPOSE/SUMMARY:**

To consider the outcome of the recent consultation exercise and seek approval to a new Choice Based Allocations Policy, to be adopted by the five Merseyside Local Authorities participating in the Sub –Regional Scheme, and further note progress toward the introduction of this scheme

**REASON WHY DECISION REQUIRED:**

This is a new Policy, and the NIP Director has no delegated authority to approve such a policy.  
In turn, approval is necessary if Sefton are to continue to participate in this project with its Local Authority and RSL Partners

**RECOMMENDATION(S):**

Cabinet Member Regeneration and Cabinet;

1. To approve the revised Choice Based Allocations Policy attached to this report.
2. Note progress toward the introduction of the sub-regional Choice Based Lettings Scheme.

**KEY DECISION:** Yes

**FORWARD PLAN:** Yes

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**IMPLEMENTATION DATE:** The Allocations Policy will become operational when the scheme is ready for implementation, which will follow on from legal agreements being entered into and the design and implementation of a new sub regional IT system, all of which is likely to be finalised around October 2011. The policy needs to be agreed now, to allow the IT system to be designed around the Policy requirements, and for the system to be tested before going into operations.

**ALTERNATIVE OPTIONS:**

The alternative option would be not to adopt the new Allocations Policy, but continue to operate a “Sefton Only” Policy. However, this would mean Sefton would not be able to participate in the sub-regional scheme and would be unable to take advantage of procurement of a joint sub-regional IT system and the efficiencies which are expected to be gained from this.

**IMPLICATIONS:**

**Budget/Policy Framework:** Sefton already operate a Choice Based Allocations Scheme in partnership with One Vision Housing. However, the proposal is to adopt a revised Choice Based Allocations Policy in line with the other participating Local Authorities.

**Financial:** Provision of £50,000 already exists within the Council’s capital programme to cover the procurement and set up costs of the new IT system, which is required to operate the new Scheme. There are no direct revenue cost implications anticipated. It is expected that the new IT system will help to generate future revenue savings, by reducing Sefton’s contribution to the operation of the scheme.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				

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Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:** In order for this proposal to proceed, a Partnership Agreement will be entered into between the 5 participating Local Authorities

**Risk Assessment:** The Partnership Agreement between the Local Authorities will detail the governance and future management of the SR-CBL. Included in this will be details the process and notice period that will be required in the future, should any of the partners wish to withdraw from the scheme. Although the SRCBL scheme is a partnership it is the intention for each Local Authority to have a contract with the IT systems supplier to ensure that the service can continue if there are any changes to the number of partners and to protect the data and information. The risks associated with the implementation of the scheme in Sefton have been minimised as a CBL system is known to our lead RSL partner and customers.

**Asset Management:** N/A

**CONSULTATION UNDERTAKEN/VIEWS:** Each of the Local Authorities has undertaken a public consultation exercise, the results for Sefton are summarised at Appendix 1. The Head of Corporate Legal Services has been consulted and has no comments on this report - LD 00041/11. The Interim Head of Corporate Finance & Information Services has been consulted and has no comments on this report. **FD634/2011**

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## CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being	√		
5	Environmental Sustainability	√		
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People		√	

### LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Cabinet Report – 5<sup>th</sup> August 2010

Cabinet Report – 14<sup>th</sup> May 2009

## 1. Background

1.1 On the 14<sup>th</sup> of May 2009, Cabinet agreed that Sefton should, in principle, become part of a sub-regional choice based lettings (CBL) Scheme.

1.2 On the 5<sup>th</sup> August 2010, Cabinet received a further, more detailed report on progress to date, considering a number of matters such as; a draft allocations policy, proposed governance arrangements for the CBL scheme, procurement and provision of a new IT system, and the implementation of a consultation exercise with stakeholders. It was resolved that:

- (1) a draft allocations policy be approved for consultation according to statutory guidance
- (2) The proposed governance arrangements be approved
- (3) Approval be given to the appointment of Abris as the IT Supplier
- (4) The estimated set up costs of the scheme be approved
- (5) That the Neighbourhoods and Investment Programmes Director be authorised to enter into an agreement with the other local authorities (Halton, Knowsley, Liverpool, Wirral) to govern the implementation of the contract with Abris referred to above
- (6) The Neighbourhoods and Investment Programmes Director in consultation with the Head of Corporate Legal Services be authorised to enter into a Contract with Abris for the provision of the IT system.
- (7) The one-off set up costs be met from existing provision in the Housing Capital Programme, approved by the Council on 8<sup>th</sup> July 2010.
- (8) Approval be given to the continued development of the scheme with sub-regional partners
- (9) A further report be submitted to the Cabinet Member Regeneration and Cabinet on the results of the consultation exercise on the Allocations Policy.

## 2. Consultation Exercise

The key stakeholders included RSL's with housing stock in Sefton (who would be encouraged to let their housing stock via the CBL scheme) and households currently registered on the Housing waiting list. The 5 Merseyside Authorities agreed to a standard questionnaire for the exercise. In Sefton, this questionnaire was accessible via the Councils website, which also contained an explanation of the proposed CBL Scheme, and draft Policy.

All stakeholders received a letter, informing them of the consultation exercise, and inviting them to complete a questionnaire; either on line, or by downloading and returning a completed hardcopy.

Only 17 completed questionnaires were returned. The results of these are summarised at Appendix 1. All were returned hard copies, 72% were current waiting list applicants, 18% represented stakeholders, and 10% were unidentified.

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However, the level of responses in the other local authority areas varied, Liverpool 515 responses, Wirral 127, Knowsley 23, Halton 42.

## 3. Revising the Policy

3.1 During December 2010, following the consultation exercise, officers of the 5 local authorities have considered the responses received and have undertaken an exercise to revise the draft CBL Allocations Policy, where this was agreed to be appropriate.

3.2 Appendix 2 outlines the 'main' changes agreed and applied to the draft policy. Appendix 3 is the resulting revised, agreed policy, which Members are asked to approve.

3.3 In general the consultation has resulted in relatively minor changes being applied to the draft policy. However there are two areas which generated detailed debate and have led to two changes in the policy from the draft presented to Cabinet in August 2010. These are

- the effect that a poor tenancy history of rent arrears or anti-social behaviour should have on a person's housing application and
- the award of a priority for housing to people who are working but otherwise not in housing need.

These changes have resulted in the number of priority Bands for applicants on the Housing Register changing from four (A, B, C and D) in the policy which was approved for consultation, to six (A, B, C, D, E and F) in the proposal presented for approval by the five partner local authorities now.

3.4 The proposed distinction between 'working' and 'non-working' applicants in the Low Priority bands [D & E], results from consultation results in the other local authority areas in favour of this. The answer to this question (Q8) in Sefton was neutral on this point.

- 3.5 With regard to the issue of poor tenancy history the policy now proposes that applicants with a poor tenancy history will be treated in two different ways according to the severity of their previous unacceptable behaviour. Firstly where a RSL are satisfied that the applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant, they will be deemed "**ineligible**" to join the housing register. Secondly, for less serious behaviour such as lower rent arrears or a history of minor anti social behaviour, which was not serious enough to warrant their exclusion from the register, the applicant will be afforded "**Reduced Preference**" and placed into a new priority Band F, until they have addressed their rent arrears or can demonstrate that their behaviour has improved.

## 4. Progress and Next Steps

4.1 The Policy is currently being considered for approval by all 5 local authorities, over February and March. Assuming all 5 give approval, the 5 local authorities will

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enter into a common agreement concerned with the commissioning of the CBL scheme, and future governance arrangements.

4.2 The Council will also finalise and enter into a contract with Abris for the supply of a new CBL IT system.

4.3 This system will ultimately be hosted and operated by One Vision Housing, on behalf of the Council. While there is an existing Service Level Agreement, officers and OVH will need to review and revise this to take account of the new system being introduced.

4.4 It will likely take Abris six months to design a CBL IT system around the Policy, install and test this system, before it will go into operation (circa October 2011).

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## APPENDIX 1

### Sub Regional Choice Based Lettings Scheme Consultation questionnaire - Sefton

**Q. 1 Are you currently registered on the Homesearch database? Yes/no**

**A.** 72% Yes and 18% No 10% No response

**Q. 2 Do you agree that the new banding system gives priority to those most in need of housing? Yes / no / don't know**

**A.** 48% Yes, 24% No, 28% Don't know

**Q. 3 Do you think too high a priority has been given to any of these needs? Yes / no / don't know**

**A.** 24% Yes, 42% No, 28% Don't know

**If yes, which?**

Under-occupation and adaptations should not come above medical conditions made worse by housing conditions

**Q. 4 Do you think too low a priority has been given to any of these needs?**

Yes / no / don't know

**A.** 24% Yes, 48% No, 28% Don't know

**If yes, which?**

Harassment; DV; Victims of Hate Crime; Young People Leaving Care; Move-on from Supported Housing; over 65's

**Q. 5 Do you think all types of housing need are reflected in the bands?**

Yes / no / don't know

**A.** 60% Yes, 18% No, 22% don't know

**If no, what has been missed out?**

Domestic violence

**Q. 6 Do you think applicants should be given reduced opportunity for rehousing if they have a history of anti-social behaviour or rent arrears?**

Yes / no / only in severe cases

**A.** 36% Yes, 30% No, 34% only in severe cases

**If yes, should an application be**

Suspended for a period / have a reduced priority / be bypassed for an offer

**A.** 12% suspended for a period, 12% "have a reduced priority", 12% "be bypassed for an offer", 64% didn't say



**Q. 7 Government guidance suggests awarding additional priority to those who are working but on low incomes, or on employment training schemes, or who do voluntary community work. Do you think additional priority should be granted for these groups?** Optional answer for each category was “Yes or No”

Employed on low income	42%Yes, 42% No, 16% no comment made
In employment training	42% Yes, 42% No, 16% no comment made
Community volunteering	48% Yes, 42% No, 10% no comment made

**Q. 8 Subject to certain criteria, the policy provides some opportunity for people to bid for property in one of the other Council areas involved in the scheme. Would you be interested in doing this?** Yes / no / don't know

**A.** 54% Yes, 12% No, 34% Don't know

Comment: this option is a good opportunity for younger families but as an older person I would not find it suitable

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## APPENDIX 2

### Main changes to SrCBL policy following consultation

#### Chapter 1

- 1.1 Greater clarity to legal wording and partnership arrangements, with a commitment to review the policy in future

#### Chapter 2

- Improved wording for Local Lettings Plans,(2.2) sheltered (2.4), extra care (2.5) and adapted accommodation (2.6)

#### Chapter 3

- Ineligibility divided into Immigration status (3.4) and Unacceptable behaviour (3.5)
- Unacceptable behaviour explained more fully
- Section on 16/17 year olds amended (3.6)
- Section on offenders/ex-offenders added (3.8)
- Renewal procedure explained more fully (3.12)

#### Chapter 4

- Changed from suspensions to unacceptable behaviour. Whole chapter has been altered.
- Further wording on ineligibility due to unacceptable behaviour (4.1, 4.2)
- Section on notifying applicants who are ineligible due to unacceptable behaviour (4.3)
- Section added on Reduced Preference status due to unacceptable behaviour which is not serious and rent arrears (4.4)
- Section added on modifying unacceptable behaviour / rent arrears (4.5)

#### Chapter 5

- Banding altered from 4 to 6 Bands to take into account applicants who are working and those with Reduced Preference status (5.1)
- Date of entry onto Band amended to take into account 6 Bands and put into table(5.3)
- Band B
  - Applicants in hostels amended to those hostels with Supported People funding (5.5.1.2)
  - Under-occupation separated from Health/Welfare (high) (5.5.4)
- Band C
  - Amended homeless, not in priority need working (5.6.2)
  - Added homeless but intentional with priority need (5.6.4)
- Band D
  - Changed to general needs and working (5.7)
- Band E
  - Added for general needs not working (5.8)
- Band F
  - Added for reduced preference status (5.9)
- Wording for Cross Boundary mobility amended for clarity (5.10)

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- Bedroom standard altered to CLG standard(5.12)

## **Chapter 6**

- added guide to size and type of property an applicant can apply for (6.2.4)
- number of reasonable offers which will be made is explained in a table (6.5.3)

## **Chapter 7**

- No change

## **Chapter 8**

- Slight changes only, and made clearer

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Final Draft for Approval

**Appendix3**

## **PROPERTY POOL PLUS**

**Sub Regional**

**Choice Based Lettings**

**Allocations Scheme**

January 2011

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## CHAPTER 1

### 1.1 Introduction

- 1.1.1 The following Councils are members of a Sub Regional Choice Based Lettings Scheme, known as Property Pool Plus, and have adopted this common allocations scheme (as required by the Housing Act 1996 amended by the Homelessness Act 2002):

Halton Borough Council  
Knowsley Metropolitan Borough Council  
Liverpool City Council  
Sefton Metropolitan Borough Council  
Wirral Metropolitan Borough Council

The five Councils are known as the Scheme Councils.

- 1.1.2 The scheme applies to all properties available to the Scheme Councils for nomination purposes.
- 1.1.3 The Scheme Councils also endorse the use of this policy by Housing Associations for lettings for which the Scheme Councils do not have nomination rights.
- 1.1.4 The Housing Associations, known as the Scheme Landlords, who have agreed to participate are listed below.

Arena Housing Association  
Beechwood and Ballantyne Community Housing Association  
Cobalt Housing  
Cosmopolitan Housing  
Contour Housing  
Crosby Housing Association  
Guinness Northern Counties  
Halton Housing Trust  
Knowsley Housing Trust  
Leasowe Community Homes  
Liverpool Mutual Homes  
Liverpool Housing Trust  
One Vision Housing  
Pierhead Housing Association  
Plus Dane Group  
RegendaFirst  
Riverside/ECHG  
South Liverpool Housing  
Venture Housing Association  
Villages Housing  
Wirral Methodist Housing Association  
Wirral Partnership Homes



- 1.1.5 The Scheme Councils and Scheme Landlords are collectively known as the Scheme Partners who operate in the Scheme Area.
- 1.1.6 The Councils of Halton, Knowsley and Sefton have each agreed to contract out the function to administer the scheme to Scheme Landlords. In Wirral the scheme will be administered through the Council and in Liverpool the scheme will be administered through the City Council in partnership with the Scheme Landlords in their area. The organisation which administers the Scheme in a particular Scheme Council area is known as the Administering Scheme Partner.
- 1.1.7 The Administering Scheme Partners for the Scheme Council areas are as follows:
- Halton: Halton Housing Trust  
Knowsley: Knowsley Housing Trust  
Liverpool: Liverpool City Council and Scheme Landlords  
Sefton: One Vision Housing  
Wirral: Wirral Council
- 1.1.8 To improve the service to applicants and to avoid duplication an applicant can apply to any of the Administering Scheme Partners or through the scheme website. Applicants who apply to the Scheme Partners will be assessed on a consistent basis and can apply for vacancies across the whole Scheme Area.
- 1.1.9 Property Pool Plus features a common application form, a common housing register, a common allocations policy and a shared IT system. It is intended that this approach will offer a simple, accessible service for customers as well as creating efficiencies for Scheme Partners.
- 1.1.9 The scheme will be subject to periodic review. Where this results in a significant change it will be approved through each participating Scheme Council approval process.

## **1.2 Aims and principles of the Property Pool Plus Scheme**

- 1.2.1 The overall aim of this Scheme is to ensure that all social housing in the Scheme Area is allocated fairly and objectively to those most in need, having regard to any law, official guidance and good practice.
- 1.2.2 The aims of the Property Pool Plus Scheme are to:
- Contribute to the development of balanced communities and sustainable regeneration, including encouraging current and future social housing tenants into employment;
  - Stimulate new markets and interest in social housing in the Scheme Area;
  - Contribute to the strategic objectives outlined in the Scheme Councils' Housing and Regeneration strategies;

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- Improve the quality of service to customers and ensure that applicants have ready access to information on their prospects of housing through the scheme;
- Increase customer choice and broaden housing options by facilitating cross boundary movement within the constraints of the availability of accommodation throughout the Scheme Area;
- Work sub-regionally in partnership to achieve efficiencies of scale and extend opportunities to meet people's housing demands, needs and aspirations across the Scheme Area.

## 1.2.3 The principles of the Scheme are to:

- Operate a lettings policy based on housing need, which is simple, easy to understand, transparent, open and fair reflecting local priorities;
- Ensure that every application is dealt with fairly and consistently in accordance with Equal Opportunities;
- Give adequate priority to people who fall within the Government's 'Reasonable Preference' categories;
- Prevent homelessness and give adequate priority to homeless people to reduce the use of temporary accommodation, whilst maintaining a balance between the needs of the homeless and other applicants ;
- Empower applicants by giving them more opportunity to express choice and preferences about where they want to live, whilst having regard to the availability of housing resources and the high demand for housing;
- Make best use of housing stock by minimising re-let times and by the marketing of 'difficult to let' properties;
- Reduce under-occupation of social housing and therefore assist in the re-housing of overcrowded applicants and other priority need applicants;
- Ensure that supported housing goes to those for whom this type of housing is most suitable and who are in the greatest need of the support;
- To make best use of public funds.

## 1.3 Statement on Choice

1.3.1 The Scheme Partners are fully committed to enabling applicants to play an active role in choosing where they live, whilst continuing to house those people in the greatest need, making the best use of the available housing stock and complying with all relevant legislation.

1.3.2 It is important to realise that the demand for accommodation is higher for some types of property and for some areas than others. In making a decision about the options available, applicants need to consider their housing need priority against the availability of properties in any given area.

1.3.3 Applicants can determine whether they are likely to be successful when placing a bid as they will be informed of their position on the shortlist for that vacancy at the time of making the bid. This enables an applicant to make an informed choice when deciding which property to apply for and whether social housing is a realistic option in their circumstances.

## **1.4 The Legal Framework**

1.4.1 The Housing Act 1996 and the Homelessness Act 2002 state that local authority allocation schemes must afford reasonable preference to certain categories of person over those with no reasonable preference. These reasonable preference categories include:

- people who are homeless (within the meaning of Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002);
- people owed a duty by any local housing authority under section 190(2), 193(2), or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3). These sections relate to people who are homeless or threatened with homelessness;
- people occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- people who need to move on medical or welfare grounds (including grounds relating to disability);
- people 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).

1.4.2 However, there is no requirement to give equal weight to each of the reasonable preference groups, and Councils may identify additional preference groups providing they do not dominate the Scheme at the expense of those in the statutory reasonable preference groups. The prioritisation scheme set out at 5.1.1 reflects this approach.

1.4.3 This Scheme has been framed to address these requirements, and with due regard to the requirements of the 'Allocation of Accommodation Code of Guidance for Local Authorities' November 2002, supplementary guidance 'Allocation of Accommodation: Choice Based Letting' August 2008, and 'Fair and flexible: statutory guidance on social housing allocations for local authorities in England' December 2009.

1.4.4 Every application for housing received will be considered according to the facts unique to that application, as every applicant's individual circumstances will vary.

## **1.5 Equality and Diversity**

1.5.1 The Scheme Partners are committed to promoting equality of opportunity within the housing allocation process and eliminating unfair and unlawful discrimination in its policies, procedures and practices.

1.5.2 The aim of the Scheme is to deliver a quality service without prejudice and discrimination to all its customers, regardless of age, ethnicity, disability, gender, marital status, religious or political persuasion, sexual orientation or culture and lifestyle choice.

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- 1.5.3 The Scheme Partners will continue to improve their service to all their customers including addressing the needs of disadvantaged and under-represented groups. This will be achieved by monitoring of the Scheme Register, routine analysis of letting outcomes and regular consultative meetings with stakeholders to ensure that the operation of the Scheme meets the needs of all customers.
- 1.5.4 All Scheme Partners have in place corporate policies and action plans aimed at eliminating discrimination and valuing diversity.

## **1.6 Information Sharing, Confidentiality and Data Protection**

- 1.6.1 The Scheme Partners will share information in accordance with their existing protocols which will be further developed across the sub region to ensure consistency in sharing information with other statutory and voluntary organisations.
- 1.6.2 The information which an applicant provides relating to their housing application will be treated as confidential in accordance with guidelines on handling personal data. These guidelines relate to the Data Protection Act 1998 that covers both electronic and manual records and governs what can be done with the data, including collecting, storing, using and disposing of it.

## CHAPTER 2

### 2.1 Allocations and nominations

2.1.1 This Scheme constitutes the nominations agreement between the Scheme Councils and the Scheme Landlords. The Scheme Landlords will be required to allocate at least 50% of their lettings through the Scheme. However, the Scheme Landlords will be encouraged to exceed this proportion in agreement with their Scheme Council.

2.1.2 All properties owned by Scheme Landlords that become vacant will be recorded on the Property Pool Plus Scheme. Those properties that the Scheme Landlord wishes to allocate as Direct Lets (see Section 2.3) will not be advertised through the Scheme. However, information concerning these properties will be made available through the Property Pool Plus feedback mechanism.

### 2.2 Local Letting Plans

2.2.1 There may be occasions when Scheme Landlords will want to adopt Local Letting Plans for a limited period of time to address issues in particular neighbourhoods such as severe anti-social behaviour. This would involve the temporary use of revised allocations criteria for the affected area. Such plans will be developed and agreed with the relevant Scheme Council to ensure they do not unduly disadvantage those in reasonable preference groups. Local Lettings Plans will be published by the Scheme Partners and properties affected by such plans will be clearly identified when they are advertised.

### 2.3 Housing Association Direct Lets

2.3.1 In certain circumstances a Scheme Landlord will allocate properties directly to applicants outside the Choice Based Letting Scheme. Illustrative examples of Direct Lets are as follows:

- Where an allocation is required to ensure protection of the public for example following a decision made by a multi agency public protection panel meeting;
- Where a customer has been referred as part of the Witness Protection Scheme;
- Where a sensitive let is required for a particular property because of issues such as drug dealing, violence, public protection or anti-social behaviour;
- Where a Scheme Landlord tenant's home is being repaired and they need to be moved from the property on a temporary or permanent basis;
- Where an applicant from outside the Scheme Area needs to move due to extenuating circumstances e.g. where life is at risk. In this instance, the applicant may be considered for a direct let even when there is no local connection with the area;

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- Where accommodation is required following emergencies, such as fire, flood, serious harassment or other major incidents;
- Where a targeted offer is made to an applicant who is statutory homeless;
- Where a targeted offer is made to a young person leaving the Care of the local authority;
- Where a targeted offer is made to an applicant living in a Scheme Council clearance area;
- Any other reason as supported by the Scheme Landlord's policies and procedures.

## **2.4 Sheltered Accommodation**

2.4.1 Sheltered housing is designed for older applicants, generally those over the age of 55 years, as a way of providing independent living with added security and support. Scheme Landlords may have differing eligibility criteria for this type of accommodation and this will be made clear in the labelling of properties when advertised. Occasionally, a vacancy may be allocated to younger applicants who have identified support needs.

2.4.2 Sheltered accommodation will be included in the Property Pool Plus scheme in all the Scheme Areas except in the Liverpool City Council area, where there are separate arrangements using Access Liverpool Service. Applicants who wish to move to sheltered accommodation in the Liverpool area are advised to contact Access Liverpool Service for more information.

## **2.5 Extra Care Housing**

2.5.1 Extra Care Housing offers accommodation for older applicants who may need additional care and support services and there are specific assessment criteria to ensure an appropriate balance of residents with high/medium/low care needs.

2.5.2 Extra Care housing vacancies may be advertised as part of the Property Pool Plus scheme, but Scheme Landlords will directly match vacant properties to applicants who meet their qualifying criteria following a detailed assessment of their need for this type of accommodation. Applicants are advised to contact the relevant Administering Scheme Partner for more information.

## **2.6 Adapted Properties**

2.6.1 Some properties are adapted, for example there may be a stair lift or level access shower. To meet the needs of disabled applicants, preference for adapted vacancies will be given to those applicants whose needs best match the particular adaptations. In general, the suitability of a property must be supported by the applicant's Occupational Therapist.

2.6.2 Adapted accommodation will be included in the Property Pool Plus scheme with the exception of the Liverpool City Council area where there are separate arrangements using Access Liverpool Service.

## **2.7 Target Setting and Quotas**

2.7.1 It is important that priority for accommodation goes to those in greatest housing need. However, this does not mean that, in operating a choice based lettings scheme, every property which is advertised will be open to bids from households in all Bands. An allocation scheme may include other objectives, such as:

- ensuring a balance between meeting the housing needs of existing tenants and new applicants;
- promoting more sustainable and balanced communities;
- the need to meet a Scheme Council's legal responsibilities to homeless and vulnerable applicants, people living in overcrowded and insanitary conditions and people with an urgent need to move for reasons such as harassment, domestic violence etc;
- the need to meet strategic responsibilities, for example in relation to applicants being displaced through the clearance scheme.

2.7.2 To achieve these objectives, Scheme Councils may choose to target a percentage of lettings to applicants in particular Bands or Sub Bands. Bands and Sub Bands are described in Section 5.1.1.

2.7.3 Where such percentage targets are set, they will be published annually on the Property Pool Plus website and at Scheme Partners' offices so that applicants may see what proportion of properties will be allocated to different Bands, helping them to identify how long they might expect to wait before making a successful bid.

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## CHAPTER 3

### **3.1 Registration on the Property Pool Plus Scheme**

- 3.1.1 The Property Pool Plus Scheme is a way of presenting housing options to applicants within the Scheme Area. Scheme Partners will normally no longer use the traditional method of 'matching' applicants to properties. Instead applicants will be encouraged to choose the property in the area in which they wish to live.
- 3.1.2 Applicants who wish to apply for social housing owned by the Scheme Landlords must register on the Property Pool Plus Register.

### **3.2 Assistance for Vulnerable Applicants**

- 3.2.1 Applicants indicating the need for support to take part in the Property Pool Plus Scheme will be offered help and assistance by the Administering Scheme Partners. This need may be due to a physical disability, learning disability, illness, language difficulty or for any other reason that may make it harder for someone to participate in the Scheme.
- 3.2.2 The support may include proxy bidding on behalf of applicants who are unable to access the scheme, mailing copies of the advert to those people who are housebound and have no internet access, adverts and other documents in large print and other languages and formats.

### **3.3 Who can apply for accommodation?**

- 3.3.1 The Property Pool Plus Register is open to anyone aged 16 years or over, unless they are specifically ineligible as outlined in Sections 3.4 and 3.5.
- 3.3.2 The Scheme Councils do not intend to restrict access to the Property Pool Plus Scheme on the basis of financial means. However Scheme Landlords may take the financial circumstances of applicants into account and decline a nomination through the scheme if they consider that the applicant has the financial means to resolve their own housing situation.

### **3.4 Ineligibility (Immigration status)**

- 3.4.1 Under the Housing Act (1996), Local Authorities must consider whether applicants are eligible for housing assistance. An applicant may be ineligible due to their immigration status.



3.4.2 Persons from abroad who are subject to immigration control under the Asylum and Immigration Act 1996 are not eligible for housing assistance unless they:

- Have refugee status;
- Have exceptional leave to remain provided there is no condition that they shall not be a charge on public funds;
- Have Indefinite leave to remain under certain conditions;
- Are Nationals of a country that has ratified the European Convention on Social and Medical Assistance or the European Social Charter, providing they are habitually resident in the Common Travel Area.

3.4.3 Similarly Persons from abroad who are not subject to immigration control but who are not habitually resident in the Common Travel Area (the UK, Channel Islands, Isle of Man, Republic of Ireland) are not eligible for housing assistance.

3.4.4 If it has been established by the Administering Scheme Partner that an applicant is ineligible on the grounds of their immigration status then their application will be removed from the housing register and no waiting time on the register will be accrued. This decision will be made by an appropriate Senior Officer from the Administering Scheme Partner.

3.4.5 Any applicant who has been found to be ineligible on the grounds of immigration status has the right to a review of this decision (see Chapter 8).

## **3.5 Ineligibility (Unacceptable behaviour)**

3.5.1 In addition a Scheme Council can decide that an applicant is to be treated as ineligible for an allocation of housing by them (Section 160 (7) Housing Act 1996) if they are satisfied that:

- the applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant, and
- at the time their application is considered, the applicant or a member of their household is unsuitable to be a tenant by reason of that behaviour.

3.5.2 The only behaviour which may be regarded by the Scheme Council as unacceptable for the purposes of the Act is;

- behaviour of the person concerned which would, if they were a secure tenant of the Scheme Council at the time, entitle the Scheme Council to a possession order under section 84 of the Housing Act 1985 in relation to any of the grounds in Part 1 of Schedule 2 (other than Ground 8). The Scheme Council must be satisfied that a court would decide that it was reasonable to grant a possession order and that the possession order would not be suspended

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- behaviour of a member of their household which would (if they were a person residing with a secure tenant of the authority) entitle the Scheme Council to such as possession order.

3.5.3 If the Administering Scheme Partner has reason to believe that Section.160A (7) may apply they must consider all of the following:

- That they are satisfied that there has been unacceptable behaviour that would lead to a possession order being granted both in terms of the grounds for possession, and the 'reasonableness' of the order in regard to the interest of the parties, and the public. In taking a view on whether it would be entitled to a possession order, the Administering Scheme Partner will need to consider fully all the factors that a court would take into account in determining whether it was reasonable for an order to be granted, and
- Having concluded there would be entitlement to an order, the Administering Scheme Partner will need to satisfy itself that the behaviour is serious enough to make the person unsuitable to be a tenant. They will also consider whether if the possession order was granted, that it would not be suspended by the court. The basis for this suspension of order will be factors beyond the applicant's control rather than behaviour that is deemed to be wilful or deliberate, and
- The Administering Scheme Partner will need to satisfy itself that the applicant is unsuitable to be a tenant by reason of the behaviour in question – in the circumstances at the time the application is made. Where previous unacceptable behaviour is being considered, the Administering Scheme Partner will be required to take into account behaviour that can be shown to have improved. In making this decision the Administering Scheme Partner will consider recommendations from appropriate panels, for example the Knowsley High Priority Resettlement Panel, where they confirm that the applicant is engaging with support providers and is demonstrating an ongoing commitment to resolve any behavioural issues.

3.5.4 If it has been established that an applicant is ineligible on the grounds of unacceptable behaviour then their application will be classed as ineligible and no waiting time on the register will be accrued.

3.5.5 The application will remain ineligible until such time as the applicant can provide evidence of mitigation or modification of their behaviour (see Section 4.5)

## **3.6 16/17 year olds**

3.6.1 Applicants aged 16 or 17 years may register on Property Pool Plus but will not normally be offered a tenancy before they reach 18 years of age. If a pressing need to house such individuals is established by either the Housing

Options Service or Children and Young People's Service, the Scheme Landlord may require a rent guarantor and a support plan.

## **3.7 Councillors, Board Members, employees and close relatives**

3.7.1 People who are Councillors, Board Members, employees and their close relatives (this would include partner / spouse, parent, brother, sister or child) of the Scheme Partners may register on the Property Pool Plus Scheme but this must be declared at the point of registration. Failure to do so may be considered as withholding relevant information and may affect any future tenancy.

## **3.8 Offenders and ex-offenders**

3.8.1 When registering on the Property Pool Plus scheme all applicants are required to state whether they have any criminal convictions, not including 'spent' convictions. In most cases, a conviction will be 'spent' when the rehabilitation period has expired.

3.8.2 The existence of criminal convictions will not prevent an applicant from being included on the Property Pool Plus register unless this conviction was as a result of unacceptable behaviour serious enough to make them unsuitable to be a tenant (see section 3.5 on ineligible applicants).

3.8.3 Applicants who are in custody may register on the Property Pool Plus scheme but will be unable to bid for vacancies until two weeks prior to their release date.

3.8.4 Ex-offenders will be offered advice and assistance by the Housing Options service when released from custody or whilst in custody if it is sought.

## **3.9 The Property Pool Plus Register**

3.9.1 There are several ways that an applicant may register on the Property Pool Plus Register:

- on line by visiting the Property Pool Plus website;
- by returning an application form which can be requested by telephone;
- in person by visiting a Scheme Partner office or Scheme Council One Stop Shop.

The full list of access points and phone numbers is available on the Property Pool Plus website.

3.9.2 The Scheme Partner with whom the applicant is registered is known as the Administering Scheme Partner for that application. The Administering Scheme Partner will be the point of contact responsible for registering, amending, renewing and assessing that application, and dealing with any requests for review of a decision.

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- 3.9.3 Applicants will be asked to provide current information to confirm the circumstances of all household members before the application can be checked and assessed. Applicants should be aware that it is a criminal offence to provide false information or deliberately withhold information upon which their application will be assessed.
- 3.9.4 Applicants may be asked to provide references at initial registration by some Administering Scheme Partners. These may be from a current or previous landlord or someone who knows the applicant in an official capacity such as local community representative, advice worker, health visitor, social worker or probation officer. It is appreciated that some applicants have difficulty in providing a reference and these will be considered on an individual basis. In addition Scheme Landlords will normally request references if an applicant is being considered for an offer (see Section 6.3.3)
- 3.9.5 The information that an applicant has provided will be verified before an applicant can apply for vacancies. Following verification, some applicants may be found to be ineligible due to their immigration status as explained in Sections 3.4 or on the basis of unacceptable behaviour as explained in Section 3.5. In these instances, their application will be classed as ineligible.

## **3.10 Assessment of an application**

- 3.10.1 Applications will be assessed to ensure that people with the greatest housing need are given the greatest opportunity to move to more suitable accommodation. The assessment will be undertaken by authorised officers of the Administering Scheme Partner.
- 3.10.2 For some assessments, the views of assessment panels will be taken into consideration. Such panels may contain representatives from relevant organisations including other Housing Associations, support agencies, social Services and Probation who are in a position to provide a broader understanding of the circumstances relating to a particular applicant. An example of such a panel would be the Knowsley High Priority Resettlement Panel.
- 3.10.3 The assessment will be based on the household's current circumstances and the type of accommodation they currently live in. Assessments of need will be carried out initially at registration but also later if there is a change in circumstances. Applicants may be required to provide supporting evidence from appropriate agencies such as Health or Social Services, Police or Probation.
- 3.10.4 The assessment will take into account the applicant's recent housing history and, if it is considered that they have moved in order to deliberately worsen their housing situation, then they may be placed in Band E (No Priority) for a period of 12 months.
- 3.10.5 The application of any applicant who knowingly provides false information in support of their application will be given Reduced Preference and placed in

Band F for a period of 12 months. If as a result of false information being provided a tenancy is created, then the tenant may be subject to possession proceedings on the grounds of misrepresentation.

- 3.10.6 Applicants will be placed in a Band according to their housing need (See Chapter 5). Applicants who have more than one housing need, for example health need and overcrowding, will be placed in the Band which affords greatest priority.
- 3.10.7 Applicants whose current or previous behaviour is considered to be unacceptable, but which is not deemed serious enough to justify a decision to treat them as ineligible, may be given Reduced Preference status. This includes applicants with current or former rent arrears and is explained in Chapter 4.

### **3.11 Change in Circumstances**

3.11.1 If an applicant's circumstances change it is the responsibility of the applicant to inform the Administering Scheme Partner promptly in order that their application can be reassessed. Examples of changes of circumstances could include:

- change of address or name;
- increase in household size due to the birth of a child or addition of household member;
- decrease of household size due to bereavement or person leaving the household;
- relationship breakdown;
- the serious deterioration of, or improvement in, a health condition
- threat of homelessness;
- rent arrears in their private or social tenancy;
- a change in employment status
- a change in local connection with an area.

3.11.2 Applicants' date of registration will not be affected if they change address providing they have not been re-housed to a social housing tenancy. However, their housing need priority may be affected (see Chapter 5).

3.11.3 It is also important that the applicant advises the Administering Scheme Partner of any changes to their contact details as this may affect the ability of the Scheme Landlord to contact them.

### **3.12 Renewal of applications**

3.12.1 To ensure that accommodation is allocated fairly, and to take account of any change in circumstances affecting an applicant's eligibility or current or future housing need, applicants are required to renew their application every 12 months.

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3.12.2 The renewal procedure will be the responsibility of the applicant's Administering Scheme Partner who will issue an invitation to renew an application either by letter or email. This will take place annually on the anniversary of the registration date. Applicants will be required to respond within 4 weeks, after which their application will be cancelled.

3.12.3 However, if an applicant contacts their Administering Scheme Partner within 6 months of the cancellation their application will be reinstated and they will retain their original registration date. After the 6 month period, applications will remain permanently cancelled.

## **3.13 Cancelled Applications**

3.13.1 Applications will be cancelled in the following circumstances:-

- the applicant has been re-housed to social housing;
- the applicant has successfully moved under a mutual exchange scheme;
- a request to cancel an application has been received from an applicant (or their Advocate);
- there is no reply to renewal letters;
- letters to the applicant are returned by the Post Office;
- notification has been received that the applicant is deceased.

3.13.2 Applications which are cancelled will not accrue any waiting time on the register except for applications which are cancelled and then reinstated as part of the renewal process as described in Section 3.12.3.

## CHAPTER 4

### 4.1 Applicants with a history of unacceptable behaviour

- 4.1.1 Applicants with a history of unacceptable behaviour, by the applicant, member of their household or any other person who would reasonably be expected to live and be re-housed with them, may be given reduced opportunity to be considered for an offer of accommodation through the Property Pool Plus Scheme, if it is considered proportionate and reasonable to do so.
- 4.1.2 The aim of this is to project a clear message to current and future applicants for re-housing that partners of the Property Pool Plus Scheme are committed to achieving stable, balanced and sustainable neighbourhoods, tackling anti-social behaviour and promoting good tenancy conduct.
- 4.1.3 Depending upon the seriousness of the unacceptable behaviour, including rent arrears, the application may be;
- Assessed as ineligible to be included on the Register due to unacceptable behaviour (See Section 3.5)
  - Given Reduced Preference status and placed in Band F (see Chapter 5)

### 4.2 Applications which are ineligible due to unacceptable behaviour

- 4.2.1 The criteria for ineligibility due to unacceptable behaviour have been developed on specific grounds and are structured to facilitate a period of time where the applicant will be given an opportunity to demonstrate that they are committed to addressing any previous or current unacceptable behaviour.
- 4.2.2 The decision that an applicant is ineligible due to unacceptable behaviour will be made by an appropriate Senior Officer from the Administering Scheme Partner.
- 4.2.3 The grounds upon which the Administering Scheme Partners may rely on include (though not exclusively):
- Rent lawfully due that has not been paid (current or former tenancy)
  - Conduct likely to cause nuisance and annoyance within the locality (anti-social behaviour)
  - Any conviction relating to allowing the property to be used for immoral purposes, or an indictable offence committed within the locality of the dwelling-house
  - Domestic Violence
  - Condition of the property due to neglect
  - Condition of the property due to ill-treatment
  - Grant of the tenancy by misrepresentation

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4.2.4 When making the decision to assess an application as ineligible due to unacceptable behaviour, the following factors will be taken into consideration:

- when the unacceptable behaviour took place;
- the length of time that has elapsed;
- what subsequent steps the applicant has taken to address the unacceptable behaviour
- whether there has been any change in circumstances including health, dependents and the individual circumstances of the applicant.

Each application will be considered on its individual merit and any previous or current extenuating circumstances will be taken into account. Administering Scheme Partners will give necessary credence to balancing the individual's housing needs with the unacceptable behaviour that warrants consideration for classifying the application as ineligible.

4.2.5 Where the individual needs of an applicant or their household are deemed to outweigh the unacceptable behaviour being considered, then the application will not be classed as ineligible. However the Administering Scheme Partner may still rely on setting agreed conditions to ensure the unacceptable behaviour is addressed. The application will be awarded the appropriate priority according to their housing need.

4.2.6 In such circumstances where an applicant, by default or refusal, fails to address the unacceptable behaviour, then the Administering Scheme Partner may withhold an offer of accommodation until such time as the unacceptable behaviour is addressed.

4.2.7 The assessment of an application as ineligible due to unacceptable behaviour will normally occur at initial registration. However, this may be applied at any stage during the application and lettings process if tenancy breaches occur or previous unacceptable behaviour is later identified.

4.2.8 The length of time the application is held to be ineligible will initially be for a 12 month period and will be subject to an annual review. If after this period there has been no satisfactory attempt to address the unacceptable behaviour; or there has been a repetition of this behaviour; or another ground has been breached, then the application may be held to be ineligible for a further 12 month period. There is no limit to the number of times that the application can be assessed as being ineligible.

4.2.9 As indicated, all ineligible applications will be reviewed after 12 months, or earlier on request from the applicant if they can provide satisfactory evidence of mitigation or modification of their unacceptable behaviour.

4.2.10 Applications which are classed as ineligible do not accrue waiting time. Therefore the registration date for a previously determined ineligible application will be the date at which the applicant has demonstrated that



they have addressed or modified their behaviour and are no longer assessed as ineligible due to unacceptable behaviour.

4.2.11 An applicant whose unacceptable behaviour is not deemed to be serious enough to make them ineligible may have their application re-designated to Reduced Preference Status (see Section 4.4).

### **4.3 Notifying applicants who are classed as ineligible due to unacceptable behaviour**

4.3.1 All applicants will be notified in writing of a decision to assess their application as ineligible. This notification will include:

- reasons why the application has been assessed as ineligible, and
- length of time for which the application will be assessed as ineligible, and
- steps they must take to address the grounds that make them ineligible, and
- the date by when the decision will be reviewed, and
- a right of review of the decision to deem the application ineligible.

4.3.2 Applicants who have had their application deemed as ineligible due to unacceptable behaviour have a right to ask for a review of the decision (see Chapter 8 Review of decisions).

4.3.3 If the applicant is able to demonstrate they were not guilty of unacceptable behaviour sufficient to result in their being ineligible to register on the Property Pool Plus Scheme, then their application will be registered from their original date of registration and placed in the appropriate band.

4.3.4 If an applicant, who has previously been assessed as ineligible because of unacceptable behaviour, considers that this should no longer apply they must submit information demonstrating that they have modified or mitigated their behaviour.

4.3.5 If the Administering Scheme Partner then considers the applicant to be suitable to be a tenant, the applicant will no longer be considered ineligible and the applicant will be registered from the date of this latest decision, not the original date of application.

4.3.6 If the Administering Scheme Partner does not consider that the applicant is now suitable to be a tenant, the applicant will remain ineligible.

### **4.4.2 Reduced Preference Status**

4.4.1 Applicants whose current or previous behaviour is considered to be unacceptable but which is not deemed serious enough to justify a decision to treat the applicant as ineligible will be given Reduced Preference Status.

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- 4.4.4 This less serious unacceptable behaviour may relate to the same grounds set out in 4.2.3 above but where a possession order would not reasonably be sought or granted. It will also include other forms of unacceptable behaviour such as previous poor tenancy conduct, threatening behaviour towards staff or evidence of property abandonment
- 4.4.5 Rent arrears which will be taken into consideration include current arrears for both social and private sector tenancies and arrears from former social and private sector tenancies which were terminated in the past 6 years. Checks will be made as to the reason the arrears have accrued and extenuating circumstances will be taken into account.
- 4.4.6 As a general guide, the level of rent arrears which will result in Reduced Preference Status is 4 weeks' gross rent unpaid by the applicant where the rent is due weekly. Rent owed due to delays in payment of Housing Benefit will not be taken into account.
- 4.4.7 If appropriate, Reduced Preference Status will be given to applicants who have otherwise been assessed and placed in Bands A, B, C D, and E. However, each application will be considered on its individual merit and any extenuating circumstances will be taken into account. Administering Scheme Partners will give necessary credence to balancing the individual's housing needs and the unacceptable behaviour or level of rent arrears that warrants consideration for Reduced Preference Status.
- 4.4.8 Applicants with Reduced Preference Status will be placed in Band F until such time as the applicant can either provide evidence of mitigation or modification of their behaviour or reduction of the rent arrears, (see Section 4.5).
- 4.4.9 All applications with Reduced Preference will be formally reviewed every 12 months but an applicant can request a review of their Reduced Preference Status at any stage (see Chapter 8).

## **4.5 Modifying Unacceptable Behaviour including rent arrears**

- 4.5.1 If as a result of an applicant's unacceptable behaviour, they are considered to be ineligible or they are awarded Reduced Preference Status, then the applicant will be required to provide evidence that they have taken the necessary steps to modify this behaviour. Their application will then be reviewed and their status amended if appropriate.
- 4.5.2 The applicant will be required to reach agreement with the Administering Scheme Partner as to what is acceptable to enable their application to be re-instated.

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4.5.3 In all instances, the applicant will be required to demonstrate they are able to satisfactorily maintain a tenancy. The following indicative criteria may apply:

4.5.3.1 In the case of outstanding debts owed:

- Debt is cleared, or
- Debt is reduced to an agreed level, or
- Regular periodic payments are maintained to reduce the debt over an agreed period of time, and
- Applicant is able to demonstrate they have been able to satisfactorily maintain a tenancy since, where applicable.

4.5.3.2 In the case of anti-social behaviour:

- Signed authority under the Data Protection Act to allow supporting information to be gathered.
- Evidence of satisfactory non-offending history, (where applicable)
- Evidence of co-operation with professional support agencies, (where applicable)
- Evidence of treatment for any substance dependency issues (where applicable)
- Co-operation in any multi-agency risk assessment process (where applicable)
- Applicant is able to demonstrate they have been able to satisfactorily maintain a tenancy (where applicable).

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## CHAPTER 5

### 5.1 Assessment of housing need

5.1.1 Once an application has been assessed it will be categorised in one of the following Bands according to the relevant housing need that exists;

<b>BAND</b>	<b>REASON FOR HOUSING NEED</b>
Band A Urgent Priority	Health/Welfare (Urgent) Statutory Homeless (Unintentionally with priority need) Regeneration Overcrowded (2 or more bedrooms)
Band B High Priority	Health / Welfare (High) Overcrowded (1 bedroom) Disrepair Under occupation
Band C Medium Priority	Health/Welfare (Medium) Homeless (no priority need) Homeless (intentional with priority need) Living with family and friends
Band D Low Priority	No assessed need and in employment
Band E No Priority	No assessed need and not in employment
Band F Reduced Priority	Reduced preference status due to unacceptable behaviour

5.1.2 The assessment of housing need will be made by appropriate designated officers from the Administering Scheme Partner.

### 5.2 Prioritising applications within bands

5.2.1 Applicants in Band A are prioritised in order of the reasons for housing need as listed in the table above. However some properties may be targeted for specific housing needs when a property is advertised (see Section 2.7)

5.2.2 There are some important differences in the way applications in Bands B and C are prioritised for accommodation in different Scheme Council areas.

5.2.3 For Halton, Knowsley, Sefton and Wirral applications in Bands B and C are prioritised within each Band by date of entry into the Band and there is no distinction between the different housing need reasons.

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- 5.2.4 For Liverpool, applicants in Bands B and C are prioritised in the order set out in the table above and by date of entry within each Band. For example, applicants in Band B Health and Welfare (High) will receive priority over those in Band B Overcrowded (1 Bed) even though an applicant in Overcrowded (1 Bed) may have an earlier date of entry into the Band. However preference may be given to a particular reason for housing need when a property is advertised to meet local priorities.
- 5.2.5 For all Scheme Council areas applicants in Bands D to F are prioritised within each Band by date of entry into the Band.
- 5.2.6 When applicants are prioritised for a property, if there is more than one applicant with the same date of entry into the Band, the applicants will be further prioritised in order of date of registration.

## 5.3 Date of entry into Band

- 5.3.1 The initial date of entry into a Band following assessment is shown in the table below;

<b>Initial Band</b>	<b>Date of entry</b>
A	Date the reason for housing need has been fully assessed and confirmed
B	Date the reason for housing need has been fully assessed and confirmed. For applicants in hostel or supported accommodation it will be the date at which they first moved into the accommodation or date of registration whichever is the later
C	Date the reason for housing need has been fully assessed and confirmed
D	Date the employment status has been confirmed
E	Registration date
F	Date the Reduced Preference status has been fully assessed and confirmed

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5.3.2 If an applicant is subsequently reassessed and is placed in a higher Band, the date of entry into the Band is shown below;

<b>Higher Band</b>	<b>Date of entry</b>
A	Date the reason for higher housing need has been fully assessed and confirmed
B	Date the reason for higher housing need has been fully assessed and confirmed. For applicants in hostel or supported accommodation it will be the date at which they first moved into the accommodation or date of registration whichever is the later
C	Date the reason for higher housing need has been fully assessed and confirmed
D	Date the employment status has been confirmed
E	Registration date

5.3.3 However if an applicant's priority is reduced to Band F and they subsequently address the reason for their reduced preference status they would go back to their previously assessed Band with the original Band assessment date, not the date they left Band F.

5.3.4 If an applicant is subsequently reassessed and placed in a lower Band, the date of entry is as follows;

<b>Lower Band</b>	<b>Date of entry</b>
B	Date the reason for higher housing need was fully assessed and confirmed
C	Date the reason for higher housing need was fully assessed and confirmed
D	Date the reason for higher housing need was fully assessed and confirmed
E	Registration date
F	Date the Reduced Preference status has been fully assessed and confirmed

5.3.4 If an applicant loses a priority due to a change in circumstances, but is later reassessed for a further higher priority, the date of entry into the Band is the date that the reason for the most recent priority is fully assessed and confirmed.

## 5.4 Band A – Urgent Priority

### 5.4.1 Health and Welfare (Urgent)

5.4.1.1 Responsibility for carrying out assessments, banding and inclusion into this Sub Band will be the Scheme Council or an appropriate Senior Officer from the Administering Scheme Partner and monitored by the Scheme Council.

5.4.1.2 These will include;

- applicants with severe long term health conditions causing substantial disabilities that are unable to access any essential facilities in their current accommodation.
- applicants with an exceptional welfare need, including severe incidents of violence where other temporary resolutions are not possible and where continued occupation of their current dwelling could place lives at risk.
- applicants ready to be discharged from hospital or residential care where they are unable to access any essential facilities within their home
- applicants temporarily or permanently displaced from their accommodation through the intervention of Private Sector Housing/Environmental Health teams of the Scheme Councils using the Housing Act 2004 and/or 1985 to deal with Category 1 and/or 2 Hazards in the premises or Public Health legislation to deal with conditions which are prejudicial to health
- applicants temporarily or permanently displaced from their living accommodation through the intervention of Fire and Rescue Services using Fire Safety Legislation to deal with conditions which pose an imminent risk to occupiers safety
- applicants who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she or a member of their household has sustained as a result of service in the Armed Forces.

5.4.1.3 Applicants need to move urgently and therefore they will be expected to be actively bidding for suitable vacancies. Help and assistance in the bidding process will be available including the placing of bids on their behalf if required. Applications will be reviewed regularly to ensure that applicants are actively bidding for suitable vacancies and are being realistic in their choice.

5.4.1.4 Applicants who are not actively bidding for suitable accommodation will be given one reasonable offer of accommodation, refusal of which will prompt a reassessment of the application. This may result in the applicant remaining in the same Band but with a revised date of entry into the Band which will be the date of refusal of the offer. Responsibility for this will be the Scheme Council or a Senior Manager within the Administering Scheme Partner. When considering the "reasonableness" of an offer, it should be recognised it may not be possible to provide an offer in the applicant's specific area of choice, but every effort will be made to meet this request.

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## 5.4.2 Statutory Homeless (unintentionally)

5.4.2.1 This will include applicants who are accepted by the Homeless Service as being owed a full housing duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002).

5.4.2.2 Applicants need to secure housing urgently and therefore they will be expected to be actively bidding for vacancies. This would mean that they will be expected to check the advert each week and apply each week for vacancies in their own Scheme Council area which are suitable for their household in terms of size and type, but not necessarily in the area they would prefer. Help and assistance in the bidding process will be available including the placing of bids on their behalf if required. Applications will be reviewed regularly to ensure that applicants are actively bidding for suitable vacancies and are being realistic in their choice.

5.4.2.3 Applicants who are not actively bidding for suitable accommodation will be given one reasonable offer of accommodation, unreasonable refusal of which will prompt a reassessment of the application. The applicant will be placed in the appropriate Band; this may result in the applicant being placed in Band D or Band E. When considering the "reasonableness" of a refusal, it should be recognised that it may not be possible to provide an offer in the applicant's specific area of choice, but every effort will be made to meet this request.

## 5.4.3 Regeneration

5.4.3.1 This will include residents being displaced as a result of their home being included in a Regeneration Area for clearance or redevelopment by the Scheme Council or by a Scheme Landlord in partnership with the Scheme Council. Only those schemes approved by the Scheme Council will be included in this Sub-Band.

5.4.3.2 This housing need is given urgent priority to ensure Scheme Council regeneration programmes can proceed. Applicants are prioritised in accordance with the identified priority order for the Scheme Council Clearance areas.

5.4.3.3 Because of the need to re-house residents in a programmed manner, some may receive targeted offers outside the arrangements for the scheme. For example, but not exclusively, when;

- the applicant's land/property is urgently needed for redevelopment, or the remaining residents are at risk, or existing funding is at risk; or
- it can be demonstrated the needs of the resident are more urgent than those other applicants who are currently placed in this Sub Band.



This reason for housing need does not include those applicants who are required to move temporarily as a result of an improvement scheme and will later return to their original home or scheme.

#### 5.4.4 Overcrowded by two or more bedrooms

5.4.4.1 This will include applicants who, by the application of the bedroom standard outlined in Section 5.12, are overcrowded in their current property and require two or more additional bedrooms.

### 5.5 **Band B – High Priority**

#### 5.5.1 Health / Welfare (High)

5.5.1.1 This will include:

- victims of harassment, domestic violence, victims of hate crime
- people with a severe long term health condition that causes a permanent and substantial disability who are unable to access some of the facilities within the home
- applicants living in an area/community that has a serious detrimental effect on their mental health issues
- young people leaving the Care of the Local Authority
- applicants from hostel and supported accommodation where funding is provided by the Supporting People Programme or adult social services and where the residents are expected to move on within two years or where the support is no longer required. (Applicants will only be included if they have been assessed as ready to move on from such schemes and where their continued support needs have been assessed and, if required, are in place. The assessment procedure may vary in different Scheme Council areas and may include the use of an assessment panel)
- members of the Armed Forces who will be discharged within 3 months and who have no medical needs
- formal referrals from Social Services under the Children Act where it is confirmed the applicants have an urgent need to move
- applicants who are tenants of adapted properties owned by the Scheme Landlords where the adaptations are no longer required and where the property is designated by the Scheme Council as being in demand by other priority cases.

5.5.1.2 Applicants living in hostel or supported accommodation which are funded by the Supporting People programme or adult social services will be awarded a priority and placed in Band B when they have been assessed as ready to move on from the scheme. The date of entry into the Band will be the date they moved into the hostel or the date of registration, whichever is the later. This is to enable a swift move-on from the accommodation so releasing a bed space which can be used by another person.

#### 5.5.2 Overcrowded by one bedroom

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5.5.2.1 This will include applicants who, by the application of the bedroom standard outlined in Section 5.12, are overcrowded in their current property and require one additional bedroom.

## 5.5.3 Disrepair

5.5.3.1 This will include applicants whose accommodation has been inspected by Private Sector Housing/Environmental Health Teams of the Scheme Councils under the Housing Act 2004 to deal with Category 1 and/or 2 Hazards in the premises or Public Health legislation to deal with conditions which are prejudicial to health and where: -

- enforcement action is considered appropriate to remove the hazards/threats to health, and
- the time scales for undertaking the improvement works are such that it is reasonable for the applicant to seek alternative accommodation.

## 5.5.4 Under-occupation

5.5.4.1 Applicants who are tenants of social housing in the Scheme Area who are under occupying their present home. The priority is given for a move to suitable accommodation for example, single applicants or couples under-occupying a 3 bedroom property would normally be expected to move to 1 or 2 bedroom accommodation.

## **5.6 Band C – Medium priority**

### 5.6.1 Health/Welfare (Medium)

5.6.1.1 This will include:

- applicants whose long term health condition is made worse by their living conditions
- people whose relationship has permanently broken down and who have to leave a shared home
- people who need to move to a particular locality to give or receive care or support
- applicants from hostel or supported accommodation where funding is not provided by Supporting People Programme or adult social services.

### 5.6.2 Homeless with no Priority Need

5.6.2.1 This will include applicants who are accepted by the Homeless Service as being eligible for assistance, homeless, not in priority need in accordance with the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

### 5.6.3 Living with Family and Friends

5.6.3.1 This band includes applicants who do not have a tenancy of their own, who are living with family/friends, are not overcrowded or with any other identified housing needs but want to secure a home of their own. This will include applications from people who live in separate addresses but are looking to secure joint re-housing. The date of application will be the date they were assessed as having this need and applicants must provide supporting documentation of their situation to ensure they are not creating a priority need.

## 5.6.4 Intentionally Homeless

5.6.4.1 This will include applicants who are accepted by the Homeless Service as being eligible for assistance, homeless and in priority need but intentionally so, in accordance with the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002). Applicants will also be assessed against Band F Reduced Preference criteria and if appropriate will be placed in Band F

## 5.7 **Band D – Low priority**

5.7.1 We want to encourage people who can, to work and want to raise levels of aspiration and ambition. We will offer increased priority to applicants who are working and who are therefore making a contribution to the sub regional economy.

5.7.2 This Band will include households where at least one adult household member is in employment but who have no recognised housing need and do not satisfy the criteria to be included in one of the other bands.

5.7.3 For the purposes of this Allocations Scheme employment is described as having a permanent contract, working as a temporary member of staff or being self-employed. Applicants will only qualify if the worker has been employed for 9 out of the last 12 months and has been working for a minimum of 16 hours per week. Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper in order to qualify.

5.7.4 Applicants must inform the Administering Scheme Partner of any changes to their employment status. This will also be checked at the time of any offer.

## 5.8 **Band E – No priority**

5.8.1 This will include applicants who are not in employment, with no recognised housing need or those who do not satisfy the criteria to be included in one of the other bands.

## 5.9 **Band F – Reduced Priority**

5.9.1 Applicants who have a Reduced Preference Status due to unacceptable behaviour (see Section 4.4)

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## 5.10 Local Connection

- 5.10.1 In order to give reasonable preference to local residents, priority for rehousing within each Scheme Council Area will take into consideration a local connection within that area.
- 5.10.2 To demonstrate a local connection with a Scheme Council Area, an applicant must satisfy at least one of the following criteria;
- Have lived in the Scheme Council Area for 6 months out of the last 12 months or 3 years out of the last 5 years;
  - Have a permanent job in the Scheme Council Area;
  - Have a close family association (parent, adult child or adult brother/sister) who is currently living in the Scheme Council Area and have done so for more than 5 years;
  - Have a need to be in a specific Scheme Council Area to be near to a particular health facility for long term treatment;
  - Have a need to be in a specific Scheme Council Area to give or receive caring support;
- 5.10.3 Unless an applicant needs to move to another area for safety reasons, priority due to Statutory Homeless (Unintentionally) and Regeneration in Band A will be awarded for the applicant's current Scheme Council Area only.
- 5.10.4 With the exception of priority due to Statutory Homelessness (Unintentionally) and Regeneration in Band A, applicants in Bands A, B, C and D will be awarded that priority for the Scheme Council Areas for which they can demonstrate a local connection.
- 5.10.5 Applicants in Bands A, B, C and D may apply for vacancies in Scheme Council Areas other than those with which they have a local connection, but their housing need will not be taken into consideration and they will be considered to be in Band E when bidding for those vacancies.
- 5.10.6 Applicants in Bands E and F may apply for vacancies in all Scheme Council Areas and local connection will not be taken into consideration.
- 5.10.7 Those applicants with a housing need who live outside the combined Scheme Area may be considered for a priority Band but only if they can demonstrate a local connection with one of the Scheme Council Areas and the priority will apply only to vacancies in that Scheme Council Area.
- 5.10.8 Those applicants who do not have a local connection with any Scheme Council in the Scheme Area will be placed in Band E. An exception to this would be a need to move to another area for safety reasons.

5.10.9 Applicants must inform the Administering Scheme Partner of any changes to their local connection with an area, for example a change of address of a relative. This will also be checked at the time of any offer.

## **5.11 Cross Boundary Mobility**

5.11.1 Scheme Partners have agreed that a maximum of 5% of all properties advertised through the Scheme will be let to applicants living in another Scheme Council Area. This will include applicants in Bands A, B, C and D who can demonstrate a local connection with the accepting Scheme Council Area as outlined in Section 5.10.2., and applicants in Bands E and F who have no local connection.

5.11.2 The 5% maximum does not apply to 'readily available' properties (see Section 6.1.1.5)

## **5.12 Bedroom Standard**

5.12.1 The standard to be applied is as follows;

5.12.2 One bedroom is required for the applicant and their partner. One bedroom is then added for the following people living with the applicant:

- pair of children aged under 10 years regardless of gender;
- pair of adolescents aged 10 to 20 years of the same gender;
- any single adult aged 21 years or more;
- a carer/group of full time carers as recognised by Social Services;

5.12.3 Due to the shortage of larger properties, applicants who are eligible for four bedroom properties may also be considered for larger three bedroom properties, for example a three bedroom property with two separate living rooms where one can be considered to be used as a bedroom.

5.12.4 Households with an expectant mother are treated as though the child has been born once the Pregnancy Maternity Certificate (MATB1) has been provided.

## **5.13 Staying contact with children**

5.13.1 Where an applicant has staying contact with children, the children will only be considered as part of that housing application if the applicant can provide proof they live with the customer for the majority of the time (over 50%). The proof may be documentation from the court or solicitor, or written confirmation from the child's other parent.

5.13.2 Where access has been shared equally between two partners, it is unlikely that accommodation of the same size will be made available to both parents. Usually, a parent with staying contact for children for less than 50% of the time may be allocated an additional bedroom for those children, for example a single person may be eligible for a two bedroom property.

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## CHAPTER 6

### 6.1 Advertising vacant properties

6.1.1 Properties will be advertised on a weekly cycle in the form of an advert and/or Newsletter which can be viewed:

- on the Property Pool Plus website
- at Council One Stop Shops
- at offices of the Scheme Landlords
- at a variety of community facilities and
- by mail to housebound applicants who do not have internet access

6.1.2 The adverts will include a description of the property, form of tenure, rental charge, property size and any disabled adaptations.

6.1.3 Properties will be advertised displaying any specific criteria or restrictions on who may bid for such properties e.g. if there is a restriction on age group or family size. Properties will be offered to applicants who meet the property criteria in order of Band and then date of entry into that Band.

6.1.4 When it has not been possible to allocate a property after the first advert, the landlord may re-advertise the property to include households who were previously excluded from applying.

6.1.5 There may be some properties which have been advertised but the Scheme Landlord has not been successful in letting the property. In these instances, the Scheme Landlord may let the property on a 'first come, first served' basis. These are known as 'readily available' properties.

## 6.2 Bidding for vacancies

6.2.1 Applicants are required to bid for a property if they want to be considered for it and may bid for a maximum of 3 properties each week. Applicants who do not meet the eligibility criteria for a property will not be able to bid for the vacancy.

6.2.2 Applicants may bid for vacancies in a variety of ways;

- on line by visiting the Property Pool Plus website
- by telephone service
- by text message
- in person by visiting a Scheme Partner office or Council One Stop Shop.

6.2.3 The Property Pool Plus Scheme has the facility to allow applicants to view their position on the shortlist, when they make a bid for a property. This will enable applicants to make an informed choice as to whether they wish to withdraw a bid where they may be unsuccessful.

6.2.4 The type and size of property that an applicant may apply for, can vary depending upon household size and other circumstances. The following table is a general guide only and will vary depending upon the availability of property and demands in particular areas.

Household type	Property type
Single person	Bedsit, one or two bedroom flat, maisonette or bungalow
Couple	One or two bedroom flat, maisonette or bungalow
Couple who need separate bedrooms due to medical reasons	Two bedroom flat, maisonette or bungalow
Two person household, not a couple	Two bedroom flat, maisonette or bungalow
Household with one child or baby expected	Two bedroom house or family flat/maisonette
Household with two children	Two or three bedroom house or family flat/maisonette
Household with three children	Three bedroom house or family flat/maisonette
Household with four or more children	Large three bedroom, four bedroom and larger houses
Household of adults, no children	Appropriate size flat, maisonette or house to allow one bedroom per adult or pair of partners

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Households with specific requirements due to health needs relating to disability	Ground floor flat or bungalow Adapted house
Household requiring support due to old age or other vulnerability	Sheltered or supported accommodation Extra Care accommodation

6.2.5 There may be exceptions to the above guide in terms of property type, for example one or two bedroom houses may be advertised for singles or couples. This will be made clear on the property advert. The age group criteria for property will vary according to the Scheme Landlords' own rules.

6.2.6 There may be exceptions to the above guide in terms of household type, for example households requiring a full time carer or needing an extra bedroom on health or welfare grounds, including space for medical equipment, will be able to apply for a larger property. This will be considered on an individual basis and the applicant will be fully advised.

## **6.3 Short listing of applications**

6.3.1 As the advertising cycle proceeds, applicants who have bid for an advertised property will be short listed according to the Banding criteria outlined in Chapter 5 and any qualifying letting criteria or property criteria specified on the property advert.

6.3.2 Each Scheme Landlord may follow a different process when administrating the shortlist. Applicants who are being considered for an offer following their bid will be contacted by the Scheme Landlord who owns the property

6.3.3 Before an offer is confirmed, all Scheme Landlords reserve the right to carry out pre-tenancy checks which may include;

- confirmation that application details are correct
- confirmation of tenancy history including rent arrears and anti social behaviour issues
- confirmation of employment status if applicable
- confirmation of local connection if applicable
- take up of references if required.

6.3.4 References may be from a current or previous landlord or someone who knows the applicant in an official capacity such as local community representative, advice worker, health visitor, social worker or probation officer. It is appreciated that some applicants have difficulty in providing a reference and these will be considered on an individual basis.

## **6.4 Reasons why an applicant may be bypassed for an offer**



6.4.1 In some situations a property will not be offered to the highest ranked applicant who has expressed a preference for it. Short listed applicants may be bypassed for a number of reasons such as:

- if an applicant bids for a property and their household details do not match the household criteria set out in the advert
- if an applicant bids for a property that does not meet their specified health needs. For example if an applicant has been given health priority, or a specific health recommendation has been made for level access accommodation without stairs and an applicant bids for a house with stairs
- if there is evidence which had not been identified at initial verification, that an applicant owes money to any Housing Association, Local Authority or private landlord due to rent arrears, damage, costs through abandonment or any other identified housing related costs. In this instance the application will be reviewed and may be given Reduced Preference status (see Section 4.4)
- if there is evidence which had not been identified at initial verification, that an applicant or a member of their household has committed serious anti social behaviour. In this case, the application will be reviewed and may be deemed ineligible due to unacceptable behaviour (see Section 3.5) or may be given Reduced Preference status (see Section 4.4)
- if the applicant is a Council or Housing Association tenant and their current property is considered to be in a state of significant disrepair or neglect and there is evidence that disrepair/neglect/damage to the property has been directly caused by the applicant or a member of their household. In this case, the application will be reviewed and may be given Reduced Preference status (see Section 4.4)
  
- if an applicant's position on the shortlist is due to their employment and this status has changed
- if an applicant's position on the shortlist is due to their local connection with an area and this has changed
- if the applicant has already bid for another property and this has been offered to them
- if the property is adapted and the applicant does not need those specific adaptations
- no response has been received when the applicant has been contacted by telephone or letter, despite reasonable efforts
- the applicant's family is considered to be too small to fully occupy the property and if there are other applicants on the shortlist who would fully occupy the property.

6.4.2 This is not an exhaustive list and is a general guide as each case will be assessed individually and the personal circumstances of each applicant will be taken into account. Any short listed applicant who is bypassed can request a review of the decision, using the Review procedure in Chapter 8 of this Scheme.

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## **6.5 Number of offers**

6.5.1 To ensure applicants only bid for properties in which they are genuinely interested, and in order to be as fair as possible to all applicants, the number of offers an applicant can refuse is limited. When the limit is reached, a review of their application and priority will be made by the Administering Scheme Partner.

6.5.2 When an offer is refused, an assessment will be made as to whether this was a reasonable offer. With the exception of homeless applicants (where the decision about the 'reasonableness' of a refusal will be made by the Housing Options Service in accordance with legislation), the Scheme Landlord making the offer will be responsible for deciding whether or not the reason for refusing an offer is considered to be reasonable. As a guide, the following factors may be taken into account;

- the property is in the immediate location of someone who could present a danger to the applicant;
- the property has stairs which the applicant is unable to manage and this is confirmed by the health assessment;
- the applicant needs an adapted property or the current adaptations do not satisfy the applicant's needs and this is confirmed by an Occupational Therapist.

This list is not exhaustive and each case will be assessed individually.

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- 6.5.3 If it is considered that the offers made were reasonable, then the following will apply.

Band A - Health /Welfare (Urgent)	One reasonable offer only
Band A - Statutory Homeless (Unintentional)	One reasonable offer only
Band A - Regeneration	No limit
Band A - Overcrowded (2 or more bed)	Two reasonable offers
Band B - High Priority	Two reasonable offers
Band C - Medium Priority	Three reasonable offers
Band D - Low Priority	Three reasonable offers
Band E - No Priority	Three reasonable offers
Band F - Reduced Priority	Three reasonable offers

- 6.5.4 In all instances, with the exception of cases outlined in Section 6.5.4.1 below, an application is reviewed following the refusal of the stated number of reasonable offers. If the circumstances remain the same, the applicant will remain in the same Band but the entry date will be altered to the date of the latest refusal. However, if the circumstances have altered the application will be placed in the appropriate Band.

- 6.5.4.1 For applicants in Band A (Statutory Homeless (Unintentional)) the application is reviewed following the refusal of one offer and if the offer was reasonable, the applicant will be placed in a lower appropriate Band. .

## 6.6 Feedback on Lettings

- 6.6.1 The Property Pool Plus Scheme will publish the outcome for recently advertised vacancies on the website The information provided will include:

- Property size and type
- Property location
- Number of applicants who applied for each property
- Band and effective date of successful applicant

This will allow applicants to see where properties are more likely to become available and where they may have the best chances of making a successful 'bid'. Information will also be provided for vacancies which have been allocated as a result of a direct let to applicants on the Property Pool Plus Register.

- 6.6.3 The Scheme Partners will also produce analytical statistics on lettings to determine demand, availability of properties and gaps in provision to inform future housing strategy.

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## CHAPTER 7

### 7.1 Information and advice

7.1.1 Information and advice on the Allocations Scheme will be provided free of charge.

7.1.2 The following help is available to all applicants who apply to go onto the Scheme Register:

- Help to complete a housing application form;
- Written and verbal information to help them understand how their application will be dealt with;
- The opportunity to contact staff to find out whether their needs can be met and, if so, guidance on how long they may have to wait for accommodation;
- Help with reviews and complaints where appropriate (see Chapter 8).

### 7.2 Contact details

7.2.1 A list of the contact details for the Scheme Partners within the Property Pool Plus scheme can be found on the website.

### 7.3 Support services

7.3.1 Some applicants may need support in setting up, managing or maintaining a tenancy.

7.3.2 Every effort will be made by the Scheme Partners to identify applicants who need some level of support via:

- Their Scheme Register application;
- Referrals from staff and other agencies such as Social Services, Probation and Age Concern;
- Referrals from family members;
- Requests from applicants themselves.

7.3.3 The applicant may be contacted to obtain more details of their needs to decide what type of support they need, for example:

- Advice on the Property Pool Plus scheme and assessment procedure;
- Help to select a property;
- Support in setting up and maintaining a tenancy.

7.3.4 If they need help to select a property, this can be given by a nominated relative, friend or support worker who can bid for properties on their behalf.

7.3.5 If the applicant needs help to set up a tenancy every effort will be made by the Scheme Partners to refer them to the most appropriate housing support service provider.

## **7.4 To prevent homelessness**

7.4.1 Every effort will be made to identify applicants where threatened homelessness may be prevented. Applicants' details will be forwarded to the relevant Housing Options Team who will contact the applicant giving advice and assistance e.g. dealing with an applicant's mortgage provider or landlord or referring them to the Citizens Advice Bureau.

## **7.5 Independent advice**

7.5.1 An applicant may wish to get independent advice about the Property Pool Plus scheme or any decisions made about their application. Shelter, Citizens Advice Bureau and local solicitors are some of the organisations operating within the Scheme Area who may offer free, independent advice to people about their housing application.

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## CHAPTER 8

### 8.1 Review of Decisions

8.1.1 Excluding the right to request a review of a decision made under the homelessness process which is covered under a different procedure, applicants have the right to request a review of a decision as to how their application has been dealt with. Reviews are likely to centre around 2 main areas of the process, which are:

- Issues connected with their Registration on the Scheme;
- Issues connected with the Selection Process for a particular property.

8.1.2 Requests for a review arising because the applicant has not informed the Administering Scheme Partner of any changes to their application will be dismissed, for example if an applicant has been bypassed due to no contact and the applicant has not informed the Administering Scheme Partner of a change in their contact details.

### 8.2 Request for a review of a Registration Decision

8.2.1 The Administering Scheme Partner who registered the application will deal with all requests for a review concerning any decision in relation to an applicant's registration on the Scheme. The request for a review can be made in person, by telephone, by email or in writing within twenty one days from the date they were advised of the decision. The request for a review may cover any issue concerning their application, such as:-

- Decision to deem an applicant ineligible to register on the Scheme Register due to immigration status or unacceptable behaviour;
- How their application was processed;
- Decision not to award a priority;
- Removal or review of a priority;
- Decision to give Reduced Preference Status due to unacceptable behaviour
- Alteration of date of entry into a Band following refusal of reasonable offers.

8.2.2 The review procedure is as follows;

#### Stage 1

The review will be carried out by a Senior Officer for the Administering Scheme Partner who was not involved in the original decision. A response will be provided within 15 working days.

#### Stage 2

If the applicant is not satisfied with the response of the Stage 1 review, they may request a review of the decision by stating their reasons to their Administering Scheme Partner within 21 days of notification. An acknowledgement will be issued within 10 working days. The review will be

carried out by a designated panel from the Local Board of the Property Pool Plus scheme composed of representatives of the Scheme Council and Scheme Landlords in that Scheme Area, but not including the Scheme Partner responsible for the original decision. A meeting will be convened within 15 working days and a decision will be provided within 10 working days of the meeting.

8.2.3 If applicants are still dissatisfied then they may seek other forms of external redress, such as the Ombudsman or through the relevant legal process.

### **8.3 Request for a review of a Selection Process Decision**

8.3.1 All requests for a review of a decision concerning any aspect of the Selection Process for a particular property will be dealt with by the respective Scheme Landlord.

8.3.2 The request for a review can be made in person, by telephone or in writing within twenty one days from the date of publication of the outcome of the vacancy on the website.

8.3.3 Any issue that relates to the Selection Process for a property will be dealt with in this way. This may include: -

- The decision not to offer a particular property to an applicant
- The decision to withhold or withdraw an offer based on anti-social behaviour, neighbour nuisance or rent history
- Lettings Criteria used for a property
- The nature of Verification Checks made by the Scheme Landlord.

8.3.4 The review procedure is as follows;

#### Stage 1

The review will be carried out by a Senior Officer for the Scheme Landlord who was not involved in the original decision. A response will be provided within 15 working days.

#### Stage 2

If the applicant is not satisfied with the response of the Stage 1 review they may request a review of the decision by stating their reasons in writing to the Scheme Landlord within 21 days of notification. An acknowledgement will be issued within 10 working days. The review will be carried out by a designated panel from the Local Board of the Property Pool Plus scheme composed of representatives of the Scheme Council and Scheme Landlords in that Scheme Area, but not including the Scheme Landlord responsible for the original decision. A meeting will be convened within 15 working days and a decision will be provided within 10 working days of the meeting.

8.3.5 If applicants are still dissatisfied then they may seek other forms of external redress, such as the Ombudsman or through the relevant legal process.

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# Agenda Item 6

**REPORT TO:** CABINET MEMBER – REGENERATION

**DATE:** 16 February 2011

**SUBJECT:** Sefton Business Village Partnerships Review

**WARDS  
AFFECTED:** Linacre, Derby, Church, Victoria, Blundellsands, Manor,  
Dukes, Cambridge, Ravenmeols, Harrington, Sudell,  
Molyneux and Park.

**REPORT OF:** Alan Lunt, Director Neighbourhoods and Investment  
Programmes

**CONTACT  
OFFICER:** Steph Prewett Ext 3485

**EXEMPT/  
CONFIDENTIAL:** No

## **PURPOSE/SUMMARY:**

To set out the:

- (i) background and context to the review, including resource constraints of the Council and the Localism policy agenda
- (ii) overall outcomes of the BVP Review
- (iii) potential succession options for BVPs post March 2011
- (iv) all of the above to allow SBVP Members to come to an informed view about what are the preferred options for post March 2011
- (v) next steps if there are any resource or governance implications for the Council

## **REASON WHY DECISION REQUIRED:**

To agree preferred option for moving forward with BVP structure as part of wider area management arrangements.

## **RECOMMENDATION(S):**

That the Cabinet Member for Regeneration

- (i) notes the background and context for the review
- (ii) considers the views of the Sefton BVP and their preferred options for BVPs in light of resource constraints and the direction of area management
- (iii) values the commitment that has gone into undertaking the review by the BVPs

**KEY DECISION:** No

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**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** Following expiry of the call in of the minutes of this meeting.

**ALTERNATIVE OPTIONS:**  
Discussed as part of the BVP review

**IMPLICATIONS:**

**Budget/Policy Framework:** No Implications.

**Financial:** There are no direct financial consequences as a result of this report. However, this service is currently under review and any savings arising from the options will be reported back to Members.

<b>CAPITAL EXPENDITURE</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:** No implications

**Risk Assessment:** No implications

**Asset Management:** No implications

**CONSULTATION UNDERTAKEN/VIEWS**  
Review carried out with the BVPs  
Outcomes of review to be discussed at the overarching Sefton BVP meeting on 7 February 2011  
FD 650 – The Interim Head of Corporate Finance and Information Services has been consulted and his comments have been incorporated into this report.

The Head of Corporate Legal Services has been consulted and has no comments. LD 00051/11

## BACKGROUND PAPERS

### CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People		√	

## **1.0 BACKGROUND:**

- 1.1 The BVP Review has been triggered by the changing policy landscape of moving towards decentralisation/localism as well as the ending of the primary funding stream of BVPs on 31 March 2011. The BVP Review Framework was agreed at the last meeting on 30 September 2010. Members will recall that it was also agreed that a series of commissioning principles should be devised. These were to help structure the outcomes of the review and would be the things that the BVPs would need to sign up to and report back on if they wished to continue receiving financial support from the Council.
- 1.2 The Cabinet Member should also be aware that since the last meeting of the overarching BVP, it has been agreed by the Council that there will be a review of the Neighbourhoods Division (including BVP staff), Safer and Stronger Communities services and Southport Partnership team. The review will integrate the services and significant savings are expected to be made as a result. This review is at an early stage, but the outcomes will be fed back to Cabinet on 17 February 2011 to enable the Council to decide if this is what they want. Therefore, it is very important that the views of the overarching BVP Group inform this wider review.

## **2.0 OVERALL OUTCOMES AND SUGGESTED OPTIONS**

- 2.1 The theme of one size doesn't fit all has been integral to the entire BVP review process. Each BVP has undertaken the review in the way that they felt was most

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appropriate to their needs and the outcomes reflect that each BVP is unique with differing strengths, problems and needs.

- 2.2 These individual outcomes and options, along with the methodology adopted are contained within the attached full Review document. This report takes the common outcomes from each of the individual BVPs and sets them out into an overall flexible approach against the commissioning principles and the wider review referred to in Section 3.2.
- 2.3 The overall outcomes and options are based on all of the previous points outlined above but also:
- what has worked well and not so well in the past for BVPs; learning from each other and elsewhere
  - what do BVP s want to get out of working with the Council and other key partner organisations
  - what benefits do the BVPs bring to the Council and partners and the wider business community and the area
- 2.4 There have been some real key notable successes coming out of the BVPs. They have been in existence for a considerable time and all of the BVPs have indicated a wish to continue in some form. Some have been really good at engaging and keeping businesses within their networks. Others have struggled to retain an interest through factors outside of their control. Some of these issues seem to relate to a feeling that they are not being listened to and cannot necessarily influence decision making. BVP Managers have also reflected this back as part of their self-assessment. Since the integration with Neighbourhoods this has improved, but there is still some way to go.
- 2.5 Meaningful engagement with businesses and having a clear focus on what a BVP is all about in each area is something that whatever direction the BVPs take needs to be looked at. From a Council and business point of view it is important that the voices of businesses are heard and listened to when developing policy and strategy. The emerging Area Partnerships, on which it is expected that the BVPs will be a key partner, will address some of the concerns about not being able to influence policy and strategy. The role of the BVP on that will be fundamental to understanding the needs of businesses in their area and being able to advocate on their behalf. A call for formal interest in having a place on the Area Partnerships has already been circulated to all BVPs.
- 2.6 One of the key outcomes of the review has been the importance of partnership working in delivering actions. The experience of the BVPs has shown that this, more than the specific structure, determines the success of their delivery. The BVPS have already demonstrated they can work with a wide range of partners. It is important this way of working is not lost but is tied in more closely to the emerging area management structure and local governance arrangements being developed

2.7 The review has identified that the BVPs feel involvement with the Council is important and recognise the need to also engage with wider partners in the public sector. Again, this thinking ties in well with the need to engage the business community in Sefton's area management agenda to ensure their views were represented in the area. Businesses have identified the value of having a single point of contact which helps them to access a range of support from the Council and key partners. It appears from the review outcomes that all BVPs are keen to ensure that this single point of contact is not lost.

2.8 The options are as follows:

**Option 1:**

Management and delivery funded solely via BVP private sector contributions and independent organisations through membership subscriptions or donations by partners. There would be limited involvement with SMBC structures and limited day to day liaison with Council.

**Option 2:**

Management and delivery funded solely via BVP but some support retained with SMBC ie via area management arrangements. Linked into area governance structures, with specific business engagement through Area Partnerships.

**Option 3:**

Management and delivery joint private sector and SMBC funded. To receive SMBC funding clear objectives and outcomes would need to be set showing benefits to the Council, with appropriate performance monitoring arrangements. This would also include a clear commitment from the private sector as to what benefits they could bring to the needs of the area and vice versa. This would be linked into the area governance structures and engagement through Area Partnerships. Work is already ongoing to maximise the income being generated into the BVPs.

**Option 4:**

Explore whether the role could be transferred to Federation of Small Businesses/Chamber of Commerce or another organisation. There are organisations that represent the business community that could deliver a BVP style partnership in the future. This option would need to be explored further with BVP Members and potential delivery organisations, as costs would have to be covered by private sector contributions. It may be more appropriate to explore more effective links with these organisations and what benefits businesses in the area could get by linking up with these organisations rather than a transfer of role. However, the key to this is whether the BVPs feel that this is an option worth

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exploring.

## **3.0 CONSIDERATION OF OPTIONS:**

- 3.1 Option One, Two, and Four all assume that the BVPs will continue in some form with links into the Council and partners through area management, but with no financial support. Although, it has already been clearly stated it is worth re-iterating that none of the BVPs are in a position at the moment to sustain the current level of staffing and activity post March 2011 without some level of Council resources. Although, it is up to the BVPs as to whether they wish to request Council support and up to the Council as to whether it can be afforded.
- 3.2 Option Three offers a model of mixed private sector and Council support, amounts and type of support obviously to be determined depending on whether this is worth pursuing and how feasible it is from the BVPs' point of view.
- 3.3 If the preferred option is to keep some Council support for BVPs, they will need to be private sector driven but clearly aligned and signed up to the commissioning principles within the BVP Review. Any resources that could be offered by the Council would need to be justified in terms of clear outcomes and benefits to the delivery of the Council's core objectives. Whilst the individual BVP reviews certainly show a great deal of good work has been done in the past, it has been difficult to assess the impact of the activities delivered in a consistent measurable way. This is something that would have to change in the future.
- 3.4 The assumption has been made that there is little scope to retain dedicated BVP Managers in all areas in their current form. This is both a resource issue and due to the changing policy landscape. There are also areas which currently do not have dedicated BVPs which need to be taken into consideration. In recognition that not all areas are the same, it is perhaps something for BVPs to think about as to whether support for their areas of activity would be more effectively delivered by staff with a responsibility for a patch which encompassed residents, businesses and visitor needs as part of the community. This would be subject to resource constraints and Council agreement.

## **4.0 RECOMMENDATIONS**

- 4.1 That the Cabinet Member for Regeneration:
  - (i) notes the background and context for the review.
  - (ii) considers the views of the Sefton BVP and their preferred options for BVPs in light of resource constraints and the direction of area management.
  - (iii) values the commitment that has gone into undertaking the review by the BVPs .

# Agenda Item 7

**REPORT TO:** CABINET MEMBER - REGENERATION

**DATE:** 16<sup>TH</sup> FEBURUARY 2011

**SUBJECT:** REGIONAL GROWTH FUND

**WARDS  
AFFECTED:** ALL

**REPORT OF:** PLANNING & ECONOMIC DEVELOPMENT DIRECTOR  
NEIGHBOURHOODS & INVESTMENT PROGRAMMES  
DIRECTOR

**CONTACT  
OFFICER:** MARK LONG x3471

**EXEMPT/  
CONFIDENTIAL:** NO

**PURPOSE/SUMMARY:**

To advise members of the submission of bids under Round 1 of Regional Growth Fund (RGF), and next steps.

**REASON WHY DECISION REQUIRED:**

To authorise participation in Regional Growth Fund.

**RECOMMENDATION(S):**

That the report is noted and further updates are provided when appropriate.

**KEY DECISION:** No.

**FORWARD PLAN:** No.

**IMPLEMENTATION DATE:** Following call-in date.

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**ALTERNATIVE OPTIONS:** Not to participate in the RGF would deny the Council access to scarce resources.

**IMPLICATIONS:**

**Budget/Policy Framework:**

**Financial:** There are no direct financial implications as a result of this report. Sefton's role is largely to act as advisors, in partnership with Private Sector bidders, towards Round 1 and 2 bids, which if successful, may impact upon the creation of private sector jobs within the Borough. The ability for a Local Authority to act as the Accountable Body for approved schemes has yet to be clarified, but early indications suggest that they are specifically precluded from providing this role. Further reports would be brought to Members as bids progress.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:** N/a

**Risk Assessment:** N.a.

**Asset Management:** N/a

**CONSULTATION UNDERTAKEN/VIEWS**

The Interim Head of Corporate Finance & Information Services has been consulted and his comments have been incorporated into this report.

**FD651 /2011**



## CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity	✓		
4	Improving Health and Well-Being		✓	
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy		✓	
8	Children and Young People		✓	

<p><b>LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT</b></p>
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# Agenda Item 7

## 1. Introduction

- 1.1 Members received a report on 27<sup>th</sup> October advising them of the creation of a Local Enterprise Partnership (LEP) for Liverpool City Region. The LEP is intended to encourage and endorse bids for Regional Growth Fund, a new fund launched by Dept for Business Innovation and Science to promote the rebalancing of the UK economy. £1.4 billion has been made available in at least two bidding rounds over the period 2011-2014. Members authorised officers to investigate RGF and prepare applications by the deadline of 21<sup>st</sup> January 2011.
- 1.2 The rest of this report summarises progress to date and next steps.

## 2. Progress

- 2.1 Detailed guidance on Regional Growth Fund was issued in a White Paper on economic development released alongside Spending Review 2010:
  - Applicants may be from the private sector, or from a public/private partnership led by the private sector, but public sector applications on their own will not be entertained
  - RGF is available to provide a mixture of direct support to investment in industry that would not otherwise occur, and to remove barriers to private sector employment and development.
- 2.2 Michael Heseltine fronted an RGF Roadshow touring the UK, which visited Liverpool on 3<sup>rd</sup> December 2010. This introduced some new guidance:
  - The over-riding objective is direct employment in the private sector
  - Officials provided a new steer on Round 1 - between £200 and £300m will be available, not the £495m in the White Paper. This is a significant change, and was at the Treasury's request. It introduces a longer run-in period and significant back-loading across the Fund.
  - Round 1 of RGF is now clearly badged as "projects from the private sector or public/private partnerships", while Rounds 2 & 3 are now badged "programme rounds" (i.e. bids from intermediaries where the final beneficiary is not known). Guidance for the programme rounds will be issued shortly, and is expected to confirm the need for a clear over-arching investment strategy for a specific geographical area.
  - It is unclear if local authorities will be able to act as accountable bodies for public/private partnerships
  - It was confirmed that this is a national challenge competition, and few checks will be put in place to provide (regional) context for bids or otherwise encourage bidders to collaborate and share. In fact bids can be declared "commercial in confidence" until approved.
- 2.3 The Mersey Partnership was asked to co-ordinated local expressions of interest in RGF. It developed principles to encourage the production of strong, credible sub-regional bids for RGF, with well-defined private sector involvement in public/private partnerships.

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- 2.4 In addition, a number of purely private sector bids have also been prepared, and they have not had to seek endorsement from the LEP before being submitted. Therefore our knowledge of them may be incomplete.
- 2.5 In the run-up to bid submission, Sefton advised 6 of the 23 company-led bids for RGF across the city-region, and actively supported 2 of the 14 public/private "enabling" applications. (Bear in mind that local authorities cannot lead RGF bids, and therefore cannot directly access resources. This makes RGF unlike other external funding streams.)
- 2.6 The deadline for submissions was 21<sup>st</sup> January 2011. It was not possible or appropriate for all the bid development work to be diverted into Round 1, because several projects with longer lead times or a "programme focus were more suited to Rounds 2 or 3.
- 2.7 At the time of writing, we know that Sefton is a supporting partner in five Round 1 submissions (lead body in brackets):
- Port Of Liverpool: Post-Panamax Container Terminal & Enabling Infrastructure (Peel Ports Ltd)
  - Engines for Growth: Accelerating a SuperPort and Low Carbon Economy in Liverpool City Region (TMP)
  - A new Model for Growth: Liverpool City Region Visitor Economy Job Creation (TMP)
  - New Jobs from New Homes: Liverpool City Region Economic and Housing Growth Project (Keepmoat Homes, Lovell, Barratt Homes and Bellway UR)
  - Merseyside Urban Development Fund (JESSICA) (GVA Grimley, Igloo Consortium)
- 2.8 Officers have been assuming Merseyside might receive (pro rata to its size) about £50-70 million of RGF. Round 1 bids known to TMP are requesting twice that amount, even before taking Round 2 or 3 into account.
- 2.9 Nationally, some 450 bids have been submitted for RGF. A quick review of those that have made their details publicly available confirms that many of the larger applications (£15 million upwards) are from public/private partnerships for physical regeneration schemes no longer able to access gap funding from their Regional Development Agency. This may be related to the fact that about one-third of applications have been quickly discounted as ineligible. Provisional approvals will be issued by late-March 2011, to be followed by a due diligence test that private sector leads are in financial good-standing to undertake the accountable body role.

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## **3. Next Steps**

- 3.1 In advance of guidance to be issued for Round 2, officers have concluded that Sefton's best opportunities to access a programme round of RGF are
1. Strategic Regeneration Framework for South Sefton/North Liverpool – most recently reported to Cabinet Member (Regeneration) on 19<sup>th</sup> January 2011, and
  2. Southport Investment Strategy – approved by Cabinet on 17<sup>th</sup> April 2008.
- 3.2 Officers are also considering the scope for energy-based programmes, building upon the city-region public/private partnership created for the REECH programme. The ERDF element of this wider programme was approved in January 2010 with Sefton as accountable body. The RGF bid would seek additional investment in the low carbon economy via suppliers and energy generators.
- 3.3 Merseyside local authorities are further evaluating a proposal for a city region business grants/loans fund supported by the Chambers of Commerce, to benefit small and medium sized enterprises starved of investment finance by the scaling back of bank lending.
- 3.4 Depending on the performance of applicants in Round 1, there may be local private sector applicants who failed at this stage and wish to re-submit; and new applicants who wish to bring forward a proposal. Officers will work with any credible business-led application to secure benefits for Sefton.

## **4. Financial implications**

- 4.1 There are no direct financial implications for the Council arising from these Round 1 applications. The Council is not expecting direct financial remuneration from the applicant. The benefit lies in the investment and activity stimulated across the city region and in Sefton in particular. The Council's participation is intended to guide and refine applications, and to ensure it is consistent with and embedded in the borough's wider strategic objectives for economic and neighbourhood regeneration.
- 4.2 If Round 2 is, as expected, to be area-based and programme-led, then the case for local authority participation becomes stronger. The SRF and SIS show how it is possible for the local authority to encourage and sustain area-based partnerships without completely dominating them. However, further guidance is needed from BIS on how accountable body status for a public authority is possible within the existing rules.
- 4.3 Any proposals for accountable body status, the creation/modification of partnerships, and application for direct access for external funding, will be reported to SLT and members in line with the new financial procedure for external funding.

## 5. **Discussion**

- 5.1 The Fund is highly competitive and many applicants will be disappointed. The rules for Round 1 have been slight, or made up as officials went along. We suspect BIS will only know what it wants when the Round 1 bids are appraised, and Heseltine's Panel reports, and their conclusions are directed into the Round 2 guidance.
- 5.2 The announcement that BIS will seek to marry up application processes for RGF and ERDF is welcome, and could simplify the insertion of projects into European programmes.
- 5.3 If any of the Round 1 RGF bids which Sefton is supporting is successful, then it would generate significant additional resource at a time of great resource shortage; and (depending on the project) could unlock considerable private sector investment in line with the aim of the Fund to rebalance economies distorted by debt-laden growth.

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