



29 May 2018

Dear Sir/Madam

A meeting of the Housing Committee will be held on Wednesday, 6 June 2018 in the New Council Chamber, Foster Avenue, Beeston, commencing at 7.00pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors:	S A Bagshaw	J K Marsters
	L A Ball BEM	J W McGrath
	J C Goold	J M Owen
	G Harvey	J C Patrick
	E Kerry (Chair)	A W G A Stockwell (Vice Chair)

AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES PAGES 1 - 4
The Committee is asked to confirm as a correct record the minutes of the meeting held on 14 March 2018.
4. INDEPENDENT REVIEW OF RETIREMENT LIVING SERVICE PAGES 5 - 20
To seek Committee approval to implement a new approach to delivering the Retirement Living Service.
5. TENURE POLICY PAGES 21 - 38
To seek Committee approval for the new Tenure Policy.
6. DISCHARGE OF LOCAL AUTHORITY HOMELESS DUTY THROUGH THE USE OF PRIVATE SECTOR ACCOMMODATION POLICY PAGES 39 - 52
To seek Committee approval for the reviewed Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy.
7. GARAGE MANAGEMENT POLICY PAGES 53 - 68
To seek Committee approval for the new Garage Management Policy.
8. RIGHT TO BUY POLICIES PAGES 69 - 109
To seek Committee approval for two new policies: Right to Buy Policy and Right of First Refusal and Discount Repayment Policy.
9. ALLOCATIONS POLICY PAGES 110 - 144
To seek Committee approval for a new Allocations Policy.
10. OPEN HOUSING PROJECT UPDATE PAGES 145 - 146
To advise the Housing Committee of the work that has been undertaken and is planned as part of the Open Housing Upgrade Project.

11. PERFORMANCE MANAGEMENT REVIEW OF BUSINESS PLAN – HOUSING – OUTTURN REPORT PAGES 147 - 153

To report progress against outcome targets identified in the Housing Business Plan, linked to Corporate Plan priorities and objectives, and to provide the outturn position relating to key performance indicators for Housing.

12. WORK PROGRAMME PAGE 154

To consider items for inclusion in the Work Programme for future meetings.

13. EXCLUSION OF PUBLIC AND PRESS

The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Act.

14. CONTRACT FOR SUPPLY AND DELIVERY OF TECHNOLOGY ENABLED CARE SERVICES PAGES 155 - 158

HOUSING COMMITTEE
14 MARCH 2018

Present: Councillor E Kerry, Chair

Councillors: S A Bagshaw
L A Ball BEM
M J Crow
J C Goold
G Harvey
J K Marsters
J W McGrath
J M Owen
J C Patrick
M Radulovic MBE

An apology for absence was received from Councillor R I Jackson.

35. DECLARATIONS OF INTEREST

36. MINUTES

The minutes of the meeting held on 17 January 2018 were confirmed and signed.

37. MINUTES OF THE HOUSING PERFORMANCE GROUP

The Committee noted the 28 February 2018 Housing Performance Group minutes.

38. REFERENCES

38.1 Housing Performance Group
5 December 2017
HOMES SERVICE REVIEW GROUP REPORT

The Committee reviewed the Homes Service Review Group report. It was noted that further work had been undertaken around re-charging services.

RECOMMENDED to the Homes Services Review Group that further detailed consideration be given to refs 8 and 9 before reporting back to the Housing Committee.

38.2 Housing Performance Group

5 December 2017

NEIGHBOURHOODS SERVICE REVIEW GROUP REPORT

The Committee considered the Neighbourhoods Service Review Group report. The Committee discussed the tenant incentive scheme. It was noted that further information was required as to the prize offered for this incentive scheme, how the winner was drawn and how other local authorities are implementing such schemes.

RESOLVED that the implementation of an incentive scheme for 'Tenant Rewards' be approved.

39. INDEPENDENT REVIEW OF RETIREMENT LIVING SERVICE

The Committee noted the Independent Review of Retirement Living. It was recommended that a number of existing retirement living properties are re-designated to general needs accommodation. Additionally, it was noted that there was need to review the current pricing of the lifeline service and to create a specialist lifeline co-ordinator post. It was further noted that there was a need to increase the advertisement of the lifeline services.

It was reported that all tenants within the retirement living schemes would be written to inform them of any decisions made regarding this process. Additionally, drop in sessions would be arranged at the retirement living schemes with ward members being present to help answer questions raised by tenants.

RESOLVED that recommendations 5 to 8 in appendix 2 be approved and it be noted that recommendations 1 to 4 in that appendix are being implemented under officer delegation.

40. HOSPITAL DISCHARGE PILOT SCHEME

The Committee noted the proposed Hospital Discharge Pilot Scheme. The pilot is a partnership between the NHS and Broxtowe, Gedling and Rushcliffe Borough Councils and proposes to use a hospital based resource that will link with a community based Hospital to Home Coordinator to assist patients to successfully discharge from hospital. It was anticipated that the Council will be able to use some of its retirement living accommodation that is currently difficult to let to assist with this project.

Concern was raised that the Council would take responsibility for the patients discharged and that a robust care package was needed as Broxtowe Borough Council could not provide this.

RESOLVED that the Hospital Discharge Pilot Scheme be supported.

41. LEASEHOLD MANAGEMENT POLICY

The Committee noted the new Leasehold Management Policy. The purpose of the new policy was to provide a higher level of service to leaseholders through better communication and consultation.

RESOLVED that the new Leasehold Management Policy be approved.

42. TENANCY MANAGEMENT POLICY

The Committee reviewed the new Tenancy Management Policy. The purpose of the Policy was to outline the rights of each Broxtowe Borough Council tenant has in accordance with the relevant legislation relating to tenancy management. The policy provides a framework of how the Council would respond to and manage certain circumstances that tenants may encounter or may request from the Council during the course of their tenancy. The policy would also provide clarity on different tenancy types offered by the Council.

RESOLVED that the Tenancy Management Policy be approved.

43. HOUSING REPAIRS POLICY

The Committee considered the proposed Housing Repairs Policy. The policy details the levels of service provided, together with specific landlord and tenant responsibilities and, together with the recently approved gas and Electrical Safety Policies and associated procedures, provides a robust framework for the provision and management of the repairs service. Consultations with tenants and Council staff have been undertaken and the feedback has been fed into the policy. Members requested that the Right to Repair information be included in tenants' newsletters and be provided to all members to assist with any queries that are presented by tenants.

RESOLVED that the Housing Repairs Policy be approved.

44. UPDATED SECURE TENANCY AGREEMENT

The Committee noted the Updated Secure Tenancy Agreement. The Council offers all tenants a secure tenancy in accordance with the Housing Act 1985. However, due to updated tenancies that would be offered by the Council, it was required that the existing Secure Tenancy Agreement be updated to match the new agreements that have been agreed for new tenants. The updated Secure Tenancy Agreement would not affect existing tenants' rights or affect the type of tenancy that they hold, just their responsibilities as a tenant.

RESOLVED that the new Secure Tenancy Agreement be approved for the purposes of a statutory consultation as set out in the plan in appendix 2.

45. BUILDING MORE SOCIAL AND AFFORDABLE HOUSING IN BROXTOWE

Consideration was given to building more social and affordable housing in Broxtowe. The Council uses an ad hoc basis approach to housing building and it was noted that a more focused approach was required. It was noted that the Council need to link with other housing providers and associations in order to create a robust delivery plan.

RESOLVED that:

1. **Work to provide updated information on social and affordable housing need in Broxtowe be put out to tender.**
2. **As part of that work the production of a draft house building delivery plan be required.**

46. HOUSING REVENUE ACCOUNT – UPDATE TO BUSINESS PLAN MODEL

The Committee reviewed the Housing Revenue Account (HRA) financial model and the 2018/19 budget and changes that have taken place over the past year. It was noted that the Council were required to produce a 30 year business plan for the HRA which required further updating during each financial year.

RECOMMENDED to Council that the updated financial model for the Housing Revenue Account be approved.

47. PERFORMANCE MANAGEMENT – REVIEW OF BUSINESS PLAN PROGRESS – HOUSING

The Committee received a report on the progress against outcome targets identified in the Housing Business Plan. It was noted that the average re-let time had seen a decline in performance. However, further works were being undertaken to rectify this issue.

48. WORK PROGRAMME

Members considered the Committee's Work Programme and noted that a further report on the Capita system upgrade would be included on the work programme.

RESOLVED that the Work Programme, as amended, be approved.

INDEPENDENT REVIEW OF RETIREMENT LIVING SERVICE

1. Purpose of report

To seek Committee approval to implement a new approach to delivering the Retirement Living Service (RLS).

2. Background

In January 2018, following the independent review of the RLS, Committee approved the consultation with residents and staff on the 3 options for the future delivery of the RLS as set out in the Housing Quality Network report.

3. Detail

Consultation was undertaken with residents during April/May 2018. This included a letter and explanatory information sent to all 1,411 RLS addresses and an invitation to attend one of 25 presentations held across the Borough. Tenants were asked to feedback their views by completing a paper or web based survey.

262 people attended the presentations and 626 (44%) surveys were returned. A majority supported Option 3; retention of the existing RLS service, which demonstrates how much the current service is valued by residents.

Further analysis of the feedback suggests that there are concerns about the current service which could be addressed through the development of a modified service offer. This would retain the benefits of the current service and address the issues highlighted within the HQN report and previously expressed by staff and managers.

New service overview:

- Retain the existing number of 21 FTE employees, (subject to two VR requests). This is 7 more FTEs than was recommended in Option 1 and 16 more FTEs than was recommended in Option 2)
- Introduce 4 new specialist roles; 2 Activity Co-ordinators, 1 Lifeline Co-ordinator and 1 Facilities Co-ordinator (who will be based within Housing Repairs). These additional roles will allow a more consistent provision of activities for residents and enable Independent coordinator to have a greater focus on the support needs of residents
- Small caseload, enabling a focus on personal contact
- A personalised plan which is flexible and tailored to the individual

Further details about this new service offer (including proposed staffing structure and costs) can be found in appendix 2, consultation summary is included in appendix 3, consultation feedback is included in appendix 4 and a structure chart is included as appendix 5.

4. Financial implications

The financial implications are included at appendix 1.

Recommendation

The Committee is asked to RESOLVE that the proposal for the Independent Living Service as contained in appendix 2 of the report be approved.

Background papers

Nil

APPENDIX 1

Financial implications

As set out in appendix 2, the pay and associated costs of the proposed ILS structure (at grade maximum) are estimated to be £710,816 per annum. When compared with the estimated costs of the present arrangements (again at grade maximum) of £915,067 this would produce a saving of £204,251 per annum.

These costs are based upon the grades shown and take no account of any one-off or other costs that may be necessary in the transition to the new structure.

Any agreed changes to the present Retirement Living Service structure would require appropriate changes to budgets.

APPENDIX 2

New Service Offer

1. Executive Summary – Proposed new service

Service	Independent Living Service
	Enabling older people to retain their independence and quality of life
	<ul style="list-style-type: none"> • 1 x Independent Living Manager • 2 x Independent Living Team Leaders • 21 x Independent Living Co-ordinators • 2 x Activity Co-ordinators • 1 x Lifeline Co-ordinator • 1 x Facilities Co-ordinator (managed within Housing Repairs) <p>28 (FTE) members of staff</p>
	<ul style="list-style-type: none"> • Needs assessment to assess individual needs • Tailored service • ILCs small caseload (average 67 cases each) • Focus on maintaining personal contact with customers as identified within the needs assessment • ILC available at published times at every 'A' scheme each week • Separation of roles; ILCs can focus on the customer and providing support • Complex enforcement cases managed by Tenancy and Estates team • Scheme activities managed by a specialist officer • Health and safety managed by a specialist officer (within Housing Repairs)

2. Introduction

In November 2017, the Committee approved the independent review of Retirement Living. Housing Quality Network (HQN) were commissioned to undertake this work and produced a report with three options for the future delivery of the Retirement Living Service:

Option 1 – an “*Independent Living Service*”: *Enabling older people to retain their independence and quality of life*

Option 2 – an “*Enhanced Housing Management Service: Managing specialist housing for older people*”

Option 3 – “*Retirement Living Service*” (current service): *Visiting people in retirement housing*

The Committee agreed for residents to be consulted on the three options and consultation was undertaken in April/May 2018. Consultation included a letter sent to all 1,411 Retirement Living Service (RLS) addresses and an invitation to attend one of 25 presentations being held across the Borough. The presentations explained the options being consulted on in more detail and provided attendees with an opportunity to ask questions, either through discussion with the group or individually. Residents were asked to feedback their views by completing a paper or web based survey (further information about the feedback can be found in appendices 3 and 4).

262 people including residents and family/support workers attended the presentations and 44% of surveys (626) surveys were returned.

The results of the consultation are below:

	%
Option 1 - An "Independent Living Service"	26
Option 2 - An "Enhanced Housing Management Service"	6
Option 3 - A "Retirement Living Service"	68

The consultation shows a clear preference for Option 3 by a majority of respondents. Many respondents expressed satisfaction with the current service and their personal contact arrangements and questioned the need for any change; there was some concern expressed about the impact of any changes on existing staff.

On further analysis, much of the feedback received from those supporting Option 3 identifies that it is *change* itself that they wish to avoid rather than a rejection of aspects of the other options. Many respondents used the phrase "*if it ain't broke why fix it*" and "*better the devil you know than the devil you don't*" to highlight their concerns about a change to the status quo.

We are aware that this client group can often lack a desire to change and when presented with the possibility of retaining the status quo may select this option. Some respondents who selected Option 3, identified concerns with the current service:

- *"I am happy with the service as it is at the moment although staff often seem stressed at trying to visit several schemes in one day and cannot give their full attention to one"*
- *"Very good service until the officers did not visit"*
- *"Satisfied with how things are at the moment. A visit once a week and meetings to talk over things would help if we did see them around a little bit more so that we can talk about things that we need"*

This supports the issues identified within the HQN report and reflects concerns expressed by staff and managers currently involved with the service.

For these reasons, it is proposed to implement a modified service which retains the positive features of the current service such as a focus on personal contact, small caseloads and named staff, but balances this with changes that address

some of the concerns raised by customers, staff and the HQN report, e.g. specialist roles and a needs assessment etc.

The proposed new service is explained in more detail below.

3. Proposed New Service - Independent Living Service

It is proposed to change the name of the service to the Independent Living Service (ILS). The HQN report states that “both customers and staff dislike the name Retirement Living. They feel it is a negative and unwelcome label.” Attendees commented that the Retirement Living name was out dated and puts some people off applying who are still in work and enjoying their independence. An “Independent Living Service” gives a far more positive impression of the services available.

4. Vision – “Enabling older people to retain their independence and quality of life”

It is proposed to adopt this vision as it properly encapsulates the primary aims of the service and its focus on retaining residents’ independence for as long as possible. Residents who attended the presentations felt that this vision met their needs and correctly explained the service they currently receive.

5. Needs Assessment - Independent Living Plan

It is proposed to introduce a new personalised needs assessment for each resident who receives the ILS. This will ensure that customer needs are identified at the start of the tenancy and appropriate support is in place to maximise independence. A regular 6 month review (or more frequently if circumstances change e.g. hospital discharge) will ensure that the service is tailored to the individual, and continues to support independence.

The HQN report commented that the needs assessment “should cover the five outcomes of: Stay Healthy, Stay Safe, Economic Wellbeing, Enjoy and achieve, Make a positive contribution.” The report also advised that if the existing service was retained it should “reintroduce a basic needs assessment”.

The existing service does not include a needs assessment and so it is possible that customer needs are not being met. Indeed, some attendees to the presentation discussed their personal circumstances (following the presentation) and explained how their current needs were *not* being met by the current service. They felt that it was unable to “flex” with their changing needs such as; the need to transfer to downstairs accommodation or the need for additional support to help support a spouse with dementia.

Residents who selected Option 1 and 3 were positive about the needs assessment approach and commented as follows:

- *“A personalised plan seems to fit our requirements as we don't know the level of support we may require at a later time”*

- *“Because it highlights the “flexibility” as things change”*
- *“I am reasonably healthy at the present time, also I am fairly mobile and have my own car. The flexibility this option allows for change as I grow older but may become infirm and less mobile. An occasional regular visit will meet my current needs”*
- *“Option 1 may be beneficial to me with regards to having a personalised plan as this could take my deafness into account”*

The proposed ILS will ensure that personalised support is in place for all customers, and a regular formal review will ensure that changing needs will be identified and met.

A more flexible approach will also enable those who do not currently require much support to select a service level which better reflects their needs. 6% of respondents chose Option 2 and one such respondent stated: *“We feel this option provides for support for those who really need it rather than providing the same level of service for everyone regardless of need”*.

6. Customer Contact

It is proposed that the ILS will retain a focus on personal contact. Customers were very clear that they valued the contact with the Retirement Living Officer (RLO), although agreed that the current visit could be very brief.

- *“I am 93 and housebound. I need visits and to know help is available when I need it”*
- *“I do not see any visitors and look forward to having an RLO who I know and trust”*
- *“I very rarely get visitors and I look forward to someone calling 3 times a week (Mon/Wed/Fri) just to see if I am OK”*

Many of the respondents who selected Option 3 thought this was the best way to safeguard their existing personal contact arrangements and did not believe that Option 1 or 2 met this requirement.

The HQN report identified that around 70% of tenants received a visit at least once a week which is an unusually high visiting rate compared with other schemes. In some cases there is a need for frequent visits, however a high proportion of residents want a visit as *“they are paying for them”*.

Under the proposal, personal contact will be offered in a variety of ways including in person, via the telephone or alarm call system and at a frequency that meets the needs of the customer (as identified in the needs assessment). Personal contact will be prearranged to ensure that the interaction is meaningful and focuses on retaining the customer’s independence.

The consultation highlighted that there are currently a range of contact arrangements in place which includes a personal daily visit for vulnerable customers to a monthly phone call for more independent residents.

Respondents commented:

- *“We only have one visit per week anyway, happy with that for the time being”*
- *“I look forward to someone calling 3 times a week (Mon/Wed/Fri) just to see if I am OK”*
- *“To continue to be checked by the warden daily for our safety and well-being”*

The ILS will continue to meet these diverse needs and is designed to be flexible to meet the changing needs of customers. Many respondents identified how their own changing circumstances would determine the frequency of contact they required:

- *“At the moment as I am quite independent [...] and at a later date I may require more support”.*
- *“I would like fewer visits until I need more visits when my health starts to deteriorate”*
- *“At the moment we don't really need an RLO regularly, but as we get older it will be peace of mind to know that there will be someone around if needed”*
- *“Whilst we don't particularly need regular visits at the moment, there will probably be a time when we do”*
- *“I receive one visit a week but may need more later.”*

During the consultation, residents of 'A' schemes (who generally have higher needs) particularly highlighted the reassurance they felt at having an RLO available on scheme; although they recognised that the staff member could not be scheme based all the time. It is proposed that the Independent Living Co-ordinator (ILC) will be present at every 'A' scheme for an agreed time period each week. This will be in addition to residents' personal contact arrangements.

7. Scheme Activities

It is proposed to have specialist Activities Co-ordinators to support the work of the ILS. This will provide an opportunity for a diverse programme of activities to be developed within each scheme. One respondent stated, *“Sounds promising, activities co-ordinator is what is needed”*.

The HQN report highlighted the important role that an activities programme can have in reducing isolation and feelings of loneliness. The current service has resulted in the RLO no longer having the time to provide practical assistance to run scheme activities and that this approach *“is not sustaining activities on all schemes”*.

One respondent said: *“At present there are no social activities in the residents lounge. The warden is brilliant but is far too busy! There used to be a Tuesday breakfast but it has stopped”*. Another stated: *“I did used to enjoy the events down the centre which the warden did because I'm a widower and it got me out the bungalow and stop me feel lonely even if it was only a few hours”*

Respondents recognised that opportunities to participate in scheme activities had declined in recent years and this was something that was regretted:

- *“Yes, need more activities on the Close and more input from the council not leaving it for resident, most of which are too ill to do anything or informed”*
- *“Because there is no activities at moment so I don't come to the room”*
- *“Option 3 - now the RLOs do not do social activities, it is done by social group but if they are supposed to be doing it, help would be good”*

Attendees to the presentation reported variable experiences with activities; some schemes had lots of opportunities to get involved and others' less so. Residents highlighted the current limited range of activities on offer which largely relate to cooking (breakfast clubs etc.) and bingo, and were keen to try different activities such as table tennis, chair based activities, films shows, quizzes etc. There was agreement that a broader range of activities would be welcomed.

Whilst the majority of residents did not select Option 1 and 2 (which included a specialist Activity Co-ordinator role), there were few negative responses about the new role. Some attendees wanted reassurance that this role would not negatively impact on the work of the Social Committee, which it will not.

The Activity Co-ordinator will utilise the feedback provided as part of the needs assessment to develop a bespoke programme of activities to meet identified need.

A vibrant activities programme will be a unique selling point and help to encourage new customers into the service (at a time when demand is declining) and will also address the increasing issue of loneliness and social isolation experienced by an increasing number of older people.

8. Roles and Structure

The proposed structure chart and financial impacts are set out below. The proposed structure shows a reduction of 1.31 (FTE) members of staff when compared to the current structure (however the Facilities Co-ordinator will report within the Housing Repairs Team).

The Independent Living Service will be led by an Independent Living Manager and supported by two Independent Living Team Leaders.

It is proposed to create specialist roles within the Independent Living Service. Customer feedback suggested that this was a positive move and would allow each Co-ordinator to retain their focus within their specialist area. The HQN report recommended the establishment of specialist posts and staff have expressed difficulty with the current variety of their existing RLO roles. A move to specialist roles will allow the Independent Living Co-ordinator to focus on providing support to customers, rather than becoming involved in enforcement cases or managing scheme Health and Safety issues.

Proposed new roles:

Independent Living Co-ordinator (ILC) – this role will focus on maintaining customer's independence and sustaining tenancies.

Twenty-one ILCs will manage a mixed caseload of approximately 70 customers. Whilst this does represent an increase on the current caseload average of 55, the team will not be responsible for complex enforcement case management, managing scheme social activities, Lifeline installation, 6-monthly Lifeline checks or health and safety checks within the scheme.

This proposal represents an increase of 7 FTEs than was recommended in Option 1 and an increase of 16 FTEs than was recommended in Option 2.

Activities Co-ordinator (AC) – this role will focus on meeting customer needs through developing a diverse programme of activities through partnerships with other agencies.

It is proposed to have two ACs who will each be responsible for the activity needs of approximately 700 customers, based across the existing schemes.

Lifeline Co-ordinator (LC)

The Lifeline Co-ordinator will be responsible for administering and managing the community based Lifeline service to approximately 900 customers (the vast majority are non-Council tenants). Duties include marketing the service, installation of equipment and liaison with the alarm provider.

The facilities management and health and safety checks will be provided by a specialist officer based within the Housing Repairs team.

9. Other Features

The service will operate as follows:

- Monday - Thursday 8.30am – 5pm
- Friday 8.30am – 4.30pm.
-

Some customers felt that the service should be provided on a 24/7 basis, but this is not proposed.

The service will continue to be supported by a 24/7 alarm call system.

The service will be responsible for managing and sustaining tenancies. The ILCs will have access to the Open Housing management system. This will allow the team to centrally record their interactions with customers and enable a 360 degree view of each tenancy including rent account and repairs information, thus reducing the need to request information from colleagues. This will enable the ILCs to provide a more seamless service to customers.

The ILCs will investigate all low level cases of nuisance and breaches of tenancy including hoarding. Complex cases of Anti-social Behaviour and other serious tenancy breaches will be referred to the Tenancy and Estates Team for investigation.

10. Recommendation

Whilst a majority of customers indicated a preference for Option 3, which demonstrates how much the current service is valued by residents and some lack of desire to change. Further analysis of the feedback has shown that there are concerns about the current service and these can be addressed by the proposal outlined above.

The HQN report was clear that the current service requires modification and the introduction of a needs assessment, a flexible, personalised service, the creation of specialist roles and small caseloads will provide a service that better meets the needs of this group of residents.

11. Financial Impact of the Independent Living Proposed Structure

The pay and associated costs of the proposed ILS structure (at grade maximum) are estimated to be £710,816 per annum. When compared with the estimated costs of the present arrangements (again at grade maximum) of £915,067 this would produce a saving of £204,251 per annum.

These costs are based upon the grades shown and take no account of any one-off or other costs that may be necessary in the transition to the new structure.

Any agreed changes to the present Retirement Living Service structure would require appropriate changes to budgets. The Facilities Coordinator will be manager within Housing Repairs.

* Please note, Superannuation were calculated on 14.4% not including the lump sum payment

Post Description	Grade	Current pay per post					Proposed pay per post				
		No of Post (FTE)	Bottom of scale	Total Cost	Top of scale	Total Cost	No of Post (FTE)	Bottom of scale	Total Cost	Top of scale	Total Cost
Independent Living Manager	Grade 10	1	£37,945	£37,945	£40,242	£40,242	1	£37,945	£37,945	£40,242	£40,242
Independent Living Team Leader	Grade 7	4	£28,670	£114,680	£30,514	£122,056	2	£28,670	£57,340	£30,514	£61,028
Independent Living Co-ordinator	Grade 5	29.31	£24,030	£704,319	£25,683	£752,769	21	£24,030	£504,630	£25,683	£539,343
Activities Co-ordinator	Grade 4	0	£21,698	£0	£23,401	£0	2	£21,698	£43,396	£23,401	£46,802
Lifeline Co-ordinator	Grade 4	0	£21,698	£0	£23,401	£0	1	£21,698	£21,698	£23,401	£23,401
Total cost				£856,944		£915,067			£665,009		£710,816

APPENDIX 3

	Sent	%	Replies	%
Survey Returns	1,411	100	626	44
"A" schemes	652	46	300	46
"B" schemes	759	54	326	43

	Invited	%	Attended	%
Attended Meetings	1,411	100	262	19
"A" Scheme	652	46	176	27
"B" Scheme	759	54	85	11

Survey Results (blank / 'no response' returns are excluded)

	Replies	%
Age		
30-39	2	> 1
40-49	2	> 1
50-59	25	4
60-69	127	20
70-79	211	34
Over 80	225	36
Gender		
Male	228	40
Female	340	60
Limited activity		
A lot	159	28
A little	203	36
No	205	36
Ethnicity		
UK	571	98
Indian	1	> 1
White / Asian	1	> 1
Irish	4	> 1
Any Other White	4	> 1
Caribbean	1	> 1
Chinese	1	> 1
Any Other Ethnicity	1	> 1

Survey Results (blank / 'no response' returns are excluded)

	Preference	%
Option 1	161	26
Option 2	40	6
Option 3	425	68

By Scheme Type

	"A" schemes	%	"B" schemes	%
Option 1	71	24	90	28
Option 2	21	7	19	6
Option 3	208	69	217	66
TOTAL	300		326	

By Length of Tenancy

Years	Under 5	%	5-10	%	Over 10	%
Option 1	79	28	40	26	42	22
Option 2	23	8	10	6	7	4
Option 3	178	64	105	68	141	74
TOTAL	280		155		190	

By Age

Years	30-39	%	40-49	%	50-59	%
Option 1	0	-	0	-	11	44
Option 2	1	50	0	-	0	-
Option 3	1	50	2	100	14	56
TOTAL	2		2		25	

Years	60-69	%	70-79	%	Over 80	%
Option 1	41	32	60	28	40	18
Option 2	13	10	16	8	10	4
Option 3	73	58	135	64	175	78
TOTAL	127		211		225	

By Limitation to Ability

Limitation	No	%	A little	%	A lot	%
Option 1	47	22	58	29	41	26
Option 2	28	13	8	4	9	6
Option 3	136	64	137	67	109	69
TOTAL	211		203		159	

APPENDIX 4

Role of RLO: Typical Example of Comments	Frequency	x 41
My warden is very helpful and I see him once a month at my flat and most days around the complex		
We moved here because of the visits. There have been a few emergencies with ill health and we have received one to one help. We feel secure because of the help		
It is nice to know there is someone calling to keep their eye on us especially if you need some advice		
Because I would feel safer knowing there is someone who you can call in the building if taken ill and I like to see a light in the office when you come in you know there is someone there		
Because RLOs play a very important part in the lives of the tenants. They give advice and help when required and reassurance when needed. They also know the tenants and families well		

RLO - Targeted Visits	Frequency	x 79
Don't need so many house calls so it seems a waste of their time and resources		
We only get a visit 1st Monday in month & are happy with this		
The visits on a regular basis are important to me as a cancer sufferer and with no close relatives. Some days the officers are the only persons I see		
I want a visit every day. Make phone calls for me e.g. repair department and I have trouble speaking. I also want social activities		
At the moment we don't really need an RLO regularly, but as we get older it will be peace of mind to know that there will be someone around if needed		
I feel I need more independent living at the moment and do not feel I need visits from RLO. I have the Tunstall button for an emergency.		

Flexible Service & Personalised Plans	Frequency	x 28
The flexibility [...] allows for change as I grow older but may become infirm and less mobile. An occasional regular visit will meet my current needs		
This option would suit me at the moment as I am quite independent. I prefer this option as it is flexible and at a later date I may require more support (Hopefully not!)		
A personalised plan seems to fit our requirements as we don't know the level of support we may require at a later time		

Activities	Frequency	x 16
There is no activities at moment so I don't come to the room		
At present I am becoming socially isolated so an activities co-ordinator, whom I presume would contact tenants as to what activities		
We have an active social group with valuable help from our RLO. We are trying hard to keep residents active and therefore cheerful and contented.		

'Happy' – 'Satisfied'	Frequency	x 150
I am happy with how the scheme is run		
We are satisfied with the service we get + thank you for this		
I am satisfied with the present scheme and find that our wardens are very helpful		

Doesn't want a change, or 'why change?'	Frequency	x 150
If it ain't broke don't fix it		
I want to carry on as before, don't like changes		
The current system is very good and meets my needs. I am very happy here and have been for 20 years		

General Comments in support of the various Options	Frequency	x 147
The advantages outweigh options 2+ 3 plus changes cover all customer needs		
Of the three, this Option 2 sorted out the things that we need most		
I agree with all the options stated. No. 3		
Best suited for my needs		
This option suits my independent retirement needs		

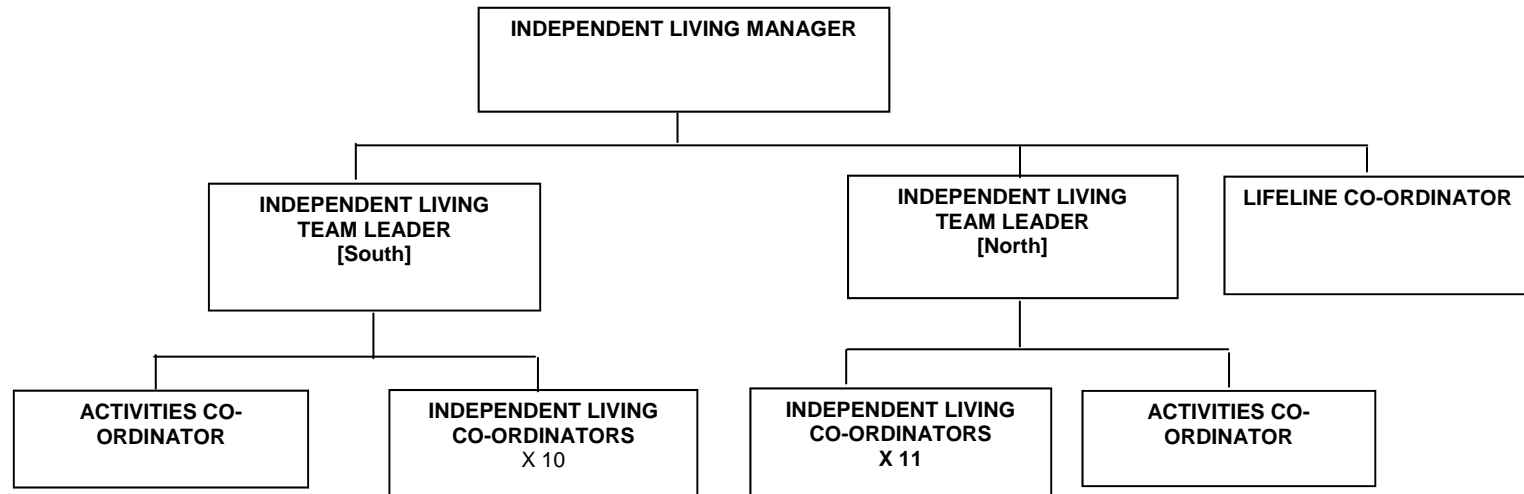
Reduced Charges	Frequency	x 5
The important things for me are 'independence' and reduced charges		
It has already been cut to three visits per week, without any reduction in the amount we pay, we need this service		

Miscellaneous	Frequency	x 39
I selected this place to live because it's very close to shops, doctors, transport and family.		
I love this flat and where it is situated		

HOUSING & PROPERTY SERVICES DEPARTMENT
HOUSING DIVISION — INDEPENDENT LIVING SERVICES
PROPOSED STRUCTURE



APPENDIX 5



FACILITIES
CO-ORDINATOR *

* This role will focus on managing the health and safety within the ILS schemes and will report within the Housing Repairs Team

Report of the Chief Executive

TENURE POLICY1. Purpose of report

To seek Committee approval for the new Tenure Policy.

2. Background

In January 2018, the Committee approved the introduction of different tenancy types to be granted to new tenants by the Council, specifically the granting of an introductory tenancy to new tenants followed by a fixed term tenancy subject to satisfactory completion of the introductory period.

The Tenure Policy provides more detail about how the new tenancies will be administered by the Council.

The policy provides a framework of how the Council will respond to and manage certain circumstances that tenants or the Council may encounter during the course of the new tenancies.

3. Detail

The aims of the policy are to detail when and outline how the Council manages tenants and tenancies in the following circumstances;

- Outline the types of tenancy offered and when and in what circumstances
- The usage of licenses
- What happens at the end of an introductory tenancy period
- What happens at the end of a fixed term tenancy period
- How tenants can review decisions made by the Council in respect of their tenancy
- The usage of demotion powers
- How the Council will assist tenants with support needs
- The advice and assistance given to tenants.

Fixed term tenancies will only apply to those in general needs housing. Tenants in accommodation for older people will be granted secure tenancies following the introductory tenancy.

An Equalities Impact Assessment is included as appendix 1 to the report. The Tenure Policy is included as appendix 2 of the report.

Recommendation

The Committee is asked to RESOLVE that the Tenure Policy be approved.

Background papers

Nil

APPENDIX 1

Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **Public Sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they

design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Housing	Lead officer responsible for EIA	Richard Smith
Name of the policy or function to be assessed:	Tenure Policy		
Names of the officers undertaking the assessment:	Richard Smith		
Is this a new or an existing policy or function?	New policy outlining how new tenancy agreements will be used and when they will be offered		
<p>1. What are the aims and objectives of the policy or function?</p> <p>The Tenure Policy provides the framework for which tenancy agreements the Council offers to whom, when and in what circumstances.</p> <p>The aims and objectives of the policy specifically are to detail</p> <ul style="list-style-type: none"> • The types of tenancies that the Council will grant; • When a fixed term tenancy is granted, the length that the fixed term tenancy will be; • The circumstances in which the Council may or may not grant another tenancy on the expiry of the fixed term in the same property or in a different property; • The appeal process for a tenant or prospective tenant to complain about the type of tenancy offered, a decision to extend or end an introductory tenancy and a decision not to grant another tenancy on the expiry of the fixed term. • How the needs of households who are vulnerable by reason of age, disability or illness and health, families with children, including the provision of tenancies which provide a reasonable degree of stability will be taken into account; 			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>The tenure policy will provide clarity for Officers and new tenants on what tenancy types will be offered by the Council and under what circumstances. It also explains what happens and what steps the Council will take and what it will consider when a tenancy is due to end.</p> <p>It will ensure that the Council is compliant with its responsibilities under relevant legislation.</p> <p>The tenure policy will also ensure that all tenants receive a consistent service from the Council in respect of their tenancies.</p>			

3. Who is intended to benefit from the policy or function?

The tenure policy will apply to all new tenants from the inception of the new tenancy agreements.

4. Who are the main stakeholders in relation to the policy or function?

- All new tenants
- Those persons living with new tenants
- Family members of new tenants
- All potential tenants of the Council

5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?

There are around 350 new tenancies granted each year, the majority of which will either be new introductory tenants or a fixed term tenant that has been granted a tenancy on equivalent terms.

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

Over time, more and more tenants will become subject to the tenure policy when the tenants get rolled out to more and more tenants as the Council let more and more homes. The tenure policy will ensure that a consistent approach is taken to administering these tenancies and will lead to a fair approach being taken for all tenants.

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

The contents of the tenure policy provides guidance about how the Council will administer the tenancies that it offers. The Policy does not prohibit or change any current tenancy rights. As there are no changes affecting current tenants, no stakeholder consultation has taken place.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

All tenants have a tenancy agreement that provides them with the rights outlined in

legislation. The policy sets out the changes in tenancy types that affect new tenants of Broxtowe Borough Council.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

The policy will apply to all new tenants. The majority of new tenants will have less rights than existing Council tenants. Where tenants have greater security based on their current tenancy circumstances, this will not be infringed on by the Council.

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

It is the responsibility of the Council as a landlord to ensure that we maximise access for all groups. This would include the following actions:

- Arrange to translate the new tenancy agreement for residents whose first language is not English
- Arrange appropriate additional support for residents who may not understand the agreement (e.g. support worker invited to the sign up meeting).

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The Policy may raise awareness of tenancy rights and the different tenancies offered by the Council amongst officers and residents.

It ensures that a consistent approach will be taken and that the Council will exercise its duties within the current legal and policy framework.

- **What further evidence is needed to understand the impact on equality?**

Using existing performance monitoring frameworks, the Council will be able to establish whether there has been any negative or positive impact on residents and their ability to access services.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: It has been identified that there is a higher proportion of older residents in the borough than the national average. It is also acknowledged that young people, including those leaving care and teenage parents are likely to be vulnerable.

The rights of those tenants that are in existing tenancies remain unaffected and those who hold a Secure Tenancy are also unaffected.

New Introductory Tenants or fixed term tenants will not have the same rights as Secure Tenants; Introductory Tenancies or fixed term tenancies will be offered to all new tenants, regardless of age.

Disability: The Housing Act 1996 identifies ‘people with learning disabilities’ and ‘people with a mental, physical or sensory disability’ as categories where people could be classed as vulnerable.

Regular visits will help to identify any additional support required by disabled tenants to help them to sustain their tenancy.

The deployment of existing resources in the Housing Management Teams, particularly the Tenancy Sustainment Officer, will help residents who may be affected by a disability and their ability to access services.

Gender: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Gender Reassignment: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Marriage and Civil Partnership: It is not anticipated that the Council will need to take any further action in order to enable access for this group. If relationships break down, the tenant that remains will not be adversely affected by the policy and they will not lose any security of tenure.

Pregnancy and Maternity: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Race: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Religion and Belief: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Sexual Orientation: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service:

TENURE POLICY

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1.0 Scope

The Tenure Policy provides a framework for outlining which tenancies the Council will grant and in what circumstances the different tenancies will be offered.

It also provides detail on how the Council will administer its different tenancies.

The fixed term tenancies will only apply to those tenants who are in general needs housing stock. Those tenants that are in accommodation for older people (attracting a service charge for the services provided for those services) are exempted and will be granted secure tenancies subject to satisfactory completion of the introductory tenancy.

2.0 Purpose

The purpose of the Tenure Policy is to ensure that the Council is acting in accordance with the provisions of the Localism Act 2011, which introduced more flexible tenure arrangements.

A revised Regulatory Framework was introduced by the Homes and Communities Agency now Homes England and requires the Council as part of the Tenancy Standard to:

- Let out homes in a fair, transparent and efficient way, provided we take into account the housing needs and aspirations of tenants and potential tenants;
- Demonstrate how our lettings make the best use of available housing, are compatible with the purpose of the housing and contribute to the local authorities strategic housing function and sustainable communities;
- Have clear applications, decision making and appeals processes;
- Publish clear and accessible policies which outline our approach to tenancy management.

3.0 Aims and Objectives

The Aims and Objectives of the Policy are to detail;

- The types of tenancies that the Council will grant;
- When a fixed term tenancy is granted, the length that the fixed term tenancy will be;
- The circumstances in which the Council may or may not grant another tenancy on the expiry of the fixed term in the same property or in a different property;
- The appeal process for a tenant or prospective tenant to complain about the type of tenancy offered, a decision to extend or end an introductory tenancy and a decision not to grant another tenancy on the expiry of the fixed term.
- How the needs of households who are vulnerable by reason of age, disability or illness and health, families with children, including the provision of

tenancies which provide a reasonable degree of stability will be taken into account;

- The advice and assistance the Council will give tenants in finding alternative accommodation if we decide not to grant another fixed term tenancy.

4.0 Regulatory Code and Legal Framework

- Housing Acts 1985 and 1996 as amended
- Localism Act 2011
- Equality Act 2010
- Human Rights Act 1998
- Homelessness Reduction Act 2017
- Housing and Planning Act 2016

The relevant regulatory position is found in the Tenancy Standard of the Regulator of Social Housing Regulatory Framework.

5.0 Policy Outline

5.1 Types of Tenancy To Be Granted

The Council is able to offer and administer three types of tenancies:

- Introductory
- Fixed Term and
- Secure

Introductory Tenancies

All new tenants, unless they are protected by social housing security from their last settled address will be granted an Introductory Tenancy.

An Introductory Tenancy lasts for the first 12 months. An Introductory Tenancy can be extended for a further 6 months as long as a notice has been served on the tenant at least 8 weeks before the original expiry date, with reasons. The tenant can request a review of the decision to extend within 14 days of the notice being served

Fixed Term Tenancies

Following the end of the introductory tenancy period, the Council will grant a fixed term tenancy. The length of the fixed term tenancy period will be 5 years. This is in addition to the 12 months introductory tenancy period

At the end of the Fixed Term the Council has the option in accordance with the agreement to consider if it wishes to offer a new Fixed Term tenancy, this will be for a further 5 years.

Fixed Term tenancies will only apply those in general needs housing.

Secure Tenancy

Existing secure tenants will retain their security of tenure and continue as secure tenants. Tenants who transfer to the Council from another Council or Housing Association will be granted a secure tenancy or a tenancy on equivalent terms, internal transferring tenants will also be granted a secure tenancy.

If a tenant wishes to add or remove a person to or from their existing secure tenancy then a new joint or sole secure tenancy will be granted. If a tenant wishes to add or remove a person to or from a fixed term tenancy, then a tenancy on equivalent terms will be granted.

If a secure tenant is required to move temporarily to alternative accommodation due to redevelopment or works taking place at their property they will retain their security of tenure on their return to settled accommodation.

Secure tenancies will also be granted to those tenants in accommodation for older people following satisfactory completion of the introductory tenancy.

5.2 Usage of Licenses

The Council uses license agreements in circumstances where the occupancy of a property is anticipated to be temporary.

Licences may be used in other special circumstances approved by the Chief Officer.

5.3 End of an Introductory Tenancy Period

The Council will make every effort to assist introductory tenants to make a success of their tenancy through a programme of regular visits, access to the Tenancy Sustainability Service and referrals to specialist support to help sustain the tenancy.

A review will be undertaken to ensure that the introductory period has been conducted successfully. Subject to the satisfactory completion of the introductory tenancy period, the tenant will automatically move to a fixed term tenancy.

No new tenancy is required to be signed by the tenant upon completion of the introductory tenancy period; however tenants will be notified in writing by a fixed term tenancy conversion letter.

Extension

The Council may extend the introductory period for a further 6 months when the Council is satisfied that the terms of the tenancy are not being met by the tenant but is not to an extent that the Council believes that the tenancy needs to be ended immediately.

Tenancy breaches which may result in an extension to the introductory period could include:

- Breaches of tenancy which have only recently been identified by the Council and the tenant requires additional time to remedy the breach;

- Breaches which are not serious enough to warrant a notice being served;
- Serious breaches which have occurred but the tenant is engaging with specialist support to address and resolve the tenancy breaches.

The tenancy could be extended if the breach of tenancy occurs after the tenancy is reviewed, or where the behaviour of the tenant is still being monitored following an earlier breach of tenancy.

The extension period provides the tenant with the opportunity to modify their behaviour and remedy any specific breach of tenancy.

The tenant will be notified of the proposed extension and their right to request a review of the Council's decision.

Termination

The Council may apply to the Court to end the introductory tenancy, if an extension is not considered appropriate or the breach has not been remedied during the extended period.

The Council will consider this action when a serious breach of tenancy has occurred and continued occupation by the tenant is having a serious impact on the Council's housing management function.

The Council can apply to the Court to end an introductory tenancy in the following circumstances;

- Serious breaches of tenancy for example; serious anti-social behaviour, criminal activity or persistent failure to pay rent

The tenant will be notified of the proposed extension and their right to request a review of the Council's decision.

5.4 End of Fixed Term Tenancy

At the end of the initial 5 year fixed term tenancy, a formal review will be undertaken to decide if the Council wants to offer a further 5 years fixed term tenancy.

The review will take place no later than 12 month's prior to the end of the fixed term tenancy. It is considered that the majority of fixed term tenancies will be renewed upon review.

The Council will take the following issues into consideration:

- Whether the conditions of tenancy been complied with
- Whether a Notice of Seeking Possession or court proceedings for possession of the property have commenced
- Whether the property is under-occupied by more than one bedroom. In these cases the Council will make an offer of suitable accommodation to the tenant.

- Whether the Council requires vacant possession of the property to allow for major repairs, improvements, modernisation or demolition. In these cases the Council will make an offer of suitable accommodation to the tenant.

Any decision as to whether or not to offer a further 5 year fixed term tenancy should take into account the following wider policy considerations:

- The Council's duty to prevent and alleviate homelessness
- Duties and obligations with regard to vulnerable groups and a child or children in need
- The purpose of the accommodation and whether this has subsequently changed since the tenancy commenced
- The needs of the individual householders and whether this has subsequently changed since the tenancy commenced
- The efficient use and management of the housing stock and the sustainability of the community

If, following the review, the Council does not intend to grant a new fixed term tenancy, the Council will give the tenant 6 months' notice of this decision in writing. The tenant has a right to request a review of the Council's decision.

If the Council decides not to issue a new fixed term tenancy or no review is requested by the tenant, the Council must serve the tenant with a notice before the end of the fixed term tenancy giving 2 months' notice in writing to the tenant of the Council's intentions and before making any application to the Court.

5.5 Review Process

Introductory Tenancies

Introductory tenants can request a review of the decision to extend their introductory tenancy or the decision of the Council to terminate their introductory tenancy.

Information on how to appeal the Council's decision will be provided both at the beginning of the tenancy and also with any notices that are served and actions to extend or terminate are thus initiated.

The tenant has the option to attend an oral hearing or request a review without attending a hearing.

The tenant has the right to be accompanied to the hearing and/or be represented by another person. The tenant or representatives can call witnesses, question any witnesses and make written representations.

Reviews must be carried out by an officer who was not involved in the original decision to apply for possession and must be an officer of greater seniority within the Council than the officer who made the original decision.

The tenant and his or her representative must have a proper opportunity to prepare for the hearing. Documents that the Council intends to rely on should be disclosed to the tenant and his or her representative in advance of any hearing.

The review will be conducted by way of a complete reconsideration of the decision and will examine whether the case officer has followed correct procedure and if the correct procedure has not been followed, the reviewing officer will need to determine whether this has caused any detriment to the tenant.

The reviewing officer will decide to either;

- Uphold the decision to terminate
- Uphold the decision to extend the introductory period by a further 6 months
- Decide not to proceed further with the case
- Uphold the decision to evict but agree to enter a suspended arrangement pending immediate rectification and agreements on future behaviour. (Such as the clearance of a rent account or a new agreement to clear arrears that is acceptable to the Council and is not to be broken)
- Uphold the decision to extend the trial period for a further 6 months and enter into a suspended arrangement pending immediate rectification and agreements on future behaviour. (as above)

If after full consideration of the case the officer conducting the review do enter into a suspended arrangement and the suspended agreement is not maintained by the tenant, the Council are not obliged to serve a second notice and offer a further review and may proceed straight to a court hearing for possession.

If the Review Officer decides not to proceed to eviction at the review, and to monitor the tenancy, then a new notice will need to be issued, and further review offered before the case can proceed to court.

Written notification of the outcome of the review will be given to the tenant before the date after which proceedings for possession may be begun. Nevertheless, this will be provided within 14 days of the review hearing. If the original decision is to proceed with possession or extend the trial period for a further 6 months is upheld, the Council will provide reasons why this is the case. If the review is successful, a fixed term tenancy will take effect at the end of the introductory period.

Fixed Term Tenancy Reviews

Tenants or prospective tenants may appeal a decision relating to a fixed term tenancy for the following reasons

- The decision not to renew their fixed-term tenancy
- The length of a fixed-term tenancy
- The type of tenancy offered

The Council will inform the tenant or prospective tenant in writing of their decision regarding the type of tenancy offered, the length of the fixed term or the decision not to grant another tenancy. The Council will inform the tenant or prospective tenant of their right to review or appeal and invite them to make representations to the Council of any personal circumstances or other matters which they wish the Council to take into account.

The tenant or prospective tenant has the option to attend an oral hearing or request a review without a hearing. The tenant has the right to be accompanied to the hearing and/or be represented by another person. The tenant or representatives can call witnesses, question any witnesses and make written representations.

Reviews must be carried out by an officer that was not involved in the original decision to apply for possession and must be an officer of greater seniority within the Council than the officer who made the original decision.

The Reviewing Officer will take into account the representations received from the tenant or prospective tenant when making a decision on the review.

The reviewing officer could decide that;

- The original decision made is appropriate
- That a different type of tenancy should be offered
- That a fixed term tenancy should be renewed

The tenant or the prospective tenant will be notified of the outcome of the review in writing within 14 days of the review to advise them of the decision that has been made.

5.6 Usage of Demotion Powers

In cases of severe anti-social behaviour, as an alternative to seeking possession, the Council can apply to the Court for demotion of a tenancy. This demotion applies to secure or fixed term tenants and reduces their security to move in line with an introductory tenant. After 12 months, the security of tenure is restored if the behaviour of the tenant has not caused further concern. If the behaviour is still a cause for concern, the Council will consider possession action.

5.7 Tenants with Support Needs

The Council will take into account the specific needs of vulnerable tenants and their families before making any decisions about extending or ending introductory tenancies and when reviewing fixed term tenancies.

Tenancy sustainment will be the main objective as opposed to enforcement wherever possible.

Officers will be mindful and have regard to at the outset of any tenancy and when making any judgements on whether tenancies should be extended, ended or renewed, whether issues of vulnerability have been identified and whether there are any unmet support needs. Referrals to support agencies should be made where possible and particularly if there is a threat of losing the home.

A key element of the reviewing officer's decision is to assess and consider the vulnerability of the tenant and decide whether the Council has acknowledged this adequately.

Tenants will have regular visits, particularly in the introductory tenancy period, to ensure any unmet support needs that have not been identified can be met, either by a referral to a health or support agency or by the Council's Tenancy Sustainability Service.

5.8 Advice and Assistance in Accessing Alternative Accommodation

In circumstances where the introductory tenancy or fixed term tenancy is not going to be renewed the Council will provide tenants with appropriate advice, information and assistance to enable them to access alternative accommodation.

The Council will take all reasonable steps to ensure that appropriate advice in relation to alternative housing options is provided in order to prevent homelessness and in accordance with the Council's duties under the Homelessness Reduction Act 2017.

The Council will ensure that it takes all reasonable steps to ensure that fixed term tenants, have access to and support in accessing the Council's housing waiting list and ensure that their applications receive the appropriate priority level.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Tenancy Management Policy
- Tenancy Agreement
- Enforcement Policy
- Anti-Social Behaviour Policy
- Anti-Social Behaviour Procedure
- Rent Arrears Policy
- Rent Arrears Procedure
- Introductory Tenancy Procedure
- Fixed Term Tenancy Procedure

7.0 Review

This Policy should be reviewed every 3 years unless tenancy agreements require to be changed, tenancy types change or because of significant changes in legislation.

8.0 Document History and Approval

Date	Version	Committee Name
06/06/2018	1.0	Housing Committee

Report of the Chief Executive

DISCHARGE OF LOCAL AUTHORITY HOMELESS DUTY THROUGH THE USE OF PRIVATE SECTOR ACCOMMODATION POLICY1. Purpose of report

To seek Committee approval for the reviewed Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy.

2. Background

This is a review of an existing policy approved by the Housing Committee. The policy enables the Council to discharge its homeless duty to the private sector. This in turn enables the Council to more effectively prevent homelessness and house those people and families who are affected by homelessness as quickly as possible.

The Homeless Reduction Act 2017 requires the Council to support an applicant in accessing accommodation for a period of at least 6 months. To access as much accommodation as possible, accounting for the demand for and supply of certain types of accommodation in the Borough, the Council accesses the private sector to enable the Council to do so. The Council uses a Deposit Guarantee Scheme where appropriate to assist in helping applicants in accessing properties in the private sector.

The policy has been updated to incorporate the changes in legislation since the policy was written. These are both in terms of the Homeless Legislation but also in the legislation around property standards and health and safety.

3. Detail

The policy details how the Council discharges its homeless duty to the private sector by;

- Outlining how and when the Council will make offers and their location
- The property standards that the private sector tenancy must uphold
- The principles of the Deposit Guarantee Scheme
- The advice, assistance and support that the Council will provide to tenants and landlords

An Equalities Impact Assessment is included as appendix 1 to the report. the Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy is included as appendix 2 of the report.

Recommendation

The Committee is asked to RESOLVE that the updated Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy be approved.

Background papers

Nil

APPENDIX 1

Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they

design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Committee meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Housing	Lead officer responsible for EIA	Richard Smith
Name of the policy or function to be assessed:	Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy		
Names of the officers undertaking the assessment:	Richard Smith		
Is this a new or an existing policy or function?	Review of existing policy for discharge of homeless duty to the private sector		
<p>• What are the aims and objectives of the policy or function?</p> <p>The Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy provides the framework for the Council being able to offer applicants that approach the Council that are threatened with or are homeless with a private sector tenancy. This enables the Council to prevent and relieve applicants' homelessness as quickly as possible.</p> <p>The aims and objectives of the policy specifically are to detail</p> <ul style="list-style-type: none"> • Outlining how and when the Council will make offers • The locations of those offers • The property standards that the private sector tenancy must uphold • The principles of the Deposit Guarantee Scheme • The advice, assistance and support that the Council will provide to tenants and landlords 			
<p>1. What outcomes do you want to achieve from the policy or function?</p> <p>The Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy will enable the Council to more effectively prevent and relieve homelessness in the private sector</p>			
<p>2. Who is intended to benefit from the policy or function?</p> <p>All applicants that are threatened with homelessness or are homeless.</p>			
<p>3. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • All prospective homeless applicants • All homeless applicants • Those persons living with homeless applicants • Family members of homeless applicants • Private landlords that are participating in the scheme • Private landlords that are interested or may be participating in the scheme 			

4. What baseline quantitative data do you have about the policy or function relating to the different equality strands?

There are around 300 homeless preventions each year, each of these cases would be considered if they were eligible for the scheme if there was a suitable property provided by a landlord that was available.

5. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

It is hoped that more landlords will become part of the scheme and more applicants will therefore be housed in this way. Therefore over time more individuals and stakeholders will become subject to the policy. The Policy will ensure that a consistent approach is taken to administering the private sector offers and will lead to a fair approach being taken for all these applicants.

6. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

The contents of the Discharge of Local Authority Homeless Duty Through the Use of Private Sector Accommodation Policy provides guidance about how the Council will administer the private sector offers that it makes. The Policy does not prohibit or change any person's rights so no stakeholder consultation has taken place.

7. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

The policy only applies to those applicants that are homeless or are threatened with homelessness and the landlords offering their accommodation. No groups are targeted or excluded, circumstances of individuals will dictate whether they are in the scope of the policy.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

The policy will apply to all applicants threatened with homelessness and access to a private sector offer will be dependent on certain factors outlined in the policy. This is to ensure that these applicants with certain circumstances that may be more disadvantaged by a private sector offer are not disadvantaged unduly. Particular consideration is given to the location and the affordability of offers.

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

It is the responsibility of the Council to ensure that we maximise access for all groups. The policy and its scope will mean that it will apply to all those threatened with or that are homeless. Homelessness could happen to any equality group or community. The policy will ensure that additional consideration is given to certain groups and their circumstances where they could be unduly disadvantaged by the policy.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

It ensures that a consistent approach will be taken and that the Council will exercise its duties within the current legal and policy framework.

- **What further evidence is needed to understand the impact on equality?**

Using existing performance monitoring frameworks, either locally or through statutory returns, the Council will be able to establish whether there has been any negative or positive impact and the ability to access services.

8. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: It has been identified that there is a higher proportion of older residents in the borough than the national average. It is also acknowledged that young people, including those leaving care and teenage parents are likely to be vulnerable.

It is more likely that those who are vulnerable and in priority need in accordance with the homeless legislation, who are more likely to be younger, could access the policy and be advantaged by the provisions of.

Disability: The Housing Act 1996 identifies 'people with learning disabilities' and 'people with a mental, physical or sensory disability' as categories where people could be classed as vulnerable.

It is likely that those who are disabled and in priority need in accordance with the homeless legislation could access the policy and be advantaged by the provisions of.

Gender: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Gender Reassignment: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Marriage and Civil Partnership: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Those in certain circumstances as part of their relationship breakdown could be in priority need in accordance with the homeless legislation and therefore be in the scope of the policy

Pregnancy and Maternity: It is not anticipated that the Council will need to take any further action in order to enable access for this group. These groups are likely to be in priority need in accordance with the homeless legislation and therefore come within the scope of the policy

Race: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Religion and Belief: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Sexual Orientation: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service:

**DISCHARGE OF LOCAL
AUTHORITY HOMELESS
DUTY THROUGH THE USE
OF PRIVATE SECTOR
ACCOMMODATION
POLICY**

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1.0 Scope

This policy applies to customers that are homeless or threatened with homelessness and provides a framework so the Council can assist them to access properties in the private rented sector.

2.0 Purpose

The purpose of this policy is to set out the way in which the Council will control and manage private sector offers to applicants that the Council has accepted a “Prevention” or “Relief” duty under the Housing Act Part VII as amended by the Homeless Reduction Act 2017.

3.0 Aims and Objectives

- To make the best use of good quality private sector accommodation in the Borough.
- To build positive relations with private landlords.
- To widen the choice and housing options available to customers.
- To enable customers to find appropriate housing solutions more quickly by providing a more varied offer.
- To reduce reliance and pressure on temporary accommodation.
- To ensure movement and relieve pressure on the housing register.

4.0 Regulatory Code and Legal Framework

The Housing Act 1996 Part VII as amended by the Homeless Reduction Act 2017 details the Council’s statutory responsibilities to those that are homeless or threatened with homelessness.

The Homeless Reduction Act 2017 brings a new “Relief Duty”, under this duty a local authority must take reasonable steps to help all homeless eligible applicants to secure accommodation for at least 6 months. This approach gives local authorities greater opportunity to use the private rented sector to satisfy a household’s housing needs. This should reduce the local authority’s reliance on its own housing register and the demand for temporary accommodation.

5.0 Policy Outline

5.1 Making a Private Sector Offer

Broxtowe Borough Council will consider a “private sector offer” to prevent or relieve homelessness in all cases.

If the Council considers that a private sector offer is appropriate to the needs of the applicant and if suitable accommodation can be secured, then such an offer will routinely be considered. This will usually be made as a direct offer to the applicant as the properties available in the private rented sector are not part of the Choice Based Lettings system.

The Council will advise those that are homeless or threatened with homelessness that they will be considered for properties that are either in social housing or as part of a private sector offer. This supports the need to prevent and relieve homelessness.

The Council will consider the individual circumstances of each household when deciding whether to make a private sector offer. The Council will consider primarily whether the accommodation is affordable. The affordability assessment will give due considerations to the Housing Benefit and Local Housing Allowance rates and the Benefit Cap that could be applied to the household.

The Council will attempt to secure at least 6 month placements with landlords for private sector offers.

The private sector offer can be made in discharge of the Council's accepted homeless duty. The Council will consider all of the applicants' circumstances and the offer made will be reasonable and suitable to the applicants needs and therefore the offer will be made to discharge any accepted homeless duty. Applicants will have the right of review on the grounds of suitability of any offer made.

5.2 Location of Private Sector Offers

Broxtowe Borough Council will always seek to offer private sector accommodation within the Borough, except in the following circumstances:

- When it considers it beneficial to move the applicant out of area, for example, to reduce the risk of domestic violence, other violence, or harassment; or to assist persons in breaking away from detrimental situations, such as drug or alcohol abuse, or
- When the applicant wishes to move away from Broxtowe, or
- When a person has limited local connection to Broxtowe (for example, they may have approached having fled violence from another area).

If the suitable accommodation is not available within Broxtowe Borough, private sector offers will be made in other areas which have reasonable facilities and transport links. In determining whether a location is suitable, Broxtowe Borough Council will consider:

- If the applicant (or their partner) are in employment (usually taken to be at least 16/24 hours per week). If they are, then the location must be within a reasonable travel to work area of that employment, and have transport links frequent enough to enable this.
- If the applicant is verified as the carer for another person, who cannot readily withdraw this care without serious detriment to the well-being of the other party, then the location will need to be of sufficient proximity to enable this, although this may require public transport.

- If any members of the household are undertaking GCSEs at school (Years 10 & 11 - children aged 14 to 16), or other proven vital examination, then they should not be required to change schools.
- If the applicant or any member of the household requires specialist medical treatment or support, which can only be provided in Broxtowe, then the location will need to be of sufficient proximity to enable this, although this may require public transport. The Council will also have regard to other medical treatment or support required by the applicant or any member of the household, and where health professionals consider that it will be disruptive or detrimental to change provider or location.

5.3 Property Standards of Private Sector Offers

The Council will inspect all properties it is considering offering as part of a private sector offer before an offer is considered.

If the property is out of the Broxtowe Borough, the Council will request another local authority or agent to undertake an inspection on its behalf.

Inspections will be documented to record condition using the Housing Health and Safety Rating System to ensure consistent quality. All identified Category 1 hazards are considered essential and work must be carried out prior to any let. The Council will make recommendations to landlords on works if they are required.

Any moveable electrical items in the property will require a Portable Appliance Test (PAT), or proof that one has taken place within the last year from the landlord.

A property will not be offered until a valid electrical safety certificate has been provided by the landlord.

The inspection of the property will check that it meets fire safety regulations. Should additional fire safety provisions be expected, for example, where a building has common parts, then a copy of the Fire Risk Assessment will be required from the landlord.

All furniture and furnishings supplied by the Landlord must also be shown to comply with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended).

If the property has a gas supply, then all landlords will be asked to supply a current gas safety certificate. A property will not be offered until a valid gas safety certificate has been provided by the landlord.

If the property has an active gas supply (for heating or cooking) or the gas central heating boiler is located in a bedroom, a working carbon monoxide detector should be provided by landlord. There must be a working detector in each room where there is a solid fuel appliance and should be one if a gas appliance is present.

All properties will require a valid Energy Performance Certificate (EPC) to be provided by the landlord.

Should it be requested by the landlord, the Council can carry out works on a landlord's behalf to ensure that a property is safe to be used as part of a private sector offer. Any works carried out by the Council are at a charge to the landlord.

If a private sector offer is a house in multiple occupancy, the Council will ensure that property is properly licensed, if required, and compliant with current regulations.

All landlords will be asked to supply a valid Assured Shorthold Tenancy (AST) agreement. The Council will ensure that an acceptable, written AST is used, clearly setting out the tenant's and landlord's obligations, rent and charges, and is free from any unfair or unreasonable terms.

The Council will offer advice and assistance to landlords to ensure that their AST's contain appropriate terms.

Landlords will also be informed of the requirements to use Tenancy Deposit Schemes by the Council prior to any letting if the landlord is not utilising the Council's Deposit Guarantee Scheme.

If a landlord employs a managing agent then they must ensure the agent complies with The Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 and is a member of one of three Government approved redress schemes.

5.4 The Deposit Guarantee Scheme

The Deposit Guarantee Scheme assists households who are homeless or threatened with homelessness to access private rented accommodation. It provides a written guarantee by Broxtowe Borough Council to the landlord that can be used to cover damage to the property or its contents, up to maximum value of one month's rent.

The purpose of the scheme is to assist the Council in discharging its duties in accordance with homeless legislation by securing private sector offers for applicants by providing some further security for landlords.

A person is eligible for the Deposit Guarantee Scheme in the following circumstances;

- The applicant is homeless or threatened with homelessness and the local authority is satisfied that the applicant is owed a duty by the Council in accordance with homeless legislation.
- The applicant has no savings or access to savings
- The applicant is of a low income
- The applicant has a local connection with Broxtowe Borough Council in accordance with statutory guidance
- The applicant is willing to pay back any sum paid by the Council

- The applicant is not an existing tenant of the Council or another Registered Social Landlord.

The length of the Deposit Guarantee Scheme is 1 year. The commitment will be renewed when the landlord confirms that the tenant has abided by their tenancy agreement. The tenant will be encouraged to pay their deposit to their landlord if they are in a position to do so.

If the landlord wishes to make a claim against the Deposit Guarantee Scheme for arrears or loss or damage to property, they will need to submit evidence to support the claim. The Council will consider claims when they are submitted within 14 days of the tenant ceasing to occupy. For any claims that are settled, the applicant will be liable to repay the Council in full.

5.5 Support, Advice and Assistance

Throughout the process of accessing a private sector offer, the Housing Options Team at Broxtowe Borough Council will provide the necessary support, advice and assistance to the applicant.

This will primarily be carried out through the Private Sector Liaison Officer. The Council's Private Sector Housing Team will assist with ensuring the properties used by the Council in making a private sector offer are safe to occupy and meet the relevant legislative requirements.

The Private Sector Liaison Officer will also provide on-going advice and assistance and support where necessary for applicants that have been made a private sector offer and also in dealing with any issues from the landlord that may arise.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- South Nottinghamshire Homeless Strategy
- Homelessness Code of Guidance
- Homelessness (Suitability of Accommodation) (England) Order 2012

7.0 Review

This policy will be reviewed every two years. It is not expected that there will be changes to regulation or legislation which will have an impact on the need to review this policy sooner.

8.0 Document History and Approval

Date	Version	Committee Name
6/6/18	1	Housing Committee

Report of the Chief Executive

GARAGE MANAGEMENT POLICY1. Purpose of report

To seek Committee approval for the new Garage Management Policy.

2. Background

Along with the introduction of the Tenancy Management Policy at the previous Housing Committee, this policy provides guidance on how the Council manages garage tenancies. The policy seeks to clarify some ambiguities surrounding how garages are managed, particularly around the usage that is acceptable. The policy also clarifies the rights and responsibilities of garage tenants, how garage allocations are managed and how tenancies will be administered. An appendix to the new policy is a new draft tenancy agreement that new garage tenants will be subject to.

3. Detail

The aims of the policy are to detail when and outline how the Council manages garage tenants and garage tenancies in the following areas:

- Outline how garages are allocated
- Outline acceptable garage usage
- How a garage tenancy is terminated
- How garage rents are managed
- The management of repairs and modernisations to garages
- Issues of low demand
- Outlining tenant responsibilities around insurance
- The management of demolitions and development of garages

An Equalities Impact Assessment is included as appendix 1 to the report. The Garage Management Policy is included as appendix 2 of the report. The new draft garage tenancy agreement is included as appendix 3 of the report.

4. Financial implications

Garage rents increased by 4.1% (or 33p per week) to £8.40 per week from 1 April 2018. The budget for garage rent income in 2018/19 is £290,150. The 2018/19 capital programme includes £236,900 for garage refurbishment works.

Recommendation

The Committee is asked to RESOLVE that the Garage Management Policy be approved.

Background papers

Nil

APPENDIX 1

Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they

design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Housing	Lead officer responsible for EIA	Richard Smith
Name of the policy or function to be assessed:	Garage Management Policy		
Names of the officers undertaking the assessment:	Richard Smith		
Is this a new or an existing policy or function?	New policy outlining existing landlord and tenancy functions		
<p>1. What are the aims and objectives of the policy or function?</p> <p>The Garage Management Policy clarifies for tenants who rent a Council garage how their garage tenancy will be managed.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>The Garage Management Policy will ensure that all tenants receive a consistent response to issues that may arise in respect of their tenancy agreements.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>The Garage Management Policy will apply to all people that hold a tenancy of a garage owned by Broxtowe Borough Council.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • All Broxtowe Borough Council garage tenants 			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>The Council has 866 garage tenants who all have a garage tenancy agreement and will be covered by the Garage Management Policy. All new garage tenants and people that express interest in being allocated the Council garage are also subject to the policy. Only new tenants will be subject to the new proposed tenancy agreement.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>The Garage Management Policy will ensure that a consistent approach is taken to administering garage tenants and will lead to a fair approach being taken for all tenants.</p>			
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p>			

The Policy does not prohibit or change any tenancy rights. It outlines how garages are administered. As there are no changes or any restricting of rights, no stakeholder consultation has taken place.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

All garage tenants have a garage tenancy agreement. The policy sets out how the Council manages those tenancies. No communities or groups are affected in any different or adverse way.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

The Policy applies to all garage tenants as all tenants have tenancy rights.

Priority is given to tenants of the Borough, those who don't have a garage and people who want to use the garage for domestic purposes. So the policy gives some preferences, but not linked to a group or community covered by the equalities act.

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

It is the responsibility of the Council as a landlord to ensure that we maximise access for all groups. This would include the following actions:

- Arrange to translate the new garage tenancy agreement for residents whose first language is not English
- Arrange appropriate additional support for residents who may not understand the agreement (e.g. support worker invited to the sign up meeting).

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The policy ensures that a consistent approach will be taken and that the Council will exercise its duties within the current legal and policy framework.

- **What further evidence is needed to understand the impact on equality?**

Using existing performance monitoring frameworks, the Council will be able to establish whether there has been any negative or positive impact on residents and their ability to access services.

--

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: It has been identified that there is a higher proportion of older residents in the borough than the national average. It is also acknowledged that young people, including those leaving care and teenage parents are likely to be vulnerable.

It is not anticipated that the Council will need to take any further action in order to enable access for this group. .

Disability: The Housing Act 1996 identifies ‘people with learning disabilities’ and ‘people with a mental, physical or sensory disability’ as categories where people could be classed as vulnerable.

It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Gender: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Gender Reassignment: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Marriage and Civil Partnership: It is possible that the policy could benefit persons who are in an established relationship because if the garages are in joint names and joint tenants, there are additional rights afforded in certain circumstances, such as death of a tenant.

Pregnancy and Maternity: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Race: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Religion and Belief: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Sexual Orientation: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service:

GARAGE MANAGEMENT POLICY

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1.0 Scope

The Garage Management Policy covers all aspects of the management of Council garages, including the letting and management of garages.

The Policy applies to garages that are owned and let by Broxtowe Borough Council but does not include garages that may have been erected by tenants on Council land.

2.0 Purpose

The Garage Management Policy outlines:

- The rights and responsibilities of garage tenants
- How garage allocations will be managed
- How garage tenancies will be administered.

3.0 Aims and Objectives

The aims of this policy are to:

- Set out a transparent process for the allocation of Council garages
- Provide guidance on how garages can be used by tenants
- Provide guidance as to how garages will be managed and maintained

4.0 Regulatory Code and Legal Framework

The Housing Act 1985
The Equalities Act 2010

5.0 Policy Outline

5.1 Garage Waiting List and Lettings

Broxtowe Borough Council operates an open waiting list for garages and as a result, all residents aged over 18, irrespective of their place of residency can join the garage waiting list. There is no preference given to Broxtowe Borough Council tenants or leaseholders when applying to join the waiting list.

When a garage is allocated, a shortlist will be created from the garage waiting list. If there is more than one applicant wishing to be allocated a garage then preference will be given to applicants who are resident in Broxtowe Borough (no distinction will be made between tenants and non-tenants). Priority will be given to those who have been on the waiting list for longer, unless the applicant already has a garage, in which case the next applicant will be offered the garage

If the applicant is a current or former tenant of Broxtowe Borough Council, a check of the rent account will be carried out. If the applicant has arrears then they will be given the opportunity to clear their outstanding debt. If they do not do so, they will not be allocated a garage.

Garage Tenants requiring a transfer from an existing garage due to major works being undertaken will be considered for a vacant garage within the surrounding area. There is an expectation that they will return to their original garage on completion of repairs. However, should they not wish to do so, the former garage will be offered to another applicant.

When a garage waiting list has been exhausted, the Council will allocate the garage to an applicant who is not resident in Broxtowe Borough or an applicant who wishes to use the garage for business storage purposes.

Garage tenancies can be allocated to sole and joint applicants and Broxtowe Borough Council will ensure that garages are let in a fair and consistent way. Information will be available about the processes surrounding the garage application and lettings process.

5.2 Acceptable Garage Use

Broxtowe Borough Council garages can be used for the following:

- Storage of motor vehicle, mobility scooter, small caravan, trailer, tent, boat, bicycle or any transportation method used for water sports
- Storage of excess household or garden items including tools.

Broxtowe Borough Council garages cannot be used for the following:

- Storage of any flammable gases, chemicals or liquids
- As a workshop.
- Any criminal, illegal or immoral purposes.

Garage Tenants are not permitted to assign, sub-let or part with possession of the garage. Any breach in the garage tenancy agreement may result in the tenancy being terminated by the Council.

The Council will not be held responsible for any loss or damage to any property or vehicle stored within the garage.

5.3 Termination

The Council will terminate a garage tenancy under the following circumstances;

- When the tenant agrees and wishes to terminate
- When there is a breach of tenancy conditions
- When the Council requires possession for demolition
- Where a tenant has died and the surviving family member declines the offer of the garage or fails to make contact with the Council for 28 days following notification of death

A garage tenancy is not a dwelling and so the tenant has no security of tenure. The garage tenancy can be ended by the Council serving a 28 day Notice to Quit

A tenant may terminate their tenancy with one month's written notice. If the keys are not returned or they have been lost, the Council will recharge the tenant for the replacement of any locks or keys.

On termination of a garage by the tenant, any items will be removed, disposed of and the tenant recharged. If the tenant has been terminated by the Council, due to eviction for instance, the items that remain will be stored in accordance with the Storage and Clearance of Goods Procedure.

If there are any outstanding rent or recharges when the garage tenancy is terminated then the former tenant should make arrangements to pay the outstanding debts.

5.4 Rent

The Garage Tenancy allows the rent to be varied by giving the tenant 1 month's written notice before any changes take place. Garage rent is charged monthly over a 12 month period.

Garage rents will be reviewed on an annual basis and it is proposed to increase garage rents by CPI (Consumer Price Index) +1% per year. Periodic benchmarking reviews will take place to ensure that garage rents are competitive.

Any rent increase is done so with the approval of the Housing Committee.

5.5 Repairs and Improvements

The Council will ensure that the garage stock is kept in a good standard of repair. The Housing Repairs Team will manage the repairs to Council garages. Garages will be improved on a programmed basis to ensure that they remain in good condition.

5.6 Low Demand Garages

In areas where garages are in low demand, the Council will consider allowing a garage to be rented by a business for storage purposes only.

Any application to for business storage will only be considered if the garage waiting list is exhausted and the garage has been empty for a period of 6 months. Any business storage letting will be approved by the Housing Operations Manager. The standard garage rental agreement will apply.

If a garage has been empty for a period of 6 months and there is no domestic or business interest, the garage may be offered to a charitable or community interest group at zero charge. This letting will be approved by the Chief Officer. The standard garage rental agreement will apply and the arrangement is reviewable on an annual basis.

5.7 Insurance

The Council insures the structure of the garages. The garage tenant is responsible for insuring their own vehicle and personal possessions together with any property stored in the garage.

5.8 Demolition of plots and development

The Council may redevelop a garage site where there is a requirement due to a health and safety concern or in conjunction with a planning application. Garage tenancies will be terminated and existing tenants will be provided with an alternative garage to rent where possible.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Rent Arrears Policy
- Rent Arrears Procedure
- Garage Management Procedure
- Storage of Clearance of Goods Procedure

7.0 Review

This Policy should be reviewed every 3 years unless tenancy agreements require to be changed, tenancy types change or because of significant changes in legislation.

8.0 Document History and Approval

Date	Version	Committee Name
09/06/2018	1.0	Housing Committee

Garage Tenancy Agreement

Parties

This is a Tenancy agreement between:-

Broxtowe Borough Council,

Council Offices

Foster Avenue

Beeston

Nottingham

NG9 1AB

("the Council, us, we") and

Of

("the tenant, you")

Garage Address

The Council lets the tenant/s named above the garage known as

("the garage")

1. Legal Contract

1.1 This tenancy agreement is a legal contract between us and you. If there is more than one tenant then each tenant is collectively and individually responsible for paying the rent and complying with the other terms of this agreement. This tenancy agreement does not give any rights or duties to anyone else. It sets out the obligations, rights and responsibilities of us and you. By signing this tenancy agreement you accept the tenancy of the garage on the terms and conditions set out in this agreement.

2. Tenancy Commences

2.1 The tenancy is a monthly tenancy and the tenancy begins on

(Insert full date here)

3. Rent Payable

3.1 The rent payable by you to us for rent of the garage is £_____ per month and is due on the first day of each month.

3.2 Rent is payable 1 month in advance.

3.3 Direct debit is the preferred method of payment for your rent.

3.4 The Council can revise and change the amount of rent that you have to pay. We will do this by giving you at least 28 days written notice.

4. Tenant's Obligations

As a tenant of the garage, you must;

4.1 Pay the rent on time as stated in this agreement or as advised by any subsequent rent revision or change

4.2 Be responsible for the garage. You are responsible for taking out any relevant insurance for the contents of your garage.

4.3 Notify us of any repairs that are required to be made to the garage that we are responsible for as soon as possible.

4.4 Allow us, our contractors or agents to access the garage to view its condition, to carry out any repairs that we are responsible, to carry out any repairs to adjoining garages or other properties belonging to the Council, or for any planned modernisations that we wish to make.

4.5 Request in writing to the Council for any alterations or improvements that you may wish to make to the garage.

4.6 Keep gutters, gullies and drains (if any) clean and clear of any build up of waste.

4.7 You must take all reasonable steps to prevent any damage to the garage floor by any fluids from a vehicle.

You must not;

4.8 Use the garage for any other purpose other than the storage of a motor vehicle, motor cycle, moped or mobility scooter and for purposes connected with that use.

4.9 Use the garage merely for storage of other items without the presence of a vehicle as outlined above without informing and having the consent of the Council.

4.10 Carry out any repairs or maintenance to any vehicle other than the vehicle being stored in the garage.

4.11 You must not use the garage in connection with a business without the consent of the Council.

4.12 Store any noxious or flammable material at or in the garage other than the fuel in the tank of the vehicle that is being stored.

4.13 Assign, exchange or sub-let this tenancy of this garage or any other part of it to another person.

4.14 Do anything or permit others to do anything that causes or is capable of causing a nuisance or annoyance or that may endanger anyone occupying, living visiting or working in the local area or us, or contractors or agents.

4.15 Display or permit the display on the garage of any advertisement or notices. You may number the garage if you wish in a method agreed by the Council.

4.16 Park or permit the parking of any vehicle or do anything to obstruct access to any adjoining garages or land.

4.17 Leave a vehicle parked on the garage forecourt or permit anyone else to do so.

5. Our obligations

We will;

5.1 Carry out any repairs that are required to the garage

5.2 Notify you of and carry out any planned improvements to the garage that the Council proposes to make

5.3 Notify you of any changes to this tenancy agreement or any changes to the amount of rent payable by giving you 28 days written notice.

5.4 We will not be responsible for any repairs caused by your willful action or negligence or any actions carried out by others that you permit. If the Council has to remedy any damage, the Council will recharge you for any works.

6. Ending the Tenancy

6.1 The Council or the Tenant may end this tenancy by giving to the other at least 28 days notice in writing to expire on a Monday. We can serve any Notice, including Notice to Quit, on you by leaving it at your last known residential address or by sending it there by post.

In the event of this tenancy being ended, you must;

6.2 Return all sets of keys to the garage to us no later than noon of the Monday following the tenancy end date. If you do not return the keys to the garage by this time then we will charge you another week's rent (or more).

6.3 Leave the garage empty and in a clean and tidy condition. It should be returned in the same condition that it was let to you, allowing for fair wear and tear.

If you do not leave the garage empty and in a clean and tidy condition the Council may;

6.4 Remove and dispose of such items left in the garage as we see fit

6.5 Clean and tidy the garage and recover the costs of doing so from you

6.6 When your tenancy has ended you will remain responsible for and you must pay immediately any unpaid rent or other debts that are associated with the garage under this agreement.

7. Your Landlord - Service of Notices

Any Notices to be served on The Council should be addressed and sent to;

Broxtowe Borough Council
Housing Department
Council Offices
Foster Avenue
Beeston
Nottingham
NG9 1AB

Signed tenant _____

Signed tenant _____

Date _____

Date _____

Signed Council _____

Date _____

Report of the Chief Executive

RIGHT TO BUY POLICIES1. Purpose of report

To seek Committee approval for two new policies: Right to Buy Policy and Right of First Refusal and Discount Repayment Policy.

2. Background

In 2017/18 the Council sold 39 properties through the Right to Buy. All secure tenants have a right to buy their properties, but some may be unable to exercise this right as they may live in a property which is excluded.

3. Detail

The Right to Buy Policy sets out how Broxtowe Borough Council will meet its responsibilities to administer the Right to Buy for those who qualify, by processing applications fairly and accurately. The policy also identifies how the Council will comply with current legislation.

The Right of First Refusal and Discount Repayment Policy outlines the process when an owner wishes to sell a property that has been sold through the right to buy within the last 10 years. An Equalities Impact Assessment is included as appendix 1 and 2. The Right to Buy Policy is included in appendix 3 and the Right of First Refusal and Discount Repayment Policy is included in appendix 4.

3. Financial implications

In 2012/13 the Council committed to using any capital receipts from housing right to buy sales towards a new build programme, with government restrictions such that these monies have to be used within three years of their receipt or they will be passed over to the government. The calculation of the value of such receipts that can be used in this way is complicated by a formula which takes into account the assured level of receipts within the HRA self-financing settlement which took place at the end of 2011/12. As at the end of March 2018 accumulated capital receipts of approximately £2,129,550 were calculated as being available but these can only be used to help finance the housing new build programme.

Recommendation

The Committee is asked to RESOLVE that the Right to Buy Policy and Right of First Refusal and Discount Repayment Policy be approved.

Background papers

Nil

APPENDIX 1

Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they

design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Housing	Lead officer responsible for EIA	Rachel Shaw
Name of the policy or function to be assessed:		Right to First Refusal and Discount Repayment Policy	
Names of the officers undertaking the assessment:		Rachel Shaw	
Is this a new or an existing policy or function?		New policy for existing function	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The aims and objectives of the policy are to confirm:</p> <ul style="list-style-type: none"> • The information considered when the Council is deciding if to buy back a property • The Council's approach to property valuation • The identification of funds for purchase, if required • The timescales that must be met 			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>To ensure that the Council meets obligations to consider property buy back within the first 10 years after sale through Right to Buy. Through implementation of the policy the Council will ensure that all applications are considered fairly and consistently.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Residents of the Borough, particularly applicants on the waiting list.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • Seller of the property • Housing staff • Legal Services staff 			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>The primary function of the policy relates to the management of properties rather than the people who live in them, therefore the impact on equality issues is minimal.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>Very little is known about the owners that could potentially offer their property for sale. At the stage of approval to buy back a property it would not be known to whom the property would be allocated to.</p>			

<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>Consultation has not been carried out.</p>
<p>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?</p> <p>In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:</p>
<ul style="list-style-type: none"> Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified? <p>A property will be considered in relation to the type and condition of the property irrespective of the equality group of the incoming applicant.</p>
<ul style="list-style-type: none"> Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified? <p>Yes</p>
<ul style="list-style-type: none"> Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function? <p>No</p>
<ul style="list-style-type: none"> Could the policy or function promote or contribute to equality and good relations between different groups? If so, how? <p>The policy will have no impact.</p>
<ul style="list-style-type: none"> What further evidence is needed to understand the impact on equality? <p>Monitoring will be completed as the policy is implemented. It is not expected that there will be an impact.</p>
<p>9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?</p>
<p>The policy relates to the use of assets, therefore no impact has been identified for the following equality strands:</p> <p>Age Disability Gender</p>

Gender Reassignment
Marriage and Civil Partnership
Pregnancy and Maternity
Race
Religion and Belief
Sexual Orientation

It is not anticipated that the Council would need to take any further action in order to enable access for these groups. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service:

APPENDIX 2

Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they

design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Housing	Lead officer responsible for EIA	Rachel Shaw
Name of the policy or function to be assessed:		Right to Buy Policy	
Names of the officers undertaking the assessment:		Rachel Shaw	
Is this a new or an existing policy or function?		New policy for existing function	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The aim of the policy is to set out how Broxtowe Borough Council will:</p> <ul style="list-style-type: none"> • Meet its responsibilities to administer the Right to Buy for those who qualify • Process applications fairly and accurately • Comply with current legislation 			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>Ensure that applications are processed fairly in accordance with the legislation</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Current tenants of the Council who want to exercise their right to buy and purchase the properties where they are currently a tenant</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • Right to Buy applicant • Housing staff • Legal Services staff 			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>As part of the application process applicants are asked to complete a monitoring form. The Council also holds data as part of the applicants tenancy. The data has identified an increase in the age of applicants applying for the Right to Buy, but due to the low numbers of applications per year this cannot be seen as a trend.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>No qualitative data is available</p>			

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

Consultation has not been carried out.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

The policy does not target or exclude specific equality groups. As tenants are required to have three qualifying years before they can exercise the Right to Buy, younger tenants may be excluded. This is justified as it meets the requirements of the legislation.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

The policy applies to all tenants, irrespective of their equality group.

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

Information regarding the Right to Buy is complex and can be difficult to understand, especially if English is not the applicants first language. Information on the Right to Buy can be offered in alternative formats and meeting are offered to discuss the process with any potential applicants.

Certain property types are excluded from being sold through the Right to Buy, this includes some properties that have been adapted for people with a disability or properties that are designated for the elderly.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The policy will have no impact.

- **What further evidence is needed to understand the impact on equality?**

Monitoring will be completed as the policy is implemented. It is not expected that there will be an impact.

1. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: Due to the requirements of the Right to Buy legislation, applicants must have three qualifying years. Therefore younger applicants may be disadvantaged. No action can be taken to address this, but advice can be given to applicants about when they are able to apply. Older applicants may be unable to buy their property if it has been designated for the elderly. No action can be taken to address this, but advice can be given to applicants.

Disability: Disabled applicants with a physical disability may be unable to buy their property if it has been designated for disabled persons. There is strict criteria outlined in the legislation which must be met for a property to be excluded. It is important that accurate information is provided to disabled applicants about whether they can purchase their property.

Gender
Gender Reassignment
Marriage and Civil Partnership
Pregnancy and Maternity
Race
Religion and Belief
Sexual Orientation

It is not anticipated that the Council would need to take any further action for these categories. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service:

RIGHT TO BUY POLICY

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1.0 Scope

This policy applies to secure tenants and those with flexible tenancies who would like to exercise their Right to Buy the property in which they currently reside.

2.0 Purpose

The purpose of this policy is to ensure Right to Buy applications are processed in accordance with the relevant legislation.

3.0 Aims and Objectives

The aim of the policy is to set out how Broxtowe Borough Council will:

- Meet its responsibilities to administer the Right to Buy for those who qualify
- Process applications fairly and accurately
- Comply with current legislation

4.0 Regulatory Code and Legal Framework

- Housing Act 1985 – Right to Buy (as amended) Part V
- Housing (Right to Buy)(Cost Floor)(England) Determination 1999
- Housing (Right to Buy)(Limit on Discount)(England) Order 2012 (SI 2012/734)
- Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017

5.0 Policy Outline

5.1 Informing Tenants of their Right to Buy

The Council will provide information about right to buy to all new secure and flexible tenants, and to all other secure and flexible tenants at least once every five years. The information will be kept up to date as far as practical. Any amended information will be sent out to all secure tenants within one month in line with current legislation.

A 'Right to Buy Information Pack' will be sent out to all secure tenants who request one within one working day. Information Packs will also be available from the Council's Housing Strategy team, main reception and on the Council's website.

The Council will provide assistance to any prospective applicant. Applicants will be directed to the Government's Right to Buy website and the Agent Service for general enquiries.

5.2 Admitting or Denying an Application

Once the application form (RTB1) has been received, the Council will issue a Section 124 notice (RTB2). This will advise the applicant if their application has been accepted or denied. The date the RTB1 form is received is the 'relevant date' and sets the date for the valuation and calculation of the sale price. The RTB2 notice must be issued within 4 weeks of receiving the application. This increases to 8

weeks if the tenant has had a tenancy with any other public sector landlord which is required to meet the minimum statutory qualifying period.

If the Council does not meet the statutory timescale for accepting or denying an application, the applicant is entitled to use the statutory delay procedures to claim compensation from the Council (if the delay is caused by the Council). If the RTB1 form is incomplete on receipt, the form will be sent back to the applicant. When the fully completed RTB1 form is received by the Council, that date will be the new 'relevant date'.

The Council will determine if the tenancy is secure, and if the property is able to be sold under the Right to Buy scheme. Examples of tenancies that cannot be secure are as follows:

- Temporary accommodation
- Introductory tenancies
- If the dwelling is occupied for employment

The tenant will need to have been a public sector tenant for a minimum of three years. Any previous public sector tenancy is not required to have been a secure tenancy and it does not matter whether or not the tenant had the right to purchase the previous property. Temporary, homeless, introductory and short-hold tenancies can be included. Demoted tenancy periods however are excluded.

The qualifying period can be made up from the present and any previous relevant public sector tenancies. These periods do not need to be consecutive. The Council will confirm tenancy dates of any previous tenancies that will be used to qualify for the Right to Buy or for discount purposes. This will be by checking internal data and by contacting other social housing providers as necessary. If the applicant refuses to disclose details of previous tenancies, the qualifying criteria and discount period will be calculated based on the information available. Full details of the periods of occupation that count towards the qualifying period can be found in Appendix A.

Before a decision to deny the Right to Buy is made, appropriate advice will be sought from the Council's Legal Services team. Reasons for denial of the Right to Buy can be found in Appendix B.

Where a tenancy is in joint names, both tenants must sign the relevant parts of the RTB1 form. If one or more of the tenants does not signify their agreement, the other tenant(s) will not be able to exercise their Right to Buy and the application will be denied.

5.3 Court Orders

Any tenant or family member who is subject to one of the following orders will not be allowed to join in the Right to Buy:

- Possession order with a fixed date - including Suspended Possession Order
- Ground 2 criminal nuisance order
- Right to Buy suspension order
- Bankruptcy order (undischarged)
- Demotion order

If the application is denied because one of the above orders is in place, the tenant will be required to submit a new RTB1 once the term of that order has been satisfied if they wish to continue with the Right to Buy.

5.4 Property Exemptions

The Housing Act 1985 exempts certain specific types of properties from the Right to Buy and details the specific criteria that must be met for exemption. For the Council to declare that a property is exempt, it must meet the exact criteria set out in legislation, as detailed in Appendix C.

Tenants who are denied the Right to Buy due to this will be notified about their right to appeal to the Land Tribunal. Necessary records will be kept in the event of a challenge from the tenant to the Land Tribunal. The Right to Buy Officer will assist the Land Tribunal in conjunction with the Legal department.

If a particular property is designated to be demolished and is subject to an Initial Demolition Notice, the Right to Buy does not apply.

5.5 Anti-Fraud Measures

The Council requires all applicants to sign an 'Additional Information' form which asks for their permission to do necessary checks under the Money Laundering Regulations. The Council will check each applicant via the National Anti-Fraud Network (NAFN).

This will provide:

- Confirmation that the applicant is resident at the property via the Electoral Roll
- Confirmation that the applicant is not bankrupt
- If the applicant is registered at any other address
- How much money is owed to creditors

If the tenant specifies in the 'Additional Information' form that the transaction will be a cash purchase, or via inheritance or existing savings, checks will be conducted to investigate if the applicant has a live Housing Benefit claim.

If there is a concern, the application will be placed on hold and it will be referred to the Council's Legal Services and Revenues and Benefits teams.

5.6 Family Members Sharing the Right to Buy

Certain family members have the right to join in a Right to Buy application, even if they are not tenants. Family members must meet the following requirements:

1. They must be a relevant family member who are specified as:
 - The spouse or civil partner of the tenant; or the tenant and that person live together as if they were husband and wife or civil partners, *or*
 - The tenant's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.

2. They must live at the property as their only or principal home.
3. They need to have been living at the property for 12 months immediately preceding the date of application, except in the case of spouses or civil partners where the 12 month residential requirement does not apply. This can be waived in exceptional circumstances in consultation with the Council's Legal Services team.

Family members are automatically excluded from the Right to Buy if they are subject to any of the Court Orders detailed previously.

For the purposes of the family member provision:

- A relationship by marriage shall be treated as a relationship by blood.
- A relationship of the half-blood shall be treated as a relationship of the whole blood.
- The step-child of a person shall be treated as his/her child.
- An illegitimate child shall be treated as the legitimate child of his/her mother and reputed father.

5.7 Proof of Residence and Identification

The Council requires each applicant to provide proof that the residence is their only or principle home, and photographic identification.

The Council require at least two forms of proof of residence. One should be dated within the last three months, and one dated over twelve months from the application date.

If the applicant has no photographic identification, then a copy of their birth certificate is necessary in addition to the proof of residency.

5.8 Previous tenancies

If the applicant states that they held previous tenancies with other public sector landlords, the Council will contact the relevant landlord to establish the dates of each specified tenancy, and whether the tenant had purchased under the Right to Buy before. If so, the Council would request how much discount they received so this can be taken into account with the current application. The applicant will need to have signed the 'Authority to Disclose' form within the RTB1 form in order for the Council to discuss their personal information with previous landlords.

If a previous tenancy either with the Council or with another landlord cannot be confirmed, the Council will ask the tenant to provide a Statutory Declaration which is a signed legal document sworn on oath and witnessed by a solicitor of their choice. The solicitor will charge a fee for this service which is payable by the tenant.

Appendix D details the information the Council requires with the Statutory Declaration. The Council will accept the dates specified as true and accurate. If this information is later found to be intentionally incorrect, the Council will consider Legal action against the tenant.

5.9 Establishing the Value of the Property

The Council will arrange for a RICS-approved independent valuer to produce a valuation of the property, at no cost to the applicant. The valuation will provide:

- The market rent value of the property
- If the property is to be sold as a freehold or leasehold
- Rebuild costs for insurance purposes
- If they are aware of any structural defects

Any permissible improvements carried out by the tenants will be taken off the value of the property.

If the valuer cannot gain access to the property to assess the market valuation, the Council can, as a last resort, request a 'drive-by' valuation in order to serve the Section 125 offer notice. The tenant then has 12 weeks to confirm whether they wish to proceed with the purchase. If the tenant fails to respond the landlord can serve a Default Notice giving them a further 28 days in which to reply. If the tenant does not do this, the application can be withdrawn.

5.10 Calculating the Discount Entitlement

For each complete year of confirmed tenancy, the tenant is entitled to receive a discount percentage. This figure can consist of partial years added together. The monetary value of this percentage is deducted from the market valuation of the property.

If, in order to meet the minimum tenancy period to qualify for the Right to Buy, an application has relied on the qualifying years of a joint tenant who has chosen not to join in the Right to Buy, that tenant may only use their own qualifying years when calculating their discount entitlement.

If the remaining tenant(s) who have chosen to exercise their Right to Buy do not have the minimum qualifying period in their own right, then they can be awarded the minimum discount of 35% for a house or 50% for a flat.

Discount percentages and maximum discount amounts are included in Appendix E.

5.11 Determining the Cost Floor

The Cost Floor is the amount of money the Council has spent on an individual property in the 10 year period prior to the receipt of the Right to Buy application form. If the property was built or acquired after 1st April 2012, the Cost Floor period increases to 15 years.

The costs that be included within the Cost Floor calculation are set out in the Housing (Right to Buy)(Cost Floor)(England) Determination 1999 and will be calculated on a case by case basis.

A number of properties now have solar panels that have been installed by the Council. If they are Council-owned solar panels, they will be sold to the tenant as part of the Right to Buy.

5.12 Calculating Leasehold Charges

The Leasehold Officer will co-ordinate prospective service charges for the five years following on from the sale of a property sold under lease.

These charges will include:

- Annual service charges.
- 5 year forecast of maintenance and repair work to the block in which the property is situated.
- 5 year forecast of improvements to the block in which the property is situated.
- Insurance premiums and cover amounts.

Dates which cover a five-year period will be included on the Section 125 Notice.

5.13 Previous Discounts

If the tenant, or any family member joining in the Right to Buy (this includes any spouse or civil partner of any person currently exercising the Right to Buy), previously purchased a property in their sole name, the amount of the current discount will need to be reduced by the amount of the original discount (less any discount that has already been repaid) regardless of how many people are joining in the sale now.

If the tenant, or any family member joining in the Right to Buy now (this includes any spouse or civil partner of any person currently exercising the Right to Buy), previously purchased a public sector property at a discounted price in two or more names but not all of those parties are included on the current application, the current discount amount will need to be reduced accordingly. The deduction will be calculated by dividing the original discount amount by the number of original purchasers and that figure will be used for each of those parties included in the current application.

5.14 Section 125 Offer Notice

The Section 125 Offer Notice is the formal offer of sale required under Section 125 (Housing Act 1985). The Council will send out the Section 125 Offer Notice within 8 weeks for a freehold property, and 12 weeks for a leasehold property. The Section 125 must include certain information as stated in legislation, details are provided in Appendix G. An Energy Performance Certificate will be issued with the Section 125 Offer Notice.

If applicants do not disclose previous tenancies or there is a delay in obtaining the information and it is at the legal deadline of 8 or 12 weeks, the Section 125 notice will be sent out with the current information available.

The Council will include a Notice of Intention form with the Section 125 Offer Notice. This gives the tenant 12 weeks from the date of the Section 125 in which to respond. The tenant must state in writing whether they wish to proceed with the Right to Buy and accept the offer; or withdraw their application using the Notice of Intention.

If a response is not received at the end of the 12 week notice period, applicants will be served with a Default Notice, which gives the tenant another 28 days in which to let the Council know whether they wish to proceed with their Right to Buy or withdraw their application.

If the tenant does not respond by the end of the 28 day notice period, the Council will cancel the tenant's application and the Right to Buy comes to an end, unless there are extenuating circumstances. In these cases, the Council can extend the 28 day default notice period indefinitely.

Before cancelling an application, the Council will attempt to make contact with the applicants in order to establish their intentions.

5.16 District Valuer

If the tenant does not agree with the Council's opinion of the market valuation of the property, they have the right to a determination of value by the District Valuer (DV). Responsibility for appointing a DV lies with the Valuation Office Agency which is an Executive Agency of HMRC. The DV's costs are met by Central Government.

A request must be made in writing by the tenant to the landlord no later than 3 months from the date of the Section 125 Offer Notice. The landlord must then refer the request to the DV. The DV will determine the value and this determination is binding on both the landlord and the tenant. There are however very limited circumstances in which the determination can be appealed by either the landlord or the tenant. This is known as a review of determination and is explained in Appendix H.

5.17 Progressing the Sale

Where the tenant returns the Notice of Intention indicating their wish to proceed with the Right to Buy sale, the Council will arrange plans of the property to be produced.

A letter will be issued to the tenant to advise them that their application has been passed to the Council's Legal Services, and from now on, all correspondence must be through their solicitor.

Once instructions are received by Legal the matter will be allocated to a Fee Earner for handling. Investigations into title will be made to enable the Fee Earner to prepare the initial documentation which will then be sent out to the solicitor for the tenant.

The transfer document or lease will be provided with plans for the property for approval by the solicitor and the tenant. It is the Council's responsibility to show good title of the property being sold and the Fee Earner will assist where possible on enquiries that are raised before the sale. The relevant document must be signed by the tenant in duplicate and returned to the Council two weeks before the completion date to enable the Council to prepare for completion and execution of the document.

Once the matter is completed a copy of the relevant document will be provided to the tenant's solicitor who will be responsible for the post-sale registration requirements with Land Registry.

5.18 Deed of Postponement

Where a tenant wishes to borrow more from their Lender then the Lender will require a Deed of Postponement to change the order of priority of the charges at Land Registry. There is a Legal fee payable by the tenant for the Council to undertake this work.

The Housing Act 1985 sets out two situations where we must agree to postpone our charge, these are:

- To enable the tenant to pay our service charges
- To enable the tenant to make home improvements to the property

There are no other situations where we would agree to postpone our charge and each case will be considered on its own merits for consent.

The tenant's solicitor is required to formally request the Deed of Postponement on behalf of the Lender and must provide quotes/estimates for the improvements. We will only agree to postpone the amount as provided in the quotes.

Examples of what the Council does not consider to be home improvements are; extensions, conservatories, garden landscaping but this is not an exhaustive list.

5.19 Cancelling an application

The only time a landlord can cancel or withdraw the Right to Buy application is either:

1. After the serving of a relevant notice on the tenant. Relevant notices are:
 - Default Notice – served when no response has been received from the tenant after the 12 week notice period given in the Section 125 or Section 128 Offer Notice has expired.
 - First Notice to Complete – served no less than 3 months after the date of the Section 125 or Section 128 Offer Notice if the tenant is delaying proceedings and has not completed all necessary transactions.
 - Final Notice to Complete – served after the notice period in the First Notice to Complete has expired if completion has not taken place.
2. After receiving a signed request to cancel the Right to Buy claim from the tenant(s) or their Solicitor.

If the tenant is delaying the Right to Buy process at any other stage of the application the landlord should take reasonable steps to progress the Right to Buy to the next relevant stage where a default, first or final notice can be served.

If the tenant is delaying the sale after accepting their offer to purchase and more than 3 months have passed from the date of the Section 125 or Section 128 Offer Notice, the Council will serve a First Notice to Complete. This Notice gives the tenant a minimum of 56 days in which to respond and it must state that a Final Notice will be served if no response is received by the end of the notice period.

If the tenant does not respond to the First Notice, the Council will then serve a Final Notice to Complete which allows for a further minimum of 56 days in which to complete the sale. This Notice must state the effects of not complying which will be the withdrawal of the Right to Buy.

If no response has been received from the tenant by the expiry date of the Final Notice, the Right to Buy application can be cancelled by the landlord.

If a Right to Buy application is cancelled, the Council will send out a letter confirming the cancellation, and advising that the tenant can re-apply at any time.

5.20 Notice of Delay

If a Notice of Delay form is served on the Council, this will be passed to Legal Services.

Initial Notice of Delay – Form RTB 6

This is completed by the tenant when they feel that the Council is holding up their application or the process. The Notice can be served when the Council has; not yet served a notice under section 124, not yet served a notice under section 125 or there are delays on the Council's part are holding up the sale under the Right to Buy.

Landlords Counter Notice – Form RTB 7

This is the Council's response to an Initial Notice of Delay where the Council cannot move the sale along within one month. The counter notice will say that the Council has already replied or explains why the Council can't speed things up.

Operative Notice of Delay – Form RTB 8

This Notice is served by the tenant where there is no response within a month to their Initial Notice of Delay. This could lead to a refund of rent to the tenant for the delay period which will be deducted from the completion monies.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Right to Buy – Right of First Refusal and Discount Repayment Policy
- Leasehold Management Policy

7.0 Review

This Policy will be reviewed fully every three years. It will be checked annually for any changes to legislation.

8.0 Appendices

A - Periods of occupation that count towards the qualifying period

- B - Reasons for Denial of the Right to Buy under Part B
- C - Property Exemptions
- D - Statutory Declaration
- E - Discount percentages and maximum amounts
- F - Cost Floor
- G - Section 125 notice
- H – Review of determination

Appendix A – Periods of occupation that count towards the qualifying period:

The following can all be counted towards the qualifying period:

- Periods that the *tenant* held a public sector tenancy
- Periods spent as the *spouse* of a public sector tenant where they occupied that property as their only or principal home
- Periods during which the *spouse of the purchaser* was a public sector tenant providing the purchaser and spouse are living together at the relevant time
- Periods during which the *deceased spouse of the purchaser* was a public sector tenant providing the purchaser and spouse were living together at the time of death
- Periods in which the *spouse of the purchaser* (if living together at the relevant time) *was formerly the spouse of a public sector tenant* and lived there as his/her only or principal home
- Periods during which the *deceased spouse of the purchaser* (if living together at the time of death) *was formerly the spouse of a public sector tenant* and occupied that dwelling as his/her only or principal home

If the purchaser is living with his/her spouse at the time of applying (or if deceased, at the time of his/her death) they can count all the spouse's periods of public sector occupation whether or not the spouse is:

- a tenant at the present time
- included as joint purchaser

The spouse's period of occupation may include periods when he/she was:

- a public sector tenant
- living with a spouse who was a public sector tenant

Any period during which, before the relevant date, the secure tenant qualified for the Preserved Right to Buy or was the spouse of such a person and occupied that property as his/her only or principal home, also counts towards the qualifying period.

Whole and part years must be included when calculating the qualifying period. The total number of years, months and days of each tenancy when adding different tenancies together will determine the discount entitlement.

If the tenant does not have the necessary amount of time for eligibility with a suitable public sector tenancy (less than 3 years), their application will be cancelled if they do

not provide sufficient evidence for previous tenancies within 8 weeks of making their application.

Appendix B – Reasons for Denying the Right to Buy under Part B

The Council must use one of the reasons below for denying the Right to Buy under Part B of the RTB2 Notice.

1	YOU ARE NOT THE SECURE TENANT OF THE PROPERTY AS REQUIRED BY SECTION 118 OF THE HOUSING ACT 1985.
2	YOUR NOTICE CLAIMING THE RIGHT TO BUY IS NOT A VALID ONE AS THIS IS A JOINT TENANCY AND ONE OF THE JOINT TENANTS HAS NOT COMPLETED THE RIGHT TO BUY NOTICE AS REQUIRED BY SECTION 118 OF THE HOUSING ACT 1985.
3	YOU HAVE NOT BEEN A PUBLIC SECTOR TENANT FOR THE MINIMUM QUALIFYING PERIOD OF 3 YEARS AS REQUIRED BY SECTION 119 OF THE HOUSING ACT 1985.
4	YOU DO NOT OCCUPY THE PROPERTY AS YOUR ONLY OR PRINCIPAL HOME AS REQUIRED BY SECTION 118 OF THE HOUSING ACT 1985.
5	YOU ARE NOT A MEMBER OF THE TENANT'S FAMILY AND THEREFORE CANNOT JOIN IN THE RIGHT TO BUY (SECTION 123 OF THE HOUSING ACT 1985).
6	YOUR CONTRACT OF EMPLOYMENT REQUIRED YOU TO OCCUPY THE PROPERTY FOR THE BETTER PERFORMANCE OF YOUR DUTIES (PARAGRAPH 2 OF SCHEDULE 1 TO THE HOUSING ACT 1985).
7	ON >INSERT COURT DATE< A >INSERT ORDER TYPE< ORDER WAS MADE AGAINST YOU IN >INSERT NAME OF COURT<_COURT. CONSEQUENTLY YOU ARE NO LONGER A SECURE TENANT FOR THE DURATION OF THE ORDER AND THEREFORE DO NOT QUALIFY FOR THE RIGHT TO BUY YOUR HOME. IF YOU HAVE ANY QUERIES REGARDING THIS YOU MAY WISH TO GET INDEPENDENT LEGAL ADVICE.
8	THE RIGHT TO BUY DOES NOT ARISE BECAUSE YOUR TENANCY IS NOT A SECURE TENANCY AS IT IS ONE TO WHICH PART II OF THE LANDLORD AND TENANCY ACT 1954 APPLIES (TENANCIES OF PREMISES OCCUPIED FOR BUSINESS PURPOSES)(PARAGRAPH 11 OF SCHEDULE 1 TO THE HOUSING ACT 1985).
9	THE RIGHT TO BUY DOES NOT ARISE BECAUSE THE FREEHOLD OF THE PROPERTY IS NOT HELD BY THIS AUTHORITY BUT IS HELD BY THE COUNCIL AS TRUSTEES FOR >INSERT NAME< (PARAGRAPH 7 OF SCHEDULE 4 TO THE HOUSING ACT 1985).
10	A FAMILY MEMBER CANNOT JOIN IN THE RIGHT TO BUY WHEN THE TENANT'S APPLICATION HAS BEEN DENIED.

Appendix C – Criteria for Property Exemptions

Elderly persons dwellings

Unlike the other types of exempt dwellings, if the Council denies the Right to Buy on the basis that it meets the criteria set out for elderly persons dwellings, the applicant will be entitled to appeal the decision within 56 days of the RTB2 date.

All 3 of the following criteria must be met before the Council can deny an application under this ruling:

- The property was let for occupation by a person aged 60 or over. This can be either the tenant/s or another person; and
- The property is an individual dwelling which is *particularly suitable* for an elderly person; and
- The property was first let before the 1st January 1990.

If ALL of the above criteria are met the application will be denied under Part C of the RTB2.

Other exempt dwellings

Dwelling houses for persons of pensionable age

All 4 of the following criteria must be met before the Council can deny an application under this ruling.

- The property is one of a group; and
- All dwellings in this group are particularly suitable for an elderly person; and
- It is the practice of the landlord to let these dwellings to persons aged 60 or over, or for people who are physically disabled; and
- The services of a warden are provided for the tenants of these properties. This can be either a resident warden or a non-resident warden who is on call, coupled with the use of a common-room in close proximity to the group of dwelling houses.

If ALL of the above criteria are met the application will be denied under Part B of the RTB2.

Dwellings for disabled persons

All 4 of the following criteria must be met before the Council can deny an application under this ruling.

- The property must have features that are substantially different from those of ordinary dwelling houses; and
- Is designed for people who are physically disabled; and
- Is one of a group of dwellings which it is the practice of the landlord to let for occupation by people who are physically disabled; and

- Is in close proximity to a social service or special facility provided wholly or partly for the purpose of assisting the occupants.

If ALL of the above criteria are met the application will be denied under Part B of the RTB2.

Dwellings for people suffering from a mental disorder

Both of the following criteria must be met before you can deny an application under this ruling.

- The property is one of a group of dwellings which it is the practice of the Council to let for occupation by people who are suffering or have suffered from a mental disorder as defined in the Mental Health Act 1983; and
- Has a social service or special facility provided wholly or partly for the purpose of assisting the occupants.

Appendix D – Statutory Declaration

Information required with the Statutory Declaration:

- Documents relating to the tenancy or tenancy agreement.
- Letter from GP or other official source confirming that the property was registered with them as the tenant's principal home.
- Copies of relevant electoral register.
- Other ID showing the tenant's name and previous tenancy address which relates to the period in question.

Appendix E - Discount Percentages and Maximum Amounts

For freehold sales the tenant is awarded a 35% discount for the minimum 3 year qualifying period. The discount remains at 35% for the 4th and 5th year. There is then a further 1% for each additional complete year of confirmed tenancy, up to a maximum of 40 years which will give a 70% discount.

For leasehold sales the tenant is awarded a 50% discount for the minimum 3 year qualifying period. The discount remains at 50% for the 4th and 5th year. There is then a further 2% for each additional complete year of confirmed tenancy, up to a maximum of 15 years which will give a 70% discount.

The maximum discount amount that can be applied to either freehold or leasehold properties in England is £80,900. The maximum discount varies each year. Notification of this will be received from Central Government. All literature and the Council's website will be updated with the new discount within one month as per the legislation.

Appendix F – Cost Floor

A Cost Floor amount should include:

- a) The construction of the dwelling including site development works and acquisition of land.
- b) The acquisition of the dwelling.
- c) Those works initially required following the acquisition of the dwelling by the landlord to put it into good repair or to deal with any defect (exceptions apply where the property was acquired under Part XVI of the Housing Act 1985).
- d) Those works of repair/maintenance or works to deal with any defect affecting the property (except works within paragraph c) above) where the aggregate of the costs exceed the sum of £5,500 and
- e) Other works to the property, except works of repair or maintenance or works to deal with any defect affecting it which are not shown in paragraph c) and d) above.

Costs that are excluded from the Cost Floor calculation are also set out in the Determination. Costs to be excluded from the Cost Floor amount are:

- Costs paid on or after the relevant time unless:
 - (i) The landlord has before that date entered into a written contract for carrying out the works; or
 - (ii) The tenant has, before the date of service of the landlord's Section 125 Offer Notice, agreed in writing to the carrying out of the works
- Any costs to the extent that they are unreasonable incurred
- Any administrative costs
- Interest
- Costs of acquisition from:
 - (i) A Local Authority
 - (ii) A Registered Social Landlord
 - (iii) The Housing Corporation
 - (iv) Housing for Wales
 - (v) A Development Corporation
 - (vi) The Commission for the New Towns
 - (vii) An Urban Development Corporation
 - (viii) A Housing Action Trust established under Part 111 of the Housing Act 1988 (Housing Action Trust areas)
- Any costs recoverable by the landlord as a service charge or improvement contribution

Appendix G – Information contained within the Section 125 Offer Notice

- A description of the property including the address, property type and the number of bedrooms, plus any land which is also included.
- The price at which the tenant is entitled to buy the freehold or lease plus:
 - The market value based on the date the RTB1 was received by the landlord
 - Any improvements disregarded
- The discount amount to which the tenant is entitled.
- The qualifying period taken into account and, where applicable, any amount reducing or capping the discount amount.
- Provisions contained in the conveyance or lease (in draft form).
- A description of any structural defect known to the landlord affecting the property or the block in which it is situated (including any other building to which the purchaser will have rights).
- The tenant's right to have the value of the property determined by the District Valuer.
- The effects of serving the Section 125 Offer Notice, the notice of intention and notice in default.
- The effects of any change to a tenant or qualifying family member after serving the Section 125 Offer Notice.
- The effect of the landlord's notices to complete, the effects of failing to respond and any rights to defer completion.

For leasehold properties, the Offer Notice must also contain the following:

- The length and expiry date of the lease
- Reference to:
 - Ground rent
 - Responsibility for internal & external repairs
 - Non-Itemised repairs
 - Itemised repairs
- A draft lease or conveyance
- Estimates and information regarding limits on charges required by Section 125A or 125B where provision has been made in the Offer Notice enabling the landlord to recover service charges or improvement contributions.
- Service charges for repairs which may be incurred in the reference period (see below), showing the likely cost of, and the tenant's likely contribution for, each item. These may include amounts for specific items and may also give an annual figure to cover items not specifically anticipated.
- An estimate of works for improvement contributions within the reference period, showing the likely cost of, and the tenant's likely contribution for, each item.
- Water charges
- Insurances
- Payment methods and information
- The reference period:
 - The reference period must be stated for the purpose of estimates for both repair and improvement contributions and information given as to

the tenant's rights under paragraphs 16B and 16C of Schedule 6 (Housing Act 1985).

- The reference period is a period of 5 years which can begin on any date providing this date is not later than 6 months after the date of the Section 125 Offer Notice. This is generally a date by which the landlord reasonably expects the Right to Buy sale to be completed.
- This period is not necessarily exactly the same as the initial period during which charges are actually limited by Schedule 6.

The Council cannot charge more during an initial period than the stated amounts plus inflation.

For leasehold properties, the notice must state the provisions which enable the landlord to recover service charges or improvement contributions and other charges required by Section 125A or 125B.

Appendix H – Re-Determination Process

The Council must provide the District Valuer (DV) with any information the tenant has provided to support their request for a determination. A copy of the tenant's written request for a determination, the RTB1, the Section 125 Offer Notice and a plan of the property's boundaries marked in red shall be sent to the DV.

The Council may contact the valuer and have the right to include any comparables used in valuing the property when making a representation to the DV. This must be sent within 28 days.

In undertaking a determination, the DV has no connection with either the tenant or the Council or any party acting on their behalf. The DV will make their own inspection of the property and, alongside representations from the landlord, will invite representations from the tenant. The DV will share the representations made by the landlord and the tenant with each party to ensure that the determination process is transparent.

Once the DV has determined the value of the property, they will send their report on the valuation to both the Council and tenant. The issue of this determination report will normally end the involvement of the DV in the Right to Buy process.

The Council will contact the tenant, informing them of the outcome of the determination. If this is a different value from the original valuation, the Council will advise the tenant of the impact of this on the discount and the sale price.

The Council will advise the tenant of their right to ask the DV to review the determination. The Council will advise the tenant that the 12 week notice of intention period will begin again from the date of your letter.

The tenant or the Council can ask the DV to review the determination where they consider that there has been a significant error with the determination. Significant errors are errors of fact (e.g. a property has been valued as having 3 bedrooms instead of 2). DV's can also review their own determination if they become aware of new significant facts. A review of determination must be requested in writing within 28 days of the date of the Section 128(5) determination notice being served.

Following the review, which may conclude that the original determination was not significantly in error or alternatively make a further determination, the DV will issue a report. Again, the 12 week notice of intention period re-starts from the date that the tenant is advised of the effect of the DV's review by way of a new Section 128 notice.

9.0 Document History and Approval

Date	Version	Committee Name
6/6/18	1.0	Housing Committee

**RIGHT TO BUY
- RIGHT OF FIRST REFUSAL
AND DISCOUNT
REPAYMENT POLICY**

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1.0 Scope

When a Council property is sold under the Right to Buy a covenant is created whereby if the property was to be sold within ten years of the original sale date then the property must be offered to the Council to 'buy back'. This relates to any relevant disposal within the ten year period, not just the first sale by the former tenant.

This policy sets out the Council's approach to buying back properties. It includes both freehold and leasehold properties. The policy does not cover properties purchased under any other circumstance.

2.0 Purpose

The Policy will ensure that the Council meets obligations to consider property buy back. Through implementation of the policy the Council will ensure that all applications are considered fairly and consistently.

3.0 Aims and Objectives

The aims and objectives of the policy are to confirm:

- The information considered when deciding to buy back a property
- The Council's approach to property valuation
- The identification of funds for purchase, if required
- The timescales that must be met

4.0 Regulatory Code and Legal Framework

The relevant legislation is:

- Housing Act 1985, Part 5 Section 156A (amended by Housing Act 2004)
- Housing (Right of Refusal) (England) Regulations 2005

5.1 Offer Notice

The seller of the property must provide specific information to the landlord in order for the offer to comply with legislation. The seller must provide the following information in writing to the Council:

- That they wish to dispose of the property
- That there is a covenant requiring them to first offer the property back to the Council
- The property's full postal address
- The property type (house, flat)
- The number of bedrooms
- Details of heating system
- Specify any improvements or structural changes which have been made since the purchase, including adaptations

5.2 Investigations prior to decision

When an Offer Notice is received it will be acknowledged by Legal Services and passed to the Housing Strategy section to complete investigations into whether the buy back is possible and desirable.

5.2 Property Valuation

The price will be agreed between the seller and the Council. If the two parties are unable to agree then the Council will ask the District Valuer to value the property. The cost of the District Valuer will be met by the party that has requested the valuation.

5.3 Sufficient funds

The decision will be dependent on the ability of the HRA Business Plan to fund any acquisitions. The Council's new build plans may limit the funds available to acquire properties as receipts used from RTB may only finance up to 30% of the cost of re-purchasing a former council home. The offer will be discussed with the Head of Financial Services.

5.4 Housing Management opinion

Although there may be sufficient funds available for a property to be purchased it is important to consider any future housing management issues, this includes any known repairs issues relating to the property type; the desirability and if the property will be difficult to let; and any current anti-social behaviour issues in the area. The offer will be discussed with the Repairs Manager and Operations Manager.

Properties where there are high refurbishment costs or low demand issues will not be considered for buy back.

5.5 Development opportunities

The potential to free up land or allow access to enable development will be considered. If this is likely to be an option then the offer will be discussed with the Regeneration and Development Manager.

5.6 Nomination of offer

In addition to the option to buy back to the property for the Council, there is also the option to nominate another social landlord to accept the offer. The Council does not currently have a registered provider partner to whom it would wish to nominate to accept the offer but this will be reviewed as and when the opportunity arises.

5.7 Decision

Properties will be considered on a case-by-case basis and the decision will be subject to approval of the Chief Executive.

5.8 Council Intention

The Council must inform the seller, within 8 weeks of receipt of the Offer Notice of their intention to:

- Accept the offer (and serve an acceptance notice)
- Nominate another social landlord to accept the offer
- Reject the offer (and serve a rejection notice)

The binding contract must be completed within 12 weeks from the date that the acceptance notice is served, or four weeks after the owner notifies that they are ready to complete, whichever is the later date.

If the landlord fails to comply with the timescales, the seller may proceed to sell the property on the open market.

5.9 Repayment of discount

Should the Council accept an offer to buy back the property within five years of completion the owner will be required to pay back a percentage of the value of the property related to the discount which they originally received. This reduces by one-fifth each year. The discount will be deducted from the sale price of the property.

If the Council rejects the offer to buy back a property the discount will still be payable to the Council.

5.10 Appeals

Under legislation there is no onus on the Council to either accept the offer or to nominate another social landlord to accept the offer. Therefore the seller does not have the right to appeal the decision of the Council.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Right to Buy Policy
- Right to Buy – Buy Back Procedure
- Right to Buy – Buy Back Investigation Form

7.0 Review

The policy will be reviewed every 3 years, or sooner if there is a change in legislation

8.0 Document History and Approval

Right to Buy – Buy Back Policy

Date	Version	Committee Name
6/6/18	1	Housing Committee

Report of the Chief Executive

ALLOCATIONS POLICY1. Purpose of report

To seek Committee approval for a new Allocations Policy.

2. Background

On 17 January 2018 Housing Committee approved a draft Allocations Policy and for consultation on the policy to begin. The consultation has now been completed. The purpose of the Allocations Policy is to set out who can apply for social housing, how priority is given to different applicants and how the housing register is maintained.

3. Detail

The Housing Act 1985 Section 166A(13) requires authorities, before adopting an allocation scheme, or altering a scheme to reflect a major change of policy, to send a copy of the draft scheme, or proposed alteration, to every Private Registered Provider with which they have nomination arrangements, and ensure they have a reasonable opportunity to comment on the proposals.

In addition to our statutory requirements, consultation was also carried out with staff and members of the Resident Involvement Group. An online consultation was also available and was promoted through the Tenant and Leaseholder Matters newsletter and via social media. An Equalities Impact Assessment is included as appendix 1, a summary of the consultation responses and how they have been addressed is provided in appendix 2 and the Allocations Policy is attached at appendix 3.

The new policy will be implemented in November 2018, to provide sufficient time to make changes and inform applicants.

3. Financial implications

All of the work that will need to be completed to ensure that applications meet the requirements of the new Allocations Policy can be achieved through existing budgets and current staff resource.

Recommendation

The Committee is asked to RESOLVE that the Allocations Policy is approved.

Background papers

Nil

APPENDIX 1

Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they

design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Housing	Lead officer responsible for EIA	Rachel Shaw
Name of the policy or function to be assessed:	Allocations Policy		
Names of the officers undertaking the assessment:	Rachel Shaw		
Is this a new or an existing policy or function?	New policy for existing function		
<p>1. What are the aims and objectives of the policy or function?</p> <p>The aim of the policy is:</p> <ul style="list-style-type: none"> • To ensure that all regulatory and legal requirements for Allocations are met • To set out the requirements for considering eligibility and qualification for social housing • To ensure that housing applicants are given choice • To confirm when local lettings policies and direct lets may be used 			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>Fair and consistent allocations of social and affordable rented accommodation in Broxtowe.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Applicants who have applied to Broxtowe Borough Council</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • Applicants • Housing staff 			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>When applicants apply to join the waiting list they are asked for personal details, which provides quantitative data on the quality strands.</p> <p>Monitoring is completed through CORE returns for every property allocated. This data can be analysed and benchmarked with other organisations.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>Information provided on application forms.</p>			

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

Consultation has been completed with registered providers, staff and tenants. This did not identify any changes to be made to address issues of negative impact on any of the equality strands.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

Applicants must be over the age of 18 to hold a tenancy with the Council, so those younger than that are excluded from holding a tenancy but may be part of the household. This can be justified.

Members of the Armed Forces are given additional priority, which has a positive impact on this group. This can be justified as it is a requirement to provide this additional preference.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

Yes

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

The application form is only available online and is quite long and complex due to the amount of information required. This could be difficult for people with some disabilities or those whose first language is not English. Support is provided to applicants who request it, which includes working with an applicant to complete the form when necessary.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The Policy outlines where Local Lettings Policies may be used. These can have a positive impact on communities and address negative issues.

- **What further evidence is needed to understand the impact on equality?**

Monitoring with continue through CORE and analysis will be completed

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Pregnancy and Maternity: Applications can often be made during the period of pregnancy and maternity due to the increase in the family size of the applicant. Support will be offered to completed applications if requested.

Disability: Under the Allocations Policy those who need to move urgently because of life threatening illness or sudden disability or given additional preference. The Council will ensure that support is provided to applicants who need to move in this situation. An individual assessment will be completed when an applicant provides information on a disability, which can result in an applicant being awarded Band 1, 2 or 3. Applicants will be supported and encouraged to provide evidence to inform the assessment.

Age: Younger applicants in their first tenancy may require additional support, which will be identified as part of pre-tenancy assessments. This may involve referral to the Council's Tenancy Sustainment Officer.

Gender
Sexual Orientation
Gender Reassignment
Marriage and Civil Partnership
Race
Religion and Belief

It is not anticipated that the Council would need to take any further action in order to enable access for these groups. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service:

Allocations Policy Consultation

APPENDIX 2

1. Staff Workshops held on 5 March and 7 March – attended by 19 members of staff
2. Resident Involvement Group meeting on 20 March – attended by 4 tenants and leaseholders, 1 councillor
3. Online survey via Survey Monkey – completed by 79 people (of those who provided information, 26 are tenants and 11 are applicants)
4. Registered Providers – 2 attended workshop, 1 contacted by e-mail with comments

Not all questions were asked to all groups due to consultation method and time available. Comments have been summarised and similar comments combined.

Question (and which groups were asked)	Comments/Suggestions	Response
Looking at the circumstances listed in the tables on pages 10-13 of the draft Allocations Policy. <ul style="list-style-type: none"> • Do you think the circumstances are in the correct bands? • Do you think that the wording is clear or any suggested amendments? • Is there anything missing that should be included (Groups 1 and 4)	Examples should be included to provide clarity	Guidance leaflet to be written and distributed to applicants and included on website
	Band 1 should be time limited	Band 1 will be reviewed every 12 weeks Band 2 will be reviewed every 26 weeks
	Statutory overcrowded - definition needs to be clearer, including involvement of an Environmental Health Officer	Wording amended. Now includes bedroom standard and statutory overcrowded
	Overcrowding – would be beneficial to refer to the bedroom standard	
	Fleeing violence – this should be a distinct category separate from homeless prevention	Amended definition of ‘Harassment’ category
	Non-statutory succession – this should be included in Band 2	As they do not have a statutory right this would give them a higher priority than they are entitled to
	Succession – need to amended wording to ‘to tenancy’ instead of ‘to property’	Wording amended
	High Medical Priority – need to state has to be	Wording amended. To specifically refer to

Question (and which groups were asked)	Comments/Suggestions	Response
	lasting condition	physical and mental health.
	Medical – need to refer to a procedure that will be followed	Guidance/procedure will be written. Definition amended to include mental health.
	Medical – should be reviewed regularly to see if still appropriate to have a high banding	
	Welfare – should also be included in Band 2 (example given of when a family member has committed suicide)	'High Welfare' category included in Band 2
	Employment – need more information	Amended to meet Right to Move requirements, included as separate section
	Witness protection – need to include as a distinct category separate from management move	'UK Protected Persons Scheme' (formally known as witness protection) category included in Band 1
	Demotion – should have a distinct demoted category to make it easier to manage	Demotion will not be used under the new policy. Applications will instead be suspended.
	Demotion – should be for 12mths rather than 6mths	
	Lodgers – have no security of tenure, so should be Band 3	Definition of category has been amended to distinguish between those who lodge with families and those who lodge elsewhere.
	Band 4 – is table needed, or just those not in Band 1,2 or 3	Amended with statement rather than table
Are there any other categories that should be included in Band 1?	Victims of domestic violence	This has been considered but will remain Band 2. Amended definition of 'Harassment' category
(Groups 2 and 3)	Victims of harassment – due to impact on wellbeing	

Question (and which groups were asked)	Comments/Suggestions	Response
		'Harassment' category
	Moves due to police recommendation – rather than dealt with as management direct lets	'UK Protected Persons Scheme' (formally known as witness protection) category included in Band 1
	Homeless applicants (<i>8 respondents gave this comment</i>)	Amendments made to reflect Homelessness Reduction Act: Main duty – Band 1 Prevention duty – Band 2 Other homeless – Band 3
	Ex-service personnel	Ex-service personnel will be given additional priority by increasing their band. Additional section added to policy.
	When someone is occupying an adapted property which the occupants do not need.	This will remain Band 2 under 'Unsuitable accommodation due to adaptations' category
	Over 60 years of age	Banding is awarded due to circumstances not age
<p>In the draft policy applicants assessed as having no housing need, such as those whose current accommodation meets their requirements, are awarded Band 4.</p> <ul style="list-style-type: none"> Do you think that applicants with no housing need should be able to join the list? <p>(All groups)</p>	<p>Survey Monkey (all respondents) – Yes = 53.16%, No = 46.84% Survey Monkey (applicants only) – Yes = 45.45%, No = 54.54%</p>	
	If properties are rarely let to people in Band 4 than we should not have it, creates extra admin work	15% of lettings in 2017/18 were to applicants in Band 4, to remove would have a negative impact on average relet time
	It is needed so that the Council does not have empty properties	
	If Retirement Living applicants were moved to Band 3 could delete Band 4	The majority of lets in Band 4 were for Retirement Living properties, but to combine bands would not accurately

Question (and which groups were asked)	Comments/Suggestions	Response
		reflect the difference in circumstances
	Should include that information on other options will be provided to those with no housing need e.g. private rent, mutual exchange	This is not included in the Allocations Policy but the Council does provide information on alternatives to applicants
	Long term residents of the borough should be allowed to remain on the list	Band 4 will remain for those with no housing need so will reflect these circumstances
	Affordability should be considered – current housing may be too expensive	
	Existing tenants should be given an opportunity to transfer even if they have no housing need	
<p>The draft policy allows for preference to be given to non-transfer applicants on some occasions. This means that people who are not currently a tenant of Broxtowe Borough Council have more chance of being allocated a property than those who are already a tenant.</p> <ul style="list-style-type: none"> Do you agree with this? <p>(All groups)</p>	Survey Monkey (all respondents) – Yes = 29.11%, No = 70.89% Survey Monkey (applicants only) – Yes = 27.27%, No = 72.72%	
	Should not be applicable to Band 1	Wording amended so this is not applicable to Band 1 applicants
	Need a criteria for which properties this will be used for and when it will not apply, should not be automatically applied	Wording amended so that properties are offered with preference to transfer applicants
	Current tenants have access to mutual exchange, this should be promoted	This is not included in the Allocations Policy but the Council does provide information on alternatives to applicants
	Council tenants already have security of tenure so their priority should be lower	This has been considered but no amendments have been made to lower the priority of Council tenants
	No preference should be given to either category, otherwise it is not a fair system, should be based on band and date only (5	The use of priority for transfers has been reviewed so that it is given on fewer occasions and does not apply to Band 1.

Question (and which groups were asked)	Comments/Suggestions	Response
	respondents gave this comment)	Wording amended in policy to reflect this.
<p>The draft policy states applicants can only apply for a transfer after they have been in their current accommodation for 12 months.</p> <ul style="list-style-type: none"> Do you agree with this? <p>(Group 1 and 4)</p>	<p>Will match new tenancy agreement</p> <p>Should include an exception for if circumstances change dramatically e.g. if they are awarded Bands 1 or 2</p> <p>Need to be clearer in policy about applicants who worsen their own circumstances</p>	<p>This is not included in the new tenancy agreement, has been removed from policy as no evidence to support that this is an issue</p>
<p>In the draft policy Homeowners or those with financial interest in property will not be allowed to join the list. Except if they are over 60 and applying for Retirement Living accommodation, or in Bands 1 or 2 who do not have the financial resources to enable them to resolve their housing needs.</p> <ul style="list-style-type: none"> Do you agree with this? <p>(All groups)</p>	<p>Survey Monkey (all respondents) – Yes = 84.81%, No = 15.19% Survey Monkey (applicants only) – Yes = 81.81%, No = 18.18%</p> <p>Need to specify an amount of equity and be able to reference it e.g. to ‘Discount for Sale’ amounts</p> <p>Amounts specified need to be different for different areas</p> <p>Consideration needs to be given to ability to resolve their own housing situation – complete a review</p> <p>Need to consider day-to-day finances not just equity</p> <p>Could allow but limit to Retirement Living properties only</p>	<p>Amended policy with explanation of procedure to be followed, which includes a full review of circumstances. Evidence that the property is for sale will be requested.</p> <p>The difference in prices will be considered as part of the full review of circumstances</p> <p>The ability to resolve their own housing situation will be considered as part of the full review of circumstances</p> <p>Considered, this would not be fair and reasonable for those applying for general needs accommodation</p>

Question (and which groups were asked)	Comments/Suggestions	Response
	Need to consider people who can't access or sell their own home due to a Homes Right Notice or relationship breakdown	Wording amended to reflect this in the policy, full details will be included in procedure
	Should be needs basis only, this would identify who can join the list	Considered, assessment is needs based but clarity is still needed within the policy on home ownership
<p>On some occasions the Council, or partner landlords, may want to use Local Lettings Policies. These are particularly appropriate for new build schemes, large estates and areas with problems of anti-social behaviour. These allow particular accommodation to be allocated to people of a particular description, for example, over a certain age.</p> <ul style="list-style-type: none"> • Do you agree that these should be allowed under the Allocations Policy? • In what circumstances do you think they should be used? <p>(All groups)</p>	<p>Survey Monkey (all respondents) – Yes = 76.62%, No = 23.38% Survey Monkey (applicants only) – Yes = 63.63%, No = 36.36%</p>	
	Use if properties are de-designated from Retirement Living	Agree that this would be an appropriate use of a Local Lettings Policy
	Use for blocks that are split between Retirement Living and General Needs	Agree that this would be an appropriate use of a Local Lettings Policy
	Should be used on new build estates	Agree that this would be an appropriate use of a Local Lettings Policy
	Need a separate section on sensitive lets of individual properties	Section on sensitive lets included
<p>Many Council's penalise applicants for refusing a property, this can include reducing banding or suspending an application for a period of time.</p>	Penalty should be different depending on what Band the applicant is in – suspension for lower bands, demotion for higher bands	Considered, but demotion will not be used under the new policy. Applications will instead be suspended.
	Need to be clear that this won't apply to AutoBids	The use of Autobids will be reviewed as part of the implementation of the new policy

Question (and which groups were asked)	Comments/Suggestions	Response
<ul style="list-style-type: none"> • Do you think that this is something that Broxtowe should consider? • What actions should be taken? • In what circumstances? (Groups 1 and 4)	Penalise if people do not bid for a period of time e.g. 8 weeks or 12 weeks – especially if in high band	Considered, but this will not be implemented, there are many complex reasons why a suitable property may not be available within this timeframe
	Need a improved procedure for officer who has completed viewing to feedback on reasons and reasonableness	Procedure will be reviewed as part of the implementation of the new policy
The draft policy states that to qualify applicants must have been a resident in the borough of Broxtowe for 3 out of the last 5 years. <ul style="list-style-type: none"> • Do you think that this is sufficient or are amendments needed? • What would you suggest? (Groups 1 and 4)	Should be 5 years	Considered, will remain as 3 out of 5 years
	If does not match homeless legislation, policy would need to account for exceptions	Wording included to confirm that all applicants accepted as homeless will be eligible
The policy lists some checks that will be completed prior to an applicant joining the list. <ul style="list-style-type: none"> • Are there any other checks that should be completed? • Do you think that we should check whether a property is affordable for the applicant? (Groups 1 and 4)	Extra information – need to remove ‘nationality or immigration status’ as this is included in eligibility	Wording removed
	Extra information – change ‘may’ to ‘will’	Wording amended
	Some applicants with convictions should not be allowed on to the list rather than making decision at point of offer	Considered, amendments made. Full checks will be made at application for potential Bands 1 and 2 applicants. Checks for Bands 3 and 4 will be completed at point of offer.
	Include details on the declaration that applicants will be asked to sign	Full details will be included on declaration
Unpaid debts – should include Council Tax	Considered, but this will not be amended	

Question (and which groups were asked)	Comments/Suggestions	Response
	Affordability should be assessed for every applicant, including benefit check	Procedure for checks will be reviewed as part of the implementation of the new policy Section on tenancy checks added to policy
The draft policy allows direct offers to made in urgent management cases and for lower demand properties <ul style="list-style-type: none"> • Are there any other circumstances where direct offers should be allowed? (Groups 1 and 4)	Adapted properties (another comment made that this should be reflected correctly in policy so that direct lets would not need to be used for adapted properties)	Wording accurately reflects the Council's Aids and Adaptations Policy regarding adapted properties
	Homeless applicants in our temporary accommodation	This will be reflected by appropriate banding
	Procedure needed so we can decide on case by case basis and evidence why	Wording amended. Procedure will provide examples and approval levels.
Additional comments (All groups)	We have a common Homelessness Strategy with Rushcliffe and Gedling but different Allocations Policies, we should reference this	Wording amended
	Risk assessments – need statement about their use	This will be included as part of pre-tenancy checks
	AutoBids – need to confirm our approach to using these	The use of Autobids will be reviewed as part of the implementation of the new policy
	Use of Retirement Living throughout document, considering the current review should other wording be used?	The name of the service is currently Retirement Living
	Working people should be given a higher priority than those not in work	Considered, but draft has not been amended
	Properties with gardens should be allocated to families	Considered, but draft has not been amended

Question (and which groups were asked)	Comments/Suggestions	Response
	Applicants should be means tested	Pre-tenancy checks will be completed
	People who are in financial trouble should be given priority	If their financial trouble is having an impact on their housing, this will be identified as Homelessness Prevention
	Applicants who can afford private rented should be given information about that and not be able to join the waiting list	Information is provided, but applicants are still allowed to join waiting list

ALLOCATIONS POLICY

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1.0 Scope

This policy covers all properties for social rent or affordable rent allocated through the Broxtowe Borough Council's Choice Based Lettings (CBL) system called HomeSearch. The CBL system is shared with Gedling Borough Council and Rushcliffe Borough Council, the three Councils share a website and software system, but they each have their own allocations policy.

Although homeless applicants will be allocated properties through the HomeSearch system this policy does not set out the Council's approach to Homelessness. This is detailed in the South Nottinghamshire Homelessness Strategy, which is shared with Gedling Borough Council and Rushcliffe Borough Council.

This policy does not cover allocations of social housing made by registered providers outside of the HomeSearch system, mutual exchanges or temporary decants to another property.

2.0 Purpose

The purpose of the policy is to set out who can apply for social housing, how priority is given to different applicants and how the housing register is maintained.

This policy does not set out how applicants can apply to HomeSearch or bid for properties. Full details can be found on the HomeSearch website - www.home-search.org.uk/ or by contacting a member of the Lettings Team at Broxtowe Borough Council.

3.0 Aims and Objectives

We aim to make the best use of the social housing stock in the Borough to meet the needs of residents. The aims of the policy are:

- To ensure that all regulatory and legal requirements are met
- To set out the requirements for considering eligibility and qualification
- To ensure that applicants are given choice
- To set out the categories of applicants who will be given reasonable preference
- To set out the categories of applicants who will be given additional preference
- To confirm when local lettings policies and direct lets may be used
- To set out a framework for reviews and appeals

4.0 Regulatory Code and Legal Framework

The 'Allocation of accommodation: guidance for local housing authorities in England' is statutory guidance issued in 2012 to local housing authorities in England under s169 of the Housing Act 1996. Housing Authorities are required to have regards to it in exercising their functions under Part 6 of the Housing Act 1996 and Localism Act 2011.

Additional guidance 'Providing social housing for local people' was issued in 2013 to assist housing authorities to make best use of the flexibilities within allocation legislation to better meet the needs of their local residents and their local communities.

S166A of Housing Act 1996 provides that authorities must have regard to their homelessness and tenancy strategies when framing their allocations scheme.

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 and the DCLG Statutory Guidance – Right to Move (March 2015) apply where a local authority has introduced a local connection qualification within its lettings policy.

5.1 Definition of an 'Allocation'

Housing Act 1996, Part 6 states a housing authority allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation held by that authority
- Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
- Nominates a person to be an assured tenant of accommodation held by a Private Registered Provider

For the purpose of this policy an allocation will be considered to be a nomination if the property has been advertised and shortlisted through the HomeSearch Choice Based Lettings system.

This applies to existing tenants if:

- The allocation is made at the tenants request
- The tenant has reasonable preference (as defined in this policy)

This policy and definition does not apply if the Council initiates a transfer for management purposes.

5.2 Choice

Broxtowe Borough Council is committed to enabling applicants to play an active role in choosing where they want to live whilst continuing to house those in greatest need and making the best use of the social housing stock in the Borough.

Through HomeSearch applicants have a choice about where they wish to live, the type of accommodation they wish to occupy and who they wish to have as a landlord. The promotion of choice to applicants will help create sustainable tenancies and communities.

5.3 Eligibility

There are certain groups of people who are eligible for social housing. The eligibility provisions do not apply to applicants who are already secure, introductory or assured tenants of a private registered provider.

Accommodation will not be allocated to persons from abroad who are ineligible for housing if:

- They are subject to immigration control unless he or she comes within a class prescribed in regulations made by the Secretary of State
- They are to be treated as ineligible for an allocation of accommodation as prescribed in regulations made by the Secretary of State

The term 'person subject to immigration control' is defined in s13(2) of the Asylum and Immigration Act as a person who under the Immigration Act 1971 required leave to enter or remain in the United Kingdom (whether or not such leave has been given)

The following categories of people do not require leave to enter or remain in the UK:

- British citizens
- Certain Commonwealth citizens with a right to abode in the UK
- Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area with the UK which allows free movement
- EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law
- Persons who are exempt from immigration control under the Immigration Acts

All potential circumstances cannot be included in the policy. The UK Border Agency provides a service to housing services to confirm the Immigration Status of an applicant from abroad. If there is any uncertainty regarding eligibility, enquiries will be made before accepting an application

A joint tenancy, for two or more people, will not be granted if any of the applicants are ineligible. However, if one of the applicants is eligible then the tenancy may be offered to that applicant only. Ineligible family members may be taken into account in determining the size of accommodation which is allocated.

All applicants accepted by Broxtowe Borough Council as homeless will be eligible.

All applicants will sign a declaration to confirm that they are eligible for accommodation.

5.4 Qualification

To join the housing register, applicants must:

1. Be aged over 18, unless due to the following exceptional circumstances:
 - Homeless young people to whom a duty is owed under Housing Act 1996, Part 7
 - Care Leavers with a recommendation from Children's Services
 - Teenage parents

Any tenancy granted to a persons under the age of 18 will be held in trust for them by a responsible adult, appointed to act on their behalf

2. Have been a resident in the borough of Broxtowe for 3 out of the last 5 years, unless one of the exceptions below applies:
 - Members of armed forces who have been discharged within 5 years preceding the allocation of social housing
 - Bereaved spouses and civil partners of members of the armed forces leaving Services Family Accommodation following the death of their spouse or partner
 - Serving or former members of the Reserved Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service
 - Applicants who have been accepted as a reciprocal arrangement with another local authority or registered provider
 - Broxtowe Borough Council care leavers who have been placed outside of the borough
 - Applicants who have confirmation of a permanent job offer in the borough
 - Applicants who are victims of domestic violence who cannot return to their home due to fear of violence
 - Applicants who are part of the UK Protected Persons Scheme (formally known as Witness Protection)

- Applicants over the age of 60 who are applying for Retirement Living accommodation (these applicants will be placed in Band 4)

Applicants will not qualify if they are not available to occupy accommodation, if they were to be offered a property. This includes prisoners and those in tied accommodation. In these circumstances applicants should reapply when their circumstances change.

If an applicant declares that they have a financial interest in a property a full review will be completed following the Application from Home Owners procedure to establish if they qualify. All applications will be reviewed on an individual basis considering the equity available, ability to resolve their own housing situation and if they are able to access or sell their property.

Homeowners or those with a financial interest in property may be disqualified following the completion of the review. Home owners over the age of 60 who are applying for Retirement Living accommodation only will be exempt from review and will be placed in Band 4.

All applicants will sign a declaration to confirm that they qualify for accommodation.

5.5 Types of applicant

Single applicants – The majority of these applicants will be those who want to live alone, but also includes those who want to live with others but not have a joint application. If a single applicant accepts a tenancy, the tenancy must be granted in their name only.

Joint applicants – Applicants who have a long term commitment to live together. If joint applicants accept a tenancy, the tenancy must be granted in the name of all of the joint applicants.

Family applicants – Applicants who have at least one dependant child (aged up to 18). This includes adopted and foster children. Applicants who are pregnant will be considered as family applicants as soon as their pregnancy has been confirmed.

Applicants no longer wishing to apply jointly – If applicants in a joint application no longer wish to apply jointly, separate applications can be made from the original joint application. Each application will be reassessed. If the applicant is awarded the same or lower band then the original registration date will be used. If they are awarded a higher band then the registration date will be the date that they are placed in the higher band.

5.6 Reasonable Preference

Broxtowe Borough Council is required to give 'reasonable preference' to certain groups over other groups. These groups are:

- Applicants who are homeless (in accordance with Part 7 of the Housing Act 1996 as amended and extended by the Homelessness Act 2002) including those who are intentionally homeless and those who are not priority need

- People who are owed a duty by any housing authority under s190 (2) or 195 (5) of the Housing Act 1996 (or under s65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any housing authority under s192 (3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds
- People who need to move to a particular locality in the borough, where failure to meet that need would cause hardship (to themselves or others).

The Allocations Policy has been framed to ensure that the groups listed above have been given reasonable preference within the appropriate band.

5.7 Additional Preference

Housing authorities have the power to frame their allocation scheme to give additional preference to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing needs. All housing authorities must consider, in the light of local circumstances the need to give effect to this provision. People with urgent housing need include:

- Those who need to move urgently because of a life threatening illness or sudden disability
- Families in severe overcrowding which poses a serious health hazard
- Those who are homeless and require urgent re-housing as a result of violence or threats of violence, including those escaping domestic abuse

The Allocations Policy has been framed to ensure that groups with urgent housing need, including those listed above have been given additional preference within the appropriate band.

5.8 Armed Forces

Additional preference must also be given to:

- Former members of the Armed Forces
- Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner

- Serving or former members of the Reserved Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service

Additional preference will be given to these applicants by awarding the applicant one band higher than if their application was assessed solely on their other circumstances. For example, if an applicant is assessed as Band 3 but is a former member of the armed forces their application will be awarded Band 2.

5.9 Care Leavers

If an applicant is a care leaver then the local connection criteria specified in 5.4 is not applicable. The applicant will qualify if they have previously lived or been placed in local authority care within Nottinghamshire, not just the Borough of Broxtowe.

For any assessment that is completed with the applicant, the applicant must be accompanied by the Care Leaving Service.

5.10 Medical Assessments

Officers will make assessments following the medical assessment procedure to ensure that the appropriate band is awarded. Applicants will be asked to provide supporting information from medical professionals who currently work with them.

If further guidance is needed, or conflicting information has been provided from medical professionals then the Council will make a referral to an independent specialist advisor.

5.11 Banding

Broxtowe Borough Council has a duty to offer choice and to ensure that the needs of reasonable preference and additional preference categories are met. The most appropriate way to achieve this is to operate a needs based banding system with bands arranged to reflect the level of housing need.

The current housing circumstances and needs of each applicant will be the determining factor in deciding which Band an applicant receives. Once placed in an appropriate band, applicants will be ordered within the band by date order so that priority within a band is given to the applicant with the earliest date.

If an applicant's circumstances reflect more than one of the situations in the bands, the situation in the highest band will be used. No additional priority is given if circumstances reflect more than one situation.

The banding process will ensure that applicants in the greatest need receive the most preference for re-housing. Once an applicant has been assessed and placed into a band, the applicant will not move to another band unless there is a change in the applicant's circumstances.

Broxtowe Borough Council has 4 applicant bands. The criteria for these bands are shown on the next pages.

Band 1

Urgent Medical Priority	Applicants who have a permanent or chronic illness or disability and as a result of their condition are unable to continue to occupy their current accommodation. This includes both physical and mental health. An applicants current home must be assessed by a housing, health or social care professional as not being accessible or suitable. Priority will only be awarded where their current home is not able to adapted to suitably meet their needs.
Demolition	Applicants whose home is subject to demolition.
Category 1 Hazards	Applicants whose home has been assessed by the Council's Environmental Health Team as being subject to a category 1 hazard under the Housing Health and Safety Rating System which cannot be resolved whilst they are in occupation.
Statutory Overcrowding	Applicants whose current accommodation has been assessed as being statutorily overcrowded by an Environmental Health Officer. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property. The Council will also take into account bedroom standard criteria to assess if an household is overcrowded.
Severe Under Occupation	Tenants of one of the HomeSearch partners whose current home is too large for the needs of their household by two or more bedrooms. The Council will use the bedroom standard criteria to assess if an household is under occupied.
UK Protected Persons Scheme	Applicants rehoused at the request of the UK Protected Persons Service (UKPPS), formally the National Witness Protection Scheme
Homelessness – Main Duty	Where the Council has accepted a main homelessness duty i.e. eligible for assistance, have a priority need and unintentionally homeless. Also for those where an applicant is owed the relief duty and would likely be owed the main duty if the relief duty were to end unsuccessfully.

Band 2

Homelessness – Prevention Duty	Where an applicant with a local connection to the Council is owed a prevention duty, where all prevention measures have been exhausted and would likely be owed the main duty if both the prevention and relief duty were to end unsuccessfully.
Harassment	Applicants who are at risk in their current property because they are experiencing serious and sustained harassment, violence or threats of violence and likely to be owed the main housing duty if they were to make a formal homelessness declaration. This includes applicants fleeing domestic violence.
Succession	Applicants who have succeeded a tenancy owned by one of the HomeSearch partners but the property is unsuitable due to the size or adaptations.
Care Leavers	Applicants who are leaving care, in accordance with the Nottinghamshire County Wide Care Leavers Protocol.
Move on from specialist and supported accommodation	Applicants who are ready to move on to independent living from supported accommodation. Applicants will be awarded this category following confirmation from the accommodation or support provider that they are ready to move on and have the necessary skills to maintain an independent tenancy.
High Medical Priority	Applicants or a member of their household who have a serious, lasting medical condition, illness or disability which is made worse by their current accommodation and as a result of their condition it is not reasonable to continue to occupy their current accommodation on a long term basis. This includes both physical and mental health.
Severe Overcrowding	Applicants whose current accommodation is assessed as being two bedrooms short of the required number of bedrooms. The best use of all rooms in the house will be considered when calculating the number of bedrooms. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property.
Under Occupation	Tenants of one of the HomeSearch partners whose current home is too large for the needs of their household by one bedroom. The Council will use the bedroom standard criteria to assess if an household is under occupied.
Unsuitable accommodation due to adaptations	Tenants of one of the HomeSearch partners whose current home is an adapted property but the adaptation is no longer required.
High Welfare Need	Applicants who experience hardship in their current accommodation and who need to move to improve their situation. This includes applicants who have suffered a traumatic incident in their home.

Band 3

Homeless	<p>This band will be awarded where an applicant is owed either a prevention or relief duty but where they would not be owed the main duty when the prevention and relief duty comes to an end because they have been assessed as likely to be:</p> <ul style="list-style-type: none"> • Not in priority need and/or • Intentionally homeless and/or • Have refused an offer of suitable accommodation as discharge of the Council’s main duty, prevention or relief homelessness duties
Discharged Homeless Duty	<p>Applicants who have been accepted as being owed a full housing duty following a homelessness application and who have declined an offer of accommodation which was considered by the Council to be a reasonable offer of accommodation suitable to the applicants needs</p>
Lodgers with dependent children	<p>Applicants with dependent children, or who are pregnant and who are lodging with family or friends.</p>
Lodgers who share facilities	<p>Applicants who have to share facilities, such as a kitchen or bathroom, with another household who are not part of their immediate family</p>
Moderate Medical Priority	<p>Applicants whose household includes a person who has an illness or disability which is affected by their current accommodation and whose condition would benefit from alternative accommodation but a move is not essential. This includes both physical and mental health.</p>
Overcrowding	<p>Applicants whose current accommodation is assessed as being one bedroom short of the required number of bedrooms. The best use of all rooms in the house will be considered when calculating the number of bedrooms. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property.</p>
Welfare Need	<p>Applicants who experience hardship in their current accommodation and who need to move to improve their situation. This includes applicants suffering from financial hardship and applicants who need to move to be closer for specialist education, medical facilities or support.</p>
Employment	<p>Applicants who need to move to take up an offer of permanent employment.</p>

Band 4

Applicants with no Housing Need	Applicants who do not meet any of the criteria set out in Bands 1, 2 and 3.
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5.12 Verification

All applicants will be required to provide information to enable their application to be processed, this includes:

- Identification which confirms the applicants current address
- Identification which confirms the applicants signature
- Proof of current tenancy status
- Details of previous five years accommodation, including addresses where the applicant was not the tenant
- Details of all household members
- Financial information, including any interest in property

Extra information or evidence will also be required from some applicants, including:

- Assessments made by professionals in support of application
- Proof of pregnancy
- Access to children and evidence of child benefit
- Details of convictions
- Information regarding additional support needs
- Landlord references, including any details of rent arrears
- Confirmation of circumstances regarding the Armed Forces

It is not possible to list every document that may be required. When an application is received it will be assessed by a member of the Lettings Team who will contact the applicant to request any additional supporting evidence. Applicants will only be accepted, awarded a band and allowed to bid once all evidence has been received. The registration date, for allocation purposes is the date that the application was activated following all verifications being completed.

If the applicant is assessed as potentially Band 1 or 2 then a full investigation will be completed as to whether the applicant can be accepted onto the list, this includes previous convictions or anti-social behaviour. If the applicant is assessed as Band 3 or 4 then they will be accepted onto the list and further checks will be completed before an offer of accommodation is made. This distinction has been made due to the level of work involved in completing checks and because applicants in Bands 3 and 4 are likely to be on the list for a longer period of time before an offer of a property is made.

An applicant who has former rent arrears will be accepted. When an offer of property is made the applicant will need to provide proof that a payment plan has been arranged and maintained for a minimum of 12 weeks. Partner landlords may wish to include former arrears in the terms of their tenancy agreement. Broxtowe Borough Council will do this on all occasions.

Applicants with additional support needs will be supported and assisted to provide the necessary information.

Applicants will be asked to declare if they are a 'related party', these are applicants who are either:

- Staff of any of the partner registered providers
- Local Authority elected members
- Partner registered providers board members
- A relative of any of the above

Applications from related parties will be verified in the same way as other applicants but the banding and any offers of accommodation will be approved by the Head of Housing.

5.13 Pre- tenancy checks and risk assessments

All offers of accommodation made through the HomeSearch system will be provisional offers subject to pre-tenancy checks being completed. The purpose of the checks is to confirm that the applicant is eligible and qualifies for the scheme, can sustain their tenancy (with support) and has provided the necessary information to complete verification checks. Landlord references will also be taken at this time to confirm tenancy conduct and rent arrears. All pre-tenancy checks will be completed following the pre-tenancy checks procedure.

As part of pre-tenancy checks a risk assessment will be completed. It is important that the location and type of property is known as this informs the assessment. For this reason the checks will be completed once a property has been provisionally allocated. All risk assessments will be completed following the risk assessment procedure.

5.14 Application following end of fixed term tenancy

If an applicant is applying to the Council following the end of a fixed term tenancy their application will be assessed on their individual circumstances as set out in 5.11.

5.15 Transfer applicants

To ensure the most appropriate use of housing stock on some occasions priority will be given to applicants who are tenants of any of the HomeSearch partners. On these occasions the advert will clearly state: 'Preference to transfer applicants'. The transfer procedure will set out the criteria that will be used.

This priority will not apply to applicants in Band 1. Priority will continue to be given to those in highest priority banding.

5.16 Retirement Living accommodation

Properties that are designated for Retirement Living will only be allocated to applicants over the age of 60 or applicants with a degree of disability that makes their present home unsuitable and who would benefit from the support available in Retirement Living accommodation.

The property advert will state if a property is designated as Retirement Living.

5.17 Local Lettings Policies

Section 166A(6)(b) of the Housing Act 1996 enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of the Act.

If this is to be used, a separate local lettings policy will be written. This is particularly appropriate for new build schemes, large estates and areas with problems of anti-social behaviour.

The Council will support registered providers to introduce local lettings policies where there is evidence for a need for a separate policy.

If a property will be allocated according to a local lettings policy the advert will clearly state: 'Allocations will be made in accordance with a local lettings policy'

5.18 Sensitive Allocations

On some occasions it is appropriate that an individual property is allocated sensitively. This would be applicable for one allocation, the same property would not be sensitively let every time it became void. In these cases a Local Lettings Policy would be required.

An example of a sensitive allocation would be reletting a property where the previous tenant had been evicted for anti-social behaviour and the needs of the immediate neighbours need to be considered.

Any properties let as a sensitive allocation must be approved by the Head of Housing and the advert will clearly state: 'Allocations will be made in accordance with sensitive allocations criteria'.

5.19 Direct Allocations

It is expected that the majority of allocations will be made following the bidding process via HomeSearch but there are some cases where it is necessary to make offers to applicants outside of these arrangements. There are two categories of direct allocations:

Urgent housing management cases – such cases are exceptional and an offer must be approved by the Head of Housing, each case will be considered in regards to its individual circumstances

Lower demand properties – if a property has been advertised and shortlisted via HomeSearch and the property has not been let, then the property can be offered directly to an applicant. It is important to note that if direct offers are made by registered provider partners then the allocation is not subject to this policy. All offers made by Broxtowe Borough Council are subject to this policy.

5.20 Right to Move

The statutory guidance issued in connection with “Right To Move” states that a local authority should allocate a quota of properties each year for tenants under the “Right To Move”. The suggested quota is 1%. This is the quota that Broxtowe Borough Council will use. The quota is for lets, not adverts. Therefore more than 1% of properties may be advertised with this criteria, if properties are not successfully let to ‘Right to Move’ applicants.

Every quarter, at least one property will be advertised as preference to applicants who meet the ‘Right to Move’ criteria. The advert will clearly state: ‘Allocations will be made in accordance with ‘Right to Move’ criteria. Priority will be given to applicants who meet this criteria.

Under the Right to Move legislation the Council has to disregard the local connection criteria for social housing tenants who need to move into the local authority area where the tenant has:

- Reasonable preference in order to avoid hardship, and
- Employment within the district, or has been offered employment within the district and has a genuine intention to take up the offer

5.21 Change of circumstances

Applicants must inform Broxtowe Borough Council of any change of circumstances. This can be done by telephone or in writing. The applicant may be asked to provide additional information or evidence. If this is required the application will be suspended until the necessary documents have been provided.

An applicant's banding may change. If the applicant is awarded the same or lower band then the original registration date will be used. If they are awarded a higher band then the registration date will be the date that they are placed in the higher band.

5.22 Annual Review

On the anniversary of their registration all applicants will receive a review letter. This will ask the applicant to confirm that they wish to remain on the list and that there has not been a change in their circumstances since their application or last review.

If an applicant has not responded within 28 days of the date of their review letter then their application will be cancelled.

Applicants with additional support needs may be contacted differently, for example by telephone.

If the applicants circumstances have changed a review of their new circumstances will be completed. If the applicant is awarded a lower band, then the effective date will remain as the original date. If the applicant is awarded a high band, then the effective date will be changed to the date of the completion of the review.

5.23 Review of urgent applications

All applicants awarded Band 1 will be reviewed every 12 weeks. All applicants awarded Band 2 will be reviewed every 26 weeks.

The purpose of this review is to ensure that appropriate bids are being placed and to monitor any refusal reasons. Applicants will be given advice on how to increase the possibility of an offer of a property.

5.24 Application suspension

If an applicant fails to respond, or refuses 3 offers of accommodation following placing a bid, then their application will be suspended for 6 months. The suspension of application procedure will be followed.

At the end of the suspension period, a review will be completed.

5.25 Right to Review

Housing authorities must inform applicants that they have the right to information about certain decisions and a right to review those decisions.

Applicants will be informed in writing of any decision:

- That they are ineligible for an allocation of accommodation under s106ZA(2) or (4)
- That they are not a qualifying person under s 106ZA(7)

Therefore if an application is not accepted following the guidance in sections 5.3 and 5.4 of this policy then the applicant must be informed in writing of the decision. If the applicant has additional support needs then other methods, such as telephone or visit should be used in addition to providing the information in writing.

If an applicant wants to request a review, it is expected that this will be received in writing within 21 days of the decision letter. In exceptional circumstances requests will be accepted via other methods or after 21 days.

Broxtowe Borough Council will complete the review within 28 days. The review will be completed by an officer senior to the officer who made the original decision.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- South Nottinghamshire Homelessness Strategy
- Tenure Strategy
- Voids Management Policy
- People with additional support needs Policy
- Difficult to Let criteria
- Advertising of properties procedure
- Annual review procedure
- Application from home owners procedure
- Direct lets procedure
- Medical assessment procedure
- Pre-tenancy checks procedure
- Sign-up procedure
- Suspension of application procedure
- Tenancy risk assessment procedure
- Transfer procedure
- Use of Autobids procedure

7.0 Review

This policy will be reviewed every year to ensure that it meets current statutory guidance and legislation.

A full review will be completed every 3 years.

8.0 Appendix

Appendix 1 - Size and types of properties that applicants can bid for

9.0 Document History and Approval

Date	Version	Committee Name
Dec 2017	1	Housing Committee - Draft version for consultation
June 2018	2	Housing Committee – For approval

Size and types of properties that applicants can bid for

	Single Person	Couple	Single/ Couple + 1 Child/ Pregnant	Single/ Couple + 2 Children	Single/ Couple + 3 or more children	Single person with overnight carer
Studio	x					
1 Bed Flat	x	x				
2 Bed Flat			x	x		x
3 Bed Flat				x		
1 Bed Maisonette	x	x				
2 Bed Maisonette			x	x		x
3 Bed Maisonette				x	x	
1 Bed House	x	x				
2 Bed House			x	x		
3 Bed House				x	x	
4+ Bed House					x	
1 Bed Bungalow	x	x				
2 Bed Bungalow			x	x		x
3 Bed Bungalow				x	x	

Properties that are designated for Retirement Living will only be allocated to applicants over the age of 60 or applicants with a degree of disability that makes their present home unsuitable and who would benefit from the support available in Retirement Living accommodation.

Report of the Chief Executive

OPEN HOUSING PROJECT UPDATE1. Purpose of report

To advise the Housing Committee of the work that has been undertaken and is planned as part of the Open Housing upgrade project.

2. Background

The Open Housing Management system is being upgraded. The project has the following objectives:

- To upgrade the system from version 11 to version 14.1 using a phased implementation approach
- To exploit the functionality of the system by re-implementing modules not currently in use including for example Rents Direct Debits and introducing new Total Mobile (TM) modules
- To shift the emphasis of the system from focusing on managing rents and repairs to become the primary information management system for all of Housing Services and associated business areas
- To ensure the upgraded system allows all teams within Housing and Property Services to share information and work effectively
- To improve services to customers.

Further detail in addition to risks and issues is included in the appendix.

3. Financial implications

A budget of £300,000 was established in the 2015/16 capital programme for expenditure on the Housing Management System upgrade. Expenditure of £9,350 was incurred in 2015/16 with further expenditure of £101,250 and £35,950 incurred in 2016/17 and 2017/18 respectively. The remaining budget of £153,450 will be carried forward for inclusion in the 2018/19 capital programme.

Recommendation

The Committee is asked to NOTE the report and the progress of the Open Housing upgrade project.

Background papers

Nil

APPENDIX1. Detail

The project has to date achieved the following outcomes:

- The implementation programme has been reviewed and an updated project plan is being developed with the aim of delivering the project by year end
- Workstream leads have been identified to coordinate work within their area
- User acceptance testing documents are being produced to ensure that the upgraded system meets business requirements
- Workshops have been held for repairs, and gas and electrical servicing
- Staff have been identified for the initial super-user training sessions and training has been in several modules
- Data cleansing requirements have been identified

The following actions will be undertaken in the coming months:

- Data cleansing will be carried out on location, place, allocations and personal data
- Consultancy and super-user training will be carried out for all modules
- User acceptance testing will commence.
- A review of the existing IT Housing System Officer post will be undertaken. The reviewed role will be focused on supporting the delivery of the Open Housing upgrade.

2. Risks and Issues

Whilst the project risks and issues are being managed within the project methodology there is one specific risk that should be highlighted. A key factor influencing the delay of the project to date has been the availability and continuity of resource from the supplier.

Since signing the agreement at the end of 2016, the supplier has had three Directors and four Project Managers assigned to this project. These changes have impacted on the delivery of the project to date. It is good to note that the supplier has now provided a stable project management team who are working effectively with the Council's new Project Manager. As a result, progress has improved.

This risk will continue to be monitored through the Project Board and members will be informed of any further difficulties which may impact on project delivery.

Report of the Chief Executive

PERFORMANCE MANAGEMENT REVIEW OF BUSINESS PLAN – HOUSING – OUTTURN REPORT1. Purpose of report

To report progress against outcome targets identified in the Housing Business Plan, linked to Corporate Plan priorities and objectives, and to provide the outturn position relating to key performance indicators for Housing.

2. Background

The Corporate Plan 2016-2020 was approved by Cabinet on 9 February 2016. Business Plans linked to the five corporate priority areas of Housing, Business Growth, Environment, Health and Community Safety were approved by Overview and Scrutiny Committee on 1 and 3 February 2016.

3. Performance management

As part of the Council's performance management framework, each Committee receives regular reports during the year which review progress against their respective Business Plans. This will include a detailed annual report where performance management and financial outturns are considered together following the year-end.

This annual report is intended to provide this Committee with an overview of progress towards Corporate Plan priorities from the perspective of the Housing Business Plan. It provides a summary of the progress made to date on key tasks and priorities for improvement in 2017/18 and the latest data relating to Key Performance Indicators (KPI). This summary is detailed in appendix 1.

Recommendation

The Committee is asked to NOTE the progress made in achieving the Business Plan for Housing and the outturn Key Performance Indicators for 2017/18.

Background papers

Nil

APPENDIX 1

PERFORMANCE MANAGEMENT1. Background - Corporate Plan

The Corporate Plan for 2016-2020 was approved by Cabinet on 9 February 2016. It has been developed by setting out the Council's priorities to achieve its vision to make "Broxtowe a great place where people enjoy living, working and spending leisure time." Over the period, the Council will focus on the priorities of Housing, Business Growth, Community Safety, Health and Environment.

The Corporate Plan prioritises local community needs and resources are directed toward the things they think are most important. These needs are aligned with other local, regional and national plans to ensure the ambitions set out in the Corporate Plan are realistic and achievable.

2. Business Plans

The current Business Plans are linked to the five corporate priority areas, including Housing, and were approved by the respective Committees at meetings held in January and February 2017.

The Council's priority for Housing is "A good quality affordable home for all residents of Broxtowe". Its objectives are to:

- Increase the rate of house building on brownfield sites (Ho1)
- Become an excellent housing provider (Ho2)
- Improve the quality and availability of the private rented stock to meet local housing need (Ho3)






The Business Plans detail the projects and activities undertaken in support of the Corporate Plan for each priority area. These cover a three-year period but will be revised and updated annually. Detailed monitoring of progress against key tasks and outcome measures in the Business Plans is undertaken regularly by the relevant Committee. This will include a detailed annual report where performance management and financial outturns are considered together following the year-end as part of the Council's commitment to closely align financial and performance management.









3. Performance Management

As part of the Council's performance management framework, this Committee receives regular reports of progress against the Housing Business Plan. This report provides a summary of the progress made to date on key tasks and priorities for improvement in 2017/18 (as extracted from the Pentana performance management system). It also provides the latest data relating to Key Performance Indicators (KPI).






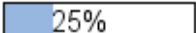




The Council monitors its performance using the Pentana performance management system. Members have been provided with access to the system via a generic user name and password, enabling them to interrogate the system on a 'view only' basis. Members will be aware of the red, amber and green traffic light symbols that are utilised to provide an indication of performance at a particular point in time.









The key to the symbols used in the Pentana performance reports is as follows:

Action Status Key		
	Completed	The action/task has been completed
	In Progress	The action/task is in progress and is currently expected to meet the due date
	Warning	The action/task is approaching its due date (and/or one or more milestones is approaching or has passed its due date)
	Overdue	The action/task has passed its due date
	Cancelled	This action/task has been cancelled or postponed

























Key Performance Indicator and Trends Key			
	Alert		Improving
	Warning		No Change
	Satisfactory		Getting Worse
	Unknown		Data Only













Key Tasks and Areas for Improvement - 2017/18

Icon	Action Code	Action Title	Action Description	Progress Bar	Due Date	Comments
	HS1520_03	Policies and procedures for housing management	Policies and procedures for housing management	 100%	31-Oct-2017	A centralised location and standard format for all policies and procedures established. New policies for Leasehold Management, Tenancy Management and Housing Repairs were approved by Housing Committee on 6 March 2018. A new Tenant Loyalty Scheme to be launched in the June Edition of Tenant and Leaseholder Matters.
	HS1520_04	Accreditations	Accreditations	 100%	31-Mar-2018	The Council has signed up to Charters for ASB, Repairs and Complaints. Accreditations are subject to ongoing review to ensure continuous improvement.
	HS1520_13	Modernisation of Retirement Living facilities	Modernisation of Retirement Living facilities	 25%	31-Mar-2018	This action was superseded by the review of Retirement Living which is outlined in the 'Future of the Retirement Living Service' report on the agenda.
	HS1520_14	Health and Housing Partnership work	Health and Housing Partnership work	 100%	31-Mar-2018	Nottinghamshire Healthcare NHS Foundation Trust has secured funding for a pilot scheme to improve hospital discharge in South Nottinghamshire. Officers continue to attend Health and Housing Commissioning Group.
	HS1520_18	Private Lettings Agency	Private Lettings Agency	 100%	31-Mar-2018	Private Sector Landlord Forum held on 5 October 2017. A Private Sector Liaison Officer has been appointed.

Icon	Action Code	Action Title	Action Description	Progress Bar	Due Date	Comments
	HS1520_19	Improved partnership working with registered providers	Improved partnership working with registered providers		31-Mar-2018	Partnership working with other social housing providers has been improved through the membership of Nottinghamshire Social Housing Forum and the development of the Nottinghamshire Standard for Housing Management.
	HS1520_23	IT system improvements	IT system improvements		31-Dec-2018	Consultancy and training days have commenced for data cleansing and Core, Servicing and Responsive Repairs modules. Project team continues to meet weekly to progress the project. Please see the report attached to this agenda.
	HS1520_24	Value for money analysis	Value for money analysis		31-Mar-2018	Annual HouseMark report has been received and presented to members of the Housing Committee in January 2018. Further analysis of data has been completed.
	HS1520_28	Disabled Adaptions Policy and Disabled Facilities Grants Policy	Update policies on adaptations and Domestic Facilities Grants		30-Sep-2017	Disabled Facilities Grant Policy approved by Housing Committee on 30 March 2017 Disabled Aids and Adaptations Policy approved by Housing Committee on 17 January 2017.

Key Performance Indicators Housing – 2017/18

Icon	Code & Short Name	2016/17 Outturn	2017/18 Outturn	2017/18 Target	Short Term Trend Arrow	Long Term Trend Arrow	Comments
	BV213a Preventing Homelessness – No. of households where homelessness was prevented as a result of housing advice	420	333	370			From April 2018 the monitoring of homelessness will be changing due to the Homelessness Reduction Act.
	NI 155 No. of affordable homes delivered (gross)	20	8	85			Data collection frequencies amended to reflect comment from Head of Neighbourhoods and Prosperity. A house building delivery plan is being developed.
	NI 158 Non-decent council homes %	0.11%	0.09%	0.20%			Four properties that were non decent as at 31 March 2018.
	HSTOP10_01 Overall Satisfaction	93.4%	87.3%	87%			1,648 surveys completed during the year. Questions asked about Allocations, Caretaking, Capital Works, Tenancy and Estates, Retirement Living, Resident Involvement and Right to Buy. Analysis has shown that improving communication with our tenants is an area where the service can be improved.
	HSTOP10_02 Gas Safety	100%	100%	100%			High level of compliancy was achieved in 2017/18.
	HSTOP10_03 Average Relet Time	25.8	35.4	23			318 properties were let in 2017/18. There were a number of Retirement Living properties which took a significant amount of time to let. This has increased the average relet time.
	HSTOP10_04 Void Rent Loss	0.65%	0.82%	1.20%			Void rent loss has been within target every month in 2017/18.
	HSTOP10_06 Staff Engagement	7.73	7.73	8.55			A staff conference took place in December 2017. 83% of staff felt that there was value in coming together as a department away from the office. 77% rated the conference as excellent or good. During the recent review of the Retirement Living service

Icon	Code & Short Name	2016/17 Outturn	2017/18 Outturn	2017/18 Target	Short Term Trend Arrow	Long Term Trend	Comments
							the team have been fully engaged with the proposals and the development of the draft job descriptions.
	HSTOP10_07 Complaints Upheld at Stage 1	26.3	31.4	35.0			31 complaints received in Quarter 4, with nine being upheld.
	HSTOP10_08 Keeping in touch visits	1,687	1,277	1,800			The Council has met the commitment to visit every property within three years, although 202 (4.5%) have not had Keep in Touch visits completed. When the target was set this was based on predicted turn over, as turnover has been lower than predicted, the number of visits required is also lower.
	HSTOP10_09 No. of estate inspections completed	121	177	96			The Tenancy and Estates team have exceeded the number of inspections required this year. The new forms introduced in Quarter 2 continue to be effective in monitoring issues identified and actions taken following inspections.
	HSTOP10_10 Tenancy Turnover	7.10	7.16	9.36			323 properties were terminated in 2017/18. 92 were due to the death of the tenant. 64 were due to the tenant moving to another Broxtowe Borough Council property which is more suitable for their needs.

Report of the Interim Strategic Director

WORK PROGRAMME1. Purpose of report

To consider items for inclusion in the Work Programme for future meetings.

2. Background

Items which have already been suggested for inclusion in the Work Programme of future meetings are given below. Members are asked to consider any additional items that they may wish to see in the Programme.

3. Work Programme

19 September 2018	<ul style="list-style-type: none"> • Housing Strategy Update • Housing Annual Report • Disrepair Policy • Local Lettings Policy
4 December 2018	<ul style="list-style-type: none"> • Housing Benchmark Update • Pets Policy • Alterations and Improvement Policy • Decant Policy • Housing Needs Assessment and House Building Delivery Plan • Resident Involvement Strategy

4. Dates of future meetings

The following dates for future meetings have been agreed:

- 16 January 2019

(All meetings to start at 7.00 pm)

Recommendation

The Committee is asked to consider the Work Programme and RESOLVE accordingly.

Background papers

Nil