



## Cabinet Agenda

Wyre Borough Council  
Date of Publication: 28 August 2018  
Please ask for : Duncan Jowitt  
Democratic Services and Councillor  
Development Officer  
Tel: 01253 887608

**Cabinet meeting on Wednesday, 5 September 2018 at 5.00 pm  
in the Council Chamber, Civic Centre, Poulton-Le-Fylde**

**1. Apologies for absence**

**2. Declarations of interest**

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters to be considered at this meeting.

**3. Confirmation of minutes**

(Pages 1 - 4)

To confirm as a correct record the minutes of the previous meeting of Cabinet.

**4. Public questions**

To receive and respond to any questions from members of the public.

Public questions can be delivered in writing to Democratic Services or sent by email to: [publicquestions@wyre.gov.uk](mailto:publicquestions@wyre.gov.uk). Public questions for this meeting must be received by noon on Thursday 30 August 2018. Questioners should provide their name and address and indicate to which Cabinet member the question is to be directed.

The total period of time allocated for public questions will not normally exceed 30 minutes.

**5. Environmental Enforcement Services Specialist - Pilot**

(Pages 5 - 12)

Report of the Street Scene, Parks and Open Spaces Portfolio Holder and Service Director People and Places.

**6. Local Government Ombudsman Annual Review Letter 2017/18**

(Pages 13 - 20)

Report of the Leader of the Council and Service Director Performance and Innovation.

- 7. Localisation of Council Tax Support** (Pages 21 - 30)
- Report of the Resources Portfolio Holder and the Service Director People and Places.
- 8. MyHomeChoiceFyldeCoast task group - final report** (Pages 31 - 50)
- Report of the Chairman of the MyHomeChoice Task Group (Cllr Ballard) and the Service Director Performance and Innovation.
- 9. My Home Choice Fylde Coast Partnership Agreement** (Pages 51 - 142)
- Report of the Neighbourhood Services and Community Safety Portfolio Holder and the Service Director Health and Wellbeing.
- 10. Wyre Local Plan (2011 - 2031) - Council Response to the Inspector's Post Hearing Advice** (Pages 143 - 160)
- Report of the Planning and Economic Development Portfolio Holder and the Chief Executive.
- 11. Guidance on the Preparation of Masterplans** (Pages 161 - 174)
- Report of the Planning and Economic Development Portfolio Holder and the Chief Executive.



## Cabinet Minutes

The minutes of the Cabinet meeting of Wyre Borough Council held on Wednesday, 11 July 2018 at the Council Chamber, Civic Centre, Poulton-Le-Fylde.

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### **Cabinet members present:**

Councillor David Henderson, Leader of the Council  
Councillor Alan Vincent, Deputy Leader and Resources Portfolio Holder  
Councillor Roger Berry, Neighbourhood Services and Community Safety Portfolio Holder  
Councillor Lynne Bowen, Leisure, Health and Community Engagement Portfolio Holder  
Councillor Simon Bridge, Street Scene, Parks and Open Spaces Portfolio Holder  
Councillor Michael Vincent, Planning and Economic Development Portfolio Holder

### **Apologies for absence:**

None

### **Other councillors present:**

Councillors Fail and B Stephenson

### **Officers present:**

Garry Payne, Chief Executive  
Mark Billington, Service Director People and Places  
Mark Broadhurst, Service Director Health and Wellbeing  
Marianne Hesketh, Service Director Performance and Innovation  
Clare James, Head of Finance and Section 151 Officer  
Ruth Hunter, Street Scene Manager  
Duncan Jowitt, Democratic Services and Councillor Development Officer

No members of the public or press attended the meeting.

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### **6            Declarations of interest**

None.

### **7            Confirmation of minutes**

The minutes of the previous meeting were confirmed as a correct record.

### **8            Public questions**

None

## **9 Exclusion of public and press**

In accordance with Paragraph 11 of the Access to Information Rules in Part 4 of the Council's Constitution, the Chief Executive determined that the report submitted under item 5 of the agenda was "Not for Publication" because it contained "exempt information", as defined in Schedule 12A of the Local Government Act 1972.

Cabinet agreed that the public and press be excluded from the meeting whilst the item was considered, on the grounds that their presence would involve the disclosure of exempt information as defined in category 3 (Information relating to the financial or business affairs of any particular person, including the authority holding that information) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **10 Waste and Recycling Collection Services beyond March 2020**

The Street Scene, Parks and Open Spaces Portfolio Holder and Service Director People and Places submitted a report asking Cabinet to consider the options for delivering the waste and recycling collection service beyond March 2020 and to identify the most appropriate collection system. As the report was exempt from publication, any financial information has been omitted from these minutes.

### **Decision taken**

Cabinet agreed to

- accept the proposal submitted by Veolia in principle and to extend services with them for a second term of eight years, whilst reserving the right to negotiate terms. Authority for negotiations was delegated to the Service Director for People and Places and to the Senior Solicitor to draft any variations to the contract, both for the extension period and any that may be introduced earlier under the current contract.
- change the collection system and frequency for recyclable waste, to replace the green boxes for the glass bottles/jars, tin cans and plastic bottles with a wheeled bin and for this stream and the paper/cardboard stream to be collected on a four-weekly frequency and to establish a budget for promoting the change.
- one-off capital investments, expected to occur in 2019/20, to fund the changes and to fund the purchase of new refuse collection vehicles.

The meeting started at 5.00 pm and finished at 5.19 pm.

**Date of Publication:** 12 July 2018

**Options considered but rejected**

Any alternative options that were considered but rejected, in addition to the reasons for the recommendations that were made, are included in the full reports.

**When will these decisions be implemented?**

All decisions will be put into effect five working days from the date of publication, unless a decision is “called-in” by any four members of the council within that period.

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Report of:	Meeting	Date	Item no.
Cllr Simon Bridge, Street Scene, Parks and Open Spaces Portfolio Holder and Mark Billington, Service Director People and Places	Cabinet	5 September 2018	5

## Environmental Enforcement Services Specialist – Pilot

### 1. Purpose of report

- 1.1 To seek approval from Members to enter into a pilot agreement with a specialist enforcement provider for a 12 month period to deliver specialist enforcement services to address environmental crime issues such as dog fouling, littering and other dog control measures under the Public Space Protection Orders.

### 2. Outcomes

- 2.1 To enable the delivery of cost effective, quality services.
- 2.2 To improve the health and wellbeing of our communities.
- 2.3 To promote a cleaner and greener Wyre.

### 3. Recommendations

- 3.1 That Members approve the 12 month environmental enforcement trial with District Enforcement ('District'), on a cost neutral basis and with no financial risk to the council.
- 3.2 That Members agree to increase the fine for littering fixed penalty notices to £100 and set the early payment option for littering fixed penalty notices at £80 within 10 days.
- 3.3 That delegated authority for fully trained staff of District be given to issue Fixed Penalty Notices (FPNs) on behalf of the council for the duration of the agreement.

- 3.4** That the agreement is dealt with under the exemptions to Contract Procedures contained within the Financial Regulations and Financial Procedure Rules on the grounds that the goods, works or services are of a specialised nature carried out by only one or a limited number of firms with no reasonably satisfactory alternatives available.
- 3.5** Delegate the final details of the pilot to the Service Director People and Places in consultation with the Senior Solicitor and Executive Member for Street Scene, Parks and Open Spaces.

#### **4. Background**

- 4.1** Within recent years, the council has significantly improved service delivery through its waste and recycling contract and in-house street cleansing service. Collectively, they have sought to implement and maintain high standards of cleanliness throughout the borough. The importance of managing issues of littering, dog fouling and dog control has been supported previously through a revised staffing structure which was implemented in 2012. This enabled officers to deliver campaigns to inform, educate and enforce environmental crime through prevention, intervention and enforcement measures.
- 4.2** Despite our pro-active approach there are continued challenges to delivering a cleaner borough. Cleansing priorities and resident concerns remain high, particularly regarding dog fouling, littering, and chewing gum that cannot be adequately addressed within current resources.
- 4.3** These types of street scene issues have been a common theme causing concerns for residents and businesses alike; with clean streets and irresponsible dog ownership ranking high in the Life in Wyre surveys.
- 4.4** As we know, the council in partnership with other agencies and external funding bodies have invested significantly to improve many parts of the borough, e.g. sea defences / promenades, Euston Park, Memorial Park, and other open spaces. To sustain the impact and legacy of this work and investment, it is recognised that a scheduled programme of targeted enforcement may also be required. It is disappointing to note that areas of the new promenade are heavily fouled and showing signs of requiring additional cleansing to remove chewing gum. These kinds of cleansing treatments are often specialist and outside the routine street cleansing requirement and can result in additional costs to the council.
- 4.5** A 'whole borough' approach and greater sustained enforcement activity is required to build on the existing focus to change the behaviours of those individuals that continue to act in an anti-social manner across our public spaces.



- 4.6** In looking at best practice elsewhere, and talking to other authorities, it is recognised that the private sector can complement the services of Local Authority Officers by offering a more targeted approach. A number of companies have been engaged in Lancashire and a private sector resource has been identified who will work collaboratively with the council on a trial pilot basis. They will undertake to engage with communities whilst patrolling the areas of greatest concern. District Enforcement has the same commitment to addressing environmental issues and crime and want to support the council in creating a cleaner, greener Wyre.

## **5. Key issues and proposals**

- 5.1** The council currently delivers a number of enforcement sanctions for environmental crimes. The work of the Area Officers is wide and varied. They offer a joined up approach to many community matters, liaising with partners, Town and Parish Councils, colleagues and community leaders where appropriate. By utilising a private partner with a focus on enforcement this will enable the Area Officers to engage more with communities and partners to engender pride and concentrate on investigating offences that are often more complex and time consuming such as fly-tipping.
- 5.2** The enforcement models offered by District are based on the issue of 'on the spot' Fixed Penalty Notices (FPN's) for agreed environmental issues. Across all contracts, District average an approximate total of 8,500 FPN/PCN's per annum, with an average 75% payment rate. This is recognised across the industry as an extremely successful benchmark.
- 5.3** The basis for District's FPN successful model is;
- Robust leadership. All teams have a Sector Leader, Team Leader and Senior Enforcement Officer.
  - Highly trained staff that are solely employed for environmental enforcement.
  - An agreed deployment strategy ensuring all public/Member complaints have been investigated and "hot spot" areas patrolled.
  - All FPNs are issued on the spot and are accompanied by high definition body worn camera footage to support the case and safety of officers.
  - Increased payment rates owing to their ability to obtain accurate offender details at the 'point of issue' by contacting the District Ops Support Team. The Ops Support Team has access to the Lexus Nexis System, which can search up to 160 open source databases e.g. electoral role and credit agency records.

- Robust Processes – ensuring that non-paying offenders receive reminder letters on day 14 and day 21. All representations are investigated and closed in a timely manner and non-paying offenders are prosecuted if the FPN has not been paid.
- Robust Quality Assurance processes for every step of the FPN process.
- Clear transparency of all systems giving the Council open access to all FPNs issued, letters sent, representations received and responses, prosecution files and officer witness statements along with body worn camera footage for all issued FPNs.

**5.4** A number of model options have been offered by District and evaluated by Officers. The preferred model for Wyre is one that is cost neutral for the authority and offers least risk. This model would see District collecting all the revenue from the FPN's with 12.5% passed back to the Council for each FPN paid, the remainder retained by District to support the operation. For an initial pilot this is considered the most attractive. It illustrates that the driver for the council is not one of income generation but one of challenging behaviour and promoting a cleaner, greener borough. Any income generated will be reinvested within the street scene service.

**5.5** District have based their model on a forecasted payment rate of 75%. The council's current FPN fine for littering is £75 or if payment is made within 10 days, the cost is reduced to £50 for littering offences. Dog fouling and other dog control offences were increased to £100 with the introduction of the Public Space Protection Orders in October 2017 with no discount for early payment. To ensure the models remain cost neutral and to take account of the fact that in April of this year the Government increased the maximum fine for littering to £150, it is suggested that the fine be standardised to £100, with a discounted option of £80 if paid within 10 days for littering offences only. The Government recommended the increase based on a national drive to tackle littering and recognition that littering is becoming a blight and the fine should reflect the scale of the problem.

**5.6** Whilst the model offered is based on a 75% payment rate, cases of non-payment will be taken for prosecution. This is a route to claiming back costs associated with the enforcement work and the offender would get a criminal record. The FPN option is an option for them to discharge the liability. District would produce the prosecution files and the council would take the cases to Court. Wyre's Senior Solicitor is experienced at this and with the recent introduction of the Single Justice Procedure this process will be more streamlined.

**5.7** District officers would undertake the whole process and handle complaints; with council officers undertaking audit reviews and spot checks.

- 5.8** The company will provide a resource of one Sector Leader, one Team Leader, one Senior Enforcement Officer and four Patrolling Officers with remote administration support. The (five) enforcement officers will be solely dedicated to Wyre. This equates to approximately 204 patrol hours per week over a seven day period, capturing early mornings and evenings, including bank holidays.
- 5.9** The officers would patrol all areas of the borough, guided by intelligence from council officers to address hot spot areas, complaints from customers and areas of heavy footfall; with a minimum of 25% of their time spent in parks and open spaces.
- 5.10** District are keen to work with the local community and recognise that in Wyre there are many voluntary and community groups that play an active role in keeping their local areas clean and green. They are therefore willing to implement engagement and education initiatives such as 'Bin it to win it' and the creation of a small social value fund to support local groups.
- 5.11** District will provide additional specialist training support to council officers; offer enforcement training to other frontline officers to widen the offering and undertake joint initiatives to tackle issues in hot spot areas.
- 5.12** District have also committed to offering other back office support to the Area Officers with access to their systems and equipment; which will reduce the admin burden on council officers allowing them to spend more time in the field being proactive and investigating fly tipping in particular.
- 5.13** District would be seeking to work with partner agencies to address offences by young people under the age of 18 years (primarily 16 to 17 year olds) to give them an option of paying the fine or attending an organised litter pick in their community. They would seek consent from their parents in advance through a home visit. The parents of young people aged 15 years and below would receive a letter explaining that their child has dropped litter and the consequences that may follow in the future if their behaviour doesn't change.
- 5.14** The termination notice period for both parties is 60 days.
- 5.15** It is anticipated the pilot could be implemented within six to 10 weeks of approval.
- 5.16** The pilot, if approved, would run for a period of 12 months after which a full review against success criteria would be undertaken including proposals for next steps once additional efficiencies are known. This review would be reported back to Cabinet.
- 5.17** District will recognise the exemptions in place for the Public Space Protection Orders in relation to dog control.

- 5.18** District will meet all requirements of the General Data Protection Regulations and Data Sharing Agreements will be put in place accordingly.
- 5.19** The initiative will be advertised in advance, through social media and campaigns.
- 5.20** As with all enforcement activity, there is the potential for criticism and negative feedback suggesting an overzealous approach to make a profit. This will be closely monitored against the contract expectations and any surplus reinvested into cleaner greener initiatives.

<b>Financial and legal implications</b>	
Finance	<p>The District Pilot will be largely cost neutral to the council, with any revenue received invested back into supporting the cleanliness of the borough through frontline or engagement initiatives.</p> <p>Current budgets for FPN income of £2,500 may not be realised but the overall benefit to the council in creating efficiencies and tackling environmental crime is considered to be more beneficial. Cost recovery income budgets for fly-tipping and fly tipping FPN's may increase as Area Officers are able to focus more resource on this and the budgets will be monitored over the course of the pilot.</p> <p>There is the risk that the number of FPNs enforced will decline over time as the population is gradually made aware that committing environmental offences is not tolerated. If this occurs, then the business case will be re-evaluated and if possible changes will be made to scale down the service so that the 'no cost' model is maintained. If such changes are not possible then a further report will follow to determine the best approach.</p>
Legal	<p>Local Authorities are empowered under the Environmental Protection Act 1990: Section 88 to operate Fixed Penalty Schemes for littering and The Anti-Social Behaviour, Crime and Policing Act 2014 for breaches of Public Space Protection Orders.</p> <p>The council has the power to authorise a Contractor to undertake these duties on their behalf.</p>

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	✓
equality and diversity	✓
sustainability	✓
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
data protection	✓

<b>report author</b>	<b>telephone no.</b>	<b>email</b>	<b>date</b>
Ruth Hunter	01253 887478	Ruth.Hunter@Wyre.gov.uk	03/07/2018

<b>List of background papers:</b>		
<b>name of document</b>	<b>date</b>	<b>where available for inspection</b>
None		

### **List of appendices**

None.

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Report of:	Meeting	Date	Item No.
Cllr David Henderson, Leader of the Council, and Marianne Hesketh, Service Director Performance and Innovation	Cabinet	5 September 2018	6

## Local Government Ombudsman Annual Review Letter 2017/18

### 1. Purpose of report

- 1.1 To consider the Annual Review letter from the Local Government and Social Care Ombudsman (LGO) for 2017/18, attached at Appendix A.

### 2. Outcomes

- 2.1 Learn from the outcome of complaints made to the LGO to improve our services and underpin effective working relationships between the council and the LGO's office.
- 2.2 Support greater transparency and democratic scrutiny of local complaint handling and ensure effective local accountability of public services.

### 3. Recommendation

- 3.1 That Cabinet notes the comments made by the LGO in the Annual Review Letter.

### 4. Background

- 4.1 This annual review provides a summary of statistics on the complaints made to the LGO about Wyre for the year ended 31 March 2018. The data that the LGO has provided shows the complaints and enquiries they have received, along with the decisions they have made.
- 4.2 Last year the LGO provided for the first time statistics on how the complaints they upheld against Wyre were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where the LGO's recommendations remedied the fault and the number of cases where the LGO decided Wyre had offered a satisfactory remedy during the local

complaints process. In these latter cases the LGO provides reassurance that the authority had satisfactorily attempted to resolve the complaint before the person came to them.

- 4.3** Last year, the LGO highlighted its plans to move away from a simplistic focus on complaint volumes and instead turn their focus onto the lessons learned and the wider improvements they can achieve through their recommendations to improve services for the many. The LGO will be providing a broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on its website.

## **5. Key issues and proposals**

### **5.1 Enquiries and complaints received**

During the year the Advice Team received 17 complaints and enquiries about the council in the 12 months up to 31 March 2018. This is an increase of four complaints when compared to those received by the LGO in 2016/17.

### **5.2 Complaint outcomes**

The number of decisions made in the year will not be the same as the number of complaints received by the LGO Advice Team because some complaints decided in 2017/18 will have been received in the previous year, and some sent to the Investigative Team during 2017/18 will be ongoing. However 18 decisions were made in total.

It must also be recognised that the statistics in this letter do not match the figures we hold. However the LGO is confident that it is an accurate representation of the data it holds for the last 12 months. The LGO suggested that the variation may be attributable to the fact that an element of the LGO's registered complaints received for Wyre will have been premature complaints that it referred back for a local resolution, but which the complainant may not have pursued with the council.

- 5.3** Five complaints were referred back for local resolution.

- 5.4** Nine complaints were closed after initial enquiries and they related to the following service areas:

Benefits & Council Tax	5
Planning & Development	2
Environmental Services & Public Protection & Regulation	1
Highways & Transport	1



**5.5** Four complaints were not upheld after detailed investigation by the LGO and they related to the following service areas:

Benefits & Council Tax	1
Planning & Development	3

Financial and legal implications	
Finance	On occasion, the Local Government Ombudsman may recommend that a payment is made to a complainant to compensate for any injustice they have experienced. No compensation payments were required in relation to the 18 decisions made in 2017/18.
Legal	None arising directly from the report.

**Other risks/implications: checklist**

There are no significant implications arising directly from this report, for those issues marked with an X.

implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Joanne Porter	01253 887503	joanne.porter@wyre.gov.uk	21/07/18

List of background papers:		
name of document	date	where available for inspection
LGO Annual Review Letter 2017/18	18/07/18	www.wyre.gov.uk

**List of appendices**

Appendix A – LGO Annual Review Letter to Wyre BC for the period ending 31/03/18

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# Local Government & Social Care OMBUDSMAN

18 July 2018

*By email*

Garry Payne  
Chief Executive  
Wyre Borough Council

Dear Garry Payne,

## **Annual Review letter 2018**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

### **Complaint statistics**

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

**Future development of annual review letters**

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new corporate strategy for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will therefore be seeking views from councils on the future format of our annual letters early next year.

**Supporting local scrutiny**

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at [www.lgo.org.uk/scrutiny](http://www.lgo.org.uk/scrutiny) I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

**Learning from complaints to improve services**

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the reports and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

**Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	6	0	0	4	1	0	6	0	17

## Decisions made

Detailed Investigations					Complaints Remedied	
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate
0	0	5	9	4	0	0%
<b>Notes</b> Our uphold rate is calculated in relation to the total number of detailed investigations. The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.					by LGO	Satisfactorily by Authority before LGO Involvement
					0	0
					Total	
					18	

Reference	Authority	Category	Received
17000002	Wyre Borough Council	Benefits & Tax	03/04/2017
17001264	Wyre Borough Council	Planning & Development	25/04/2017
17002386	Wyre Borough Council	Environmental Services & Public Protection & Regulation	06/09/2017
17003077	Wyre Borough Council	Planning & Development	25/05/2017
17005469	Wyre Borough Council	Planning & Development	05/07/2017
17006311	Wyre Borough Council	Planning & Development	18/07/2017
17008177	Wyre Borough Council	Benefits & Tax	18/08/2017
17009235	Wyre Borough Council	Highways & Transport	06/09/2017
17009825	Wyre Borough Council	Environmental Services & Public Protection & Regulation	15/09/2017
17012401	Wyre Borough Council	Planning & Development	31/10/2017
17012530	Wyre Borough Council	Environmental Services & Public Protection & Regulation	02/11/2017
17013445	Wyre Borough Council	Planning & Development	17/11/2017
17014410	Wyre Borough Council	Benefits & Tax	06/12/2017
17014580	Wyre Borough Council	Environmental Services & Public Protection & Regulation	08/12/2017
17014901	Wyre Borough Council	Benefits & Tax	15/12/2017
17015537	Wyre Borough Council	Benefits & Tax	04/01/2018
17016754	Wyre Borough Council	Benefits & Tax	24/01/2018

Reference	Authority	Category	Decided	Decision	Remedy
16018648	Wyre Borough Council	Benefits & Tax	16/08/2017	Not Upheld	Null
17000002	Wyre Borough Council	Benefits & Tax	20/04/2017	Closed after initial enquiries	Null
17001264	Wyre Borough Council	Planning & Development	26/10/2017	Not Upheld	Null
17002386	Wyre Borough Council	Environmental Services & Public Protection & Regulation	04/10/2017	Closed after initial enquiries	Null
17003077	Wyre Borough Council	Planning & Development	06/10/2017	Not Upheld	Null
17005469	Wyre Borough Council	Planning & Development	05/07/2017	Referred back for local resolution	Null
17006311	Wyre Borough Council	Planning & Development	29/08/2017	Closed after initial enquiries	Null
17008177	Wyre Borough Council	Benefits & Tax	14/09/2017	Closed after initial enquiries	Null
17009235	Wyre Borough Council	Highways & Transport	11/10/2017	Closed after initial enquiries	Null
17009825	Wyre Borough Council	Environmental Services & Public Protection & Regulation	15/09/2017	Referred back for local resolution	Null
17012401	Wyre Borough Council	Planning & Development	08/01/2018	Closed after initial enquiries	Null
17012530	Wyre Borough Council	Environmental Services & Public Protection & Regulation	02/11/2017	Referred back for local resolution	Null
17013445	Wyre Borough Council	Planning & Development	23/03/2018	Not Upheld	Null
17014410	Wyre Borough Council	Benefits & Tax	09/01/2018	Referred back for local resolution	Null
17014580	Wyre Borough Council	Environmental Services & Public Protection & Regulation	16/12/2017	Referred back for local resolution	Null
17014901	Wyre Borough Council	Benefits & Tax	22/01/2018	Closed after initial enquiries	Null
17015537	Wyre Borough Council	Benefits & Tax	01/02/2018	Closed after initial enquiries	Null
17016754	Wyre Borough Council	Benefits & Tax	26/02/2018	Closed after initial enquiries	Null



Report of:	Meeting	Date	Item no.
Councillor Alan Vincent, Resources Portfolio Holder and Deputy Leader and Mark Billington, Service Director People and Places	Cabinet	5 September 2018	7

## Localisation of Council Tax Support

### 1. Purpose of Report

- 1.1 To agree the draft Localised Council Tax Support (LCTS) Scheme prior to commencing consultation.

### 2. Outcomes

- 2.1 Improved incentives to work, ensuring resources are used more effectively, so reducing worklessness and ending a culture of benefit dependency.
- 2.2 An LCTS Scheme that it is fit for purpose and administratively streamlined as the rollout of Universal Credit Full Service (UCFS) increases.

### 3. Recommendation

- 3.1 That the draft changes to the scheme be agreed and subject to an eight week consultation period prior to a further report being submitted to Council outlining the results of the consultation exercise and seeking confirmation of the final scheme.

### 4. Background

- 4.1 As part of the 2012 Welfare Reform Act the national Council Tax Benefit (CTB) scheme was abolished and in accordance with the Local Government Finance Act 2012 local authorities were required to introduce Localised Council Tax Support (LCTS) schemes from April 2013.

- 4.2** Support for Council Tax is now offered as reductions within the Council Tax system with claimants of state pension credit age receiving a discount of up to 100% thereby ensuring that they experience no reduction in support as a direct result of the reform.
- 4.3** Localisation provided local authorities the flexibility to design Council Tax Support schemes for working age claimants taking into account the needs of vulnerable groups and the importance of supporting work incentives. Following a consultation exercise, the Council agreed at their meeting of 29 November 2012 to adopt a scheme (which qualified for transitional grant for one year) ensuring that:
- Those who would be entitled to 100% support under current Council Tax benefit arrangements pay between zero and no more than 8.5% of their net Council Tax liability;
  - The taper does not increase above 25%;
  - There is no sharp reduction in support for those entering work – for claimants currently entitled to less than 100% support, the taper will be applied to an amount at least equal to their maximum eligible award.
- 4.4** The original LCTS scheme implemented in 2013/14 is still in operation in 2018/19. The only changes made over this period have been to reflect fluctuations in the applicable amounts and allowances used to calculate entitlement. However, like every other local authority in the country, Wyre needs to reconsider its LCTS scheme. This is mainly as a consequence of the ongoing roll-out of Universal Credit (UC). The introduction of UCFS has now commenced in Wyre (LA and PR postcode addresses) with Blackpool and Fleetwood Job Centres due to move to UCFS on 6 December 2018. As the number of claimants migrating across to UCFS from other legacy benefits increases, the council is going to find itself increasingly in a position where its working-age LCTS claimants are also in receipt of UC.
- 4.5** UC is a benefit that is designed to represent an element of a salary and entitlement to it is recalculated on a monthly basis. This means that those UC claimants whose working hours vary from week to week, for example, those on zero hours contracts, are likely to have a different UC entitlement each month. This variation in the claimant's monthly UC award also impacts directly on their entitlement to LCTS. Their entitlement to LCTS is calculated based on their exact income and capital, thus any changes to the claimant's UC also changes the amount of LCTS they are entitled to receive.
- 4.6** A data hub is in operation that makes possible the provision of electronic messages (similar to emails) between the DWP and the council. These notifications advise the council of changes to LCTS claimant's monthly UC award. Each time the council receives a notification they change the amount of UC the claim for LCTS is based upon, which in turn changes the amount of LCTS awarded. This results in the generation of a new award letter and council tax bill, complete with new monthly council tax



instalments to pay. By law the council is required to allow a 14 day notice period from billing to the date the first instalment has to be paid.

- 4.7** Unfortunately, in an increasing number of cases where the council tax payer (the payer) does not pay their council tax instalment, before the case can be progressed through the council tax recovery process to Summons stage, a further UC award notice is received. This then results in a further re-calculation of the payer's entitlement to LCTS and the generation of a new council tax bill with new instalments. As a consequence of this process there are now an increasing number of council tax accounts that are not being progressed through the council tax recovery procedure until the following financial year, at which point not only does the payer have a full year's outstanding bill to pay for the previous year, but also one for the current year. This is not only impacting detrimentally on council tax collection rates, but is also increasing administration, debt recovery and other costs.
- 4.8** As the number of UC claimants who are liable to pay council tax increases this issue will become ever more problematic unless changes are made to the LCTS scheme to nullify the impact of UC.
- 4.9** By way of comparison, the neighbouring Councils of Blackpool and Fylde ask their LCTS claimants to pay a minimum 27.11% and 22.7% respectively of their council tax, compared to Wyre's current 8.5%.

## **5. Key Issues and Proposals**

- 5.1** The current LCTS Scheme needs to be revised and made fit for purpose when operating alongside UCFS. Before any proposed scheme can be finalised and presented to Full Council for approval the authority is required to undertake a consultation exercise with affected/interested parties (including the major preceptors) in order to allow them to influence the final decision as to the make-up of the scheme. As there is no minimum period prescribed in law, it is considered that an 8 week consultation period is both fair and reasonable and will give the consultees sufficient opportunity to participate in this consultation.
- 5.2** A provisional list of key milestones for the development, approval and introduction of the new scheme is included in the table below:

<b><u>Date</u></b>	<b><u>Action</u></b>
May – August '18	Initial consideration as to the various options for a new scheme. Engagement of external consultant to provide initial modelling.
On-going	Costing of various options to take account of proposed changes to LCTS.
August '18	Briefing note to Management Board re proposed changes to LCTS.
5 September '18	Cabinet agree proposed changes to the LCTS scheme and start of consultation period.
06 September 18	Staff advised re proposed changes to the LCTS scheme so that information can be provided to customers requesting clarification during consultation period

17 Sept – 11 Nov '18	Consultation period for proposed changes. To be carried out via internet and written correspondence to main preceptors and appropriate groups.
Sept - Dec '18	Proposed changes to the scheme rules written and verified in accordance with any agreed changes emanating from the consultation.
6 Dec '18	Briefing to all councillors re all changes to LCTS and UC.
Early Dec '18	Council Tax Base calculation.
Dec '18 – Feb '19	On-going preparatory work for changes to LCTS including claim forms, notification letters, software changes.
17 January '19	Consideration of consultation responses and scheme changes formally adopted by Council.
Early Feb '19	Communication to customers re changes to LCTS and changes to entitlement.
Feb '19	Staff training.
Mar '19	New Council Tax bills produced and sent to customers.

**5.3** In modelling the proposed changes to the LCTS Scheme a number of factors have been taken into account. The changes

- must be affordable in terms of income collected, revenue loss and costs to operate;
- must be as fair as possible and a detailed 'map' of those affected is required; a detailed Equality Impact Assessment (EIA) is required;
- must be transparent, understandable to customers and practical to operate;
- must to be feasible to implement within the constraints of the timescales and available software;
- must be simple in design avoiding unnecessary complexity;
- should avoid the costs and risks associated with collecting additional data

## **5.4 Key changes to the current LCTS Scheme**

### **5.4.1 Funding for the Scheme**

As reported to Full Council in January 2018 the estimated cost of the scheme for 2018/19 is approximately £8,634,171. This includes an unfunded gap of approximately £556,394 to be met by each precepting body as follows:

<u>Preceptor</u>	<u>%</u>	<u>£</u>
Wyre	11.4	63,429
Parish/Town Councils*	1.1	6,120
Combined Fire Authority	3.9	21,699
Lancashire Police Authority	10.0	55,639
LCC	73.6	409,507
<b>TOTAL</b>		<b>556,394</b>

\*This is an average cost and will not necessarily be incurred by individual Parish/Town Councils.

Any changes to the LCTS Scheme need to ensure that costs are kept as far as possible within existing levels.

N.B. These costs do not include the costs associated with the administration of the LCTS scheme.

#### 5.4.2 A Banded Income Scheme

It is proposed that income bands be introduced that would allow for small fluctuations in income to be noted, but not actioned. For example, an income band of £0.01 - £100 would mean that once their initial entitlement to LCTS had been calculated, a claimant whose income subsequently changed would continue to receive the same amount of LCTS unless their income increased beyond £100. The initial calculation of entitlement to LCTS would be based on a percentage of the claimant's total council tax liability with the percentage being determined by the combined circumstances of the members of the claimant's household.

Other changes in a claimant's household's circumstances, for example, changes to the number of persons in the claimants household, would still be actioned as normal. In some cases this would lead to a change in the category of income band the claimant falls into. For example, a single claimant with no children who acquired a partner would move from a single income band to a band for a couple with no children.

The table below shows the proposed bands and the percentage reduction in the LCTS that claimants would be entitled to receive dependent on the band they fell into. This maintains the existing 8.5% minimum payment:

<b>Band</b>	<b>Discount off council tax liability</b>	<b>Single Household (£ per week)</b>	<b>Couple – no children (£ per week)</b>	<b>Family – 1 child (£ per week)</b>	<b>Family &gt; 1 child (£ per week)</b>
1	91.5%	<£100.00	<£140.00	<£200.00	<£250.00
2	70%	£100.01-£150.00	£140.01-£210.00	£200.01-£270.00	£250.01-£320.00
3	50%	£150.01-£200.00	£210.01-£260.00	£270.01-£320.00	£320.01 - £370.00
4	25%	£200.01-£250.00	£260.01-£330.00	£320.01-£390.00	£370.01 - £440.00

*(Income band thresholds and discounts)*

Over 60 local authorities have already adopted this approach and with Northgate sites among them, there is certainty that current IT systems can accommodate this type of scheme without further investment.

**5.4.3**     An increase in the minimum percentage contribution towards payment of the council tax made by LCTS claimants

Under the current LCTS scheme, the weekly LCTS entitlement of all working-age claimants of the discount is reduced by 8.5% to reflect that they are required to pay a minimum of 8.5% of their council tax themselves. It is proposed that consideration be given to increasing the percentage contribution made by claimants. Current percentage deductions at neighbouring LA's include 27.11% at Blackpool, 22% at Fylde, 20% at Preston and 0% at Lancaster.

**5.4.4**     Flat rate non-dependent deductions

The collection of non-dependents' financial information is already problematic as many non-dependents do not want their landlord/parent/relative to know their income. The migration to UCFS will make it even more difficult as the council will no longer collect the information as part of the Housing Benefit (HB) application process. In order to resolve difficulties around collecting such information, while at the same time simplifying the LCTS scheme and reducing the admin requirement, it is proposed to introduce a flat rate non-dependent deduction. This means that instead of establishing the income of each non-dependent, the scheme would simply take a fixed deduction of £5 per week per non-dependent. This change has already been made to a number of other local authority's LCTS schemes.

The current rates for non-dependent (over 18 years of age) deductions are:

Earnings less than £203.99 = £3.70 per week  
£204 - £353.99 = £7.30 per week  
£354 - £438.99 = £9.25 per week  
£439+ = £11.10 per week

There are no deductions in respect of non-dependents in receipt of pension credit/income support/income based job seekers allowance and income related employment support allowance.

**5.4.5**     Removal of family premium

This is an additional allowance given when calculating the entitlement to LCTS of families with children. The current rate is £17.45 per week, which means an extra £17.45 of the claimant's income is disregarded before their entitlement is calculated. The family premium was removed from the HB scheme in 2017 and many LA's have mirrored this and removed the premium from their LCTS scheme as well. There are currently 487 households

in receipt of the family premium in Wyre. It is proposed to remove the family premium from the scheme.

#### **5.4.6**     Removal of children's personal allowance for more than two children

When calculating entitlement to LCTS we currently allow claimants an additional £66.90 allowance in respect of each child they have. For example a couple with three children would have an additional £200.70 of their income disregarded before we calculated their entitlement to LCTS. In respect of new claims for HB, apart from in exceptional circumstances, this allowance has been limited to two children. The exceptions are:

- Multiple births e.g. twins, in which case the allowance is given in respect of one of the children;
- A child the claimant is already receiving the allowance for has a child of their own;
- The claimant has non-parental caring arrangements for a child of a family member or friend who comes to live with them;
- The claimant has a child born as a result of non-consensual conception;

It is proposed that this approach is mirrored in the LCTS scheme for new claims only to bring the two schemes into harmony.

#### **5.4.7**     Self-employed minimum income floor

Claims from the self-employed are difficult to assess as many newly self-employed claimants don't have accounts and instead complete a self-employed questionnaire, which is basically a best-guess as to their income. In order to simplify the process and reduce the administration, a minimum self-employed income floor could be introduced. Under the proposed changes this would equate to 35 hours per week at the national living wage rate for start-up self-employed businesses. The minimum income floor would be used for up to the first two years after which the council would insist on seeing audited accounts before making further awards of LCTS. In the event that the audited accounts revealed an income lower than the minimum income floor, the minimum income floor would still be applied to incentivise the claimant.

#### **5.4.8**     Reduction of capital limit

Under the current LCTS scheme the first £6,000 of a claimant's capital is disregarded with a tariff income of £1 per week being applied in respect of every £250 of savings up to a maximum of £16,000 capital, at which point LCTS cannot be claimed. The

upper capital limit could be reduced on the basis that claimants should use more of their own savings to meet their financial obligations. For example, a reduction in the upper capital limit to £12,000 would exclude those with capital in excess of that amount from being entitled to LCTS. It is proposed that a reduction in the upper capital limit for claiming LCTS be considered.

#### **5.4.9**     Discontinuation of 2<sup>nd</sup> Adult Rebate scheme

The 2<sup>nd</sup> Adult Rebate (2AR) Scheme allows council tax payers who cannot claim LCTS in their own right because of their income/capital to claim on behalf of non-dependents in their household who are on a low income. In order to claim 2AR the council tax payer must be single and all other members of the household over 18 years of age must be on a low income. Many LA's have ceased 2AR since their LCTS schemes came into force in 2013. It is recommended that the new scheme ceases the 2AR to incentivise those covered by this rebate into work.

#### **5.4.10**   Other vulnerable (protected) groups

The council has an equality duty to take into account the impact the introduction of an amended LCTS Scheme will have on vulnerable groups other than pensioners, who are being 'protected'. Any protection afforded to other vulnerable groups would, however, further reduce the amount of on-going support for those in unprotected groups. The more radical the localised scheme then the more likely that the Council may face a legal challenge because of a failure to take into account the needs of vulnerable groups. The changes proposed in this report are not considered to be radical or likely to give rise to legal challenge.

#### **5.4.11**   Staffing Resources

There will be an impact on the generic housing and council tax benefit officers and the Contact Centre staff during the transition period and particularly following notification to customers of the impact of the changes. It is not anticipated though that any additional resource will be required and the anticipated peak in workload will be taken into account in the planning of future initiatives with a view to minimising the impact and ensuring that the council is as prepared as possible to cope with any increased demand.

<b>Financial and legal implications</b>	
Finance	<p>As reported to Full Council in January 2018 the estimated cost of the scheme to preceptors for 2018/19 is approximately £8,634,171. The aim of the changes proposed in this report are twofold: firstly, that the administrative burden is streamlined in order to reduce the pressure as UCFS gathers momentum and secondly that the cost of the scheme as a whole doesn't increase outside of normal growth factors.</p> <p>Modelling has been undertaken by Policy in Practice which demonstrates that the changes proposed will in the longer-term support reduced staffing levels although uncertainty with regard to welfare reform means this cannot be guaranteed.</p>
Legal	<p>The Welfare Reform Act 2012 abolished Council Tax Benefit and since 1 April 2013 local authorities in England have been responsible for administering their own Council Tax Reduction Schemes.</p> <p>A public consultation must be carried out before any changes to the scheme can be considered.</p>

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	<b>x</b>
equality and diversity	<b>✓</b>
sustainability	<b>x</b>
health and safety	<b>x</b>

<b>risks/implications</b>	<b>✓ / x</b>
asset management	<b>x</b>
climate change	<b>x</b>
data protection	<b>x</b>

report author	telephone no.	email	date
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List of background papers:		
name of document	date	where available for inspection
None		

### **List of appendices**

None.

ar/ex/cab/cr/18/0509pm1





Report of:	Meeting	Date	Item no.
Cllr Ballard, Chairman of the MyHomeChoice task group and Marianne Hesketh, Service Director Performance and Innovation	Cabinet	5 September 2018	8

## MyHomeChoiceFyldeCoast task group – final report

### 1. Purpose of report

- 1.1 To report the comments of the MyHomeChoiceFyldeCoast task group regarding the proposed changes to the allocation and letting of social housing in Wyre via MyHomeChoiceFyldeCoast, to the Cabinet

### 2. Outcomes

- 2.1 A simplified process to register and bid for properties on MyHomeChoiceFyldeCoast.
- 2.2 More people encouraged and enabled to apply for social housing in Wyre.

### 3. Recommendations

- 3.1 That the proposed changes to the arrangements for the allocation and letting of social housing in Wyre via MyHomeChoiceFyldeCoast be supported.
- 3.2 That the Overview and Scrutiny Committee receive a report from the Service Director Health and Wellbeing on the implementation of the revised allocation and letting arrangements once they have been in place for twelve months (September 2019).

### 4. Background

- 4.1 MyHomeChoiceFyldeCoast is run by a partnership of six housing providers and the three local authorities covering the Fylde Coast area.

The aim of the scheme is to make the process of applying for a home simpler and easier to understand. The key objective is to operate the same assessment policy that offers realistic choice for all and is transparent and fair. Available properties are advertised and applicants can 'bid' for them by filling in a single application form. Allocations are made using agreed criteria.

**4.2** A consultation on the proposed changes to the MyHomeChoiceFyldeCoast policy and system took place between 8 November 2017 and 18 December 2017. The consultation was published through:

- Fylde Coast local authority websites
- Mailshots to key stakeholders and registered applicants of the scheme (approx. 4,600)
- Fylde Coast local authority offices
- Press release
- MyHomeChoiceFyldeCoast website

258 responses were received (see summary at Appendix A)

**4.3** The consultation covered proposed changes to the following:

- The local connection requirement
- Two ways of letting properties
- Restrictions on the use of the system by existing social housing tenants
- Priority for working applicants for some homes
- More flexibility in the size of properties applicants can bid for
- Income and savings thresholds
- Making better use of the social housing stock in the area

**4.4** A scrutiny task group was set up with the very specific and limited remit as follows:

To review proposed changes to the arrangements for the allocation and letting of social housing in Wyre via MyHomeChoiceFyldeCoast.

**4.5** The task group comprised councillors Ballard (Chair), Hodgkinson, Kay, Ormrod, Shewan, A Turner (Vice Chair) and Wilson.

## **5. Key issues and proposals**

**5.1** The task group met once, interviewing the following as witnesses to the review:

Councillor Roger Berry, Neighbourhood Services and Community Safety Portfolio Holder

David McArthur, Private Sector Housing and Housing Options Manager

Pamela Holroyd, Housing Options Team Leader.

- 5.2** Members of the task group asked a number of questions about the consultation outcomes. The Portfolio Holder and officers made the additional comments that follow.

The new system will ensure that at least 50% of properties are allocated to people with a housing need. The figure will be closely monitored. 33% are currently allocated on what is loosely called a 'first come first served' basis.

The current income and savings thresholds will remain. It is intended to broaden the offer of social housing in order to promote balanced, mixed communities.

It is not proposed to set aside properties for people moving into the area; the agreed criteria will be applied in such cases.

Regenda, with whom the council has an excellent relationship, will continue to provide assistance with the online allocation process, where necessary, for people who do not have the requisite digital skills. Libraries and the Fleetwood Market Digital Hub also provide facilities that could be used, with the support of the staff if necessary. It is intended to make the application process simpler and more accessible so that no one is disadvantaged.

- 5.3** The task group concluded that it supported the proposed changes but took the view that the impact of the changes should be reviewed by the Overview and Scrutiny Committee twelve months after their implementation.

Financial and legal implications	
Finance	There are no financial implications related to this report as it merely comments on consultation outcomes.
Legal	There are no legal implications related to this report as it merely comments on consultation outcomes.

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Peter Foulsham, Scrutiny Officer	01253 887606	Peter.foulsham@wyre.gov.uk	6 August 2018

### **List of appendices**

Appendix A Proposed changes to MyHomeChoiceFyldeCoast allocations policy and lettings system - Summary of consultation responses, January 2018

arm/ex/cab/cr/18/0509pf1

## **Proposed changes to MyHomeChoice Fylde Coast allocations policy and lettings system**

### **Summary of consultation responses, January 2018**

#### **Introduction**

Consultation on proposed changes to the MyHomeChoice Fylde Coast policy and system took place between 8<sup>th</sup> November 2017 and 18<sup>th</sup> December 2017. The Consultation was publicised through:

- Fylde Coast local authority websites
- Mailshots to key stakeholders and registered applicants to the MyHomeChoice scheme (approx. 4600)
- Fylde Coast local authority offices
- Press Release
- MyHomeChoice Fylde Coast website

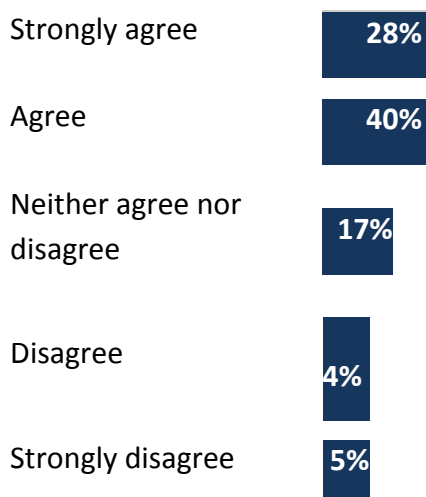
The summary of the changes proposed, and consultation questions, is attached at Appendix 1.

Respondents could complete a response either on-line or by submitting a paper copy of the consultation questionnaire. In total 258 response questionnaires were received.

#### **Results from the consultation survey**

The results from the consultation survey are as set out below.

##### **1. Do you agree with the revised local connection requirement?**



### 1. Do you agree with the revised local connection requirement?

Don't know **6%**

68% of respondents agreed with the revised local connection requirements, with 9% disagreeing.

### 2. Do you agree with the introduction of two ways of letting?

Strongly agree **15%**

Agree **36%**

Neither agree nor disagree **26%**

Disagree **6%**

Strongly disagree **6%**

Don't know **12%**

51% agreed with the introduction of two ways of letting, and 12% disagreed, but 38% of those who responded neither agreed nor disagreed or didn't know.

### 3. Do you agree with how applicants are awarded a priority band?

Strongly agree **13%**

Agree **36%**

Neither agree nor disagree **16%**

Disagree **22%**

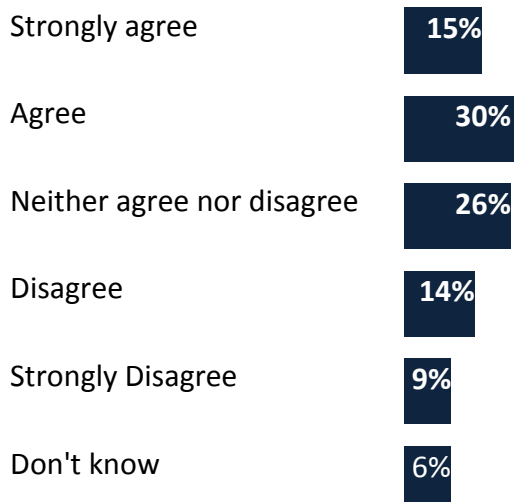
Strongly disagree **11%**

Don't know

3%

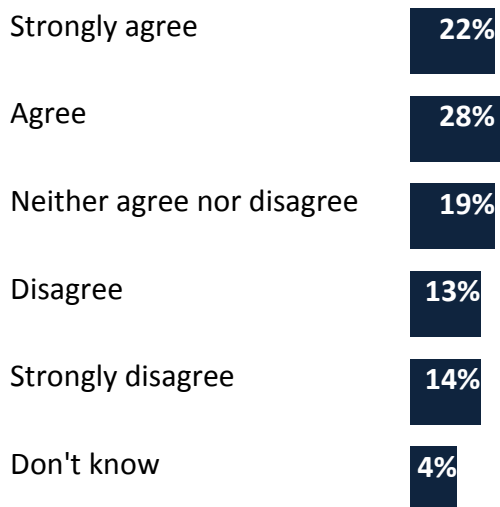
49% of respondents agreed with how applicants are awarded a priority band with 33% not in agreement.

4. Do you agree with restrictions on the use of the system by existing social housing tenants?



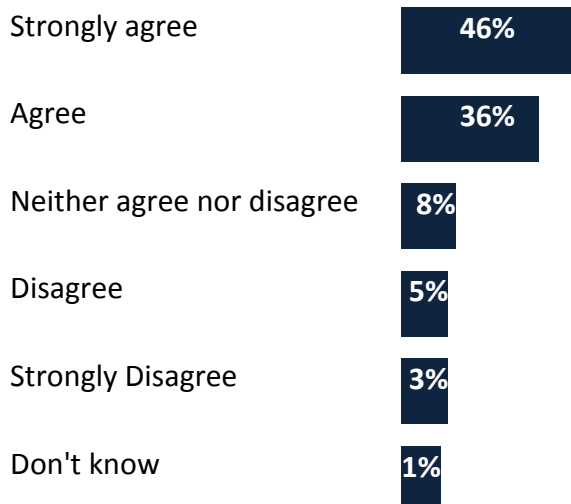
45% agreed with the restrictions on the use of the system by existing social housing tenants. 23% disagreed, but 26% neither agreed nor disagreed.

#### 5. Do you agree with the proposed priority for working applicants for some homes?



Half of the respondents agreed with the proposed priority for working applicants for some homes but 27% were in disagreement.

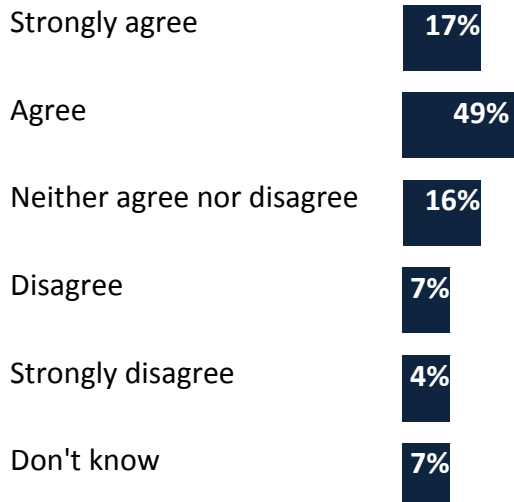
#### 6. Do you agree with giving more flexibility in the size of properties that applicants can bid for?



83% agreed with giving more flexibility in the size of properties that applicants can bid for.

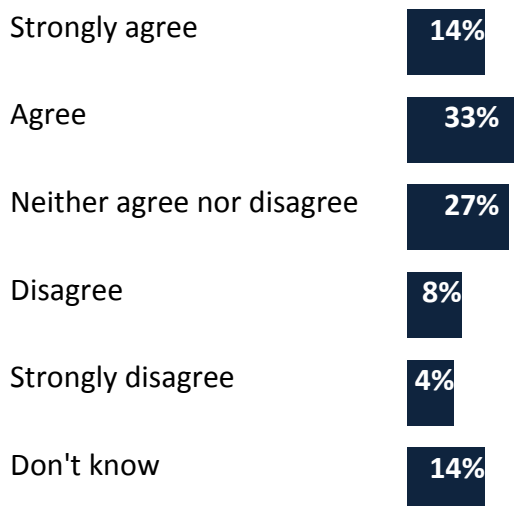


**7. Do you think that, overall, the proposed new arrangements will enable us to make the best use of the social housing stock in the area?**



66% of respondents felt the proposed new arrangements will enable the local authorities to make best use of the social housing stock in the area. 11% were in disagreement.

**8. Do you agree that the current income and savings thresholds are correct?**



47% agreed with the current income and savings threshold are correct and 12% disagreed, but 41% of applicants neither agreed nor disagreed or didn't know.

**Comments on the Proposals**

Respondents were also given the opportunity to give comments on the proposals. There were 103 responses and this feedback has been collated and summarised under the categories listed below:

#### **A. How applicants are prioritised for social housing**

##### **1. Income and Savings Eligibility Criteria, and Priority for working households**

There were mixed comments on these issues.

Some respondents felt that there shouldn't be any threshold - one respondent commented that applicants with savings of £30k + are not necessarily financially stable, so should be allowed onto the register. Practically it is difficult for housing providers to verify applicants' savings in any case.

Another commentator saw having any maximum income and savings threshold as contributing to the marginalisation of social housing by deterring some honest people who might be interested in social housing and would add positively to the social mix in areas of social housing.

Some respondents supported the proposal to prioritise 20% of lettings available to all applicants to people who meet the working household and community contribution criteria as a positive change.

But some respondents felt that social housing should only be allocated to low income households, so there should be a lower income threshold in place.

One comment was that the household income threshold is too high because it is above the average income within the Fylde Coast area and the maximum income threshold should be no more than £50k.

##### **2. Priority Banding**

Some respondents raised concerns on how applicants are awarded a priority banding and felt the criteria should be widened, and in particular, more consideration should be given to the length of time an applicant has been on the housing register.

##### **3. Priority for ground floor properties**

Including age restrictions on properties was not favoured by some respondents, as ground floor accommodation in particular could benefit all residents.

##### **4. Wider choice of property sizes**

The opportunity to bid for properties with an additional bedroom, for those with financial means, was seen as a positive change with benefits for working families.

## **5. Local Connection**

It was agreed that the local connection criteria should take into consideration applicants working in the Fylde Coast area. Some respondents disagreed with continuing to prioritise properties to applicants with a connection to particular local boroughs, while others were concerned to ensure that the link to each borough continued to be a core requirement for all lettings.

## **B. The Process for Applying for and Letting social housing**

### **1. Registering an application**

It was commented that the process to register a rehousing application or update existing information is cumbersome and should be simplified.

### **2. Advertisement of properties**

The proposal to advertise properties as soon as they are available received mixed views. Those in disagreement felt applicants without regular access to a computer would be disadvantaged.

### **3. First come first served approach**

Some respondents expressed concerns with letting some properties on a 'first come first serve' basis because those without regular access to the on-line letting system would be disadvantaged.

### **4. Lettings**

The process of notifying applicants of their successful bid should be reviewed. Respondents suggested more time is given to confirm an interest in a property. Furthermore, tenancy start dates should take into consideration the notice period required by the successful applicant's current landlord. The current process can leave applicants in financial hardship.

### **5. Downsizing**

The process to downsize a property should be simplified without the need to register an application and follow the bidding process.

## **6. Support**

Better support should be made available for vulnerable applicants to ensure they can use the on-line lettings system and bid for suitable properties.

### **Response from the Local Authorities and Way Forward**

Given the feedback to consultation, it is proposed to move forward on each issue as follows:

#### **1. Local Connection**

The proposed change to the system was to enable local connection (and thereby access to the Fylde Coast housing register) to be established through connection to any of the three boroughs, so that people do not fall out of the system if they move from one part of the Fylde Coast to another. This was comprehensively supported in the survey, and this approach will now be implemented in the new system.

Local connection will continue to be possible through residence, work, or family connection.

Some respondents also pressed to break down the priority given for connection to individual boroughs in allocating properties but this was not supported more generally, and will not change.

#### **2. Introducing two ways of letting**

There was overall support for introducing a first come, first served lettings process alongside lettings based on priority banding, but many survey respondents had no clear view. There were some concerns expressed about how the process would work, that people who are vulnerable or who don't have regular access to a computer would be disadvantaged, and that local connection might be compromised.

The new approach of two ways of letting will be taken forward, but kept under review to ensure that two thirds of lettings are made to applicants in priority bands A-C, compared with 64% to priority needs groups currently.

All lettings will give the first opportunity to applicants with a connection to the local borough. So, whether the letting is based on priority need or "first come first served", applicants who have expressed an interest will first be prioritised based on connection to the local borough and then on priority need / time on the register (for the priority need

lettings) or time of bid (for “first come, first served” lettings). This ensures that the current approach to local connection is maintained for all properties.

The policy will be slightly amended to ensure that housing providers advertise lettings under “first come first served” for at least seven days, to give local people a chance to see adverts and express an interest.

When the system changes so that properties can be placed on the system on any working day, and some properties are “first come first served”, they will be first advertised during day time hours and not at midnight (as the current weekly cycle). Consideration will be given to the time of day so that those occupied by work, education, or child care are not disadvantaged.

The concern about access to a computer will be addressed by making the updated system more user friendly on smart phones, which are used by the majority of applicants. It will still be possible to find out about available properties and express an interest through local offices of the Councils and partner social housing providers, but it is expected that the large majority of system users will continue to interact with the system on-line. It is noted that the full local roll out of Universal Credit from December 2018 will require that most benefits claimants have digital access.

Support is offered to applicants who struggle to understand and use the system, but the process of application will be simplified under the revised system, and this should go a long way to making the system more accessible.

It is currently up to individual housing providers to organise the letting process and the notice that is given to new tenants. This will continue to be the case, but the local authorities will work with them to review their current approaches and encourage good practice.

### **3. How applicants are awarded a priority band**

The consultation proposed that the current Bands C and D are merged into a single Band C, and that those who do not have a housing need defined in law and were previously in Bands E and F are now placed on the housing register without a formal priority band. The relatively high 33% of respondents who disagreed with the proposal may reflect applicants who are unhappy with their current priority or length of time on the housing register without success.

While local authorities have some discretion in how priority bands are defined, there is a minimum legal responsibility that applicants in “reasonable preference” categories are prioritised for at least 50% of social housing lettings. In the proposed Fylde Coast system, people in these “reasonable preference” categories are prioritised in Bands A-C. Applicants who do not meet the legally defined criteria of Bands A – C but who have wider reasons for

needing to move will have the opportunity to bid for the homes that are advertised as “first come first served”.

Time on the housing register will continue to be significant in deciding who is prioritised for homes allocated on the basis of priority need; where two applicants with the same priority band express an interest, it is the applicant who has been on the register for the longest time who is awarded the property.

Given the legal constraints and the balance already in the system, the way in which applicants are awarded a priority band will go forward unchanged from the consultation proposal.

#### **4. Restrictions on the use of the system by existing social housing tenants**

On balance, respondents supported the proposed change that existing social housing tenants should not be able to register for a new social housing property unless they have a housing need (including current under occupancy), but many did not have a view one way or the other and 23% disagreed. There were few comments on this issue.

Local housing providers were concerned that they may lose working tenants if this exclusion does not allow some movement to be close to new job roles, so the policy will be slightly amended to allow existing social housing tenants to register for new social housing if they either have a housing need or they are in permanent employment.

#### **5. Priority for working applicants for some homes**

The proposal slightly increases the chances of access to social housing for working applicants, in a similar way that Band E does under the existing system. More people supported this proposal than disagreed, but there were comments both supporting and disagreeing with this approach.

The proposed new policy seeks to strike a balance between meeting the needs of people in the greatest housing need, with providing opportunities for people who are working and often struggling to afford good quality market accommodation. It also seeks to promote balanced communities within areas of social housing.

Given the opposing views for and against, but an overall balance of support for the proposal, this aspect of the policy will be implemented as proposed.

#### **6. More flexibility in the sizes of properties that applicants can bid for**

There was very strong support for this policy in both the survey responses and comments. But there is also concern to ensure that those properties that are in the shortest supply – typically large family houses – continue to be allocated to people who need all of the space.

The policy to allow applicants to register and be able to bid on properties with one bedroom more than their minimum requirement will be implemented, but there are likely to be restrictions placed at the point of advertising and letting on under-occupying large properties in local areas where these are in short supply.

## **7. Whether the arrangements overall will enable the best use of social housing**

There was positive feedback from the survey that a majority of respondents think that the arrangements overall will enable the best use of social housing, with only 11% disagreeing. There were further comments on how the system operates, including age restrictions for ground floor properties and a suggestion that down-sizing is dealt with outside of the system.

Age restrictions, and housing providers' local lettings policies more generally, will be kept under review to ensure that there is an appropriate balance between meeting the needs of particular groups (like older residents) and opportunities for the wider population.

It is important that the system does give priority to people looking to down-size as this helps release larger properties as well as assisting tenants to get a home that is more manageable. But this doesn't rule out a more pro-active approach by housing providers to work with their tenants outside of the allocations system to assist with moves and the freeing up of larger homes for families.

## **8. Income and savings thresholds**

There were no changes proposed to the income and savings thresholds, but the consultation sought to get views on whether these remain appropriate. The survey response showed general support for maintaining the existing thresholds, but many comments were received that advocated either lowering or, conversely, removing the thresholds.

The argument advanced for lowering the thresholds was that social housing should only be available to people on low incomes who could not be expected to afford market housing; conversely, those who argued for removing the thresholds argued that social housing should be for a wide mix of households and that to focus only on those on the lowest incomes leads to social housing estates always being characterised by concentrations of poverty. This difference possibly reflects competing ideas on the role of social housing, but also variations across the Fylde Coast housing market area where some areas have an acute lack of access to housing that is affordable, and other areas have wider access to housing (mostly in the private rented sector) but entrenched deprivation on social housing estates.

The current thresholds do not in themselves prevent the majority of households across the Fylde Coast from accessing the housing register, but do set some limit to prevent the most affluent households from benefitting from social housing's sub-market rents. Given the balance of support, the existing income and savings thresholds will be maintained.





## **Appendix 1 – Consultation Information and Questions**

### **Changes to how you access social housing in Blackpool, Fylde & Wyre**

Blackpool, Fylde, and Wyre Councils, together with local Registered Providers, are proposing to make some changes to how people find and are offered social housing in the area and we would like to hear your views. We want to make the My Home Choice Fylde Coast system easier to use and fairer for everyone.

#### **How are things working now?**

There are currently 6,000 people who are registered on the My Home Choice Fylde Coast system but only 2,200 have high priority (Bands A-D) because they have the greatest housing need.

Last year just under 1,200 social rented homes were let through the system, with 64% of homes let to people in Bands A-D and 36% let to everyone else.

#### **What do we want to change?**

While we can't easily make more homes available, we want to make it quicker and easier for you to find the home that you are looking for. We plan to upgrade the system and reduce the amount of information that we ask for. Homes will be advertised as soon as they are available rather than all being advertised at the same time each week.

#### **We also want to make some changes to how we prioritise people for our homes:**

##### **One local connection to the Fylde Coast**

This means that local residents who have moved between the three Fylde Coast boroughs will now be able to get onto the housing register when previously they may not have met the local connection requirement.

However priority will still be given to Blackpool residents for Blackpool homes, Fylde residents for Fylde homes, and Wyre residents for Wyre homes.

##### **Two ways of letting homes**

The new system will offer at least 50% of homes, including those in the shortest supply, only to people in Bands A-C; each of these homes will be offered to the "bidder" with the highest priority. The rest of the homes will be available to everyone on the list and offered on a first come first served basis.

This is designed to ensure that people in the greatest need still have access to the most homes, while offering opportunities to everyone who needs to move quickly to find a suitable home as soon as it is available. There will be a target that across the whole system two thirds of lettings will go to people in Bands A-C.

##### **Three Priority bands**

We plan to simplify the priority bands for people with a legally defined housing need so that there are only three bands, with the current bands C and D now becoming a single band C. There will be no bands given to everyone else, making application simpler, while still allowing everyone to bid on first come first served homes.

### **Existing social housing tenants can only use the system if they have a housing need**

We want to prioritise new applicants who are not already housed in social housing. Social housing tenants who do have a good reason to move because their situation has changed will still be given a priority band and be able to use the system to find a new home.

### **Some homes will be offered with priority to people in paid or voluntary work**

We want to encourage people in work to access social housing, and propose that 20% of homes made available on a first come first served basis will be offered with priority to people in paid or voluntary work.

### **More flexibility to get a home with an extra bedroom**

Instead of only allowing you to express an interest in a home that meets your household's minimum needs, we want you to be able to get a home that has more space, as long as the rent is affordable to you. We hope that this will make social housing attractive to a wider range of people.

### **We would also appreciate your views on aspects of the current eligibility criteria:**

#### **Eligibility for those with high income or savings**

Currently applicants whose gross household income is over £60,000, and applicants with savings over £30,000 (except those over 55) are excluded from the housing register. This means that social housing is currently restricted to those on low incomes.

The full draft new policy is available on the MyHomeChoiceFyldeCoast and partner organisations' websites and [www.myhomechoicefyldecoast.co.uk](http://www.myhomechoicefyldecoast.co.uk)

### **Tell Us What You Think**

You can tell us what you think by using the on-line survey at

[www.smartsurvey.co.uk/s/CBRYN](http://www.smartsurvey.co.uk/s/CBRYN)

Or, complete the survey form and return it to Housing Strategy, One Bickerstaffe Square, Talbot Road, Blackpool, FY1 3AH

### **Please let us have your views by Monday 18th December 2017 so that we can take them into account in the new system.**

Based on the responses we receive a new system would be developed and tested in the first part of 2018, and would go live in September 2018.

The current policy and system will continue to operate until the new system goes live.

# My Home Choice Consultation Questions

1. Do you live in Blackpool, Fylde or Wyre?
2. Do you agree or disagree with the revised local connection requirement?
3. Do you agree with the introduction of two ways of letting?
4. Do you agree with how applicants are awarded a priority band?
5. Do you agree with restrictions on the use of the system by existing social housing tenants?
6. Do you agree with the proposed priority for working applicants for some homes?
7. Do you agree with giving more flexibility in the size of properties that applicants can bid for?
8. Do you think that, overall, the proposed new arrangements will enable us to make the best use of the social housing stock in the area?
9. Do you agree that the current income and savings thresholds are correct?

Do you have any comments about why you agree or disagree with this proposal and any impact it might have on you/your household?

arm/ex/cab/cr/18/0509pf1 Appendix A

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Report of:	Meeting	Date	Item no.
Cllr Roger Berry, Neighbourhood Services and Community Safety Portfolio Holder and Mark Broadhurst, Service Director Health and Wellbeing	Cabinet	5 September 2018	9

## **Changes to the My Home Choice Fylde Coast Partnership Agreement and Consistent Assessment Policy**

### **1. Purpose of report**

- 1.1 To consider changes to the My Home Choice Fylde Coast Partnership Agreement and Consistent Assessment Policy in place to govern the allocation and letting of social housing in Wyre.

### **2. Outcomes**

- 2.1 Maintenance of a lawful, robust and transparent social housing allocation scheme.
- 2.2 A quicker and easier process for residents to apply for social housing

### **3. Recommendations**

- 3.1. That Cabinet notes and considers the feedback from, and response to, the consultation on the My Home Choice Fylde Coast Policy and system as set out in Appendix 3.
- 3.2 That the Council enters into a new Partnership Agreement with local social housing providers and Blackpool and Fylde Councils to maintain and further develop the My Home Choice Fylde Coast sub-regional system for letting social housing as set out in Appendix 1.
- 3.3 That the amended Consistent Assessment Policy at Appendix 2 be approved.

## **4. Background**

- 4.1** Since May 2012 social housing in Wyre has been allocated through a single system called My Home Choice Fylde Coast that also covers social housing in Blackpool and Fylde. This web-based system is supplied by Abritas Ltd which has recently become part of Civica UK Ltd. There is a Partnership Agreement in place between the partners that enables someone looking for housing to make one application to have access to homes owned by the six largest landlords in the area.
- 4.2** This is an improvement on the previous arrangements that required separate applications to each social landlord, had different criteria being applied by each landlord and required the Council's Housing Options Team to negotiate to get individuals most in need accepted for housing.
- 4.3** Through My Home Choice Fylde Coast Regenda Housing Group assesses applications to the common housing register from Wyre residents and awards each one a priority level. The Fylde Coast Consistent Assessment Policy (CAP) sets out how priority levels are determined across the partnership. Essentially applicants are awarded priority with regard to statutory housing needs criteria. Following the Localism Act 2012, Councils have had more flexibility in who they prioritise.
- 4.4** In December 2013, as a result of the Localism Act, the CAP was changed to introduce a stronger local connection requirement. Once on the housing register, applicants can express interest in available properties as they are uploaded each week onto My Home Choice Fylde Coast by the partner social landlords. Generally the applicant expressing an interest who has the greatest priority and who has been on the list for the longest time is offered the property.
- 4.5** Social landlords are committed under the Partnership Agreement to letting all of their homes in accordance with the Council's policies and not just the 50% minimum that is required by the social housing regulator.
- 4.6** Individual landlords still have their own lettings policies that set out any specialist requirements for some groups of homes.

### *The need for review*

- 4.7** There are now a number of challenges with the way that these systems and policies are operating that mean that a review and further investment is required. An initial consultation exercise was run in November/December 2017 (see Appendix 3) and the following areas were highlighted as requiring change:
- The choice-based lettings arrangement doesn't suit everyone, with many people either not able or not willing to wait until they are successful in expressing interest in a property. There are currently over 1,500 people in Wyre actively looking for social housing.

However fewer than 500 lettings were made in 2016-17. The average waiting times are between six and 12 months for those who find a new home, but many people wait much longer or end up looking elsewhere.

- The system is quite complicated and some find it hard to understand. There is a very detailed application and assessment process that we would now like to streamline for the benefit of applicants and improve efficiency at the assessment stage. Partner social landlords want to be able to offer a service similar to private lettings for some properties, advertising and letting them on a first come first served basis.
- The system is five years old and somewhat clunky by today's standards. A significant number of people start applying on the system and never complete their application. To help combat this in line with the digitalisation of services we want to invest in more modern software and make the system much easier to use, especially on mobile phones.
- The original partnership agreement has expired and partners will not continue to let their properties on the system, in accordance with the single allocations policy, unless we get a new agreement in place and invest in an updated software system.
- The Fylde Coast Consistent Assessment Policy needs to be reviewed to reflect the latest dynamics in local supply and demand and recent legislation. In particular while the number of people on the housing register has increased, the number of social housing lettings each year has significantly reduced, with tenants staying longer in their homes. The "bedroom tax" has changed the balance in demand between different sizes of homes, with strong demand for one bedroom flats, and for all houses, but weaker demand for two and three bedroom flats.

## **5. Key issues and proposals**

- 5.1** It is proposed that a new Partnership Agreement is signed between Blackpool, Fylde and Wyre Councils, Regenda and six other social landlords. This will commit the partners to continuing to work together on a sub-regional social housing lettings system for the next five years. In particular, the agreement will continue to require that all partners make a financial contribution to the costs of developing and continuing to maintain the system, commit to continuing to use the system to let their local housing stock and continuing to abide by the Fylde Coast Consistent Assessment Policy.
- 5.2** The Partnership Agreement also sets out a plan to introduce a twin track approach to the letting of social housing, with at least 50% of homes let through a choice-based lettings arrangement. The remainder of the homes would be let on a first come first served basis whilst still maintaining priority for Wyre residents. Targets will be put in place and performance monitored to ensure that the majority of homes continue to be let to applicants who are in housing need.

**5.3** It is proposed that Blackpool Council enters into a new contract on behalf of the partnership with the existing software provider, Civica UK Ltd, to purchase the latest version of the system and incorporate the new first come first served approach to lettings alongside improved choice-based lettings functionality. The cost of the updated system will be no more than £75,000, shared across the partnership, with Wyre Council contributing £6,370. The rest of the costs will be met by the other partners in accordance with the terms of the new Partnership Agreement. The contract will be for the same five year duration as the Partnership Agreement and will allow for annual maintenance costs similar to current levels at around £28,000 per annum. Again this sum will be shared between all members of the partnership, with Wyre's contribution being £4,380 in 2018/19 and subject to an annual price adjustment in line with CPI thereafter.

**5.4** It is proposed that the Fylde Coast Consistent Assessment Policy is amended. Many of the existing policies will remain but following public consultation the main changes proposed include:

- Enabling residents who have moved between the three Fylde Coast boroughs to access the system (however, priority will still be given to Wyre residents for Wyre properties).
- Letting properties in two different ways – the majority of homes including those in shortest supply will still go to those with a housing need, but some will be advertised on a first come first served basis (subject to local connection).
- Simplifying the number of priority bands to A – C to represent those with a housing need. Those with no housing need will not be banded and will only be able to access those properties advertised on a first come first served basis. This should help make the application process much quicker and simpler for many people and reduce the costs of assessing applications.
- Properties will be uploaded onto the system as soon as they are available rather than relying on weekly advertising cycles to improve efficiency in letting.
- Encouraging people in work to access social housing. It is proposed that 20% of the homes made available on a first come first served basis will be offered in priority to people in paid or voluntary work.
- There will be more flexibility and choice in the sizes of homes that households can express an interest in. Currently, applicants are only allowed to bid for homes with a particular number of bedrooms. The new proposal will allow households an “extra” bedroom if they can show that they can afford the additional rent. This is especially helpful where families want children to have their own bedrooms or parents do not have children living there full time but want them to be able to stay over. This additional choice should make social housing more attractive to working households who would not otherwise consider it.



<b>Financial and legal implications</b>	
Finance	There is currently a budget of £5,000 to cover the cost of the current software system and any minor expenditure in relation to the My Home Choice Fylde Coast scheme. This budget should cover the ongoing maintenance in the short-term but may need to be increased should the annual inflation re-pricing exceed the base budget and this will be kept under review as part of the normal budget setting process. The one-off costs associated with the procurement of a new system upgrade for which Wyre will contribute £6,370 will be funded from the new burdens grant awarded by the then Department for Communities and Local Government for dealing with the implications of the new Homelessness Reduction Act (£14,688 in 2018/19).
Legal	The proposed changes to the consistent assessment policy will still ensure at least 50% of social housing will still go to those with a housing need in line with legislation.

#### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	<b>x</b>
equality and diversity	<b>✓</b>
sustainability	<b>x</b>
health and safety	<b>x</b>

<b>risks/implications</b>	<b>✓ / x</b>
asset management	<b>x</b>
climate change	<b>x</b>
data protection	<b>✓</b>

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<b>List of background papers:</b>		
name of document	date	where available for inspection
None.		

### **List of appendices**

Appendix 1 – Fylde Coast Partnership Agreement.

Appendix 2 – Proposed Consistent Assessment Policy

Appendix 3 – January 2018 Consultation Response Summary

arm/ex/cab/cr/18/0509dm1

## Consistent Assessment Policy



Working in Partnership with:



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## SECTION 1: INTRODUCTION

### Purpose of the Policy

*MyHomeChoiceFyldeCoast* is the Choice Based Lettings (CBL) scheme operating across the Fylde Coast region. The Consistent Assessment Policy underpins the CBL scheme and forms the principal element of the allocation scheme for each Fylde Coast Local Authority (Blackpool, Fylde and Wyre) and Registered Provider operating in the area.

Each Local Authority has a statutory duty to have a scheme in place that sets out how social housing will be allocated. This is formulated and regularly reviewed in consultation with Local Authority members, housing providers and the public. It takes into account the level and patterns of the demand for social housing, stock profile, vacancies which are likely to become available and also reflects agreed strategic priorities.

This Policy sets out how applicants to the *MyHomeChoiceFyldeCoast* scheme will be assessed and priority awarded, ensuring a fair and efficient mechanism for the allocation of social rented homes across the Fylde Coast (including Council owned properties).

The Consistent Assessment Policy has been developed by the three Fylde Coast Local Authorities working in partnership with the following Registered Providers:

Blackpool Coastal Housing  
Great Places Housing Group  
Muir Group Housing Ltd  
For Housing

Progress Housing Group  
Places for People  
Regenda Group

In drafting this policy *MyHomeChoiceFyldeCoast* partners have had regard to the Codes of Guidance issued by Central Government in addition to the following pieces of legislations:

- The Children's Act 2004.
- The Equalities Act 2010.
- Data Protection Act 1988
- Housing Act 1996 as amended by the Homelessness Act 2002
- Localism Act 2011

### Aims of the Scheme

Although *MyHomeChoiceFyldeCoast* provides greater choice for applicants, the scheme in itself does not increase the number of properties available. Properties are advertised and applicants are encouraged to take an active part in the process by bidding on a property. The system is transparent and is expected to provide applicants with a realistic view of their prospects of securing accommodation.

The scheme's key objectives are to:

- Create a customer led choice based lettings scheme
- Widen the choice of housing
- Ensure the scheme is open, fair and accountable
- Increase understanding and satisfaction of the letting system
- Give new tenants a feeling of ownership of their property and community
- Help create sustainable communities
- Make more efficient use of the available housing stock

- Help tackle low demand and reduce void turnaround times
- Create a single point of access to all social housing on the Fylde Coast
- To meet the legal requirements for the allocation of social housing as set out in Part VI of the Housing Act (1996) as amended by the Homelessness Act (2002) and the Localism Act (2011)

Registered Providers participating in the scheme are committed to advertising their available properties to applicants who have applied and are registered on the system. Adverts will include a description of the property and indicate which applicants are eligible to apply. Applicants can then apply for the property of their choice provided they meet the stated eligibility criteria.

### **Overview of MyHomeChoiceFyldeCoast**

To gain access to the *MyHomeChoiceFyldeCoast* scheme, eligible applicants only have to register once. They are then able to bid for suitable properties as they are advertised by partner organisations.

To have access to social housing through *MyHomeChoiceFyldeCoast*, applicants must i) meet nationally defined eligibility criteria for social housing, ii) have a local connection, and iii) not have been excluded for any other reason (see section 3 for further details on eligibility).

While all homes are advertised through the *MyHomeChoiceFyldeCoast* website, there are two different routes for allocating homes:

#### **1. Homes reserved for applicants on the Housing Needs register**

A minimum of 50% of properties advertised will be made available exclusively for applicants on the Housing Needs register. High demand properties, such as but not limited to 4+ bedrooms, Extra Care Housing and adapted stock will be reserved initially for those in the Housing Need stream.

Properties will be advertised for a 7 day cycle, with the cycle starting as soon as the property becomes available, on any working day.

Applicants from the Housing Needs register who express an interest in these properties will be shortlisted for homes in order of priority need for housing and the length of time the applicant has been in that band.

#### **2. Homes open to all applicants registered on the system**

A maximum of 50% of properties advertised will be made available to all applicants registered on the system - those on the Housing Needs register and those who are not. Applicants expressing an interest in these properties will be shortlisted in order of when their bid was placed, with the preference given to the earliest bids.

In order to recognise and reward those who work and make a contribution to the community, 20% of lettings available to all applicants will prioritise people who meet the working households and community contribution criteria (see Appendix Three).

Properties will be advertised for a minimum of 7 days to allow local people to bid, as soon as the property becomes available, on any working day.

Applicants who are on the Housing Needs register will have access to housing through both routes. The Local Authorities will monitor the proportion of all homes that are allocated to applicants on the

Housing Needs register. The aim is to enable two thirds of all homes to be allocated to applicants from the Housing Needs register.



## **SECTION 2: APPLYING TO JOIN THE HOUSING REGISTER**

### **Making an Application**

Applicants aged 16+ can register an application by visiting the website [www.myhomechoicefyldecoast.co.uk](http://www.myhomechoicefyldecoast.co.uk). Applicants should answer all questions in the form fully and accurately and be prepared to provide supporting evidence as required.

Applications will be assessed by an Assessing Partner based on the current address of the applicant.

All applicants eligible for social housing will be able to log onto the website immediately and bid on properties. Where applicants may be eligible for the Housing Needs register, the Assessing Partner will aim to assess the housing application and allocate a priority band within 10 working days of submission.

For homelessness applications, further checks may be required. Applicants will be informed if this is the case.

### **Information Required**

Applicants will be required to provide the following information:

- Contact details of the current landlord, tenancy type and if a formal Notice To Quit has been served.
- Address history for the last 3 years including landlord details and reason for leaving.
- Details of anyone on the application who has unspent criminal convictions. Details of the crime, date and length of sentence given and how long they served will be required. (See Appendix Two for further details).
- Details of action taken against anyone on the application for Anti-Social Behaviour including type of action e.g. court action or written warning and if an ASB Order has been granted.

Please note, *MyHomeChoiceFyldeCoast* will apply the suspension policy if appropriate (see section 4 for further details).

## Documentation Requirements

The table below identifies potential verification needs and associated documentation required.

Verification Need:	Documents required (one of the following must be provided)
The identification of the applicant and households	Birth Certificate Passport Immigration papers
Eligibility to register for social housing	Passport National Identity Paper Home Office documents Wage slips Proof of Housing Benefit/Local Housing Allowance Proof of local connection
Proof of address and agreement terms, for example, tenancy agreement	Electoral Register entry Proof of rent payments Utility bills Pension book Confirmation from employer or DWP Tenancy Agreement Full driving licence Council Tax or telephone bill (recent) Bank statement (recent)
Proof of childcare responsibilities  (Children who have previously been in the care of another person, including ex partner, must provide a combination of the evidence if a Residents Order is not available).	Child benefit or other benefits such as fostering allowance Residence Order Confirmation from Public Body (DWP, Social Services, Health & Education Authorities) Dependents birth certificate
Non-dependants verification for living with applicant	Confirmation from Social Services or other relevant statutory agency
Proof of pregnancy	Antenatal card/book Doctors letter MATB1
Threatened with eviction	Tenancy Agreement Valid Notice to Quit Court order

If an applicant is unable to provide the necessary documentation the case will be considered in light of individual circumstances by the relevant Partner Organisation. All offers are subject to verification.

## Application Date and Effective Date

All applications will be given an 'Application Date' corresponding to the date the application was received for assessment.

Within each band, applicants order is listed by the 'Effective Date'. The 'Effective Date' is the date of application, or where an applicant's circumstances have changed and resulted in a higher band being awarded, the 'Effective Date' will be the date from which the higher band applies.

## Online Security

Upon registration applicants will be issued with a registration number and memorable date to enable login for the service. Password resets can be requested via the *MyHomeChoiceFyldeCoast* website. Password reset/reminder information will be sent to the main applicants e-mail address. For this reason it is important that all applicants provide their own e-mail address.

## Pre-tenancy Checks

Once an offer of accommodation is made, individual landlords may undertake relevant verification of their identity, circumstances and housing conditions. This may be in the form of an online application, interview, home visit and/or telephone call.

Evidence of outstanding housing debts will be verified. Where applicants have indicated anti-social behaviour and 'unsent' convictions, relevant checks will be made.

Landlord references (current/previous) will be sought where the applicant has held a private or social housing tenant. A credit check may also be carried out.

All applicants may be required to provide the following documents:

- Proof of identity and residence for all persons included on the application, including but not limited to: passport, identity card, phot driving licence, birth certificate or written confirmation from a professional person or support agency
- Proof that they are still an eligible person
- Proof of current address
- Proof of income
- Other documentation as appropriate

Offers may be withdrawn from an applicant who does not participate in pre-tenancy checks within a reasonable timescale.

## References

Applicants will be required to provide two references to the Partner Organisation once they have successfully bid for a property. One reference must be from a current or the most recent landlord and may include a staff reference from interim or supported accommodation.

References will also be considered from the following (this list is not exhaustive):

- Successful completion of a recognised tenancy training programme
- Current/former employer
- Teacher/College Lecturer
- Person of standing in the community.

References will not be accepted from family or friends. Further landlord references may be requested as required. Partner Organisations will review applications with unsatisfactory references.

## Advice and Information

The Fylde Coast Local Authorities provide free independent housing advice to residents in their district. Partner Organisations to the *MyHomeChoiceFyldeCoast* scheme will ensure information and

advice is available for applicants who need support to join or use the scheme, including a copy of the Consistent Assessment Policy.

### **False Information**

Partner Organisations are committed to taking legal action against any applicant found to have gained a tenancy based on false information in their application form. (See section 4 – False Information for further details.

### **Data Sharing**

Information provided in the application form will be made available to all partners of the Choice Based Lettings scheme. All supporting documentation will be scanned by relevant partners and electronically attached to the on-line application.

### **Data Protection**

Information provided as part of the application process will be treated in the strictest confidence and in accordance with current data protection legislation. Information will be held on a computerised database and will only be accessible by Partner Organisations. The data provided will be used to assess an applicant's eligibility for social housing and identify if there are additional support needs, enabling Registered Providers to rehouse applicants into appropriate accommodation. Where necessary, information will be shared with agencies providing housing related support.

Partner Organisations reserve the right to validate applicant information with appropriate organisations including the Police, Local Authorities, Employers, Probation Services, Former/Current Landlords, Banks and Building Societies, Health Professionals, Social Services and Credit Reference Agencies. Consent is sought via the Declaration on the application form.

Individuals are entitled under the Data Protection Act to request details of their personal data held by *MyHomeChoiceFyldeCoast* for which a charge may apply.

The information received from housing applications may also be used for housing management and research purposes.

## **SECTION 3: ELIGIBILITY TO JOIN THE HOUSING REGISTER**

### **Eligibility**

Applicants aged 16 and over are eligible to apply to the *MyHomeChoiceFyldeCoast* Housing Register unless they are in one of the excluded groups below (See section 8 for 16 & 17 year olds).

### **Ineligibility (Non qualifying persons)**

There are a number of circumstances in which applicants will be ineligible from joining the Housing Register:

1. Persons from abroad who the Secretary of State for Communities & Local Government has deemed ineligible for an allocation of housing accommodation
2. A person who, although not subject to immigration control, are not habitually (permanently) resident in the Common Travel Area (which includes the UK, Channel Islands, Isle of Man and the Republic of Ireland.)

These exclusions do not apply to existing social housing tenants where accommodation was allocated by the Local Authority.

There are a number of other circumstances in which applicants will be ineligible from joining the Housing Register.

3. Existing social housing tenants who apply with no housing need and who do not have permanent employment within the Fylde Coast area. (See Appendix Three – Working Households)
4. Applicants with no local connection (other than those exempt due to having served in the armed forces in the last five years or who are currently serving, and homeless applicants where a statutory duty to rehouse has been accepted by either Blackpool, Fylde or Wyre Council).
5. Households whose gross household income exceeds £60,000 pa
6. Applicants and households aged under 55 with savings exceeding £30,000
7. Households who have been evicted for Anti-Social Behaviour (ASB) within the last five years
8. Households evicted from an Assured or Secure Tenancy from a Registered Provider, or evicted under section 8 of an Assured Shorthold Tenancy from a private landlord.

There is a right of review for each decision made by *the MyHomeChoiceFyldeCoast* partners on a case by case basis, having regard for exceptional circumstances. (See section 11 – Requesting a Review for further details).

### **Local Connection**

When deciding eligibility, applicants must be able to demonstrate they have a local connection by one of the following:

- Local residency – they have lived in the Fylde Coast area consecutively for the last three years (does not include those that have been placed in the area)
- Permanent employment in the Fylde Coast area (see Appendix Three – Working Households)
- Close family association – has a parent, adult child, adult brother or sister who is living in the Fylde Coast area and has done so for the last 5 years
- Applicants who are serving in the Armed Forces and who are either employed or are resident in the Fylde Coast area
- Former Armed Forces personnel who had a previous residence in the Fylde Coast area as a result of a former posting to the area, within the last 5 years
- Homeless applicants where there is a statutory duty to provide housing by Blackpool, Fylde or Wyre Council

## SECTION 4: APPLICATION ASSESSMENT

Each application is assessed in line with criteria and will either be:

1. Identified as 'no housing need' (no banding) due to:
  - Being adequately housed
  - Not meeting criteria within the housing need bands
  - Awaiting decision on a homeless application or further eligibility checks
  - Being an armed forces personnel currently serving or have served in the last five years who cannot demonstrate local connection
2. Placed on the 'Housing Needs' register and awarded a priority band.  
*MyHomeChoiceFyldeCoast* uses a banding scheme to prioritise applications: A, B and C

### Priority Bands

Applicants eligible for the 'Housing Needs' register will be placed in one of three priority bands depending upon the information provided on their housing application:

Housing Needs Register	Criteria for each band
Band A	Homeless applicants with a statutory duty to provide housing by Blackpool, Fylde or Wyre Council  <i>Or</i>  Applicants with a local connection and at least one of the following: <ul style="list-style-type: none"><li>▪ A vulnerable person , who faces imminent discharge from hospital or temporary residential care and for whom there is no suitable accommodation to return to</li><li>▪ Applicants in exceptional circumstances including those in immediate danger of violence (at discretion)</li></ul>
Band B	Applicants with a local connection and one of the following: <ul style="list-style-type: none"><li>▪ Disrepair in current property with identified Category 1 hazard where the landlord has failed to take the required action.</li><li>▪ Existing social housing tenant of a Partner Organisation who requires the property to be demolished or vacated.</li><li>▪ Under occupancy of a property owned by a Partner Organisation (applicable after the start of a tenancy)</li></ul>

	<ul style="list-style-type: none"> <li>▪ Adapted property, owned by a Partner Organisation, no longer required</li> <li>▪ Urgent medical or disability, exacerbated due to current property conditions, with a medical assessment supporting the applicants (including household members) need to be rehoused.</li> <li>▪ Armed forces personnel, currently serving or have served in the last 5 years (who meet at least one criteria from Band C)</li> <li>▪ Urgent social or welfare needs, for example: <ul style="list-style-type: none"> <li>○ Admission into residential care or hospital if applicant is not rehoused</li> <li>○ A dependent (under 16) will be accommodated by the Local Authority unless the applicant is rehoused into a suitable property.</li> <li>○ The need to give or receive essential care and support</li> </ul> </li> <li>▪ At risk of serious harm in present accommodation, for example, domestic abuse, hate crime, anti social behaviour or witnesses of crime.</li> <li>▪ Threatened with homelessness, or owed the initial homelessness statutory duty by Blackpool, Fylde or Wyre Council.</li> <li>▪ Property unintentionally overcrowded and in need of at least two additional bedrooms.</li> <li>▪ Leaving Local Authority Care, with appropriate tenancy support, where there is a statutory duty under the Leaving Care Act 2000 to provide.</li> <li>▪ Rough Sleeping, threatened with or have a history of rough sleeping who are supported and referred by Blackpool, Fylde or Wyre Local Authority Housing Teams.</li> <li>▪ Leaving supported housing or rehabilitation accommodation and are ready for independent living with tenancy support (if required) in place.</li> </ul>
<b>Band C</b>	<p>Applicants with a local connection and one of the following:</p> <ul style="list-style-type: none"> <li>▪ Medical or disability conditions (with no detrimental impact) with a medical assessment supporting the applicants need to be rehoused.</li> <li>▪ Social or Welfare needs, for example, applicant requires to be rehoused to a particular area to avoid hardship to themselves or others.</li> <li>▪ Disrepair in current property with identified Category 2 hazard where the landlord has failed to take the required action.</li> <li>▪ Property unintentionally overcrowded and in need of one additional bedroom.</li> <li>▪ Homeless with no priority need and no statutory duty owed by Blackpool, Fylde or Wyre Council</li> <li>▪ In supported or rehabilitation accommodation and not ready for independent living and no tenancy support in place.</li> </ul>



- Armed forces personnel currently serving or have served in the last five years.

### **Property sizes**

The numbers of bedrooms which applicants need is determined by the size of the household and in line with DWP regulations. As there is a shortage of larger homes, applicants are advised to consider a property that has two living rooms where one can reasonably be used as a bedroom.

The number of bedrooms needed is calculated as one bedroom for:

- Every adult couple
- Any other person aged 16 or over
- Any two children of the same sex
- Any two children regardless of sex under age 10
- Any other child

Applicants will be permitted to bid for a property in accordance with their calculated need and also for properties with one bedroom more than their calculated need. But letting of properties that are larger than an applicant's calculated need will be subject to affordability and pre-tenancy checks.

Providers may advertise some properties that are in short supply, such as large houses, as only being available to applicants whose calculated need is the same as the size of the property.

### **Expectant Mothers**

Consideration will be given for unborn children in terms of bedroom entitlement but priority will only be awarded according to the current household needs.

Following the birth, and receipt of a birth certificate/s, a re-assessment will be made. It is the applicants responsibility to notify the assessing partner in order to update their circumstances.

### **Home Visits**

In certain circumstances it may be necessary to carry out a home visit. Home visits can be used for, but not limited to:

- As part of application verification
- As part of pre-tenancy checks
- Where clarification is required

Applicants are expected to allow the visiting officer access to all parts of their home. If a *MyHomeChoiceFyldeCoast* Partner Organisation is unable to complete a home visit the applicant may be removed from the scheme.

### **Relationship to Interested Parties**

Partner organisations will apply relevant procedures to ensure there are no conflict of interests.

## **False Information**

It is a criminal offence for housing applicants to knowingly give false information or withhold information relevant to their application. An offence is also committed if an applicant allows a third party to provide false information on their behalf.

Ground 5 in schedule 2 of the Housing Act 1985 (as amended by s.146 of the 1996 Act) enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenant or a person acting at the tenants instigations.

Applicants who have provided false or misleading information on their application will be suspended from the Housing Register.

Before a decision is made on whether an applicant is suspended from the housing register under this criteria, applicants will be contacted and given the opportunity to provide details of mitigating circumstances within 8 weeks. If the information is not provided then a decision will be made based on the information available.

Applicants who are suspended from the Housing Register under this criteria will notified in writing. All Partner Organisations are committed to taking legal action against applicants found to have gained a tenancy based on false information in their application form.

## **Notification of Change in Circumstances**

Applicants are responsible for notifying *MyHomeChoiceFyldeCoast* with changes to personal circumstances. Existing applicants will be reassessed and placed in the appropriate band. Where an applicant is awarded a higher priority band the 'Effective Date' will be the date *MyHomeChoiceFyldeCoast* were notified of these changes.

In circumstances where a reassessment results in a lower priority band the 'Effective Date' will remain the same as the 'Application Date'.

## **Application Checks**

Application details will be checked regularly. Applicants may receive a renewal letter requesting confirmation of their registered details and will be required to respond within 28 days. Applications will be cancelled if no response is received and will only be reinstated in exceptional circumstances. Checks will be made at the time of a housing offer to ensure the property has been allocated appropriately. Housing offers will be withdrawn if an applicant's current housing situation differs from their registered details. An application may be suspended until appropriate documentation has been reviewed.

## **Applicants who Fail to Bid**

*MyHomeChoiceFyldeCoast* may contact applicants who have not taken part in the bidding process. Depending on their individual circumstances the application may be reassessed or cancelled. Where necessary, additional support will be put in place.

## **Cancelling Applications**

*MyHomeChoiceFyldeCoast* will cancel applications under the following circumstances:

- At the request of an applicant
- An applicant does not respond to a renewal letter within the specified time limit
- The applicant has been housed by *MyHomeChoiceFyldeCoast* partners
- An applicant completes a mutual exchange
- An applicant does not maintain their application through the renewal process, or where the applicant moves and does not provide a contact address
- The applicant has deceased
- Requested information has not been provided within the specified timescale.
- An applicant becomes ineligible for housing as defined by this policy.

Applicants can request a review should their application be cancelled - see section 11 for further details.

Where an applicant applies to re-join *MyHomeChoiceFyldeCoast* their new date of application will correspond to the date they reapplied.

## **Suspensions**

*MyHomeChoiceFyldeCoast* may suspend applications from the Housing Register for a maximum of 5 years. Suspended applications will remain 'held' on the system and applicants will no longer be able to bid for properties.

Applicants will be notified in writing of the reasons for suspension, the timescale and details on how to appeal the decision.

It is the responsibility of the applicant to contact the Assessing Partner at the end of the suspension period to request a review of their application. The review will seek to establish if the reason for the suspension has been resolved satisfactorily, or if there is evidence of an improvement in the behaviour of the applicant(s) over a sustained period.

There is a right to review for each decision made by *MyHomeChoiceFyldeCoast* partners on a case by case basis having regard for exceptional circumstances. (See section 11 – Requesting a Review/Appeal and section 3 for Ineligible Applicants)

## **Suspension Criteria**

Suspension may apply where the applicants or any member of the household:

- Owes rent arrears or any other housing related debt, excluding Council Tax, to a landlord and has not made and maintained a satisfactory arrangement to repay the debt (see section 4 – Debt)
- Has deliberately or negligently caused damage to a property belonging to a Partner Organisation or any other landlord, whether they are the tenant of that property or not
- Has made false or misleading statements (see section 4 – false information)
- Has engaged in anti-social behaviour (whether or not they were at the time a tenant of a Local Housing Authority or Registered Provider) and has not maintained a satisfactory undertaking to address their behaviour (see section 4 - Anti Social Behaviour)

- Is a current tenant of a participating landlord of the MyHomeChoiceFyldeCoast scheme (or another Registered Provider) and is, or has been, the subject of an action for breach of tenancy.
- Has been convicted of using their home, or allowing it to be used for immoral or illegal purposes (see Appendix Two – Convictions)

Other applications may be inactive on the system and therefore unable to bid:

- *MyHomeChoiceFyldeCoast* is waiting for more information about an applicant's circumstances. (The application will remain held until all relevant information has been provided)
- Offenders in custody, the application will remain held until 28 days before their release date

### **Anti-Social Behaviour**

The meaning of anti social behaviour for the purpose of this policy encompasses a past action or activity on the part of an applicant but also an omission, failure to act, passivity or inactivity. This extends to any past or present member of the household.

Suspension will be considered for acts of anti-social behaviour that occurred within the last 2 years. Evidence of acts of anti-social behaviour include but are not limited to:

- Causing nuisance and annoyance to neighbours, visitors or the community
- Being violent towards a partner or family member
- Allowing the condition of a rented property to deteriorate
- Damaging/destroying or disposing of furniture provided by the landlord
- Paying money illegally to obtain a social housing tenancy.

Suspension will also be considered regardless of time of occurrence in the following circumstances:

- A current Probation risk assessment level of Medium or above
- A current ASBO/CRASBO in place
- Conviction for a serious unspent criminal offence

Suspensions for cases of ASB will be between 12months to 5 years. Partner Organisations may use Starter Tenancies or Introductory Tenancies to manage and reduce the risk of anti-social behaviour.

### **Debt**

Applicants with housing related arrears, such as rent arrears, below £500 owed to a landlord (including Partner Organisations) are subject to the terms of a repayment plan, for example, a minimum of 12 consecutive payments or a large payment to reduce the debt value. An offer of accommodation will only be made if these terms are met unless there are exceptional circumstances.

Applicants with arrears of over £500 will usually be suspended. A number of factors will be taken into consideration when agreeing the terms of a repayment plan and the length of the suspension. These decisions will be reviewed by the Senior Officer Decision Panel which is made up of members from Partner Organisations to ensure consistency.

Debt owed to private sector landlords (arrears and/or damage) will only be taken into account if an unsatisfactory reference is received.

## **SECTION 5: ADVERTISING AND APPLYING FOR PROPERTIES**

### **When Properties will be Advertised**

The Fylde Coast Local Authorities and Partner Organisations will advertise available properties on *MyHomeChoiceFyldeCoast* website. Properties may be uploaded at any time. Customers will need to register their bids for properties that they are interested in.

Properties available only to applicants on the Housing Needs register will be advertised for a minimum of 5 days. Properties available to all applicants will be advertised for a minimum of 2 days.

### **Property Descriptions**

Properties advertised will carry (where possible) a photograph and a full description. As a minimum the description will include:

- Type of property
- Number of bedrooms
- Location of property
- Any adaptations (e.g. disabled facilities)
- Services provided (e.g. support, caretaker, cleaning)
- Heating type
- Energy Performance Certificate rating
- Rent charges and any service charges
- Eligibility criteria

### **Local Lettings**

The partners have the discretion to apply local lettings policies where there are specific issues. Local lettings policies can also assist in the management of existing stock to help resolve issues such as child density, anti-social behaviour, mixed communities and worklessness. It should be noted that local lettings policies may be required on affordable new build sites. There may also be planning restrictions and local lettings policies which apply to specific properties such as a Section 106.

## **APPLYING (BIDDING) FOR PROPERTIES**

Under the *MyHomeChoiceFyldeCoast* scheme applicants are required to actively engage with the process of obtaining a new home. Applicants are advised to bid regularly for properties they would be willing to accept. Letting properties in this way means applicants are considered for homes they express an interest in giving them a greater choice over property location and type.

Bids can be made by visiting the website [www.myhomechoicefyldecoast.co.uk](http://www.myhomechoicefyldecoast.co.uk). Applicants should only bid for properties they are eligible for which meets their housing needs.

## **SECTION 6: ALLOCATING PROPERTIES**

### **Selection Process**

The demand for social housing exceeds supply. Therefore, it is necessary to prioritise applications on the Housing Register to ensure housing stock is allocated appropriately.

#### **Properties Reserved for Applicants on the Housing Needs Register**

Shortlisting will be based on bids from applicants with a connection to the local borough and with the highest priority band. If bids are received from applicants in the same priority band, then the person with the longest Effective Date will be offered the property.

Where a property is adapted for use by a disabled person, it will be offered to the applicant with the highest priority band whose needs best match the facilities of the advertised property.

If there are no bids from applicants with a connection to the local borough, Partner Organisations will give consideration to applicants from other Fylde Coast areas.

Bids will not normally be considered if an applicant's or their household does not meet the size, age or disability requirements for the property unless there are exceptional circumstances or local lettings arrangements.

#### **For Properties Open to all Applicants:**

Applicants expressing an interest in these properties will be shortlisted in order of connection to the local borough, and when the bid was placed, with preference given to the earliest bids. Any bids that do not meet the criteria may be bypassed.

### **Pre-tenancy Checks**

Once an offer of accommodation is made, individual landlords will undertake relevant verification of household member's identity, circumstances and housing conditions. This may take the form of an online form, interview, home visit and/or telephone call.

Evidence of anti-social behaviour and outstanding housing debts will be checked and will include checks where applicants have indicated an 'unspent' conviction.

Landlord references (current/previous) will be sought where the applicant has held a private or social housing tenancy. A credit check may also be carried out.

All applicants and household members may be required to provide the following documents:

- Proof of identity and residence for all persons included on the application; acceptable proof of identity is:
  - i. Passport
  - ii. Identity card (issued to certain foreign nationals)
  - iii. Photo driving licence<sup>2</sup>
  - iv. Birth certificate
  - v. Or written confirmation from a professional person or support agency

- Proof that they are eligible for social housing
- Proof of current address
- Proof of income
- Other documentation as appropriate

Offers may be withdrawn from an applicant who does not participate in pre-tenancy checks within a reasonable timescale.

The applicant to be offered the property will be contacted to verify their circumstances. Providing the applicant is eligible and suitable for the property (and in case of applicants on the Housing Needs register, that the applicant's priority has not changed), a provisional offer of the property will be made and a viewing arranged.

If the applicant refuses the property then it will be offered to the next applicant on the shortlist.

### **Refusal Following a Bid**

*MyHomeChoiceFyldeCoast* will offer assistance and guidance to all applicants to help them through the application, bidding, viewing and sign up process.

Where an applicant has successfully bid for a property and then refuses it, generally no penalty will apply. In most cases, the applicant will be free to bid again.

Where an applicant does not keep an appointment to view a property, or refuses it, the next highest-ranking bidder will normally be offered the property.

### **Feedback on Successful Bids**

*MyHomeChoiceFyldeCoast* will publish details on the number of bids received for each property and details of the successful applicant's band and Effective Date. This will help applicants determine their prospects of success in obtaining housing.

### **Withdrawal of Offers**

An applicant dissatisfied with the withdrawal of an offer (or refusal to make an offer), may register a complaint following the relevant Partner Organisations complaints process. The property in question will not be 'held' whilst the review takes place and will be offered to the next successful applicant. If the original decision is not upheld, the applicant will be offered the next suitable property of their choice. In certain circumstances a Partner Organisation may make the applicant a Direct Offer.



## SECTION 7: OTHER LETTING ARRANGEMENTS

### Properties not Advertised

In exceptional circumstances *MyHomeChoiceFyldeCoast* may allocate properties directly. Examples include:

- Tenants who need to be decanted
- Specially adapted properties
- Extra care vacancies
- Applicants who have succeeded a tenancy but need to move to alternative accommodation
- Emergency management transfers, where there is a severe risk of harm (*one offer in line with the policy will be made*)
- Multi Agency Public Protection Panel cases
- Homeless households owed a main duty by the Fylde Coast Local Authorities under S.193 of the Housing Act 1996 (Part VII) (as amended by the Homelessness Act 2002). One offer, in line with the policy will be made.
- Witness protection cases where a referral has been received directly from the Home Office. Referrals received directly from the Police will be processed under the normal allocation policy.
- Assisting the Fylde Coast Local Authorities in relation to Homelessness Duties.

### Refusals of Direct Lettings

Applicants are required to give their reasons for refusing a property. An investigation will take place to establish the reasonableness of the offer, if necessary, relevant officers/professionals will be consulted. Applicants will be informed in writing if the investigation concludes the property offer was reasonable. Impact to their rehousing application and the right to request a review will also be detailed (see section 11).

If the investigation concludes the property offer was unreasonable, it will be withdrawn with no consequences to the applicant.

### Successions and Assignments

When an introductory or secure tenant has deceased, a member of the family living with them at the time of their death may have a right to succeed the tenancy. Where no family member has such succession rights but a member of the household has:

- a) Been living with the tenant for 12 months prior to the tenants death; or
- b) Accepted responsibility for the tenants dependants

then the social housing provider has discretion to grant an introductory tenancy to that person either in the same home or in suitable accommodation.

An introductory or secure tenant may be able to assign the tenancy to someone else so long as the tenancy has not already been passed on by assignment, or succession. It is usually assigned:

- By a court order following matrimonial /civil partnership breakdown or family proceedings;  
OR
- To a member of the tenant's family who would qualify to succeed the tenancy if the tenant had deceased.

## **Mutual Exchange**

A mutual exchange is where two tenants with Secure and Assured tenancies are in agreement to swap their properties in their current condition, including tenancies. Written permission must be obtained from the landlord prior to an exchange.

Requests will be processed by the relevant Partner Organisation and in certain circumstances can be refused, for example, action is being taken to repossess the property (Suspended Possession Order or Notice of Seeking Possession) or properties will be under/over occupied.

## **Transfer Policy**

Existing tenants of Partner Organisations have the right to apply for a transfer, subject to being in housing need/permanent employment, and any restrictions that apply to their tenancy. Applications for transfers will be processed in the same way as a new application. Tenants' housing needs will be assessed and awarded appropriate banding.

To qualify, tenants must allow access for property inspections, viewings and sign ups. Properties must also be left in a good state of repair and in decorative order. Tenants with rent arrears or other breaches of their tenancy agreement may be suspended from the scheme (see section 4- Suspensions)

Partner Organisation may need to carry out emergency or management moves. These properties will not be advertised but recorded on the system for auditing and reporting purposes. (see section 10 – Properties not Advertised)

## **Joint Tenancies**

Where there is a joint tenancy, both tenants are jointly and individually responsible for ensuring the tenancy agreement is adhered to.

Both parties to a joint tenancy must individually qualify to join *MyHomeChoiceFyldeCoast* and be eligible for an offer, or to bid on a property. If a joint tenancy is refused by a Partner Organisations, a clear reason will be provided to the applicants in writing. Applicants can request a review of the decision if required (see section 11 – Requesting a Review). When one of the joint tenants gives notice to the relevant Partner Organisation, discretion may be used when deciding to offer the property, or an alternative property, as sole tenancy to the other joint tenant.

In certain circumstances joint tenancies may be granted to more than two people.

## **SECTION 8: DEFINITIONS**

### **Support in Accommodation**

*MyHomeChoiceFyldeCoast* Partner Organisations work closely with relevant health and social care bodies to identify opportunities to rehouse residents, in receipt of adequate care and support, into appropriate accommodation.

Where support packages are not immediately available, Partner Organisations reserve the right to withhold an offer of accommodation until appropriate arrangements are in place and agreed by the applicant.

The above is dependent on the availability of suitable and appropriate accommodation.

### **Supported Accommodation**

Applicants residing in supported accommodation or rehabilitation will not be awarded priority Band B until they are ready for independent living and/or tenancy support is in place (if required).

### **Sheltered Housing or Independent Living**

Sheltered Housing or Independent Living is normally for people aged 55+. These schemes are designed for applicants who are able to live independently (including those in receipt of a care package) but would benefit from the security of an alarm system and low level support from staff. A single applicant or both joint applicants aged 55+ will automatically be eligible for Sheltered / Independent Living properties. Consideration will be given to applicants aged below 55 with an illness, disability or vulnerability.

Sheltered Housing applicants will not be listed separately on the Housing Register, but will be assessed in accordance with their housing need and placed within the appropriate band.

### **Extra Care**

Extra Care housing is a form of specialised housing for adults with 'higher' levels of care and support needs. These schemes are equipped with facilities and services to aid independent living. There are a small number of extra care schemes within the Fylde Coast Region.

### **Adapted Properties and Ground Floor Accommodation**

Adapted properties are fitted with equipment to aid independent living for a person with an illness or disability. Applications will automatically be registered for suitably adapted properties in accordance with identified need and placed in the appropriate band. An Occupational Therapy assessment may be required prior to an offer being made.

Applicants with an illness or disability will automatically be considered for ground floor accommodation.

Allocations for these types of properties will be prioritised to those with the appropriate need.

## **16 & 17 year olds**

*MyHomeChoiceFyldeCoast* is open to applicants aged 16 and 17 years of age. An offer of a tenancy will usually be delayed until the age of 18 unless there is a statutory duty to house the applicant earlier. For example, the applicant is:

- Leaving care
- Pregnant or already has a child/children
- Homeless and owed a main duty under s.193 of the Housing Act 1996 (part VII) as amended by the Homelessness Act 2002
- Residing in supported accommodation and ready for independent living, as agreed by the support provider and where necessary appropriate tenancy support is in place

Applicants who fall in the above categories may need to provide details of a guarantor (professional person, parent or responsible adult) prior to being offered a tenancy.

Applicants will be considered for a tenancy on the condition they accept support to sustain their tenancy agreement.

## **Offenders**

Offenders may apply to the Housing Register whilst in custody, or submit a change of address form if they are a current applicant prior to committal. The application will remain inactive, however, the applicant will accrue waiting time on the list. When the application is made live the original date of application will be the effective date.

Applications will remain inactive until 28 days prior to the offender being released from prison, unless any of the suspension criteria apply.

Offenders will be assessed in line with the service level agreement between Lancashire Probation Trust and each the Fylde Coast Local Authorities.

## **Rough Sleepers**

Applicants who are rough sleeping, threatened with or have a history of rough sleeping will be awarded appropriate priority once their information has been verified. This is dependent on the applicant being supported and referred by the relevant Local Authority.

## **Mobile Homes/Caravans**

Applicants will be considered to have a local connection if they live in a mobile home or caravan in the Fylde Coast area which is classed as their permanent residence and meet they other local connection criteria.

## **SECTION 9: HOMELESS APPLICANTS**

The Local Authority has a duty to secure suitable accommodation for applicants who are accepted as homeless under s193 of the Housing Act 1996 (part VII) (as amended by the Homelessness Act 2002 and the Localism Act 2011).

Applicants will be entered onto the Housing Register for four weeks and will have full choice of areas to live. However, after the four week period (calculated from the date of the decision to accept the applicant as homeless) suitable accommodation has not been found, the Local Authority may bid on the applicants behalf. Applicants will be offered the first suitable property except in extreme mitigating circumstances.

### **One Offer Policy**

The Local Authorities duty will come to an end if a homeless applicant refuses an offer of suitable accommodation. Applicants will be informed in writing that the Local Authority has discharged their duty under section 193 of the above act. Dissatisfied applicants can request a review – see section 11 for further details.

## SECTION 10: REQUESTING A REVIEW/APPEAL

Applicants can request a review of decisions made by *MyHomeChoiceFyldeCoast* Partner Organisations for the following:

- Eligibility for entry on to the housing register
- Suspension or exclusion from the Housing Register
- The level of priority awarded
- Entitlement of the type and size of property required
- Removal of the applicant from the register other than at the applicants own request

### Procedure

Requests for a review/appeal must be made within 21 days of the original notification and should include the applicant's reasons for believing the decision made was incorrect. It is at the discretion of Partner Organisations to extend the time if it considers it's reasonable to do so.

Requests can be made in the following ways and directed to the assessing Partner Organisation:

- In writing - by letter or email
- By telephone
- In person

### How the Decision will be Reviewed

A senior officer of the Partner Organisation, not involved in the original decision, will review and determine if an error has occurred or deem it to be an exceptional circumstance. The decision will be based on known facts at the time of the review. The senior officer will request additional information if necessary.

Reviews will be responded to within eight weeks by the relevant Partner Organisation. Partner organisations have the discretion to extend the time if it considers it reasonable to do so.

Applicants will receive a letter providing the outcome of their review/appeal and where necessary, detail further actions to be taken with their application.

An applicant has the right to complain to the appropriate Ombudsman if they feel that they have been unfairly treated as a result of maladministration. Contact Details:

Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

Housing Ombudsman Service  
81 Aldwych  
London  
WC2B 4HN

### Complaints

Applicants with a complaint regarding the withdrawal/refusal to make an offer should follow the Partner Organisations complaints process – see section 6 for further details.

Applicants can also seek independent legal advice through a solicitor or the Citizens Advice Bureau.

## **SECTION 11: MONITORING AND REVIEW OF THE SCHEME**

A number of outcomes within the scheme will be monitored on a regular basis to ensure the system is operating effectively.

### **Policy Review**

*MyHomeChoiceFyldeCoast's* Consistent Assessment Policy will be regularly reviewed. Minor changes which do not significantly affect the spirit of the policy will be approved by a majority agreement amongst the partners.

Customers and relevant partners will be consulted on major changes to the policy. Approval will then be gained through the appropriate governance arrangements including Council members and RSL board members.

Unless there is a statutory requirement, Partner Organisations have the right to use discretion when allocating properties. There may be circumstances where a Partner Organisations decision supersedes this policy.

### **Equal Opportunities Statement**

*MyHomeChoiceFyldeCoast* is committed to promoting equality, combating discrimination and promoting good community relations and will ensure that discrimination does not take place in the allocation of properties and services it provides.

There is a commitment to:

- Ensure our services and how they are delivered meet the diverse needs of local residents.
- Ensure our buildings are as accessible as possible.
- Provide information about our services in accessible formats, such as, large print, Braille or alternative languages.
- Promote inclusive communities that have a shared sense of belonging and pride in the Fylde Coast
- Challenge unfairness and discrimination
- Engage with the diverse communities of the Fylde Coast to ensure their needs are identified and met
- Value the important contribution the community and voluntary sector make to the Fylde Coast Region
- Work in partnership to share good practice and promote a consistent approach
- Value and train staff to deliver services fairly, efficiently and effectively
- Actively seek feedback to continually develop and improve our approach

*MyHomeChoiceFyldeCoast* will regularly review its practices, policies, staff training and monitoring arrangements to ensure applicants are treated fairly regardless of their gender, age, ethnicity, disability, religion or belief or sexual orientation.



Partner Organisations have adopted corporate policies and action plans aimed at promoting equality and valuing diversity. Further local policies and action plans may be developed to address the needs of disadvantaged and under-represented groups.

Partner Organisations will conduct regular monitoring to ensure no group is unfairly disadvantaged.

## Appendix 1: Qualifying persons and immigration chart.

Class of Applicant	Conditions of eligibility	How to identify/verify
Existing social tenant (allocation accommodation by LA )	None	
British Citizen	Must be habitually resident in the CTA	Passport
EEA Citizen	Must be habitually resident in CTA unless, <ul style="list-style-type: none"> <li>• Applicant is a ‘worker’ (3)</li> <li>• Applicant has a right to res the UK (4)</li> </ul>	Passport or national identity card
Person subject to immigration control granted refugee status	None	Stamp in passport or Home Office Letter
Person subject to immigration control granted indefinite leave to remain	Must be habitually resident in CTA and if ILR was granted on undertaking that a sponsor(s) would be responsible for maintenance & accommodation and 5 years have not elapsed since date of entry to UK or undertaking – then at least one sponsor must have died	Stamp in passport of Home Office
Person subject to immigration control who is a citizen of a country that has ratified ECSMA (3) or ESC (6)	Must be lawfully present (3) in UK  Must be habitually resident in CTA	Passport

1. CTA: the Common travel area includes the UK, the Channel Islands, the Isle of Man and the Republic of Ireland
2. EEA countries are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom
3. A ‘worker’ for the purpose of the Council Regulation (EEC) no. 1612/68 or (EEC) No. 1251/70
4. A right to reside pursuant to Council Directive No.68360EEC or No.73/148/EEC
5. ECSMA is the European Convention on Social and Medical Assistance. Non EEA ratifying countries are: Belgium, Denmark, France, Germany, Iceland, Ireland, Italy, Luxemburg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden, Turkey and the UK.
6. ESC is the European Social Charter. Non EEA ratifying countries are: Cyprus, Czech Republic, Hungary, Latvia, Poland, and Slovakia.
7. Persons subject to immigration control are not lawfully present in the UK unless they have leave to enter or remain in the UK. Asylum seekers are generally only granted “temporary admission” and do not have leave to enter or remain.

## **Appendix 2: How a conviction becomes spent.**

The way in which a conviction can become 'spent' under the Rehabilitation of Offenders Act will depend upon the sentence received for the offence and the rehabilitation period that applies to that offence sentence. The principles apply to convictions in a criminal court, findings in a juvenile court, certain offences in service disciplinary proceedings and hospital orders under the Mental Health Act 1983. The time required before the conviction is spent, the 'rehabilitation period', will be different depending upon the nature and length of the sentence, be it a term of imprisonment, a fine, a surcharge order, probation, or an absolute or conditional discharge. Relevant rehabilitation periods are set out below. Unless otherwise stated, the rehabilitation period runs from the date of the conviction and will generally depend upon compliance with the sentence.

### **Relevant rehabilitation periods**

Prison for more than two and a half years – **Never**

Prison for more than six months but less than two and a half years - **10 years**

Youth custody\* for more than six months but less than two and half year – **10 years**

\*Corrective training for more than six months but less than two and a half years – **10 years**

\*Dismissal with disgrace from her Majesty's service – **10 years**

\* A sentence of Borstal training – **7 years**

Prison for six months or less – **7 years**

\* Dismissal from Her Majesty's service – **7 years**

Imprisonment or detention in YOI or youth custody for six months or less – **7 years** \*

Detention in respect of conviction in service disciplinary proceedings -**5 years** \*

(Most) fines – **5 years** \*

Youth offender detention for over six months but less than two and a half years – **5 years**

Probation order or community order (person 18 or older) – **5 years**

Probation order or community order (person under 18) – **Either 2 ½ years from conviction, or until the order ceases to have effect –whichever is longer**

Hospital order under the Mental Health Act 1983 – **Either 5 years, or 2 years after order ceases to have effect, whichever is longer**

Young offender detention for six months or less – **3 years**

Conditional discharge, binding over, care order, supervision order, reception order – **Either 1 year after making of order, or 1 year after the order ends, whichever is the longer**

Absolute discharge – **6 months**

Disqualification – **The period of disqualification**

Cautions, Warnings and Reprimands – **Spent as soon as they are issued**

Conditional cautions – **Spent as soon as conditions end**

## **APPENDIX 3: DEFINITION OF WORKING HOUSEHOLDS AND COMMUNITY CONTRIBUTION**

### **Working Households**

Households where at least one applicant is in employment. For the purpose of this policy employment is described as;

- Over 16 hours per week (unless the remuneration is substantial)
- The main place of work is within the Fylde Coast area
- Offers of employment should be regular, intend to last for more than 12 months and there is a genuine intention to take up the offer of work

Appropriate evidence is provided which may include contract of employment, wage/salary slips, formal offer letter and tax and benefits information. – not sure where to include this point?

For applicants working outside the Fylde Coast, evidence will be required that their employment will continue.

It should be noted that this must be confirmed at point of application and evidenced at point of offer.

### **Community Contribution**

Households where at least one applicant is undertaking voluntary work. For the purposes of policy, voluntary work (community contribution) is described as:

- Choosing to give your time to benefit others without being paid. For example, completing voluntary work in a charity, voluntary organisation or community group, public sector organisation (local council), a social enterprise or a local business
- The voluntary work must have been held for a minimum of 6 months prior to the application for the award in order to be eligible.

It is not volunteering if you help out a family member, are given money apart from expenses, or are under contract to do it (this does not include any volunteer agreement you may have).

It should be noted that this must be confirmed of application and evidenced at point of offer.

### **Exemptions**

May include people who are able to demonstrate they are unable to work due to disability, age or gender.

#### **Appendix 4: Armed Forces Personnel**

References to “Armed Forces Personnel” include persons who meet the following criteria:

- i. is currently serving in the regular forces
- ii. formerly served in the regular forces within five years of the date of their application for an allocation of housing
- iii. has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person’s spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service
- iv. is serving or has served in the reserve forces within five years of their application for an allocation of housing and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service.

The regular forces and the reserve forces are defined by section 374 of the Armed Forces Act 2006(2) as follows:

- “the regular forces” means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force
- “the reserve forces” means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force

## Document Control

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## Record of Amendments:

Date	Version	Amended by	Description of changes
23/4/13		Vikki Piper/Andrew Foot	Re-drafted following consultation
15/10/13		Vikki Piper/Alan Davis	Updated
17/10/13		Vikki Piper/Alan Davis/Paul Dillon/Pam Holroyd/Kirstine Riding	Updated
19/08/14		Vikki Piper/Lucy Wright	Minor amendments
July '17		Andy Foot/Kirstine Riding/David McArthur	Major changes for consultation
25/09/17		Andrew Foot	Amendments for consultation
October 2017		Andrew Foot/Tahira	Major changes for consultation
30 <sup>th</sup> October 2017		Vikki Piper/Kirstine Riding	Minor amendments
January 2018		Vikki Piper/Andrew Foot/Tahira Chohan	Minor amendments

## Approved By:

Name	Title	Signature	Date

## **Proposed changes to MyHomeChoice Fylde Coast allocations policy and lettings system**

### **Summary of consultation responses, January 2018**

#### **Introduction**

Consultation on proposed changes to the MyHomeChoice Fylde Coast policy and system took place between 8<sup>th</sup> November 2017 and 18<sup>th</sup> December 2017. The Consultation was publicised through:

- Fylde Coast local authority websites
- Mailshots to key stakeholders and registered applicants to the MyHomeChoice scheme (approx. 4600)
- Fylde Coast local authority offices
- Press Release
- MyHomeChoice Fylde Coast website

The summary of the changes proposed, and consultation questions, is attached at Appendix 1.

Respondents could complete a response either on-line or by submitting a paper copy of the consultation questionnaire. In total 258 response questionnaires were received.

#### **Results from the consultation survey**

The results from the consultation survey are as set out below.

##### **1. Do you agree with the revised local connection requirement?**

Strongly agree **28%**

Agree **40%**

Neither agree nor disagree **17%**

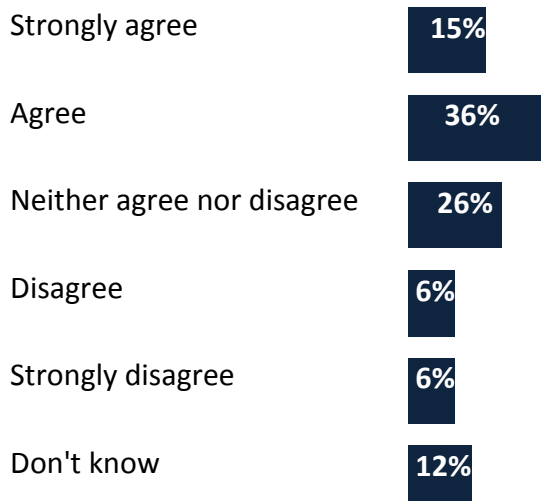
Disagree **4%**

Strongly disagree **5%**

Don't know **6%**

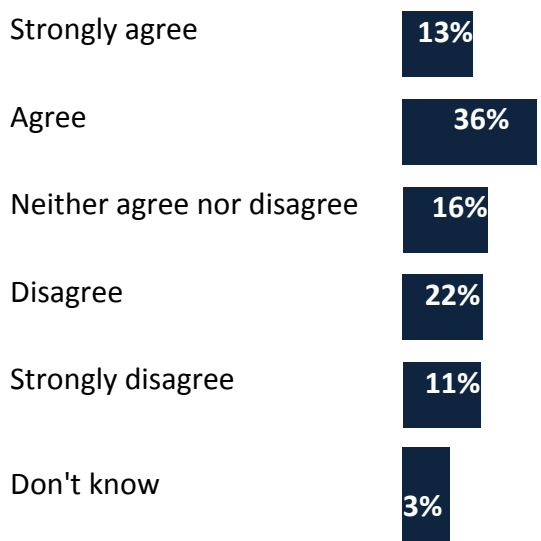
68% of respondents agreed with the revised local connection requirements, with 9% disagreeing.

## 2. Do you agree with the introduction of two ways of letting?



51% agreed with the introduction of two ways of letting, and 12% disagreed, but 38% of those who responded neither agreed nor disagreed or didn't know.

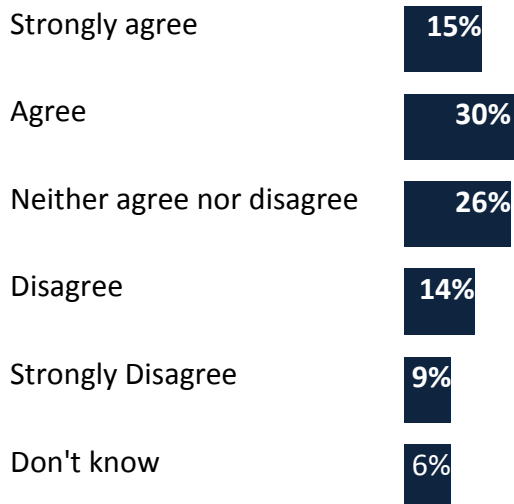
## 3. Do you agree with how applicants are awarded a priority band?





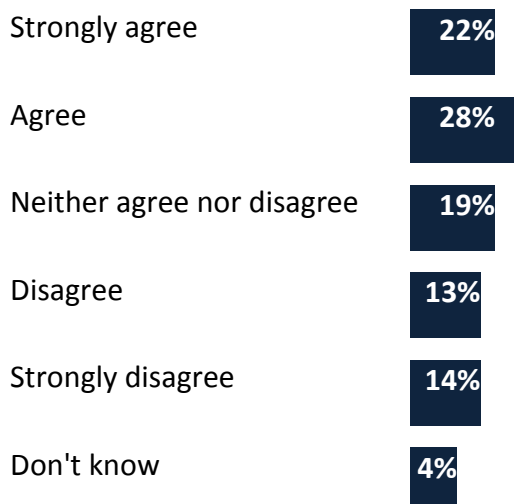
49% of respondents agreed with how applicants are awarded a priority band with 33% not in agreement.

#### 4. Do you agree with restrictions on the use of the system by existing social housing tenants?



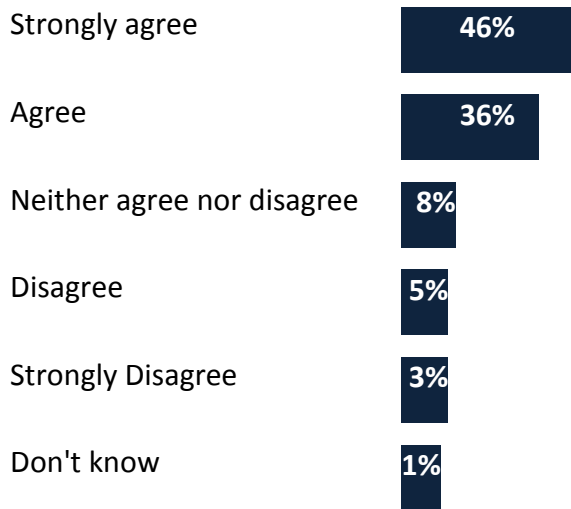
45% agreed with the restrictions on the use of the system by existing social housing tenants. 23% disagreed, but 26% neither agreed nor disagreed.

#### 5. Do you agree with the proposed priority for working applicants for some homes?



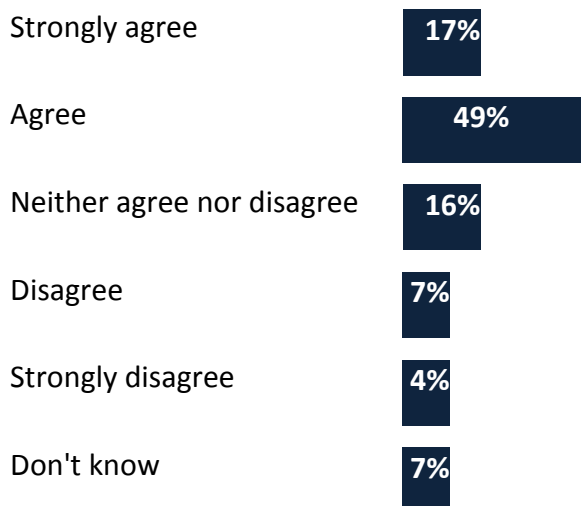
Half of the respondents agreed with the proposed priority for working applicants for some homes but 27% were in disagreement.

**6. Do you agree with giving more flexibility in the size of properties that applicants can bid for?**



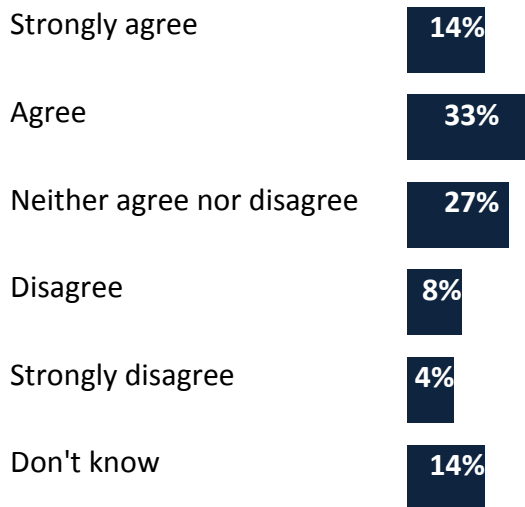
83% agreed with giving more flexibility in the size of properties that applicants can bid for.

**7. Do you think that, overall, the proposed new arrangements will enable us to make the best use of the social housing stock in the area?**



66% of respondents felt the proposed new arrangements will enable the local authorities to make best use of the social housing stock in the area. 11% were in disagreement.

## 8. Do you agree that the current income and savings thresholds are correct?



47% agreed with the current income and savings threshold are correct and 12% disagreed, but 41% of applicants neither agreed nor disagreed or didn't know.

### **Comments on the Proposals**

Respondents were also given the opportunity to give comments on the proposals. There were 103 responses and this feedback has been collated and summarised under the categories listed below:

#### **A. How applicants are prioritised for social housing**

##### **1. Income and Savings Eligibility Criteria, and Priority for working households**

There were mixed comments on these issues.

Some respondents felt that there shouldn't be any threshold - one respondent commented that applicants with savings of £30k + are not necessarily financially stable, so should be allowed onto the register. Practically it is difficult for housing providers to verify applicants' savings in any case.

Another commentator saw having any maximum income and savings threshold as contributing to the marginalisation of social housing by deterring some honest people who might be interested in social housing and would add positively to the social mix in areas of social housing.

Some respondents supported the proposal to prioritise 20% of lettings available to all applicants to people who meet the working household and community contribution criteria as a positive change.

But some respondents felt that social housing should only be allocated to low income households, so there should be a lower income threshold in place.

One comment was that the household income threshold is too high because it is above the average income within the Fylde Coast area and the maximum income threshold should be no more than £50k.

## **2. Priority Banding**

Some respondents raised concerns on how applicants are awarded a priority banding and felt the criteria should be widened, and in particular, more consideration should be given to the length of time an applicant has been on the housing register.

### **3. Priority for ground floor properties**

Including age restrictions on properties was not favoured by some respondents, as ground floor accommodation in particular could benefit all residents.

### **4. Wider choice of property sizes**

The opportunity to bid for properties with an additional bedroom, for those with financial means, was seen as a positive change with benefits for working families.

## **5. Local Connection**

It was agreed that the local connection criteria should take into consideration applicants working in the Fylde Coast area. Some respondents disagreed with continuing to prioritise properties to applicants with a connection to particular local boroughs, while others were concerned to ensure that the link to each borough continued to be a core requirement for all lettings.

## **B. The Process for Applying for and Letting social housing**

### **1. Registering an application**

It was commented that the process to register a rehousing application or update existing information is cumbersome and should be simplified.

## **2. Advertisement of properties**

The proposal to advertise properties as soon as they are available received mixed views. Those in disagreement felt applicants without regular access to a computer would be disadvantaged.

## **3. First come first served approach**

Some respondents expressed concerns with letting some properties on a 'first come first serve' basis because those without regular access to the on-line letting system would be disadvantaged.

## **4. Lettings**

The process of notifying applicants of their successful bid should be reviewed. Respondents suggested more time is given to confirm an interest in a property. Furthermore, tenancy start dates should take into consideration the notice period required by the successful applicant's current landlord. The current process can leave applicants in financial hardship.

## **5. Downsizing**

The process to downsize a property should be simplified without the need to register an application and follow the bidding process.

## **6. Support**

Better support should be made available for vulnerable applicants to ensure they can use the on-line lettings system and bid for suitable properties.

## **Response from the Local Authorities and Way Forward**

Given the feedback to consultation, it is proposed to move forward on each issue as follows:

### **1. Local Connection**

The proposed change to the system was to enable local connection (and thereby access to the Fylde Coast housing register) to be established through connection to any of the three boroughs, so that people do not fall out of the system if they move from one part of the Fylde Coast to another. This was comprehensively supported in the survey, and this approach will now be implemented in the new system.

Local connection will continue to be possible through residence, work, or family connection.

Some respondents also pressed to break down the priority given for connection to individual boroughs in allocating properties but this was not supported more generally, and will not change.

## **2. Introducing two ways of letting**

There was overall support for introducing a first come, first served lettings process alongside lettings based on priority banding, but many survey respondents had no clear view. There were some concerns expressed about how the process would work, that people who are vulnerable or who don't have regular access to a computer would be disadvantaged, and that local connection might be compromised.

The new approach of two ways of letting will be taken forward, but kept under review to ensure that two thirds of lettings are made to applicants in priority bands A-C, compared with 64% to priority needs groups currently.

All lettings will give the first opportunity to applicants with a connection to the local borough. So, whether the letting is based on priority need or "first come first served", applicants who have expressed an interest will first be prioritised based on connection to the local borough and then on priority need / time on the register (for the priority need lettings) or time of bid (for "first come, first served" lettings). This ensures that the current approach to local connection is maintained for all properties.

The policy will be slightly amended to ensure that housing providers advertise lettings under "first come first served" for at least seven days, to give local people a chance to see adverts and express an interest.

When the system changes so that properties can be placed on the system on any working day, and some properties are "first come first served", they will be first advertised during day time hours and not at midnight (as the current weekly cycle). Consideration will be given to the time of day so that those occupied by work, education, or child care are not disadvantaged.

The concern about access to a computer will be addressed by making the updated system more user friendly on smart phones, which are used by the majority of applicants. It will still be possible to find out about available properties and express an interest through local offices of the Councils and partner social housing providers, but it is expected that the large majority of system users will continue to interact with the system on-line. It is noted that the full local roll out of Universal Credit from December 2018 will require that most benefits claimants have digital access.

Support is offered to applicants who struggle to understand and use the system, but the process of application will be simplified under the revised system, and this should go a long way to making the system more accessible.

It is currently up to individual housing providers to organise the letting process and the notice that is given to new tenants. This will continue to be the case, but the local authorities will work with them to review their current approaches and encourage good practice.

### **3. How applicants are awarded a priority band**

The consultation proposed that the current Bands C and D are merged into a single Band C, and that those who do not have a housing need defined in law and were previously in Bands E and F are now placed on the housing register without a formal priority band. The relatively high 33% of respondents who disagreed with the proposal may reflect applicants who are unhappy with their current priority or length of time on the housing register without success.

While local authorities have some discretion in how priority bands are defined, there is a minimum legal responsibility that applicants in “reasonable preference” categories are prioritised for at least 50% of social housing lettings. In the proposed Fylde Coast system, people in these “reasonable preference” categories are prioritised in Bands A-C. Applicants who do not meet the legally defined criteria of Bands A – C but who have wider reasons for needing to move will have the opportunity to bid for the homes that are advertised as “first come first served”.

Time on the housing register will continue to be significant in deciding who is prioritised for homes allocated on the basis of priority need; where two applicants with the same priority band express an interest, it is the applicant who has been on the register for the longest time who is awarded the property.

Given the legal constraints and the balance already in the system, the way in which applicants are awarded a priority band will go forward unchanged from the consultation proposal.

### **4. Restrictions on the use of the system by existing social housing tenants**

On balance, respondents supported the proposed change that existing social housing tenants should not be able to register for a new social housing property unless they have a housing need (including current under occupancy), but many did not have a view one way or the other and 23% disagreed. There were few comments on this issue.

Local housing providers were concerned that they may lose working tenants if this exclusion does not allow some movement to be close to new job roles, so the policy will be slightly

amended to allow existing social housing tenants to register for new social housing if they either have a housing need or they are in permanent employment.

## **5. Priority for working applicants for some homes**

The proposal slightly increases the chances of access to social housing for working applicants, in a similar way that Band E does under the existing system. More people supported this proposal than disagreed, but there were comments both supporting and disagreeing with this approach.

The proposed new policy seeks to strike a balance between meeting the needs of people in the greatest housing need, with providing opportunities for people who are working and often struggling to afford good quality market accommodation. It also seeks to promote balanced communities within areas of social housing.

Given the opposing views for and against, but an overall balance of support for the proposal, this aspect of the policy will be implemented as proposed.

## **6. More flexibility in the sizes of properties that applicants can bid for**

There was very strong support for this policy in both the survey responses and comments. But there is also concern to ensure that those properties that are in the shortest supply – typically large family houses – continue to be allocated to people who need all of the space.

The policy to allow applicants to register and be able to bid on properties with one bedroom more than their minimum requirement will be implemented, but there are likely to be restrictions placed at the point of advertising and letting on under-occupying large properties in local areas where these are in short supply.

## **7. Whether the arrangements overall will enable the best use of social housing**

There was positive feedback from the survey that a majority of respondents think that the arrangements overall will enable the best use of social housing, with only 11% disagreeing. There were further comments on how the system operates, including age restrictions for ground floor properties and a suggestion that down-sizing is dealt with outside of the system.

Age restrictions, and housing providers' local lettings policies more generally, will be kept under review to ensure that there is an appropriate balance between meeting the needs of particular groups (like older residents) and opportunities for the wider population.

It is important that the system does give priority to people looking to down-size as this helps release larger properties as well as assisting tenants to get a home that is more manageable. But this doesn't rule out a more pro-active approach by housing providers to work with their tenants outside of the allocations system to assist with moves and the freeing up of larger homes for families.



## **8. Income and savings thresholds**

There were no changes proposed to the income and savings thresholds, but the consultation sought to get views on whether these remain appropriate. The survey response showed general support for maintaining the existing thresholds, but many comments were received that advocated either lowering or, conversely, removing the thresholds.

The argument advanced for lowering the thresholds was that social housing should only be available to people on low incomes who could not be expected to afford market housing; conversely, those who argued for removing the thresholds argued that social housing should be for a wide mix of households and that to focus only on those on the lowest incomes leads to social housing estates always being characterised by concentrations of poverty. This difference possibly reflects competing ideas on the role of social housing, but also variations across the Fylde Coast housing market area where some areas have an acute lack of access to housing that is affordable, and other areas have wider access to housing (mostly in the private rented sector) but entrenched deprivation on social housing estates.

The current thresholds do not in themselves prevent the majority of households across the Fylde Coast from accessing the housing register, but do set some limit to prevent the most affluent households from benefitting from social housing's sub-market rents. Given the balance of support, the existing income and savings thresholds will be maintained.

## **Appendix 1 – Consultation Information and Questions**

### **Changes to how you access social housing in Blackpool, Fylde & Wyre**

Blackpool, Fylde, and Wyre Councils, together with local Registered Providers, are proposing to make some changes to how people find and are offered social housing in the area and we would like to hear your views. We want to make the My Home Choice Fylde Coast system easier to use and fairer for everyone.

#### **How are things working now?**

There are currently 6,000 people who are registered on the My Home Choice Fylde Coast system but only 2,200 have high priority (Bands A-D) because they have the greatest housing need.

Last year just under 1,200 social rented homes were let through the system, with 64% of homes let to people in Bands A-D and 36% let to everyone else.

#### **What do we want to change?**

While we can't easily make more homes available, we want to make it quicker and easier for you to find the home that you are looking for. We plan to upgrade the system and reduce the amount of information that we ask for. Homes will be advertised as soon as they are available rather than all being advertised at the same time each week.

#### **We also want to make some changes to how we prioritise people for our homes:**

##### **One local connection to the Fylde Coast**

This means that local residents who have moved between the three Fylde Coast boroughs will now be able to get onto the housing register when previously they may not have met the local connection requirement.

However priority will still be given to Blackpool residents for Blackpool homes, Fylde residents for Fylde homes, and Wyre residents for Wyre homes.

##### **Two ways of letting homes**

The new system will offer at least 50% of homes, including those in the shortest supply, only to people in Bands A-C; each of these homes will be offered to the "bidder" with the highest priority. The rest of the homes will be available to everyone on the list and offered on a first come first served basis.

This is designed to ensure that people in the greatest need still have access to the most homes, while offering opportunities to everyone who needs to move quickly to find a suitable home as soon as it is available. There will be a target that across the whole system two thirds of lettings will go to people in Bands A-C.

### **Three Priority bands**

We plan to simplify the priority bands for people with a legally defined housing need so that there are only three bands, with the current bands C and D now becoming a single band C. There will be no bands given to everyone else, making application simpler, while still allowing everyone to bid on first come first served homes.

### **Existing social housing tenants can only use the system if they have a housing need**

We want to prioritise new applicants who are not already housed in social housing. Social housing tenants who do have a good reason to move because their situation has changed will still be given a priority band and be able to use the system to find a new home.

### **Some homes will be offered with priority to people in paid or voluntary work**

We want to encourage people in work to access social housing, and propose that 20% of homes made available on a first come first served basis will be offered with priority to people in paid or voluntary work.

### **More flexibility to get a home with an extra bedroom**

Instead of only allowing you to express an interest in a home that meets your household's minimum needs, we want you to be able to get a home that has more space, as long as the rent is affordable to you. We hope that this will make social housing attractive to a wider range of people.

### **We would also appreciate your views on aspects of the current eligibility criteria:**

#### **Eligibility for those with high income or savings**

Currently applicants whose gross household income is over £60,000, and applicants with savings over £30,000 (except those over 55) are excluded from the housing register. This means that social housing is currently restricted to those on low incomes.

The full draft new policy is available on the MyHomeChoiceFyldeCoast and partner organisations' websites and [www.myhomechoicefyldecoast.co.uk](http://www.myhomechoicefyldecoast.co.uk)

### **Tell Us What You Think**

You can tell us what you think by using the on-line survey at [www.smartsurvey.co.uk/s/CBRYN](http://www.smartsurvey.co.uk/s/CBRYN)

Or, complete the survey form and return it to Housing Strategy, One Bickerstaffe Square, Talbot Road, Blackpool, FY1 3AH

**Please let us have your views by Monday 18th December 2017 so that we can take them into account in the new system.**

Based on the responses we receive a new system would be developed and tested in the first part of 2018, and would go live in September 2018.

The current policy and system will continue to operate until the new system goes live.

# My Home Choice Consultation Questions

1. Do you live in Blackpool, Fylde or Wyre?
2. Do you agree or disagree with the revised local connection requirement?
3. Do you agree with the introduction of two ways of letting?
4. Do you agree with how applicants are awarded a priority band?
5. Do you agree with restrictions on the use of the system by existing social housing tenants?
6. Do you agree with the proposed priority for working applicants for some homes?
7. Do you agree with giving more flexibility in the size of properties that applicants can bid for?
8. Do you think that, overall, the proposed new arrangements will enable us to make the best use of the social housing stock in the area?
9. Do you agree that the current income and savings thresholds are correct?

Do you have any comments about why you agree or disagree with this proposal and any impact it might have on you/your household?

DATED 1st day of December 2017

Partnership Agreement

relating to arrangements to implement a sub-regional scheme for the letting of social housing known as "My Home Choice Fylde Coast" in Blackpool, Fylde and Wyre, between

Blackpool Borough Council

Fylde Borough Council

Wyre Borough Council

Blackpool Coastal Housing Ltd

Progress Housing Group Ltd

Regenda Group

Great Places Housing Group

Muir Group

Places for People

ForHousing

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This partnership agreement is dated

Parties

1. Blackpool Borough Council of Town Hall, PO BOX 11, Blackpool, FY1 1NB
2. Fylde Borough Council, The Town Hall, St.Annes Road West, St.Annes, FY8 1LW
3. Wyre Borough Council, Civic Centre, Breck Road, Poulton-le-Fylde, FY6 7PU.
4. Blackpool Coastal Housing Ltd, Coastal House, 17-19 Abingdon Street, Blackpool, FY1 1DG
5. Progress Housing Ltd, Sumner House, 21 King Street, Leyland PR25 2LW
6. The Regenda Group, The Foundry, 42 Henry Street, Liverpool, L1 5AY
7. Great Places, No. 1 Christie Fields, Derwent Avenue, Manchester M21 7QP
8. Muir Group, Old Government House, Dee Hills Park, Chester, CH3 5AR
9. Places for People, 18 Craven Drive, South Rings Business Park, Bamber Bridge, Preston, PR5 6BZ
10. ForHousing, 52 Regent Street, Eccles, Manchester, M30 0BP

Introduction

(A) A Partnership Agreement to develop and operate a sub-regional choice-based lettings system – My Home Choice Fylde Coast – was signed between 3 local authorities and 6 housing providers on 31/3/2011. The agreement lapsed after 3 years but the arrangements have been continuing to operate. The parties below now agree to enter into a revised Partnership Agreement, to regularise the operating arrangements, reflect revised allocations policies, and enable investment in an updated system.

- (B) An outline of the objectives and requirements of the Project is set out at Schedule 1.
- (C) The Parties have agreed to enter into this Partnership Agreement (the "Agreement") to confirm the scope and operation, and their respective contributions towards the delivery of the Project and their intention to progress the Project in accordance with this Agreement.
- (D) The Local Authorities enter into this Agreement pursuant to their respective powers conferred by Section 111 Local Government Act 1972, the Local Authorities (Goods and Services Act) 1970, Section 5.1 Localism Act 2011 and

Section 2 of the Local Government Act 2000, the Housing Act 1996, the Homelessness Act 2002 and all other enabling powers now vested in them.

#### Agreed terms

In consideration of this Agreement the Parties agree to comply with the provisions set out hereto.

### **1 Interpretation**

1.1 The definitions and rules of interpretation in this clause apply in this Agreement.

"Allocation Scheme" means the Fylde Coast Consistent Assessment Policy (CAP). The CAP deals with how partners will assess applications for Social Housing and award a priority level band.

"Approved Action" means an action or activity undertaken after the date of this Agreement by a Party in connection with and for the purposes of the Project in accordance with the Project Objectives which is approved for the purpose of this Agreement by a decision of the Fylde Coast Housing Providers Group

"Approved Contract" means a contract entered into after the date of this Agreement by the Contracting Authority in connection with and for the purposes of the Project in accordance with the Project Objectives which is approved for the purpose of this Agreement by a decision of the Fylde Coast Housing Providers Group

"Business Day" means any day excluding Saturdays, Sundays and public and statutory holidays in England;

"Commencement Date" means the date of this Agreement;

"Consistent Assessment Policy" means the policy that sets out how applicants for Social Housing are assessed when they register their requirements for a home, and provides a consistent policy to inform the operation of the MyHomeChoice Fylde Coast system across the three local authority areas. It also sets out minimum eligibility criteria for access to the MyHomeChoice system and register.

"Contracting Authority" means Blackpool Borough Council or such other Party as agreed by all partners shall be appointed from time to time as the Contracting Authority for the purposes of this Agreement;

"Contractor" means the contractor engaged by the Contracting Authority for and on behalf of the Parties pursuant to the Approved Contract to provide and manage the web based system for use with the Scheme to be implemented and developed in accordance with this Agreement;

"Designated Officer" means the Scheme Administrator;



"Excepted Item" means an action, activity, responsibility, contract or any other matter whatsoever to be undertaken or entered into by a Party in respect of which it is agreed between the Parties that the costs and/or expenses shall not be subject to any contribution from any of the other Parties;

"Framework" means the procurement framework used to procure the Contractor

"Funds" means the funding set out in Schedule 2;

"Fylde Coast Housing Providers Group" means the representative board comprised of the Party Representatives whose role at the Commencement Date is set out in clause 5 and Appendix A;

"My Home Choice Steering Group" means the operational group accountable to the Fylde Coast Housing Providers Group with the same responsibilities, obligations and authority as set out in this Agreement as set out in clause 5 and Appendix B. The Group delivers the practical activities needed to ensure effective operation of the scheme.

"My Home Choice System " means the Choice Based Lettings scheme which operates across the Fylde Coast region. Blackpool, Fylde, and Wyre Councils, together with local housing associations.

"Parties" means all of the parties to this Agreement and "Party" means any one of them;

"Party Representative(s)" means the individual(s) appointed by each Party to represent it on the Fylde Coast Housing Providers Group;

"Project" means the project to procure and manage a web-based system for use with the Scheme to be implemented and developed in accordance with this Agreement including without limitation the Respective Inputs and the Project Objectives;

"Project Objectives" means the objectives and aims set out in Schedule 1;

"Project Targets" means any specified targets for delivery of the Project set out from time to time;

"Respective Inputs" means the support, assistance, funding, actions or other input reasonably required to be provided from time to time by any of the Parties to implement and/or deliver the Project and as may be otherwise agreed by the Parties pursuant to this Agreement and in accordance with the Project Objectives;

"Respective Share" means the percentage share applying to a Party as set out in Schedule 2 for the time being and if another person or body shall become a Party

for the purpose of this Agreement it is the intention that the Respective Shares of each Party at the time shall be reduced pro rata the share agreed to apply to that person or body on its becoming a Party;

"Scheme" means a scheme for letting social housing set up by the Parties

"Scheme Administrator" means such party being appointed in accordance with this Agreement, whose role is set out in Appendix C

"Senior Officer" means a representative from each Organisation that attends the Fylde Coast Housing Providers meetings.

"Services" means the development and implementation of the System and the ongoing maintenance and management services to be provided to the Parties by the Contractor;

"Social Housing" for the purposes of this agreement, means social rented housing is taken to mean all rented housing owned by local authorities and housing associations and retained to meet the needs of eligible households, and that is subject to target rents determined through the national rent regime or let at a cost of no more than 80% of market rents.

"System" means the web based system developed and used for the Scheme and licensed to the Contracting Authority

## 1.2 In this Agreement

1.2.1 any references to a specific statute include any statutory extension or modification amendment or re-enactment of such statute and any regulations or orders made under such statute or statutes.

1.2.2 references to any clause sub-clause schedule or paragraph without further designation shall be construed as a reference to the clause sub-clause schedule or paragraph to this Agreement so numbered.

1.2.3 the clause, paragraph and schedule headings do not form part of this Agreement and shall not be taken into account in its construction or interpretation.

1.2.4 In this Agreement the singular includes the plural and vice versa and any gender includes any other gender.

1.2.5 Any reference to an Appendix is to be construed as the most up to date Appendix bearing that prefix which has for the time being been agreed by the Fylde Coast Housing Providers Group and/or each of the Parties (as the case may be) as demonstrated by having been initialled by or on behalf of that Party by an

authorised signatory for that Party of each Party and dated. It is the intention of each of the Parties that each of the Appendices may be amended (to reflect agreed changes, additions, deletions and other modifications to any one or more of the Parties' responsibilities there under) but so that no such amendment shall have effect until such changes are agreed in accordance with this Agreement and the Appendix altered, dated and initialled. Notwithstanding this, the provision in Appendix A that each meeting of the Fylde Coast Housing Providers Group will need a quorum before any business can be undertaken and before any decision is made and that a quorum will constitute a Party Representative from any 5 Parties, of which 2 are Local Authorities and 3 are social housing providers, may not be amended.

## **2 Project Objectives and Purpose of this Agreement**

### **2.1 Each Party:**

2.1.1 confirms and agrees the Project Objectives;

2.1.2 confirms and agrees to collaborate and work together with the intention of successfully delivering the Project to achieve the Project Objectives for the benefit of them all;

2.1.3 enters into this Agreement in order to further develop the methodology for regulating and managing its relationship with the other Parties in respect of the Project;

2.1.4 confirms to the other Parties to provide its Respective Inputs; and

2.1.5 enters into this partnership agreement which has been established to operate a choice based lettings scheme that has a consistent assessment policy and a common application form consistently applied throughout the parties

## **3 Governance: Reporting and Decision Making Structures**

3.1 The Parties confirm their intention to comply with the requirements concerning reporting and monitoring of progress in relation to the Project set out in Schedule 1 as may be limited, supplemented or otherwise amended from time to time by the Fylde Coast Housing Providers Group from time to time in accordance with the provisions of this agreement.

## **4 Contracting Authority**

- 4.1 The Parties accept that there is a requirement for one of them to take a lead role in engaging with the Contractor and that the Contracting Authority is Blackpool Council.
- 4.2 The Contracting Authority will alert the Parties as soon as practicable to any notices or information received that may impact on procurement decisions or on the development and/or delivery of the Project;
- 4.3 The Contracting Authority will enter as soon as practicable into the Approved Contract with the Contractor.
- 4.4 Each Party agrees that:
  - 4.4.1 it shall act consistently with the terms of the Approved Contract so far as they are binding on the Contracting Authority; and
  - 4.4.2 provide the Contracting Authority with such consents, information and licences as may be reasonably required by the Contracting Authority to comply with its obligations under the Approved Contract.
- 4.5 The Contracting Authority shall be liable in aggregate to the other Parties for loss or damage suffered or expenses incurred as a consequence of the Contractor's breach of the Approved Contract but only in so far that the total liability of the Contracting Authority shall not exceed any amount of monies recovered from the Contractor in respect of such losses damages or expenses and the cost and expenses reasonably incurred by the Contracting Authority in pursuing the Contractor in accordance with this clause 4.6 shall be deducted from any monies recovered from the Contractor.

## **5 The Fylde Coast Housing Providers Group**

- 5.1 The Fylde Coast Housing Providers Group is responsible for ensuring the effective operation of the My Home Choice Fylde Coast system. The My Home Choice Steering Group is accountable to the Fylde Coast Housing Providers Group. The Parties confirm their commitment to and reliance upon the Fylde Coast Housing Providers Group to be responsible for initiating, monitoring and managing the process of developing the Project and co-ordinating the respective contributions from each Party to that process.
- 5.2 The Fylde Coast Housing Providers Group shall have the functions and responsibilities set out and as may be amended (whether by expansion or limitation) from time to time in accordance with this Agreement.

- 5.4 Each Party will ensure that its Party Representative on the Fylde Coast Housing Providers Group will provide all reasonable advice and assistance necessary in order to facilitate the successful working of the Fylde Coast Housing Providers Group. In certain situations it is understood that the party representative may need the approval of their committee/board depending upon the limitations in their organisation's constitution.
- 5.5 The role of the Fylde Coast Housing Providers Group will include the following:
- 5.5.1 having overall responsibility for the control of the Project;
  - 5.5.2 overseeing the administration of the Project including approval of relevant expenditure;
  - 5.5.3 agreeing any variations to the Approved Contract;
  - 5.5.4 determining the terms of a model Consistent Assessment Policy for housing in accordance with applicable legislation and guidance which it is intended that each Party will have approved to be used by them for the purpose of such legislation providing this does not lead to a breach of charitable objectives for any Party. If a Party fails to adopt and/or operate the Consistent Assessment Policy without the approval of the Fylde Coast Housing Providers Group, it shall be treated as a material breach for the purposes of clause 9.2.1;
  - 5.5.5 ensuring that the collective objectives of the Parties represented by the Project Objectives are realised and implemented as agreed between them from time to time;
  - 5.5.7 providing an initial forum for the resolution of any disputes between the Parties in connection with this Agreement;
  - 5.5.8 exploring how the best value for money can be secured in connection with the Project;
  - 5.5.9 considering how, and the mechanism by which, the Parties may work together for the benefit of their collective and individual interests;
  - 5.5.10 appointing as may be appropriate any advisors required to progress the Project;

5.5.11 overseeing the implementation of the Project;

5.5.12 considering the need for, and the benefit of, introducing additional parties to this Agreement and of involving other parties in the Project;

5.5.13 agreeing any changes to the scope of the Project;

5.5.14 determining any limits on the minimum and maximum number of any Parties; and

5.5.15 developing performance targets and/or acceptance criteria.

5.5.16 organising training updates to ensure that staff skills are maintained.

5.5.17 Planning for effective marketing of the My Home Choice Fylde Coast brand, and agreeing an appropriate budget for marketing as part of the annual budget for the scheme

5.6 Decisions of the Fylde Coast Housing Providers Group shall be made as set out in Appendix A.

5.7 The role of the My Home Choice Steering Group is set out in Appendix B.

## **6 Designated Officers**

6.1 The Scheme Administrator shall be appointed by decision of the Fylde Coast Housing Providers Group. The role of the Scheme Administrator is set out in Appendix C. The costs of the Scheme Administrator will be shared out as agreed and met by the parties as set out in Schedule 2 and it is hereby agreed that the financial terms of the appointment of the Scheme Administrator is a decision which requires the unanimous decision of the Fylde Coast Housing Providers Group in accordance with paragraph 21 of Schedule 2.

6.2 The appointment of the Scheme Administrator will be reviewed annually. The Scheme Administrator will provide an annual report to the Fylde Coast Housing Providers meeting each year setting out the activity undertaken and the proposed cost of continuing to perform the role for the subsequent year. The Fylde Coast Housing Providers Group will either confirm the re-appointment or select another partner to take on this role.

6.3 The Scheme Administrator will have responsibility for the financial

management of the Project Budget. A budget report will be prepared and delivered at each Fylde Coast Housing Providers Group meeting.

## **7 Inputs and Responsibilities**

7.1 It is intended that each Partner will advertise all of its vacant social housing properties within the Blackpool, Fylde and Wyre local authority areas through the system, subject to the provisions of the Consistent Assessment Policy, provided that nothing within the Scheme or the Project shall require any of the Parties which is a Registered Provider and a Charity or an exempt charity to house someone who is not a proper charitable beneficiary. In this way, the system will continue to offer the majority of social housing stock to local residents through one simple portal, and ensure that social housing providers meet their obligations to offer at least 50% of their housing stock to local applicants in housing need.

However, Partners are permitted to advertise and let properties outside of the MyHomeChoice system where:

- “Management moves” are required to maintain homes for existing tenants
- Having advertised through the My Home Choice system, a suitable tenant has not been identified
- Specific alternative lettings arrangements are agreed for a proportion of a partner’s housing stock through the Fylde Coast Housing Providers Group
- A partner gives notice to withdraw a proportion of its housing stock from advertising and letting through the My Home Choice system. Notice of 3 months will be given to other partners and the partner will continue to make the full financial contributions set out in Schedule 2. In this case, a minimum of 50% of the partner’s stock in the area will continue to be let through the priority-based lettings route of the My Home Choice system.

Subject to public consultation on a review of the Consistent Assessment Policy (CAP), it is intended that the My Home Choice system will provide two routes for applicants to access social housing:

1. A priority-based lettings route reserved for at least 50% of lettings which is only accessible to applicants with housing needs falling into a reasonable preference category
2. A first come first served route for no more than 50% of lettings which is open to all applicants regardless of housing need.

**7.2 Each Party:**

7.2.1 will pay the financial contributions as set out in Schedule 2 and liabilities detailed in Clause 11.

7.2.2 will co-operate with and give reasonable assistance to each other and the Fylde Coast Housing Providers Group to ensure that the Respective Inputs are properly co-ordinated and delivered efficiently and economically with the intention of successfully achieving the Project Objectives;

7.2.3 shall deliver such information to the Fylde Coast Housing Providers Group as is reasonably requested from time to time in order to enable them to fulfil their roles and responsibilities under this Agreement;

7.2.4 shall keep records of actions taken, time spent, performance and such other information relevant to its Respective; and

7.2.5 subject to any legal constraints and/or duties of confidentiality shall provide to any auditor appointed by any of the Parties such information as may be required in respect of any audit or inspection carried out in respect of the Project.

**8 Duration**

8.1 This Agreement shall come into effect on the Commencement Date and shall continue in full force and effect (subject to the withdrawal or expulsion of any Party in accordance with clause 9) for a period of five years so long as at least two local authorities and two housing providers remain a party to it, with a review of the terms of the Partnership Agreement and opportunity to withdraw without notice after the first three years.

**9 Withdrawal and Termination**

9.1 A Party may withdraw from this Agreement by giving six months' notice to the Scheme Administrator and to the Fylde Coast Housing Providers Group. The withdrawing Party shall pay its Respective Share of the scheme costs for the



whole year within which the withdrawal takes effect as set out in Schedule 2, together with all and any costs reasonably and properly incurred as a result of its withdrawal (but subject to clause 10).

- 9.2 The Parties may by agreement of at least 80% of the other Parties serve 3 months' notice to a Party terminating its participation in this Agreement (such requirement being set out in a written notice sent by the Scheme Administrator or the Contracting Authority to that Party in the event that:

9.2.1 a Party commits a material breach of any of the terms of this Agreement and (if such a breach is remediable) fails to remedy that breach within 30 Business Days, (or such other longer reasonable time as the Fylde Coast Housing Providers Group may agree in writing) after being requested by the Fylde Coast Housing Providers Group the other Parties to do so; or

9.2.2 a Party is subject to a reorganisation and/or its constitution alters to such an extent that the Fylde Coast Housing Providers Group determine that that Party's continued involvement in the Project is impracticable or undesirable; or

9.2.3 a Party ceases to exist or steps are being taken to wind it up;

9.2.4 a Party has any director or senior manager or senior officer (as may be applicable) involved in the Project convicted of an offence involving dishonesty;

whereupon that Party shall cease to be a Party to this Agreement from the date of expiration of the said notice.

## **10 Consequences of withdrawal or termination**

10.1 On the withdrawal by or termination of any Party pursuant to clause 9 the Respective Shares set out in Schedule 2 shall be recalculated and such recalculations shall come into effect on the date of the expiry of the notice given of withdrawal or termination.

10.2 The Party who ceases to be a party to this Agreement under the terms of clause 9 will (save for the requirements of clause 9.1) be released from its obligations to make any further financial contributions to the Project arising after the date of withdrawal or removal but must pay all contributions already identified and notified to the Party by the Fylde Coast Housing Providers Group (as at the date notice was given by either the withdrawing

Party or the Fylde Coast Housing Providers Group under terms of this agreement) which are due on any date up to the date of withdrawal or removal.

10.3 If any Party gives notice of withdrawal or otherwise ceases to be a Party to this Agreement under the terms of clause 9, then this Agreement shall continue in full force as between all the other Parties. All the other Parties will immediately consult with each other and use their reasonable endeavours to agree the most appropriate alternative arrangements for implementing any changes which may be appropriate as a result of the withdrawal or expulsion of that Party to enable the project to continue on a fair and equitable basis as between the remaining Parties. For the avoidance of doubt, a Party withdrawing or who otherwise ceases to be a Party to this Agreement under the terms of clause 9 from this Agreement shall not be prevented from negotiating and entering into a separate agreement with the Contractor.

10.4 A Party withdrawing from this Agreement or who ceases to be a Party under the terms of clause 9 shall not be released by clause 10.4 from any such obligation which arises out of the performance of this Agreement prior to the effective date of such notice of withdrawal and such Party shall remain liable to contribute in accordance with the other provisions of this Agreement for such obligations up to the date of withdrawal/termination as if the withdrawal did not take place (including without limitation the obligation to contribute towards any financial liability arising before or after the date of such withdrawal in respect of any Approved Contracts entered into or Approved Actions taken prior to effective date of such notice of withdrawal).

10.5 If the Contracting Authority ceases to be a Party, the other Parties shall in advance agree between themselves as to which Party shall become the Contracting Authority.

10.6 On the withdrawal or termination of any Party the right of that Party to use any software, documentation, use of the My Home Choice logo or affiliation to the scheme will also cease.

## **11 Liabilities**

11.1 Each of the Parties will contribute towards any capital costs or losses incurred in connection with or pursuant to any Approved Contract, or Approved Action (to the extent not recoverable from the Funds) in the proportions agreed between the Parties (or in the absence of agreement in the Respective Shares) unless such Approved Contract and/or Approved Action is an Excepted Item.

11.2 Each of the Parties will in respect of any Approved Contract or Approved Action indemnify each other to the extent necessary so that each Party shall be liable to contribute to any costs losses and liabilities incurred in respect of such Approved Contract or Approved Action in the proportion agreed beforehand between the Parties (or in the absence of any agreement in proportion to its Respective Share) PROVIDED THAT such indemnity shall not extend to costs, expenses, or claims incurred by reason or in consequence of any fraudulent or wrongful act or omission of any other Party in which event the responsibility of each of the Parties for loss or damage suffered by the other Parties shall be limited to that proportion of the Parties' loss or damage as it would be just and equitable to require that Party to pay having regard to the extent to that Party's responsibility for such loss or damage and on the basis that the other Parties shall be deemed to have paid such proportion as it would be just and equitable for them to pay having regard to the extent of their responsibility.

11.3 Each of the Parties will contribute towards any direct and indirect losses, damages, actions, demands, costs, expenses incurred by the Contracting Authority (to the extent not recoverable from the Funds) in connection with the performance by it of.

its role in the Project provided it has acted and continues to act in good faith in undertaking their role (such costs including those identified as or calculated in accordance with the Approved Contract entered into by the Contracting Authority on behalf of the other Parties or Approved Action taken by the Contracting Authority together with any liabilities which the Contracting Authority may incur in respect of the performance of its role) in proportion to the Respective Shares. For the avoidance of doubt, Fylde Coast Housing Providers Group approval is required for any expenditure not budgeted for within the Funds.

11.4 If any of the Parties fail to pay the amount due pursuant to their Relevant Inputs or this clause 11 by the due date (as determined below) the same shall become a debt from such Party or Parties and will bear interest until payment at the rate of 1% per annum above the base rate of the Bank of England during the period in respect of which the payment of the said amount is in arrears.

11.5 The due date for any payment or contribution under this Agreement shall be as follows:

11.5.1 in respect of a contribution pursuant to clause 11.1, within 28 days of receipt of a proper invoice from the Contracting Authority provided the cost, expenditure or loss to which the contribution is required has actually been incurred (and, where relevant, paid) and the Parties have agreed or it has otherwise been determined that they would not be recoverable from the Funds;

- 11.5.2 in respect of a contribution pursuant to clause 11.3 within 28 days of receipt of a proper invoice from the Contracting Authority relating to the losses, damages, actions, demands, costs, expenses of the Contracting Authority in providing administrative support for the preceding month or greater period;
- 11.5.3 in respect of any other contribution required pursuant to this Agreement within 28 days of a proper invoice issued by the relevant Party following agreement of the level of contribution required by each of the other Parties (or as otherwise determined) in accordance with this Agreement.

11.6 Each Party acknowledges and agrees that the Contracting Authority shall not (subject to clauses 11.7 and 11.8) be liable to it (and it shall be deemed to have waived any right or entitlement against the Contracting Authority in respect of any costs losses expenses or damages which it suffers or incurs including but not limited to any contribution required to be made pursuant to this clause 11) as a result of any action taken by the Contracting Authority in good faith and in accordance with the terms of this Agreement in exercising its role in accordance with this Agreement. Each Party for the purpose of perfecting the intention of this clause 11.6 and not further hereby covenants to indemnify the Contracting Authority against any such costs losses demands expenses or damages which it would but for the provisions of this clause 11.6 have been able to recover from the Contracting Authority.

11.7 Provisions of clauses 11.3 and 11.6 shall not apply in respect of any costs losses expenses or damages suffered or incurred by the other Parties if the Contracting Authority has acted negligently or fraudulently.

11.8 Nothing set out in this Agreement shall exclude any liability which a Party would otherwise have to any other Party in respect of any fraudulent misrepresentation or in respect of any death or personal injury caused or otherwise contributed to by that other Party's negligence.

## **12 Warranties**

12.1 Each Party warrants to each of the others that:

- 2.1.1 it has full power and authority to enter into this Agreement and that its entry into and performance of this Agreement does not and will not infringe the rights of any third party or cause it to be in breach of any obligations to any third party; and
- 12.1.2 all information, data and materials provided by it to the other Parties will be, to the best of its knowledge, accurate and complete in all

material respects, and it is entitled to provide the same to the other Parties without the approval or consent to any third party.

12.2 Each Party warrants to the Contracting Authority that:

12.2.1 use of the data and other copyright material ("Content") in accordance with the Approved Contract will not infringe the Intellectual Property Rights of any third party in the United Kingdom; and

12.2.2 it has the right, power and authority to license the Content to the Contracting Authority to enable the Contracting Authority to comply with the Approved Contract.

### **13 Respective Inputs**

13.1 The Parties agree:

13.1.1 to provide such non-monetary resources and assistance (including staff time) to the Project as shall be reasonably determined (having regard to the concerned Party resources) as being required by the Fylde Coast Housing Providers Group from time to time to ensure the successful implementation and future running of the Project;

13.1.2 to fulfil their obligations under this Agreement; and

13.1.3 to co-operate and use their reasonable endeavours to ensure that high and effective standards of quality assurance on all aspects of the Project are established, generally understood and consistently maintained and observed;

### **14 Sharing of Information and Data Protection**

14.1 The Parties are fully committed to compliance with the requirements of the Data Protection Act 1998 ("the Act") and any new statutory requirements. The Parties shall follow procedures that aim to ensure that all employees, elected members, contractors, agents, consultants, partners or other parties engaged by the Parties who have access to any personal Data (as defined in the Act) held by or on behalf of the Parties, are fully aware of and abide by their duties and responsibilities under the Act. The Parties will comply with the data protection policy set out in Schedule 3, and any revisions to reflect new statutory requirements.

## **15 Additional parties**

15.1 The Fylde Coast Housing Providers Group will be responsible for assessing the need or desirability for additional parties.

15.2 A third party will only become a Party to this Agreement if the Fylde Coast Housing Providers Group decides to permit it, AND the third party: .

15.2.1 executes all documents required by the Fylde Coast Housing Providers Group to secure the relevant obligations and responsibilities of such person or body in similar terms to the other Parties by virtue of this Agreement; .

15.2.2 agrees to the aims and objectives of the Project;

15.2.3 accepts the Respective Shares used by the Parties to apportion costs;

15.2.4 agrees to any additional costs required to be met as a 'one off' payment on joining (if any); and

15.2.5 agrees to be bound by the terms of this Agreement.

15.3 In the event that a Party identifies the need for an additional party, or a Party is approached by anyone interested in becoming a Party, that Party will refer the matter to the Fylde Coast Housing Providers Group for assessment and consideration.

15.4 Where a third party has only a small housing stock in the area, and wishes to make use of the My Home Choice Fylde Coast system without becoming a member of the partnership, the Fylde Coast Housing Providers Group will consider whether to approve them to make lettings through one of the Partners. In this case, the third party will negotiate a fee to the individual Partner who is providing this service to them. All third parties using the system in this way will be bound by the terms of use set out in this Agreement, including the allocation of properties in accordance with the Consistent Assessment Policy.

## **16 Notices**

16.1 Any communication required to be in writing under the terms of this Agreement shall be sent to each Party at the addresses and marked for the attention of the relevant person identified in Schedule 4.

## **17 Disputes**

- 17.1 In the event of any dispute or difference arising between the Parties as to the construction or application of this Agreement or as to any issue arising thereunder the Parties shall initially seek to resolve such issue at the Fylde Coast Housing Providers Group.
- 17.2 If the above meeting does not solve the dispute to the satisfaction of all parties within 20 Working Days, the Parties shall as soon as practicable convene a special meeting at which each party will be represented by a Senior Officer who does not already attend meetings of the Fylde Coast Housing Providers Group.
- 17.3 If the dispute remains unresolved after 20 Working Days of the special meeting taking place in accordance with clause 17.2, the Parties will attempt to settle it by mediation in accordance with the Centre for Effective Dispute Resolution (CEDR) Model Mediation Procedure. Unless otherwise agreed between the parties, the mediator will be nominated by CEDR.
- 17.4 The Parties shall only have recourse to legal proceedings in the event of failing to reach agreement despite its bona fide endeavours to resolve the dispute or difference in question pursuant to clauses 17.1, 17.2 and 17.3.

## **18 Third Parties Rights**

- 18.1 To the extent that any provision of this Agreement is capable of being legally enforced the Parties to this Agreement confirm and agree that they do not intend any provision of it to be enforceable by any other person pursuant to the Contract (Rights of Third Parties) Act 1999.

## **19 No Partnership or Agency**

- 19.1 No provision of this Agreement shall be construed as a delegation by any of the Parties of any of their respective functions or authority to the Fylde Coast Housing Providers Group or to any other Party unless the contrary is stated herein.
- 19.2 Except as specifically set out herein, no Party shall:
- 19.2.1 have any right, authority or power to act on behalf of any other Party nor to bind any other Party by contract or otherwise nor to undertake any liability or obligation on behalf of or to pledge the credit of any other Party;

19.2.2 hold itself out as having authority or power to bind any other Party in any way by virtue of this Agreement except to the extent expressly permitted in respect of a Relevant Input.

19.3 Each Party is independent from the others and nothing contained in this Agreement shall be construed as implying that there is any relationship between the Parties of partnership or of principal/agent or of employer/employee.

## **20 Statutory Powers**

20.1 Nothing herein contained or implied shall prejudice or affect the rights powers duties and obligation of each of the Parties in the exercise of their respective functions as may be amended supplemented or increased from time to time and the rights powers duties and obligations of each of the Parties pursuant to their respective functions may be as fully and effectually exercised as if this Agreement had not been made.

## **21 Provision to Survive**

All provisions of this Agreement which are expressly or by implication intended to survive and apply following expiry or termination of this Agreement including clauses 9, 10.1, 11 shall survive and shall continue in full force and effect notwithstanding such expiry or termination.

## **22 Governing law**

22.1 This Agreement is made and shall be governed by and construed in accordance with English Law and the parties irrevocably submit to the jurisdiction of the English Courts.

22.2 If any conflict shall arise between the provisions of this Agreement and the law relating to local government in England the latter shall prevail.

This agreement has been entered into on the date stated at the beginning of it.



## **Schedule 1      Project Objectives**

The agreed key objectives of the Project are to:

1. Collaborate and work together to successfully deliver and operate the allocations system.
2. Comply with the requirements concerning reporting and monitoring of progress in relation to the project
3. Provide an integrated allocations system and policy framework which makes it as easy as possible for people to apply and secure affordable housing
4. Enable scheme users to have an understanding and control of their housing situation and, therefore, to make more informed decisions
5. Improve access to and support for vulnerable customers.
6. Enable affordable housing providers to quickly and efficiently let their homes to suitable tenants.
7. Prevent homelessness and reduce the use of temporary accommodation through an effective prioritisation system.
8. Facilitate the creation of more sustainable tenancies.
9. Attract new customers to any affordable housing stock that is in low demand.
10. Attract a higher number of economically active applicants to social housing.
11. Support the creation of resilient and economically sustainable communities.
12. Ensure the best use of affordable housing stock across Blackpool, Fylde and Wyre.
13. Provide accurate information on housing supply and demand to help inform future housing strategies and investment decisions.
14. Meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) and Homelessness Act (2002).

## Schedule 2 Costs and Funding

The costs of developing the system and the on-going costs of managing the system will be shared between the partners on the following basis:

One third of costs will be apportioned to the three local authorities, and two thirds of costs will be apportioned to the social housing providers.

The costs attributable to the three local authorities will be apportioned between them on the basis of the total affordable housing stock in each borough.

The costs attributable to the social housing providers will be apportioned between them on the basis of the number of lettings in the Fylde Coast area that they made in the year 2016/17, or where they were not members of the partnership in 2016/17, the number of lettings that they are expected to make in 2017/18.

The initial apportionment of all costs associated with the system is as set out below:

<b>Column 1 Party</b>	<b>Column 2 Share of costs %</b>
Blackpool Council	18.51
Wyre Borough Council	8.44
Fylde Borough Council	6.39
Regenda Group	13.97
Progress Housing Group	9.67
Blackpool Coastal Housing	27.76
Places for People	5.30
Great Places	7.10
Muir Group	1.35
ForHousing	1.51

The cost apportionment will be reviewed for each subsequent financial year to reflect the respective proportions of all lettings made by each partner in the previous year.

The Scheme Administrator has responsibility for the financial management of the Project Budget. A budget report will be prepared and delivered at each Fylde Coast Housing Providers Group meeting.

A budget for each new financial year will be prepared and circulated to partners by the Scheme Administrator in December of the preceding financial year to enable partners to build meeting the costs of the scheme into their own budgeting processes.

Invoices for each new financial year will be sent out by the end of February in the preceding financial year.

The Parties will each pay their own costs and expenses incurred in relation to the on-going management of the Services.

## **Schedule 3 Information Sharing and Data Protection Policy ("Policy")**

### **1 Data Protection**

The Parties are fully committed to compliance with the requirements of the Data Protection Act 1998 ("the Act") [and any subsequent data protection legislation](#) in accordance with clause 14.1.1. The Parties shall follow procedures that aim to ensure that all employees, elected members, contractors, agents, consultants, partners or other parties engaged by the Parties who have access to any Data (as defined in the Act) held by or on behalf of the Parties, are fully aware of and abide by their duties and responsibilities under the Act.

### **2 Statement of Policy**

2.1 In order to operate efficiently, the Parties have to collect and use information about those people who apply for accommodation through the Scheme. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal data must be handled and dealt with in accordance with the provisions of the act, regardless of how it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means.

### **3 Handling of Sensitive Personal Data (as defined in the Act)**

#### **3.1 The Parties shall pursuant to the Act:-**

- Observe fully conditions regarding the fair collection and use of personal data;
- Specify the purpose for which information is used;
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs of the Scheme or to comply with any legal requirements;
- Ensure the quality of information used;
- Apply strict checks to determine the length of time information is held;
- Take appropriate technical and organisational security measures to safeguard personal data;
- Ensure that personal data is not transferred abroad without suitable safeguards;
- Ensure that the people about whom the information is collected and held can exercise their rights under the Act, namely:

(i) to be informed that processing is being undertaken;

(ii) to be given access to their one's personal data within the statutory 40 days timescales;

(iii) to prevent processing of information in certain circumstances; and

(iv) to have information regarded as wrong corrected, rectified, blocked or erased.

3.2 in addition, The Parties will ensure that:

- Each Party nominates an officer ("Nominated Officer") who shall have specific responsibility for Data protection pursuant to the Act;
- Everyone involved in the Scheme who manages and handles personal data:  
(i) understands that they have an obligation to manage and handle the said information in accordance with the provisions of the Act (ii) is appropriately trained to do so; and (iii) is appropriately supervised;
- Anyone wanting to make enquiries about handling personal data, whether a member of staff or a member of the public, is fully advised on what to do;
- Queries about handling personal data are promptly and courteously dealt with;
- Methods of handling personal data are regularly assessed and evaluated;
- Performance with handling personal data is regularly assessed and evaluated;
- Data sharing is carried out under this written agreement, setting out the scope and limits of the sharing. Any disclosure of Personal Data (as defined in the Act) will be in compliance with this agreement.

3.3 The Parties shall ensure that that Personal Data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

- Paper files and other records or documents containing Sensitive Personal Data are kept in a secure environment;
- Personal Data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically;
- Individual passwords should be such that they are not easily compromised.

3.4 All contractors or consultants who are users of personal data supplied by the Parties (or any one of them) will be required to confirm that they will comply with the requirements of the Act with regard to information supplied by the Parties.

3.5 ~~All contractors, consultants, partners or other parties or agents of each Party, must:~~

~~Ensure that they and all of their staff who have access to Personal Data held or processed for or on behalf of the Party, are aware of these obligations set out in this Schedule 3 and are fully trained in and are aware of their duties and responsibilities under the~~

~~Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between the Party and that individual, company, partner or firm;~~

- ~~• Allow Data protection audits by the Party of Data held on its behalf (if requested);~~
- ~~• Indemnify and keep the Party indemnified against all claims, demands, proceedings, actions, costs, expenses or payments of compensation or damages arising directly or indirectly out of any breach of this paragraph 3.4, without limitation.~~

Contractors, consultants, partners or other parties or agents or each party:

- Cannot sub-contract without seeking authority from the originating party;
- Must ensure that they and any authorised sub-contractors fully comply understand and comply with their obligations under the current data protection legislation;
- Must ensure that they and any authorised sub-contractors have appropriate technical and organisational measures, processes and procedures in place to securely and safely handle the personal data that may be shared with them;
- Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the Party, are aware of these obligations set out in this Schedule 3 and are fully trained in and are aware of their duties and responsibilities under the Act;
- Any breach of any provision of the Act must be notified to the originating party immediately and the originating party may be required to notify the Information Commissioner's Office within 72 hrs of becoming aware;
- Any breach will be deemed as being a breach of any contract between the Party and that individual, company, partner or firm;

Allow data protection audits by the Party of data held on its behalf (if requested);

Indemnify and keep the Party indemnified against all claims, demands, proceedings, actions, costs, expenses or payments of compensation or damages arising directly or indirectly out of any breach of this paragraph 3.4, without limitation.

#### 4 Implementation of Policy

- 4.1 Each party will remain the Data Controller for the information that they obtain/collect and upload to the system.
- 4.2 The Parties will appoint the Scheme Administrator ~~who shall lead on and ensure compliance with the Policy and any associated legislation~~ who shall assist with compliance with the policy and any associated legislation where required.
- 4.3 Nominated Officers will be selected by each party and will be responsible for ensuring that the Policy is implemented by each Party and will liaise with the Scheme

Administrator ~~that is a Data Controller for the purposes of the Act~~ who will act as a Data Processor on behalf of the Parties.

4.4 Implementation will be led and monitored by the Scheme Administrator.

4.5 The Scheme Administrator will (in collaboration with the Nominated Officers) also ~~have overall responsibility for~~ assist with:

- The provision of cascade Data protection training, for staff engaged by the Parties;
- For the development of best practice guidelines;
- For carrying out compliance checks with the Nominated Officers to ensure compliance, throughout the Parties, with the Act.
- Ongoing Training and Development

4.6 Responsibilities of the Scheme Administrator are set out in Appendix C

5 The Parties shall:

- take all reasonable steps to ensure the accuracy of the information they input into the Scheme database;
- process information fairly and in compliance with the Act;
- cooperate with the Scheme Administrator to maintain system integrity, compliance with the Act and that best practice is implemented;
- ~~pass requests made by a Data Subject pursuant to the Act promptly to the Scheme Administrator for processing;~~
- ensure compliance with paragraph 3 of Schedule 3;

6 System Audit and Compliance

The Scheme Administrator in conjunction with the Nominated Officers shall ensure that system audits are undertaken to ensure the integrity of the systems and the procedures for maintaining the same. The Parties shall agree a schedule of audits in line with best practice and who shall carry out such audits to provide the level of satisfaction required. At any time should any Parties identify an issue that they consider requires any additional audit they shall inform the Parties of this matter and shall agree with the Parties an audit plan to address this concern.

7 Notification to the Information Commissioner

- The information Commissioner maintains a public register of Data Controllers. The Parties to this Agreement are registered as such.
- The Nominated Officers will be responsible for notifying and updating their own ~~the~~ Data Controller of the processing of Personal Data, ~~within their directorate.~~

- The Data Controller<sup>s</sup> will review the Data Protection Register with the Nominated Officers annually, prior to notification to the Information Commissioner.

Any changes to the register must be notified to the Information Commissioner, within 28 days, and to this end, any changes made between reviews will be brought to the attention of the Data Controller immediately.



#### **Schedule 4      Communications and Notices**

##### **Blackpool Borough Council**

Name: Andrew Foot...

E-mail:

andrew.foot@blackpool.gov.uk

Phone: 01253 476339

##### **Fylde Borough Council**

Name: Kirstine Riding

E-mail: kirstine.riding@fylde.gov.uk

Phone: 01253 658569

##### **Wyre Borough Council**

Name: David McArthur

E-mail: david.mcarthur@wyre.gov.uk

Phone:

##### **Blackpool Coastal Housing Limited**

Name: Maggie Cornall

E-mail: maggie.cornall@bch.co.uk

Phone: 01253 477852

##### **Progress Housing Group Limited**

Name: Tammy Bradley

E-mail: tbradley@progressgroup.org.uk

Phone: 01253 642048

##### **Regenda Group**

Name: Steve Newsham

E-mail: steve.newsham@regenda.org.uk

Phone: 0151 703 3209

## Great Places

Name: David Pomfret

E-mail: david.pomfret@greatplaces.org.uk

Phone: 01253 750060

## Muir Group

Name: Alan Fletcher

E-mail: alan.fletcher@muir.org.uk

Phone:

## Places for People

Name: Mark Greaves

E-mail: mark.greaves@placesforpeople.co.uk

Phone:

## For Housing

Name: Robert Smith

E-mail: Robert.smith@forviva.co.uk

Phone: 0161 605 7953

Signed by  
behalf of

for and on

## Appendix A Procedures of The Fylde Coast Housing Providers Group

### **Method of working**

1. The Fylde Coast Housing Providers Group will establish for itself its method of operation, including internal management structures, processes and procedures but will recognise the need to operate with diligence and skill and the need for structured dialogue between the Party Representatives.

### **Membership**

2. Each of the Parties may appoint and from time to time and be able to remove and replace its Party Representative to represent it on the Fylde Coast Housing Providers Group.
3. A maximum of one additional individual from each Party may attend Fylde Coast Housing Providers Group meetings for the purposes of continuity during absences but such that each Party is only represented by one person at any Fylde Coast Housing Providers Group.

### **Meetings**

4. The Fylde Coast Housing Providers Group shall meet from time to time but will be four times a year minimum.
5. Meetings of the Fylde Coast Housing Providers Group will be held at any one of the Parties' premises or elsewhere as agreed from time to time by the Fylde Coast Housing Providers Group.
7. If decisions are required prior to the next scheduled meeting of the Fylde Coast Housing Providers Group, an agreed officer will forward the necessary information to members of the Fylde Coast Housing Providers Group individually and request a decision in favour or against, and will collate their responses and disseminate the outcome to all Fylde Coast Housing Providers Group Members.
9. The Party Representatives on the Fylde Coast Housing Providers Group will endeavour to agree any report or recommendations to be made to the Parties in connection with the achievement of the Project Objectives and/or Project Targets. Such recommendations may include any recommendation for the setting up of other advisory or consultative groups to consider, advise and report upon any matter pertinent to the Project.
10. The Fylde Coast Housing Providers Group shall regularly consider and identify the following issues:

- progress in connection with any agreed Project Targets and Project Objectives;
- proposed actions to be taken to rectify any prospective shortfall in meeting the Project Targets or any failure to meet the Project Objectives;
- delivery of the Respective Inputs; and
- Regular review of budgets and financing.

### **Convening of Meetings**

12. A meeting of the Fylde Coast Housing Providers Group shall be rescheduled if three or more Parties request it AND a strategic decision is to be made which relates to a major change in policy or strategy.
13. A meeting of the Fylde Coast Housing Providers Group may also consist of a conference (by telephone or other remote means) between the Party Representatives who are not all in one place but each of which is able to speak to each other directly or by telephone and to be heard by each other simultaneously. A Party Representative taking part in such a conference shall be deemed to be present in person at the meeting and shall be entitled to vote and be included in the quorum.

### **Quorum of Meetings**

14. Each meeting of the Fylde Coast Housing Providers Group will need a quorum before any business can be undertaken and before any decision is made. Unless otherwise agreed in writing by each Party, a Party Representative from any 5 Parties, of which 2 are Local Authorities and 3 are social housing providers will constitute a quorum.

### **Attendance by others**

16. Provided each of the Parties agrees, a person invited by any Party may attend any meeting of the Fylde Coast Housing Providers Group to speak at that meeting or otherwise advise or provide information (as appropriate) in relation to the Project, but such person's attendance and participation shall be limited to that which is agreed by each of the Parties in respect of the meeting to which that person has been invited to attend.

### **Minutes of Meetings**

17. An appropriate record of each meeting of the Fylde Coast Housing Providers Group will be produced and circulated to each member of the Fylde Coast Housing Providers Group

## **Decision Making**

18. Except where expressly stated otherwise in this Agreement, decisions shall be made by a majority of the Party Representatives attending. The views of all Parties on all matters shall be recorded in the notes of the meeting and reported back to each of the Parties for consideration and if appropriate, decision and action (pursuant to each Party's respective lawful powers).
20. If a matter for discussion or a decision to be made will require funding from the Local Authorities only, or the Social Housing Providers only, then only the group who will be required to provide the funding will be entitled to make decisions on that matter.
21. Any decision which will require funding to be made available by any of the Parties must be passed unanimously, subject to the provisions of 20.

## Appendix B My Home Choice Steering Group

The role of the My Home Choice Steering Group will be to monitor and review the overall functioning of the Scheme, and in particular:

- 1 To ensure that appropriate policies and procedures are in place in relation to the Scheme
- 2 To propose any changes to the Scheme, with any major changes to the Scheme subject to a 12 week consultation process following executive approval from each of the Parties.
- 3 To implement the plans for the further development of the Scheme
- 4 To consider and permit additional parties to join the Scheme under the terms of this agreement.
- 5 To consider reports and other information in order to monitor the activities and progress towards the aims and targets of the Scheme
- 6 To allocate resources appropriately based on plans for the further development of the Scheme in order to achieve the aims and targets of the Scheme
- 7 To consider and recommend solutions to any problems or difficulties arising
- 8 To ensure that the parties fulfil their obligations regarding the Scheme
- 9 To assess and approve the following reports:
  - The quarterly and annual performance reports
  - The plans for further development of the scheme
- 10 To arrange training to ensure that staff skills are maintained.
- 11 To plan for effective marketing of the My Home Choice Fylde Coast brand, using the budget for marketing agreed by the Fylde Coast Housing Providers Group

## Appendix C Scheme Administrator

The role of the Scheme Administrator is:

- Monitoring the operation of the scheme, preparing quarterly reports on applications and lettings made through the scheme, and annual review reports to the Fylde Coast Housing Partnership
- Dealing with issues, complaints and enquiries from partners
- Coordination of the marketing and publicity of the scheme
- Coordinating long term development of the scheme and any resulting consultation and workshops
- Arranging the partnership steering group meetings and completing the associated records
- Keep the partnership steering group advised of any potential issues and concerns with regards to the operations of the scheme
- Preparing and presenting annual budgets, including annual reviews of the apportionment of costs between partners based on outturn lettings
- Receiving holding and administering the Parties' financial contributions to the Project and completing all necessary returns relating thereto.
- Maintenance and administration of the partnership web sites, ensuring domains are renewed and the updating and review of content
- Coordinating the updating, version control and publishing of Internal and External publications relating to the Partnership or system
- Take responsibility for ensuring the quality assurance and risk management of the Project including monitoring and evaluation of the development of the Project;
- Be the primary contact with the IT suppliers systems support agency on behalf of the partnership, and attend user groups representing the partnership
- Coordinate the ordering and monitoring of consultancy, training or technical expertise
- ~~Act as the data controller and process requests made by a data subject (as defined in the Act) pursuant to the Act on behalf of the parties~~
- Be the point of contact for external agencies who wish to share information with the parties and ensure that this is in line with the Agreement
- Undertake responsibility for managing Data on behalf of all Parties and ensure that the Data Protection Policy and best practice are disseminated ~~and monitor its compliance~~
- The Scheme Administrator shall be responsible for the coordination of the management of the IT system with respect to:
  - Systems availability
  - Logging and managing fault calls
  - Distribution of fault calls to any third parties
  - Business continuity planning
  - Managing Change Control
  - Access to the system by all parties
  - Global system administration settings

- In conjunction with the Party Representatives the coordinating of on-going training and development of training materials and scheme documentation across the partnership
- In conjunction with the Party Representatives ensure that system audits are undertaken to ensure the integrity of the systems and the procedures for maintaining the same





Report of:	Meeting	Date	Item no.
Cllr Michael Vincent, Planning and Economic Development Portfolio Holder and Garry Payne, Chief Executive	Cabinet	5 September 2018	10

<p align="center"><b>Wyre Local Plan (2011 - 2031) – Council Response to the Inspector’s Post Hearing Advice</b></p>
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## 1. Purpose of report

- 1.1 To present to Cabinet the Inspector’s Post Hearing Advice (the Advice) and submitted council response.
- 1.2 To ask that the council’s response to the Advice in so far as matters fall within the responsibilities of the Executive be confirmed. The Advice and submitted council response are included in Appendix 1.

## 2. Outcomes

- 2.1 To progress the Local Plan to Adoption as required by the approved Local Development Scheme and Local Plan Regulations.

## 3. Recommendation

- 3.1 That the submitted response to the Inspector’s Post Hearing Advice is confirmed in relation to matters falling within the responsibility of the Executive and set out in paragraphs 5.8 & 5.9 below.

## 4. Background

- 4.1 In September 2017 Wyre Council approved the publication of the draft Wyre Local Plan for a six week public consultation. The draft Wyre Local Plan with a number of modifications was then submitted to the Secretary of State for examination into its soundness and legal compliance in January 2018.

- 4.2** As part of the examination, in March 2018, the appointed Inspector sent to Wyre Council two sets of Preliminary Questions which led to the submissions of some further modifications to address issues raised by the Inspector. All modifications were considered by the Inspector as part of the hearing sessions held in May 2018. Further modifications were also submitted during the hearing sessions to address issues discussed at the hearings.

## **5. Key issues and proposals**

- 5.1** The Inspector has given full consideration to all submitted evidence including the representations submitted in September 2017 and submissions at the hearings in May 2018. In July 2018 the Inspector issued his Post Hearing Advice, (the Advice) to provide his views on some key issues and also guidance on necessary further main modifications.
- 5.2** The advice is set out in relation to a number of issues which the Inspector expects Wyre Council to address through main modifications to the Local Plan. In some instances the Inspector gives the Council a clear direction on the proposed main modifications expected whilst in other instances he gives the Council some discretion. Where the Inspector gives Wyre Council discretion, these are matters for Council and a separate report is presented to Council on the 6 September 2018.
- 5.3** The Inspector required a prompt response to his advice. The draft Response was considered by the Planning Policy Working Group and subsequently submitted to the Inspector and also published on the council's website. The Advice with the council's response is attached in Appendix 1.
- 5.4** The Inspector is concerned with the shortfall of 1,355 dwellings in the Local Plan housing land supply against the objectively assessed need. Although he accepts the highway evidence he nonetheless acknowledges that it is a high level study and concludes that more detail is necessary that would evidence 'severe' impact on the highway network and therefore justify a shortfall in housing land supply. He also acknowledges the need to have a Local Plan in place as soon as possible so that development in the Borough is plan led.
- 5.5** The Inspector gave Wyre Council two options, Option 1 to suspend this Local Plan and undertake additional highway work and Option 2 to proceed to adoption with necessary modifications but commence a review next year. The submitted council response and recommendation to Council is for the second option.
- 5.6** The Inspector concludes that notwithstanding the Local Plan highway evidence, some modest increases in housing provision in certain locations would not lead to severe residual cumulative impacts on the highway network. However in other locations for reasons other than highway impact he recommends a reduced scale of development.

- 5.7** Main modifications to be considered by Council on 6 September 2018 have been prepared to comply with the Inspector's direction in the Advice and to accord with the published council response, including alteration to housing allocations and the approach to calculating the Local Plan housing land supply. The resulting increase in the Local Plan housing land supply is 1,060 dwellings raising the overall housing land supply to 9,285 dwellings or 464 dwellings per annum. The resulting shortfall has been reduced to 295 dwellings.

Council's Response to Inspector's Post Hearing Advice

- 5.8** The Inspector's specific recommendations are detailed below, (paragraph numbers in brackets refer to paragraph numbers in the Advice included in Appendix 1). The Cabinet is asked to confirm the submitted council response in relation to the matters below.

- 5.9** The Inspector considers that

- a) The Sustainability Appraisal (SA) should cover the minimum and maximum figures of the Objectively Assessed Needs range of 457 to 749 dwellings per annum (dpa) and all the proposed Main Modifications (paragraph 4). In the submitted response the council accepts the Inspector's recommendation and indicates that the SA will also cover the new Local Plan housing requirement of 464 dwellings per annum.
- b) The Green Belt boundary at Norcross should be amended to exclude 0.7 hectares of land which form part of a wider planning permission relating to the former Government offices (paragraph 18). In the submitted response the Council accepts the Inspector's recommendation.
- c) The Local Plan housing land supply calculation should include a windfall allowance of between 25-50 dwellings to take effect after 31 March 2021 (paragraph 20). In the submitted response the council accepts the Inspector's recommendation and indicates that an appropriate allowance would be 50 dwellings per annum.
- d) In calculating the five year housing land requirement a 20% buffer against under-delivery should be included (paragraph 22). In the submitted response the council accepts the Inspector's recommendation and indicates that in applying the Inspector's recommendations the council will be in a position to demonstrate 5.19 years of land supply on adoption.
- e) The definition of Green Infrastructure (GI) should not include all designated countryside (paragraph 24). Notwithstanding this the Inspector recognises that on the urban peninsula there may be merit for some of the remaining areas of countryside to also be designated as GI. He therefore gives Wyre Council some discretion to consider this matter which is detailed in the report to Council. In the submitted response the council accepts the Inspector's recommendation to amend the definition of GI and indicates that

within wider countryside areas in Over Wyre and to the east of the urban peninsula specific sites relating to public open space, outdoor sport, sites of ecological and geological interest, church grounds, cemeteries and school playing fields will also be designated as GI. This is consistent with the approach within settlements boundaries. The response also indicates that the Wyre Estuary and Morecambe Bay SPA will also be designated as GI up to the low tide mark.

- f) Allocation SA1/2- Lambs Road / Raikes Road, Thornton should exclude the small parcel of land to the south of Raikes Road (paragraph 25). In the submitted response the council accepts the Inspector's recommendation and indicates that the said parcel of land will be designated as countryside and GI.
- g) The capacity of allocation SA1/8 – South of Blackpool Road, Poulton-le-Fylde should be increased, notwithstanding the highway cap (paragraph 27). In the submitted response the council accepts the Inspector's recommendation and indicates the capacity of the site has been reassessed taking into account a large area of flood risk, the requirement for the provision of a car park and an area that is landlocked. The new capacity is 300 dwellings.
- h) The boundary of the Green Belt should be altered to exclude from the Green Belt a small area of land (0.7 hectares) adjacent to site allocation SA1/11 – North of Norcross Lane, which should be included within the allocation (paragraphs 18 & 28). In the submitted response the council accepts the Inspector's recommendation and indicates that the capacity of the site has been reassessed. Taking into account new information about the presence of peat on the site, the revised capacity of the site is reduced to 300 dwellings despite the addition of 0.7 hectares with planning permission for 70 sheltered accommodation dwellings.
- i) The proposed scale of development at Inskip is too large and that a modest allocation should be made comprising the land that already has planning permission and the fields either side of the school (paragraphs 30 & 31). In the submitted response the council accepts the Inspector's recommendation and indicates the field to the west of the school should be retained for future expansion of the school and that the capacity of the field to the east of the school is 30 dwellings.
- j) Allocation SA1/16 – West of Cockerham Road, Garstang, should be extended to include the land to the west so that the overall capacity is 200+ dwellings (paragraph 32). In the submitted response the council accepts the Inspector's recommendation and indicates that the extension of allocation 1/16 to include all the land bounded by Nateby Crossing Lane, Croston Barn Lane and Cockerham Road will deliver 260 dwellings.
- k) The capacity of site allocation SA1/17 – Land south of Prospect Farm, West of Garstang, should be increased to 70 dwellings (paragraph 33). In the submitted response the council accepts the Inspector's recommendation.
- l) The delivery shown in the housing trajectory in relation to site allocation SA3/3 – Land West of Great Eccleston should be

increased to 50 dwellings per annum at least from 2025/26 (paragraph 34). In the submitted response the council accepts the Inspector's recommendation to reconsider the delivery of the site and indicates that using the standard 'lead in' times and 'built out' rates the whole site can be delivered within the plan period.

- m) The parcels of land to the south and east of Sunnybank Nurseries within allocation SA3/4 – Forton Extension, significantly erode the gap between the settlements of Forton and Hollins Lane and therefore the Inspector recommends that they should be deleted from the allocation (paragraphs 35-39). In the submitted response the council accepts the Inspector's recommendation and indicates that the de-allocated parcels of land will be designated as countryside and that the fields either side of the A6 will also be included with the Strategic Area of Separation between Forton and Hollins Lane. The capacity of the amended allocation is 310 dwellings.

#### What happens next?

- 5.10** After the six week public consultation period, the council must collate the representations it receives and then forward them to the Inspector. The representations must be summarised and responded to individually for the Inspector. The Inspector will consider the matters raised in the representations before finalising his report. In his Post Hearing Advice, the Inspector indicates that he does not anticipate the need for additional hearings should Option 2 (early review) be pursued. However if he finds that additional hearings are necessary they will be held in late 2018 or early 2019.

- 5.11** Assuming no additional hearings are necessary the Inspector indicated that he will finalise his report in December 2018.

<b>Financial and legal implications</b>	
Finance	The current 2018/19 budget includes a provision for the Local Plan examination which includes the costs associated with consultation on proposed modifications to the Local Plan and this is not expected to be exceeded.
Legal	A Local Plan is to be prepared in accordance with procedures required by Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. The National Planning policy Framework indicates that a local Planning Authority should submit a plan for examination. The preparation and consultation on modifications to the submitted draft Wyre Local Plan is part of the examination process.

	From publication, the draft Wyre Local Plan including proposed modifications is a material consideration in the determination of planning applications. The more advanced the preparation of an emerging plan, the greater the weight that may be given to relevant policies. The 'proposed Modifications stage is an advanced stage in the examination and consequently the local plan process.
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### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	x
equality and diversity	<b>x</b>
sustainability	<b>x</b>
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	<b>x</b>
data protection	x

<b>report author</b>	<b>telephone no.</b>	<b>email</b>	<b>date</b>
Réa Psillidou	01253 887243	rea.psillidou@wyre.gov.uk	15 August 2018

<b>List of background papers:</b>		
<b>name of document</b>	<b>date</b>	<b>where available for inspection</b>
None		

### **List of appendices**

Appendix 1 – Inspector's Post Hearing Advice with council's response

## WYRE LOCAL PLAN EXAMINATION

### INSPECTOR'S POST HEARING ADVICE – MAIN MODIFICATIONS AND RELATED MATTERS

*Please reply to the Programme Officer*

*The Council's Response is indicated in red below.*

#### Introduction

1. The purpose of this note is to provide advice on some key issues and my views on the further Main Modifications (MMs) that are likely to be required to make the Wyre Local Plan (LP) sound following the hearing sessions. The MMs are in addition to those potential MMs (1) prepared by the Council in advance of the hearings following consultation on the publication version of the LP (September 2017), (2) produced in response to my preliminary questions and (3) put forward during the hearing sessions. In addition to possible **MMs** which I have highlighted in bold the note seeks clarification/further information from the Council on some matters following the hearings. Paragraph references are from the tracked changes version of the LP prepared to assist during the hearings.
2. I would also advise that I have given full consideration to all the representations made about the LP including the oral contributions at the hearings. My final conclusions regarding soundness and procedural compliance will be set out in the report to be produced following consultation on the proposed MMs. Nevertheless, having regard to the criteria for soundness and to assist at this stage, I shall provide brief explanations for my advice thus far.
3. My findings may alter in the light of any further evidence that emerges including the consultation process. My views are therefore given here without prejudice to the conclusions that will appear in the report. I do not comment on every issue in this advice. My final report will cover other main issues that arose during the examination but which are not dealt with in this note.

*The Council thanks the Inspector for the interim advice within the 'Post Hearing Advice Note'. The Council's response is given in turn following the Inspector's comment.*

#### **Matter 1 – Legal Compliance, Procedural Requirements and the Duty to Cooperate**

#### **Issue 3 – Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA)**

4. The SA considers the options for spatial distribution at Section 4 but does not appear to assess the likely significant effects of implementing the Objectively Assessed Need (OAN) of 9,580 dwellings (479 dpa) or reasonable alternatives within the OAN range of 457 to 479 dpa. The SA only appears to assess the

effects of the delivery of 8,224 dwellings (411 dpa)<sup>1</sup>. As the SA is a continuing process and will need to be updated to take into account MMs already proposed and the advice elsewhere in this document, the opportunity should be taken to remedy these omissions.

The Council will undertake a SA of the minimum and maximum figures of the OAN range - 457 to 479dpa. The Council will also undertake a SA of the new annual LP housing requirement figure arising from the modifications indicated below.

The SA will cover all proposed MMs to the 'Publication' draft LP which will be the subject of public consultation. These include MMs submitted prior and during the hearing sessions in May and also arising from the Inspector's Post Hearing Advice and other comments below. It should be noted that some MMs submitted prior and during the hearing sessions may be altered as a result of the advice below.

5. I welcome the Council's commitment to undertake further work on the HRA in view of the recent judgement as set out in EL5.031.

## **Matter 2 – Strategy and Strategic Policies**

### **Issue 1 – The Spatial Distribution of Development**

6. The Council suggests that the only strategy possible is that of 'managed dispersal' primarily because of highway capacity and flood risk constraints. In terms of flood risk constraints there is sufficient land around the higher order settlements of Poulton-le-Fylde, Thornton, Garstang, Great Eccleston, Preesall, Hambleton and Catterall which is beyond Flood Zones 2 and 3 to support an alternative strategy and indeed meet the full OAN. Therefore, flood risk should not be seen as an overriding constraint on its own.
7. Highway capacity has the effect of not only limiting the strategy options but also constraining the ability to meet the OAN. As a result the evidence on highway capacity is a fundamental component of the evidence base. Lancashire County Council's (LCC) report (ED094a) is helpful in understanding the constraints of the options and particular settlements/sites. However, it is necessarily a high level primarily desktop assessment. Moreover, although having regard to committed schemes, it does not appear to robustly model how new transport infrastructure could cost effectively limit the significant impacts of development.
8. Proposed transport infrastructure includes the committed highway improvement schemes within the Infrastructure Delivery Plan (IDP), the Poulton-le-Fylde Highway Mitigation Strategy, the A6 Corridor Highway Mitigation Strategy and other off-site improvements which could be developed to mitigate localised highway impacts. Some of these planned and potential improvements do not appear to have been taken into account as measures to mitigate adverse transport impacts now so that the LP plans positively for the development and

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<sup>1</sup> Page 49 of SD005a



infrastructure required.

9. Moreover, the need to focus significant development in locations that can be made sustainable and where the use of sustainable transport modes can be maximised is in my view not given sufficient weight in the analysis and highway caps. For example along the A6 corridor affected by the Severe Restriction Zone (n1) there are existing and proposed employment opportunities, a range of services and facilities, particularly in Garstang, and the opportunity to use and build upon sustainable modes of travel. Similar factors would apply in Poulton-le-Fylde and to a lesser extent in Thornton. In contrast the 'managed dispersal' strategy is likely to increase the reliance on the private vehicle and longer distance travel.
10. However, I also appreciate the need to get a LP in place as soon as possible so that development is plan led, policies are up-to-date, and allocations can be made which would boost the provision of housing and ensure a 5 year supply.
11. There appear to be two ways that the above highway and transport issues could be dealt with. Option 1 would be to robustly review the highway and transport evidence during the examination. This would require suspension of the examination whilst the additional work was undertaken.
12. Option 2 would be to build an early review mechanism into the LP as suggested by the Council during the hearings. However, should this option be pursued there should be a commitment to undertake this partial review as soon as possible with the objective of submitting for examination within 3 years of the adoption of the LP. Such a commitment should be supported by a specific policy (**MM**).

The Council is thankful to the Inspector for suggesting a way forward that would enable the Council to proceed to adoption of this Local Plan without delay. The Council supports Option 2 and will prepare a **MM** to insert a new policy that would commit the Council to starting the partial review of the plan with the objective of meeting the full OAN, before the end of 2019 with submission by early 2022. The partial review will cover an update of the OAN and a review of transport issues and highway capacity.

13. With both options more work would be required on highway constraints and transport infrastructure in the form of:
  - (i) More robust modelling of the likely mitigating effects of the committed transport and highway schemes;
  - (ii) Reviewing LCC's approach to severe congestion and severe residual cumulative impacts. Is the level of congestion severe and the LCC approach comparable with other authorities?;
  - (iii) Reviewing whether LCC has put enough emphasis on sustainably located sites where the use of sustainable transport modes can be maximised in analysing congestion and highway impacts and applying the highway caps.
  - (iv) taking into account the policies and allocations of the LP.

The purpose of both options would be to ensure that OAN would be met by allocating more sites alongside the necessary infrastructure.

14. In terms of the review option, work on updating the evidence base relating to the transport network would need to be commenced as soon as possible after the adoption of the LP.
15. In addition in relation to the review option I am mindful that the standardised approach to calculating housing needs may be part of Government policy by the time of a review. However, whatever policy is in place at the time of review would need to be considered.
16. Notwithstanding the highway caps derived from ED094a I see opportunities for some modest increases in housing provision in some locations which would not lead to severe residual cumulative impacts based on the existing evidence base and representations. There are other locations where for reasons other than highway impacts I find the scale of allocations unsound. In this context I set out below further detailed comments and suggested MMs which when taken together would increase housing supply and bring overall provision closer to the OAN.

As indicated below the Council is supportive of the suggested MMs. The overall increase in the Local Plan housing land supply is 1,060 dwellings raising the LP housing land supply to 9,285 dwellings or 464 dpa.

#### **Issue 4 – Strategic Areas of Separation**

17. The Strategic Area of Separation (SAS) between Forton and Hollins Lane would be significantly eroded by the allocations within the LP. I return to this matter below when considering the allocations.

#### **Issue 5 – Green Belt**

18. With regard to Parcel 11 the small 0.7 ha parcel of previously developed land on the Norcross Lane frontage forms part of the development area which has outline planning permission and would not be used as open space. Therefore, the Site Assessment forming part of the Green Belt Study (ED109b) is out of date. Having regard to the characteristics of the 0.7 ha parcel and the planning position I consider that exceptional circumstances exist and that this area should be removed from the Green Belt (**MM**).

The Council accepts the Inspector's recommended change and will prepare an appropriate **MM**.

### **Matter 3 – Housing and Employment OAN and Requirements**

#### **Issue 4 – The Housing Requirement**

19. I have concerns about the failure of the LP to meet the Housing OAN requirements and have suggested two options to remedy this as set out above.

## **Matter 4 – Housing Land Supply**

### **Issue 1 – Components of Housing Supply**

20. The assessment of completions on non-allocated housing sites of less than 25 dwellings since 1 April 2011 (EL5.012) indicates to me that there is a justification for a windfall allowance within the range of 25-50 dpa. This would be an additional component of the supply but would only take effect after say 31 March 2021 so not to lead to double counting of commitments (sites with planning permission at 31 March 2018). Windfalls would add between 250 to 500 dwellings to the supply. Paragraphs 7.2.2 and 7.2.3 should be modified accordingly (**MM**).

The Council accepts the Inspector's suggested amendment to add a windfall allowance in the housing land supply calculation and will prepare appropriate modifications to paragraphs 7.2.2 and 7.2.3 which will also be reflected in the Housing Implementation Strategy. The Council considers that an annual windfall allowance of 50dpa is justified.

### **Issue 2 – The Housing Trajectory**

21. Applying the substantial shortfall of 836 dwellings to the next 5 years requirement through the Sedgefield approach would not be realistic as it would set a 5 year housing requirement that is unlikely to be delivered and would risk the LP being out-of-date soon after adoption. Therefore, I agree that spreading the shortfall over the Plan period is justified (the Liverpool approach).

The Council is pleased that the Inspector has accepted the Liverpool approach.

### **Issue 3 – Five Year Housing Land Supply**

22. Since the 2011 base date of the LP completions have not exceeded the OAN of 479 dpa in any year and only exceeded the housing requirement of 411 dpa in one year (2016/17). Using the Regional Spatial Strategy requirement to judge delivery since 2011 (206 dpa) would not be appropriate as it is not anyway near the OAN for the period 2011-18. As Wyre has only met its housing target in 1 out of 7 years since 2011, there has been a record of persistent under delivery so a buffer of 20% should be applied in accordance with paragraph 47 of the National Planning Policy Framework (NPPF). Paragraph 7.2.7 of the LP will need to be modified accordingly (**MM**). The evidence appears to indicate that there would be a 5 year supply of housing land on adoption of the LP using the Liverpool method to address the shortfall and applying a 20% buffer.

The Council accepts the Inspector's recommendation and will prepare an appropriate modification to paragraph 7.2.7 to make reference to a 20% buffer. The modification will also be reflected in the Housing Implementation Strategy. Using the new annual figure of 464dpa and applying the Liverpool approach and 20% buffer the Council can demonstrate 5.19 years of land supply on adoption.

23. Applying the lead in times and build out rates from the Housing Background Paper (HBP) (ED010) suggests that some sites may deliver more housing within the LP period than projected. This would allow an upward adjustment in the

number of houses that could be delivered in the LP period taking the total closer to the OAN. I return to specific sites and delivery when I deal with the allocations below.

## **Matter 7 – Core Development Management Policies**

### **Issue 4 – Natural and Historic Environment Policies**

24. The definition of Green Infrastructure within Policy CDMP4 (Section 4) is too wide ranging. To include all countryside areas goes well beyond the definition within the NPPF as many such areas are not multi-functional and cover large expanses of agricultural land in Over Wyre and to the east of the Fylde Peninsula up to the Forest of Bowland. That said I can appreciate the need to maintain most of the remaining areas of countryside on the peninsula which are not otherwise protected by Green Belt as the areas provide an important recreational resource/green lung as well as having landscape and biodiversity benefits. In this respect the definition of Green Infrastructure within Policy CDMP4 should be modified (**MM**).

The Council accepts the Inspector's recommendation and will prepare an appropriate modification to the definition of Green Infrastructure within Policy CDMP4.

The Council considers that parts of countryside areas on the urban peninsula (as shown on the Policies Map) should also have a GI designation for the reasons indicated by the Inspector above. The Council will prepare an MM to show which parts should have the additional GI designation.

Within the wider countryside areas in Over Wyre and to the east of the urban peninsula the intention is to identify specific GI sites on the same basis as GI within settlement boundaries. Using existing evidence and knowledge, the sites within countryside areas which will also have a GI designation relate to public open space, outdoor sport, sites of ecological and geological interest, church grounds, cemeteries and school playing fields. This is consistent with the approach within settlement boundaries.

The Wyre Estuary and Morecambe Bay which was not shown as part of the countryside but which is a designated SPA site, will be shown as GI up to the low tide mark.

## **Matter 8 - Allocations**

### **Site SA1/2 – Lambs Road/Raikes Road, Thornton**

25. The separate parcel of land to the south of Raikes Road has landscape and recreational attributes providing a green link between the built up area of Thornton and the more extensive areas of countryside towards the River Wyre and Skippool Creek. It has public footpaths along two boundaries. Access is via narrow lanes. In addition a new road from Skippool Road (Thornton Mews) may not be necessary or deliverable and would have some adverse impacts. This part of the allocation should be deleted (**MM**).

26. Notwithstanding the recommended change to the allocation and based on the evidence I consider delivery of 360 dwellings from the remaining part of SA1/2 within the LP period is realistic.

The Council accepts the Inspector's recommendation and will prepare an appropriate modification to remove the parcel of land to the south of Raikes Road. The Council agrees that the site can deliver 360 dwellings within the LP period.

The parcel of land removed from Site SA1/2 will be designated as countryside and possibly GI as per response to paragraph 24 above.

#### **Site SA1/8 – South of Blackpool Road, Poulton-le-Fylde**

27. The site extends to almost 20 ha but is only shown as delivering 154 dwellings. Whilst there are constraints affecting the site (highway, flood risk, railway line) and there is a need to provide land for a new primary school and a car park, the site is in an accessible location within walking distance of the town centre and railway station. There is scope to provide walking and cycling links across the site combined with Green Infrastructure which would make walking and cycling from the site and other areas to the north and west of the site more attractive. A larger number of houses would allow a greater contribution to the Poulton-le-Fylde Highway Mitigation Strategy and off-site sustainable transport measures. The opportunity to make best use of the site should be taken and the numbers to be delivered should be increased. For the reasons given above and notwithstanding the highways cap the Council should reassess the capacity of the allocation and the LP should be modified (**MM**).

The Council accepts the Inspector's conclusions and has reassessed the capacity of the allocated site.

The site includes a large area of flood risk (6.6 hectares) and can be distinguished into two parts separated by a former rail embankment. Berry's Lane runs along the top of the embankment giving access to two farms (which are excluded from the allocation). 1 hectare of land between the two farms is effectively landlocked. Taking into account the requirement to provide a car park (circa 0.23 hectares), the Council considers that the site could deliver around 300 dwellings. The whole allocation can be delivered within the local plan period.

#### **Site SA1/11 – North of Norcross Lane**

28. Adjustments should be made to the Policies Map to reflect the comments made at paragraph 18. Does the site capacity and site delivery need to be adjusted as the allocation is to be extended? This was not entirely clear to me from discussion at the hearings.

As indicated above under paragraph 18, the Council accepts the Inspector's recommendation to remove from the Green Belt the parcel of land with planning permission and include it within the allocation and will prepare a MM to that effect.

Despite the increase in site area, following a pre-application meeting with a housebuilder preparing a reserve matters application on the majority of the site, the overall capacity of the allocation is reduced to 300 because of the presence of peat which limits the developable area

of the allocation. The figure of 300 takes into account the number indicated by the housebuilder (219 dwellings), plus 70 sheltered accommodation dwellings (part of the original outline planning permission on the parcel to be released from the green belt) and a further 12 dwellings on the remainder 0.4 hectares not covered in the forthcoming reserved matters application. The Council considers that the whole allocation can be delivered within the Local Plan period. Despite the reduced overall capacity of the site, 30 additional dwellings will be delivered within the local plan period.

### **Site SA1/9 – South Stalmine, Stalmine**

29. There would appear to be logic to allocating STA\_20 as an alternative to STA\_16 as it is physically well-related to the village, there are no known constraints (other than the highways cap) and evidence indicates that it is deliverable (access via STA\_05 and subject to a planning application). This option should be given serious consideration by the Council.

The Council has given consideration to the Inspector's recommendation and agrees that STA-20 is preferable to STA-16. The revised site allocation SA1/9 has a capacity of 180 dwellings.

### **Site SA1/13 – Inskip Extension**

30. There are a number of adverse impacts that would arise from this allocation – notably effect on the character and appearance of the village and its countryside surroundings, loss of Grade 2 agricultural land, relative remoteness from many services and sources of employment, reliance on the private car for most trips which would involve relatively long journeys along a network of rural B and C roads, encouragement of commuting and implications for climate change. Cumulatively these adverse impacts indicate to me that the scale of allocations would be too large. Indeed the 255 dwellings appear to derive principally from highway capacity considerations. In addition I would question whether the site would deliver as anticipated.

31. A modest scale of allocation would be justified to enhance and maintain the vitality of the village but this should be confined to the area which already has planning permission and the land allocated either side of the school (**MM**). Such land would be well-related to the school and allow extension of the school if necessary. The Council may wish to consider whether a modest allocation at Site INS\_07 would also be justified having regard to the recent advice from HSE (EL5.027).

The Council accepts the Inspector's recommendation and will prepare an appropriate modification to delete land north of Preston Road which does not have planning permission. The land to the east of the school including the land with planning permission (55 dwellings) has capacity for 85 dwellings allowing for access to be maintained to the farm. The Council considers that the land to the west of the school should be used for the expansion of the school.

The Council considers that a modest allocation at site INS-07 of 70 dwellings would be appropriate and will prepare a MM to that effect.

The allocation at Inskip will therefore be for 155 dwellings.

### **Site SA1/16 – West of Cockerham Road, Garstang**

32. The development may need to deliver a primary school. In this respect it is questionable whether sufficient land has been allocated to allow delivery of the school and 100 dwellings. Moreover for the reasons given in paragraph 7-9 and based on the existing highways evidence base there is scope for a modest increase in housing delivered in Garstang. Additional land to the west of the allocation is well-contained and could be considered to not have significant landscape attributes. The technical constraints identified in the SHLAA (access, electricity lines, public right of way) can be overcome by master planning. Questions were raised about delivery at the hearings but the larger site is being promoted by a national housebuilder. I recommend the extension of the allocation so that it has an overall capacity of 200+ dwellings (**MM**).

The Council accepts the Inspector's recommendation and will prepare a MM to extend the boundaries of site allocation SA1/16 to the west to include all the land within the triangle bounded by Nateby Crossing Lane, Croston Barn Lane and Cockerham Road. The capacity of the new site is 260 dwellings and the Council considers that it can be delivered within the local plan period.

### **Site SA1/17 – Land south of Prospect Farm, West of Garstang**

33. For the reasons given in paragraph 7-9 and based on the existing highways evidence base there is scope for a modest increase in housing delivered in Garstang. Taking into account the size of the allocation a small increase in the site capacity is recommended (up to 70 dwellings) (**MM**).

The Council accepts the inspector's recommendation and will prepare an appropriate MM to increase the site capacity to 70 dwellings.

### **Site SA3/3 – Land west of Great Eccleston**

34. The rate of delivery should be increased so that it is consistent with the HDP. The site is capable of accommodating two developers. Although the HDP refers to Great Eccleston being an untested market area it is an attractive location and vibrant settlement. The development company support a higher rate of delivery. Delivery should be increased to 50 dpa from at least 2025/26, leading to an additional 60 dwellings being delivered in the LP period (**MM**).

The Council accepts the Inspector's recommendation to revise the trajectory in relation to this site using the standard lead in times and built out rates. This results in the entire allocation being delivered within the local plan period.



## Site SA3/4 – Forton Extension

35. The decision to make large scale allocations at Forton appear to derive principally from highway capacity considerations elsewhere. The parcels of land to the south and east of Sunnybank Nurseries significantly erode the gap between the settlements of Forton and Hollins Lane and undermine the SAS. Moreover, development on these sites would be poorly related to the existing settlement structure and could not form an 'organic extension' to Forton appearing as satellite housing estates. In addition they would be some distance from the hub of services in Forton (primary school, village hall, open space/recreational facilities and potential convenience store). Finally there is evidence that the amount of land allocated at Forton is in excess of that required to deliver the anticipated capacity of 468 dwellings.
36. I have taken into account the suggested MM to include an area of Green Infrastructure on the southern part of the allocation (EL5.028) and the potential to provide a landscaped corridor along the A6. However, even with this mitigation development of these parcels would still close the gap between the settlements.
37. I acknowledge the Parish Council's preference for some of the southern parcel to be developed rather than the westernmost parcel. However, although the latter would have some landscape impacts it would be capable of being designed as an 'organic extension', would provide scope for an extension of the primary school and would be closer to village facilities.
38. With regard to employment I support the need to bring forward at least 1 ha of employment land at this location. In this respect allocation of a 1 ha parcel of land on the A6 north of the existing employment site at Ashmead would be one option. The site would have direct access to the A6, be adjacent to an existing employment use and would not materially erode the SAS. Although isolated from the remainder of the allocation it should be included in the master planning process. The alternative would be to include 1 ha of employment land to the east of Jesmond Dene (existing employment). I would welcome the Council's view on these options (or alternatives).
39. In conclusion I recommend that the allocation at Forton be amended to delete the parcels to the south and east of Sunnybank Nurseries (**MM**). The site capacity and delivery figures will also need to be adjusted albeit the Council's trajectory and representations indicate that at least 340 dwellings could still be delivered in the LP period based on realistic delivery of a maximum of 40 dpa.

The Council accepts the Inspector's recommendation to delete the parcels of land to the south and east of 'Sunnybank Nurseries' from the housing allocation SA3/4. The Council will prepare an appropriate MM.



The Council is of the view that the parcel on the east side of the A6 and the two fields fronting onto the A6 between Sunnybank Nurseries and Ashmead should be designated as part of the Strategic Area of Separation between Forton and Hollins Lane.

The Council considers that the 1 hectare of employment land should be located east of Jesmond Dene. The location of the employment land within the allocation at Forton and thus close to the facilities in the new neighbourhood centre will benefit future workers. The location of the new employment at Forton will also better relate to the main area of housing growth and encourage walking and cycling.

The capacity of the revised site is 310 dwellings using the methodology applied elsewhere in the LP.

## **Future Timetable**

40.If the Council favour Option 1 as a way forward (paragraph 11 refers) an indicative timetable should be provided for carrying out the work as soon as possible.

41.If Option 2 is favoured the Council should prepare a composite Schedule of Proposed Main Modifications (MMs). This schedule should include MMs which have arisen since the publication of the LP, including potential MMs discussed at the hearings and those recommended in this post hearings advice. Supporting documentation such as an updated SA and HRA and the Housing Implementation Strategy (HIS) would also be required. An indication of the likely timetable for these tasks would be helpful. That said I would anticipate that the Schedule could be finalised by the end of August 2018 by the latest. Based on this expectation the timetable for the remainder of the examination could pan out as follows:

- September – October 2018 – publicity/consultation on MMs alongside updated SA/HRA and HIS for a 6 week period.
- November 2018 – Council and then the Inspector consider representations on MMs.
- December 2018 – Inspector finalises report. The report will be subject to QA and a LPA fact check as described in the Procedural Practice in the Examination of Local Plans (page 9) – see link below – which would probably take place in January 2019.

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

The Council considers that a six week consultation on MM alongside an updated SA/HRA and a Housing Implementation Strategy (HIS) September/October 2018 is achievable.

42.I would not anticipate the need for additional hearings should Option 2 be followed. However, if they are found necessary an additional 2 months should be built into the programme in late 2018/early 2019 to accommodate them.

## **Response**

43. A response to this note should be provided as soon as possible. It would be particularly appreciated if any comments on the timetable could be provided quickly so that I can ensure that my future work and other commitments do not prevent expeditious progress on the remainder of the examination.
44. This advice should be published on the website as soon as possible. The Council's response should also be published once prepared. However, it should be emphasised that no representations on the contents of this note and the Council's response should be submitted at this stage. Representations will be invited on MMs once these are published. This note and the Council's response will form background documents to the MMs.
45. If the Council require clarification of any of the above points please contact me via the Programme Officer.

Thank you.

Mark Dakeyne

INSPECTOR

5 July 2018

**Council's Response – 30<sup>th</sup> July 2018**



Report of:	Meeting	Date	Item no.
Cllr Michael Vincent, Planning and Economic Development Portfolio Holder and Garry Payne, Chief Executive	Cabinet	5 September 2018	11

## Guidance on the Preparation of Masterplans

### 1. Purpose of report

- 1.1 To seek approval of the council's Guidance on the Preparation of Masterplans as a means of implementing emerging Wyre Local Plan policy. The draft Guidance is included in Appendix 1.
- 1.2 To seek delegated authority for the Planning and Economic Development Portfolio Holder to approve masterplans where such documents are required under SA1 policies for residential developments of over 50 dwellings and up to 100 dwellings where the particular SA1 policy does not include specific on-site infrastructure requirements.

### 2. Outcomes

- 2.1 Efficient and effective implementation of local plan allocations for residential and mixed-use development. Masterplans are an important aspect of delivering sustainable outcomes arising from allocations in the Wyre Local Plan.

### 3. Recommendations

- 3.1 That the Guidance on the Preparation of Masterplans is approved.
- 3.2 That delegated authority is granted to the Planning and Economic Development Portfolio Holder to approve masterplans relating to residential allocations of over 50 dwellings and up to 100 dwellings where the allocation policy does not include any specific on-site infrastructure requirements.
- 3.3 That delegated authority is granted to the Head of Planning Services to make minor alterations and updates to the guidance in consultation with the Planning and Economic Development Portfolio Holder.

## **4. Background**

**4.1** The emerging Wyre Local Plan (2011-2031) requires site allocations which include more than 50 dwellings to be brought forward in-line with an approved masterplan.

**4.2** A masterplan is a document that – through plans, drawings and text - will determine key aspects of the future development such as the:

- Distribution and interrelationship of activities/uses.
- Relationship between spaces and buildings (existing and new).
- Degree of 'permeability' – visual and physical.
- Best location of different type of uses.
- Movement networks within and outside of the site.
- Provision of infrastructure.

**4.3** The emerging Wyre Local Plan allocates a range of sites for residential and mixed use development, including large scale village extensions. It is important that the development that comes forward on these sites takes place in a manner that respects and integrates well with the existing settlement. It is also important that new developments create high quality environments for future occupiers and existing residents. In addition, a number of allocations require the careful planning of supporting infrastructure such as education and health provision. The requirement for a masterplan is therefore essential to ensure that each site is brought forward in a comprehensive and cohesive manner that contributes to the creation of sustainable places. The preparation of a masterplan will require the collaboration of all landowners and stakeholders, and consultation with local communities.

## **5. Key issues and proposals**

**5.1** The Guidance on the Preparation of Masterplans has been prepared to assist landowners/developers and stakeholders in preparing masterplans where this is required by the Wyre Local Plan. It will also show to stakeholders and local communities their role in the process. The Guidance establishes the process by which a masterplan should be produced to ensure a transparent and evidenced process, providing clarity for decision makers, local communities, developers, landowners and other stakeholders.

**5.2** All masterplans required under Local Plan allocation policies will be subject to internal consultation with members of the Planning Policy Working Group, (PPWG). Where a site lies within a ward that is not represented on the PPWG, a representative ward member will be invited to attend the specific meeting.

- 5.3** Approval of masterplans will be by Cabinet. In relation to simple masterplans for residential allocations of over 50 dwellings and up to 100 dwellings where the allocation policy includes no specific infrastructure requirements such as a new school, health facility or other community and shopping facilities, Cabinet is requested to delegate approval to the Planning and Economic Development Portfolio Holder.
- 5.4** Masterplans will vary in the degree of detail required, depending on the scale of development and the requirement for supporting infrastructure such as the provision of a new school. As such it is considered that a proportionate approach that is consistent with effective and efficient decision making should form the basis of the approval process. Approval of simple masterplans by the Portfolio Holder will ensure that masterplanning for less complex developments does not cause delays to the development management process. This will assist with the timely delivery of schemes on simpler sites and the ability of the council to demonstrate the delivery of its local plan housing requirement.
- 5.5** In considering individual masterplans, regard should be had to the degree of compliance, or otherwise, with the Guidance and any material implications arising from lack of compliance.
- 5.6** All masterplans, when approved, will be a material planning consideration in the determination of planning applications. In the absence of a required masterplan any proposed development will be not be fully in accord with the relevant allocation policy.

<b>Financial and legal implications</b>	
Finance	<p>The preparation of a masterplan will be the responsibility of landowners and/or developers and all associated costs will be borne by them including for any public consultation.</p> <p>Whilst there are no direct budgetary implications for the council, officers will be involved in helping to facilitate and guide the process where required. No additional staffing resource will be required.</p>
Legal	<p>The preparation of a masterplan in relation to certain Local Plan allocations is a policy requirement in the emerging Local Plan which when adopted will have full statutory weight in the determination of planning applications.</p>

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Réa Psillidou	01253 887243	rea.psillidou@wyre.gov.uk	7 August 2018

<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

### **List of appendices**

Appendix 1 - Guidance on the Preparation of Masterplans

arm/ex/cab/cr/18/0509rp1

## APPENDIX 1

### Guidance on the Preparation of Masterplans

## **Guidance on the Preparation of Masterplans**

### **1.0 Introduction**

- 1.1 This Guidance on the Preparation of Masterplans sets out Wyre council's requirements for the preparation and approval of masterplans as required by the Wyre Local Plan.
- 1.2 The Local Plan at paragraph 9.1.5 requires the preparation of 'masterplans' for certain residential and mixed use allocations before planning permission will be granted. The nature of these sites varies from purely residential (50+ dwellings) to more complex mix use sites of several hundred dwellings. In some cases these allocations represent a significant extension to an existing settlement.
- 1.3 Allocated sites will contribute significantly towards meeting the borough's identified development needs in the period up to 2031. Although meeting housing and other needs is a requirement of national planning policy, it is important that the development that comes forward on these sites takes place in a manner that respects and integrates well with the existing settlement. It is also important that new developments create high quality environments – including the provision of green infrastructure - for future occupiers and existing residents. In addition, a number of allocations require the careful planning of supporting infrastructure such as education and health provision. Also whilst some sites are in single ownership, others involve several landowners. The requirement for a masterplan is therefore essential to ensure that each site is brought forward in a comprehensive and cohesive manner that contributes to the creation of sustainable places. The preparation of a masterplan will require the collaboration of all landowners and stakeholders and consultation with local communities.
- 1.4 Where an approved masterplan is required for a specific site this is identified in the allocation policy for that site as a Key Development Consideration.

### **2.0 What is the purpose of this guidance?**

- 2.1 This Guidance is set out in the form of answers to a series of questions. It has been considered and endorsed by the Planning Policy Working Group<sup>1</sup> and approved by Wyre council Cabinet.
- 2.2 The Guidance has been prepared to assist landowners/developers and stakeholders in preparing masterplans where this is required by the Wyre Local Plan. The Guidance also serves to ensure that there is transparency for local communities with regard to the process of masterplan preparation.

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<sup>1</sup> The Planning Policy Working Group is a cross party advisory group set up to assist in the preparation of the Local Plan.



### **3.0 What is a masterplan?**

- 3.1 *“Master plans are about setting out a vision for an area undergoing change and a strategy for implementing that vision. They are about taking the initiative in terms of design, layout, houses, jobs and services... Critically, they must show local people what an area might look like in the future.”* (Our towns and cities: the future - Delivering an Urban Renaissance, DETR, 2000)
- 3.2 Masterplanning is about place making. A good masterplan should tell a ‘story’ about the place as it is now and how it will be in the future through the development of the site in question.
- 3.3 A masterplan is a document that – through plans, drawings and text - will determine key aspects of the future development such as the:
- Distribution and interrelationship of activities/uses.
  - Relationship between spaces and buildings (existing and new).
  - Degree of ‘permeability’ – visual and physical.
  - Best location of different type of uses.
  - Movement networks within and out with the site.
  - Provision of infrastructure.
- 3.4 The foundation of a masterplan is a good understanding of the site and its surroundings.
- 3.5 Developing a masterplan will be a collaborative process between landowners and stakeholders involving setting a shared vision, agreeing objectives and priorities, generating options and resolving issues. The process will include effective community engagement and consultation.
- 3.6 Preparing a masterplan often involves applying urban design principles to the site in question with the aim of producing drawings, images and text which combine to provide illustrations of the layout, form and character of the development.
- 3.7 Relevant urban design principles include –
- a. Achieving connections and links – a place that is safe but easy to get to and move through
  - b. Creating clear development blocks
  - c. Creating a public realm where public and private spaces are clearly distinguished
  - d. Ensuring legibility – a place that is easy to understand with gateways and landmarks
  - e. Ensuring mix of uses where relevant
  - f. Protecting and, where appropriate, enhancing, the environment and biodiversity
  - g. Creating a rich and delightful visual experience
  - h. Achieving flexibility and adaptability - a place that can respond to changing needs.

#### **4.0 How is a masterplan going to be used in the planning process?**

- 4.1 Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy requirement for an approved masterplan where required through a site allocations policy will therefore have a significant weight in determining a planning application.
- 4.2 The Local Plan requires development proposals on sites which require a masterplan to be in line with the relevant approved document. The approved masterplan itself will therefore be a material consideration of significant weight in the determination of planning applications.

#### **5.0 What should a masterplan contain?**

- 5.1 The extent and contents of a masterplan, and the process by which it is produced, will depend on the scale and complexity of development proposed. The council will therefore adopt a proportionate approach to its requirements for masterplanning. For instance where a site is in a single ownership and a single use is proposed, with no supporting on site infrastructure required, such as a school, health facility or community and shopping facilities, the masterplan could take the form of an enhanced design and access statement containing more detail than is usually the case and written with reference to the Masterplan policy requirement and this guidance.
- 5.2 Where a site of more significant scale – over 100 dwellings – or a mix of uses is being considered, a more detailed document will be required.
- 5.3 However, all masterplans should include written text and ‘visual’ material including, as appropriate, plans, drawings and photographs. All masterplans should demonstrate a clear vision and rationale for the design of the development supported by the appropriate evidence. All masterplans should establish spatial principles relating to land use, transport, design and green infrastructure and provide the framework for the development for the whole site. All masterplans should identify as appropriate how the Key Development Considerations for the site in question are, or can be, addressed.
- 5.4 The masterplan should be supported by a series of technical studies which provide a robust evidence base for the masterplan. The extent and depth of these studies will depend on the nature of the site in question, with more complex and larger scale sites requiring a more in-depth supporting evidence base. The relevant ‘Key Development Consideration’ and the Core Development Policies of the Local Plan should be a starting point in determining what technical studies are needed.
- 5.5 The written text should cover where appropriate and relevant:
- Site description and context including a plan showing the physical area of the masterplan and the wider context.
  - Planning policy context.
  - Summary of the main findings / issues from the technical assessments, including a reconnaissance plan.
  - Strategic vision for the site and series of development objectives.

- The masterplan framework which will guide the quantum and layout of development across the site and address matters such as residential density.
- Development principles which will guide development relating to for example transport, green infrastructure, design including built form and public realm.
- Framework for delivery including infrastructure requirements.
- A phasing plan.

## **6.0 Does the masterplan need to cover an area with an extant planning permission?**

- 6.1 The masterplan will need to cover the whole allocation inclusive of land with planning permission. An extant planning permission can be implemented, however where the planning permission lapses a subsequent application will need to be prepared in accordance with an approved masterplan.
- 6.2 A landowner with an unimplemented planning permission will be invited to participate in the masterplanning exercise. The final masterplan may or may not reflect the planning permission. That landowner will effectively have two options until the planning permission lapses.
- 6.3 In circumstances where an existing permission has been granted but a new application is submitted for a scheme that materially differs from that approved, the requirement for a masterplan will apply taking into account the advice contained in this guidance and key development considerations in the relevant Local Plan allocation policy. The new application will need to comply with an existing masterplan where one has been prepared or an appropriate masterplan covering the whole allocation will be required before the new application can be determined.

## **7.0 What are the implication of a landowner not participating in the masterplanning process?**

- 7.1 A landowner may not be willing to participate in the exercise because the development of the site is not an immediate priority. In such circumstances the masterplan must consider the entire allocation and set down the framework for more detail work at a later stage for the parcels of land involved. The masterplan must ensure that the required mix of uses is planned for rather than deferring provision to the later stage.

## **8.0 What is the process in producing a masterplan?**

- 8.1 Masterplanning is the process by which key elements of the development and its context are identified. When a planning application is submitted most key decisions would have been made as part of the masterplanning exercise.
- 8.2 Producing a masterplan is the responsibility of the landowner(s) / developer(s) with input from relevant stakeholders. The role of the council is primarily to facilitate and steer the process, host necessary meetings, ensure a robust and effective document and that due process is followed to give the masterplan credence.

- 8.3 The outcome is a document which forms a material consideration of significant weight in the determination of planning application(s). Engagement with stakeholders and consultation with the local community is an essential part of the process.

### **Working arrangements**

- 8.4 For more complex masterplans, it is envisaged that the process will be managed by two groups – a) Landowners Group and b) Stakeholder Group. In relation to relatively simple developments of less than 100 dwellings and where there is no on site infrastructure requirements a masterplan which meets the requirements of this guidance as to its content can be prepared without the need of specific landowner and stakeholder group meetings. In these cases the masterplan must be supported by evidence of separate engagement with stakeholders.

#### **a) Landowner Group**

- 8.5 The Landowners Group will consist of the landowner(s) of the site in question and/or their appointed agent(s). This will include developers who have options on the land in question. The council will call the inaugural meeting and further meetings to ensure progress on the preparation of the masterplan. The purpose of the group is to agree:

- Working relationship between landowners and assignment of responsibilities
- Budget/resources
- Timetable
- The commissioning of survey work and technical studies

- 8.6 In most cases where the land is in more than one ownership, the landowners/ agents/ developers will need to separately appoint a surveyor/property consultant who will advise on an 'equalisation' agreement (i.e. the distribution of costs and values).

#### **b) Stakeholder Group**

- 8.7 The Stakeholder Group will consist of landowners, council officers and relevant ward Members, the Parish or Town Council where relevant and any relevant stakeholder organisations such as Highways England, Environment Agency, United Utilities, Lancashire County Council Highways Authority and Education Authority.

- 8.8 The purpose of the Stakeholder Group is to discuss and progress –

- A vision for the masterplan
- Scope of the evidence base
- Main issues to be addressed
- Master planning options
- Design principles
- Consultation exercise
- The draft masterplan for submission to the council for approval.

## **Key elements of the process**

### **Understanding the place**

- 8.9 Before starting planning the change for an area, it is necessary to look at how it works now, how it came to be that way, and how this understanding can be applied to shaping its future.
- 8.10 Understanding a place means much more than looking at a pattern of land uses at a point in time: you need to develop a rounded and inclusive view of how a place works.

### **Visioning**

- 8.11 The vision is an expression of what a place could be like in the future. It a fundamental part of the masterplanning process.
- 8.12 It describes the kind of place we want covering the physical, economic and social elements.
- 8.13 A vision is about the future and it must be flexible enough to cope with change over time as the project progresses.

### **Reconnaissance / site surveys / technical work**

- 8.14 Site surveys are detailed studies carried out to give an understanding and verify site information. Detailed surveys will focus on specific issues. A walkover survey will be essential and should include a photographic survey. This work will constitute a site appraisal(s).
- 8.15 The Landowner Group will need to identify and appoint necessary specialist consultants to undertake survey/technical work (to be agreed with the council), which might include:
- Topographical survey, including ground conditions
  - Environmental protection matters such as ground contamination, air quality and noise
  - Landscape and visual assessment incorporating a townscape and character appraisal
  - Phase 1 habitat survey
  - Tree and hedges survey
  - Open space analysis, to cover the immediate area
  - Flood risk assessment
  - Transport assessment
  - Heritage assessment including archaeological survey
  - Utility services – electricity, gas, sewerage, drainage, water supply
  - The requirement for community facilities in the immediate area, including educational provision.

- 8.16 Information should be prepared or obtained in a format which can be readily shared and used – map/plan form in most cases - wherever possible. There should be a series of maps or plans that feed into a site appraisal map.
- 8.17 Surveys, technical reports and documents relating to consultation will be published as part of the masterplan.

### **Public engagement and consultation**

- 8.18 The input of the local community through engagement and public consultation in masterplanning is essential. Where there is a parish or town council it is expected that on-going engagement will be through membership of the Stakeholder Group. Wider public involvement is likely to be through consultation on masterplan options. The consultation undertaken should be appropriate to the nature of the masterplan (see para. 5.1 above). However, all consultation undertaken as part of the masterplanning process should be effective and the approach to be employed should be discussed and agreed at the Stakeholder Group. It should:
- Take place for a minimum period of three weeks;
  - Be appropriately publicised, using existing community networks and organisations as appropriate;
  - Include drop in session(s) in the local area;
  - Set out the conclusions from the various studies on a map form; and
  - Set out options where reasonable options exist.
- 8.19 In relation to less complex masterplans relating to allocations of less than 100 dwellings engagement with the relevant Parish or Town Council and / or relevant ward Member should be undertaken before the draft masterplan is finalised and published for public consultation.
- 8.20 It is important that the consultation process is open and transparent. To this end, the council will make available for viewing and downloading copies of the consultation material (including consultation form) on its web site. Consultation responses should only be sent to the council (planning policy team). Consultation responses will be placed on the council's web site (with personal details removed). Following public consultation there should be a transparent audit trail of how representations have been considered. The council will make available the responses received (with personal details removed) to the Landowners Group or their representatives who should produce a summary of the main matters raised and prepare an appropriate response. The summary and response should be reported to the council and stakeholder group. The council will consider the appropriateness of the response to the issues raised when considering the masterplan for approval.

### **Approval process**

- 8.21 All masterplans required under Local Plan allocation policies will be subject to internal consultation with members sitting on the Planning Policy Working Group, (PPWG) with a recommendation to Cabinet or Portfolio Holder as appropriate. A meeting of the PPWG will be held to consider all masterplans for development of over 100 dwellings or where otherwise considered to be necessary. Council Officers will present the masterplan to the PPWG in such circumstances.

- 8.22 For the avoidance of doubt, this approach will apply to all masterplans, regardless of the type or level of detail involved, including those that may be considered to be enhanced design and access statements. Where a site lies within a ward that is not represented on the PPWG, the relevant ward member will be consulted.
- 8.23 Approval of Masterplans will be by Cabinet other than where a masterplan relates to a residential allocation of over 50 dwellings and up to 100 dwellings where the allocation policy includes no specific infrastructure requirements such as a new school, health facility or other community and shopping facilities. In such cases approval is delegated to the Planning and Economic Development Portfolio Holder.
- 8.24 Approved masterplans will be a material planning consideration when considering relevant development proposals.

## **9.0 What happens if the council does not approve a masterplan?**

- 9.1 If the council is of the view that a masterplan is in some way inappropriate or lacking in some respect, it will be referred back to the Landowner Group for further consideration. It may be necessary to bring the stakeholders together to resolve any outstanding matters prior to re-submission to the council for further consideration.
- 9.2 If a planning application is submitted without an approved masterplan, consideration will need to be given as to whether or not the application prejudices the comprehensive development of the allocation and delivery of a masterplan.

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