

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

13 February 2015

To: MEMBERS OF THE STRATEGIC HOUSING ADVISORY BOARD  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Strategic Housing Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 23rd February, 2015 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr A G Sayer (Chairman)  
Cllr D J Trice (Vice-Chairman)

Cllr Ms J A Atkinson  
Cllr Mrs J M Bellamy  
Cllr Mrs B A Brown  
Cllr C Brown  
Cllr D J Cure  
Cllr Mrs S Luck

Cllr M Parry-Waller  
Cllr Miss S O Shrubsole  
Cllr D W Smith  
Cllr Ms S V Spence  
Cllr Mrs C J Woodger

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Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### STRATEGIC HOUSING ADVISORY BOARD

Monday, 10th November, 2014

**Present:** Cllr A G Sayer (Chairman), Cllr D J Trice (Vice-Chairman), Cllr Ms J A Atkinson, Cllr Mrs J M Bellamy, Cllr Mrs B A Brown, Cllr C Brown, Cllr D J Cure and Cllr M Parry-Waller

Councillors Mrs J A Anderson, Mrs P Bates, P F Bolt, N J Heslop, B J Luker, Mrs S Murray and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Luck, D W Smith, Ms S V Spence and Mrs C J Woodger

#### PART 1 - PUBLIC

##### **SH 14/23 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct. However Councillor N Heslop referred to a potential interest in any items that might have implications for the Bridge Trust on the grounds that he was a member of its Board.

##### **SH 14/24 MINUTES**

**RESOLVED:** That the notes of the meeting of the Strategic Housing Advisory Board held on 19 May 2014 be approved as a correct record and signed by the Chairman.

##### **SH 14/25 GLOSSARY**

The Director of Planning, Housing and Environmental Health submitted a glossary of terms used within the reports to the Advisory Board.

#### MATTERS FOR RECOMMENDATION TO THE CABINET

##### **SH 14/26 MOBILE HOMES ACT 2013 - CHANGES TO CARAVAN SITE LICENSING**

The joint report of the Director of Planning, Housing and Environmental Health and the Cabinet Member for Housing provided an update on the recent changes to legislation surrounding caravan site licensing on permanent residential caravan sites. The report set out details of a proposed Fees Policy in respect of charges for applications or transferring site licences and for monitoring compliance with caravan site licence conditions. The Board noted that, since 4 February 2014, an owner of a relevant protected site wishing to enforce site rules was required to deposit a copy of the site rules with the Council and that the

Council should create an up-to-date register of site rules and publish this on line.

**RECOMMENDED:** That the Cabinet commend the following to the Council

- (1) an application fee of £335 be charged for processing a new caravan site licence for a relevant protected site;
- (2) an application fee of £110 be charged for the transfer of a licence to a different licence holder for a relevant protected site;
- (3) no charge be applied for alterations to existing site licence conditions attached to a caravan site licence;
- (4) a fee of £60 be charged for administering the deposit of site rules, maintaining and publishing the site rules online; and
- (5) a consultation exercise be undertaken with residents and site owners on the four larger relevant protected sites identified in paragraph 1.2.6 of the report to determine their view regarding annual compliance monitoring of site licence conditions detailed in paragraph 1.3.5 of the report and the charging of a fee for this function. The findings of the consultation exercise be reported to a future meeting of the Strategic Housing Advisory Board.

\* **Referred to Cabinet**

## **SH 14/27 HOUSING LIAISON PANEL REPORT**

Decision Notice D140126MEM

The joint report of the Director of Planning, Housing and Environmental Health and the Cabinet Member for Housing explained the outcome of a successful programme of meetings with the Council's Registered Provider Partners at the Housing Associations Liaison Panel Meetings and in particular discussion about the Affordable Rent model. It described steps for pursuing possible future policy directions, making representations to (and influencing the approach of) the Council's Registered Provider Partners.

**RECOMMENDED:** That

- (1) a review of the Borough Council's planning practice to consider the changing environment regarding the funding and provision of affordable housing be undertaken, within the context of the evidence that will support the new local plan and a report be submitted to a future meeting of the Planning and Transportation Advisory Board;

- (2) there be a review of the Borough Council's approach to negotiating with and influencing its Registered Provider Partners to address concerns regarding the affordability and sustainability of tenancies for some household types in relation to the Affordable Rent model; and
- (3) the Borough Council continue to engage with its Registered Provider Partners through the Housing Associations Liaison Panel to ensure that the existing social and affordable housing stock and future pipeline of affordable homes meets the Council's strategic requirements and addresses identified housing need.

#### **SH 14/28 PRESENTATION - HOUSING ALLOCATIONS SCHEME REVIEW**

The joint report of the Director of Planning, Housing and Environmental Health and the Cabinet Member for Housing, together with a presentation by the Chief Housing Officer, provided an update on the review of the Council's Housing Allocations Scheme following the introduction of the Localism Act 2011. Details of proposed revisions to the Scheme, which had been in operation since September 2013, were set out in the presentation and particular reference was made to the need to address operational and strategic issues which had emerged since implementation of the scheme, to consider recent Government guidance and to reflect changes in the housing market and economy. Details of the proposed timetable for revisions to the scheme were presented at the meeting and the Board noted that a detailed report would be submitted to its meeting on 23 February 2015.

A number of Members expressed concern about the proposal to disqualify applicants if they did not meet the financial thresholds and preferred the retention of the current criteria whereby they would be classified in 'Band D'. Other Members expressed concern that retention on the scheme provided a 'false hope' that an applicant would be offered affordable housing and expressed a preference for disqualification. The Board commended officers for a comprehensive report on a complex issue.

**RECOMMENDED:** That, subject to a re-evaluation of the proposed financial thresholds and inclusion of a 'Band D' rather than the disqualification of applicants, the proposed content and timetable for revisions to the Housing Allocations scheme, as presented to the meeting, be commended to Cabinet for endorsement.

**\* Referred to Cabinet**

[In accordance with Council Procedure Rule 8.5 Councillor D Cure asked that his vote against the inclusion of a 'Band D' and for the disqualification of applicants be recorded.]

**MATTERS SUBMITTED FOR INFORMATION****SH 14/29 KENT ACCOMMODATION STRATEGY**

The report of the Director of Planning, Housing and Environmental Health provided a summary of Kent County Council's new Kent Accommodation Strategy which identified how the provision, demand and aspiration for housing, care and support services would be met for adult social care across the County. The report outlined the objectives of the Accommodation Strategy, identified matters relevant to Tonbridge and Malling and highlighted weaknesses in provision in residential care and older person's accommodation in west Kent.

**SH 14/30 HCA UPDATE**

The report of the Director of Planning, Housing and Environmental Health provided details of the Homes and Communities Agency's (HCA) recent announcement of capital grant allocations through the Affordable Homes Programme 2015-18 to schemes to be delivered within Tonbridge and Malling. The Board was pleased to note that the HCA had allocated over £7 million of capital grant funding to the Council's Registered Provider Partners to construct new affordable homes within the borough. Members noted that the Leader of the Council and the Cabinet Member for Housing would be writing to the local Members of Parliament to question whether rental levels set at 80 per cent of market value were "affordable" and the detrimental effect this had on working families.

**SH 14/31 PRIVATE SECTOR HOUSING UPDATE**

The report provided updates on the Review of Empty Homes by the Overview and Scrutiny Committee; the Collective Switching Scheme; the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 and the West Kent Landlord Fair held on 21 October 2014.

**SH 14/32 STRATEGY AND ENABLING UPDATE**

The report provided an update on progress made by the Council's Registered Provider (RP) Partners to provide new affordable homes within the Borough between 2012/13 to 2014/15 and described the progress on various housing strategy initiatives.

**SH 14/33 HOUSING NEEDS UPDATE**

The report provided an update on the activity of the Housing Options team to promote the prevention of homelessness and address the housing needs of local residents. While it was noted that those people requiring emergency accommodation had reduced recently, the number of households seeking advice and/or applying to the Housing Register

for social housing remained significantly high as a result of the economic downturn. Attention was drawn to the County Council's review of the Supporting People Programme and the possible effect this could have on socially excluded groups.

#### **SH 14/34 EXTERNAL CONSULTATIONS**

The report of the Director of Planning, Housing and Environmental Health set out details of consultations responded to since the last meeting of the Advisory Board.

#### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **SH 14/35 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

#### **PART 2 - PRIVATE**

#### **MATTERS SUBMITTED FOR INFORMATION**

#### **SH 14/36 SERVICE OF STATUTORY NOTICES**

**(Reason: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)**

The report of the Director of Planning, Housing and Environmental Health set out details of statutory notices served since the last meeting of the Advisory Board.

The meeting ended at 9.13 pm

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## GLOSSARY

TERM	EXPLANATION
<b>AFFORDABLE HOUSING</b>	Housing which includes social rented, affordable rented, and intermediate housing, provided to specified, eligible households whose needs are not met by the market.
<b>ACRK</b>	Action with Communities in Rural Kent – formerly the Kent Rural Community Council. An independent voluntary organisation which: provides direct advice and support to community organisations; stimulates community action, particularly voluntary action, and encourages good practice; develops and manages demonstration projects; provides professional support and advice to key service providers; and raises awareness of rural issues and influences decision makers.
<b>BEST VALUE</b>	The means by which the Council is held accountable for the efficiency and cost effectiveness of its service provision and its proposals to improve on those services.
<b>BME</b>	Black & Minority Ethnic groups
<b>CAB</b>	Citizens Advice Bureau – voluntary organization providing advice to the public on employment, housing, immigration/nationality, consumer debt, and welfare rights.
<b>CBL</b>	Choice-Based Lettings - system for allocating social housing which provides an opportunity for people seeking social housing to choose which properties they wish to be considered for via a bidding process.
<b>CEN</b>	Creative Environmental Networks. They operate the local Energy Savings Trust Advice Centre and work in partnership with the local authorities across Kent on a number of initiatives.
<b>CLSP</b>	Community Legal Services Partnership – partnership which brings together organisations offering legal and advice services, such as solicitors in private practice, Citizens Advice Bureau, Law Centres, local authority in-house services, as well as representatives of the Legal Services Commission. All the partners act together to improve access to, and delivery of, legal and advice services in their local community. More than 200 Community Legal Service Partnerships have been established across England and Wales.
<b>CMHT</b>	Community Mental Health Team

<b>TERM</b>	<b>EXPLANATION</b>
<b>CORE</b>	Continuous Recording of Lettings – independently compiled statistics of all Housing Association letting activity
<b>COMMUNITY PLAN</b>	Strategic document developed by the Local Strategic Partnership (LSP) to improve local services and to meet the needs and aspirations of local people. The aim of the Community Plan is to promote the economic, social and environmental well-being of the borough.
<b>CO2</b>	Carbon dioxide – a major contributor to global warming.
<b>CPA</b>	Comprehensive Performance Assessment – assessment process introduced by the Audit Commission in 2002 as a tool to form a judgement about the performance of councils and their arrangements for improving services.
<b>DECENT HOMES STANDARD</b>	To be defined as ‘decent’, a home must: meet current statutory minimum standard for housing; be in a reasonable state of repair; have reasonably modern facilities and services; provide a reasonable degree of thermal comfort (effective insulation and efficient heating).
<b>DFG</b>	Disabled Facilities Grant: This is a grant made available to disabled persons to provide adaptations to their property. It is a mandatory grant. The amount of grant awarded is subject to a test of resources of the relevant person.
<b>DIYSO</b>	Do-It-Yourself Shared Ownership – former scheme funded by the Housing Corporation to provide cash grants to assist people in housing need to purchase a share of a home on the open market on a part rent/part buy basis.
<b>ECOHOMES</b>	An environmental assessment method for homes (superseded by the Code For Sustainable Homes) which addresses a range of environmental impacts such as energy, transport, pollution, materials, water, land use and ecology, health and well-being,
<b>EMPTY HOMES STRATEGY</b>	The Empty Homes Strategy sets out the ways by which the Council will encourage empty home owners to bring the empty home back into use.



<b>TERM</b>	<b>EXPLANATION</b>
<b>ENERGY EFFICIENCY</b>	Energy Efficiency is about reducing energy consumption in the house by improvements to a property and/or by making lifestyle changes.
<b>EEC</b>	Energy Efficiency Commitment – funding provided by the fuel utility companies for energy efficiency improvements, mainly insulation, by approved installers. 100% grants are available for priority households in receipt of one of the principal income or disability-related benefits. Partial grants are available for other households. The value of EEC funding varies and is linked to the carbon savings of the installed measures.
<b>ENGLISH PARTNERSHIPS</b>	English Partnerships is the national regeneration agency, supporting high quality sustainable growth across the country. They are the key delivery agency for urban renaissance and the government’s new Sustainable Communities agenda.
<b>ESTac</b>	Kent Energy Centre – a not-for-profit organization that is one of a network of local energy advice centres. The ESTac is funded primarily by the Energy Saving Trust and all thirteen of Kent’s local housing authorities. KEC works in close partnership with the authorities to help achieve the targets under HECA, provide free energy advice to all Kent households and reduce domestic energy consumption.
<b>EVERY CHILD MATTERS</b>	Central government programme aimed at transforming children’s services. The Children Act 2004 provides the legal underpinning for ‘Every Child Matters: Change for Children’. A series of documents have been published which provide guidance under the Act, to support local authorities and their partners in implementing new statutory duties. Well-being is the term used in the Act to define the five Every Child Matters outcomes which are: be healthy; stay safe; enjoy and achieve; make a positive contribution; and achieve economic well-being.

<b>TERM</b>	<b>EXPLANATION</b>
<b>HOUSING CORPORATION</b>	The public body that was previously responsible for funding new affordable housing and regulating the Housing sector, replaced by the Homes & Communities Agency.
<b>HOUSING NEEDS SURVEY</b>	Survey carried out by the Borough Council to determine the housing needs of the borough including the need for affordable housing.
<b>HOUSING REGISTER</b>	A list maintained by the Borough Council of households requiring affordable housing.
<b>HSSA</b>	– Housing Strategy Statistical Appendix – annual statistical return which local housing authorities are required to provide to central government.
<b>TERM</b>	<b>EXPLANATION</b>
<b>IGP Grant</b>	Innovation and Good Practice Grant – grant made available by the Housing Corporation to fund projects to promote innovation and good practice amongst Registered Social Landlords (RSLs) and their partners.
<b>JARP</b>	Joint Assessment Referral Procedure: A panel of relevant statutory agencies and local housing providers formed to consider the housing and support needs of vulnerable people.
<b>JPPB</b>	The Joint Policy and Planning Board: Established across Kent representing all the local authorities, Social Services and Health Authority to prioritise, monitor and review the provision of supported housing.
<b>KCC</b>	Kent County Council
<b>KASH</b>	Kent Action to Save Heat – energy efficiency advice and promotion scheme operating across kent. The scheme is managed by CEN.
<b>FLOATING SUPPORT</b>	This kind of support is “attached” to the client rather than the property and can follow the client if they move to another address. It lasts for as long as the client needs it and then it “floats” away to the next person in need. The client does not need to live at a certain address to receive the support.
<b>FUEL POVERTY</b>	Where people cannot afford to heat their homes to an acceptable level at a reasonable cost i.e. 10-20% of their disposable income.

<b>TERM</b>	<b>EXPLANATION</b>
<b>GOSE</b>	Government Office of the South East: Regional operations for nine central Government departments. Structured through multi-disciplinary teams that include housing and regeneration.
<b>HCA</b>	Homes and Communities Agency is the new housing and regeneration agency for England launched in December 2008. The HCA joins up the delivery of housing and regeneration under one roof, bringing together the functions of English Partnerships, the investment functions of the Housing Corporation, the Academy for sustainable communities, and key housing and regeneration programmes previously delivered by CLG
<b>HECA</b>	Home Energy Conservation Act 1995 – Requires local authorities to develop strategies leading to a ‘significant reduction’ in domestic energy consumption in their areas by 2010 and to report annually on progress made. A significant reduction is defined as 30%.
<b>HIA</b>	Home Improvement Agency – A not-for-profit organisation which assists older, disabled and other vulnerable people to have adaptations and repairs/improvements carried out to their homes to enable them to remain in their homes. Operated by in touch.
<b>HOUSING ASSISTANCE GRANT</b>	A discretionary grant made available by the Council under its Housing Assistance Policy to homeowners to fund repairs/improvements to their homes.
<b>HiMP</b>	Health Improvement Programme: Overall strategy in which health authorities work towards the improvement of the health of the nation. Within the HiMP there are particular targets for reducing heart disease, speeding up the treatment of cancers etc.
<b>HNAS</b>	Housing Needs and Affordability Study
<b>HMOs</b>	Houses in Multiple Occupation – Defined under section 254 of the Housing Act 2004. Generally where there is more than two non-related persons sharing a house where there is some sharing of facilities i.e. bathroom, kitchen.

<b>TERM</b>	<b>EXPLANATION</b>
<b>HHSRS</b>	Housing Health & Safety Rating System – new system for assessing housing conditions and determining enforcement action which replaced the fitness standard with effect from April 2006. An assessment of the dwelling will involve a physical survey of the property noting the hazards. There are 29 listed hazards which will be classified according to the likelihood of the harm occurring and the severity of the harm, as either category 1 or category 2 hazard, following a complex calculation.
<b>HOME BUY</b>	Scheme funded by the Homes & Community Agency to provide cash grants to assist people in housing need (including key workers) to purchase a home on the open market.
<b>HOME REPAIR ASSISTANCE</b>	A discretionary grant made available by local housing authorities under the Housing Grants, Construction & Regeneration Act 1996 to vulnerable householders to fund repairs/improvements to their homes. Repealed under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.
<b>HOUSE CONDITION SURVEY</b>	Survey carried out by the Borough Council to determine and assess the condition of housing within the borough including the cost of works needed to bring homes up to the Decent Homes Standard.
<b>ESTac</b>	Kent Energy Centre – a not-for-profit organization that is one of a network of local energy advice centres. The ESTac is funded primarily by the Energy Saving Trust and all thirteen of Kent’s local housing authorities. KEC works in close partnership with the authorities to help achieve the targets under HECA, provide free energy advice to all Kent households and reduce domestic energy consumption.
<b>KEEP</b>	Kent Energy Efficiency Partnership – the consortium of all Kent local authorities working together to co-ordinate projects, share information, improve domestic energy efficiency and reduce domestic energy consumption.
<b>KEY WORKERS</b>	A key worker (as used for the purposes of the Key Worker Living (KWL) Programme) is someone employed by the public sector in a front line role delivering an essential public service in a sector where there are serious recruitment and retention problems: health, education and community safety sectors.

<b>TERM</b>	<b>EXPLANATION</b>
<b>LAA</b>	Local Area Agreement – an agreement (alongside a Local Public Service Agreement) between the Kent local area and central Government. It was established through Kent County Council (KCC), working with the Kent Partnership and other local partners. The intention of the agreement is to drive further improvements to services to local people in Kent from 2005-08. The LAA comprises a set of 18 agreed outcomes with an ambitious work programme. Outcome 17 is 'to improve Kent residents' access to homes of excellent quality, in the right place, at the right time and at right cost', and includes targets for the delivery of new affordable homes across Kent.
<b>LSVT</b>	Large Scale Voluntary Transfer- Wholesale transfer of housing stock from a local authority to a housing association.
<b>LDF</b>	Local Development Framework – the Governments proposed replacement for the Local Plan.
<b>LASHG</b>	Local Authority Social Housing Grant – formerly capital grant funding paid by local housing authorities to Registered Social Landlords (RSLs) to support the development of new affordable homes. Grants paid by local housing authorities were reimbursed in full by the Housing Corporation. LASHG was abolished with effect from April 2003.
<b>LOCAL HOUSING AUTHORITY</b>	Local authorities with the statutory responsibility for housing matters. In two-tier local government areas such as Kent (excluding Medway, which is served by a unitary local authority, Medway Council) the district/borough councils are local housing authorities.
<b>LSP</b>	Local Strategic Partnership – a body consisting of key local organisations whose aim is to drive, develop and deliver the Community Plan and its review. The Tunbridge Wells borough LSP is known as the Community Plan Partnership.
<b>LOW COST HOME OWNERSHIP</b>	A range of initiatives which result in housing for sale at a lower price than the average open market price. Includes schemes such as shared ownership.
<b>ME</b>	Minority Ethnic – people from black, asian and ethnic minority communities.
<b>NLA</b>	National Landlords Association. National organisation working with and for landlords. Work in partnership with local authorities in Kent to help deliver landlord forums and other initiatives.

<b>TERM</b>	<b>EXPLANATION</b>
<b>ODPM</b>	Office of the Deputy Prime Minister – central government department established in 2002 which had responsibility for national policy and guidance on local government, housing and planning. Replaced by the Department for Communities & Local Government (DCLG) in May 2006
<b>OT</b>	Occupational Therapist – qualified professional who deals with cases where the service user has complex or multiple needs. OTs work in the community seeing people in their own homes where appropriate and assessing their needs according to their circumstances. The role of Kent County Council's OT Bureau is to assess the needs of people of all ages who have difficulty managing activities of daily living due to a physical disability or frailty for special equipment and/or adaptations to their home which will increase their control over the practical aspects of their everyday life.
<b>PCT</b>	Primary Care Trust: Part of the Health Authority with responsibility for primary care and general practitioner services.
<b>PFI</b>	Private Finance Initiative: Government scheme through which large capital projects can be financed.
<b>PURCHASE &amp; REPAIR</b>	Scheme whereby a Provider of social Housing purchases a property on the open market and carries out repairs/improvements prior to reletting as affordable housing.
<b>PSHCS</b>	Private Sector House Condition Survey: The survey looks at the internal and external elements of a sample of homes throughout the borough to predict the work that will be needed and the cost of that work to bring homes in the borough to a decent standard.
<b>PWLD</b>	People with Learning Disabilities
<b>PSL</b>	Private Sector Leasing – scheme whereby private sector properties are leased by the Council for use as temporary accommodation for homeless households.
<b>RCGF</b>	Recycled Capital Grant Fund – receipts accruing from the sale of equity stakes in shared ownership accommodation.
<b>RSL</b>	Registered Social Landlord – non-profit making housing organisation managing and developing affordable housing, now called Registered Providers.
<b>TERM</b>	<b>EXPLANATION</b>

<b>RIGHT TO ACQUIRE</b>	A scheme giving eligible tenants of registered social landlords the legal right to buy the home they currently rent.
<b>RIGHT TO BUY</b>	Government policy that allows tenants of local authorities to purchase their home from councils with stock.
<b>RPG</b>	Regional Planning Guidance: Notes issued by Government to indicate its planning policies for the regions.
<b>RP</b>	Registered provider of social housing in England, regulated by the TSA irrespective of the private, public, for profit or not for profit status.
<b>RURAL EXCEPTION SITES</b>	Small plots of land in or on edge of villages to meet local needs for affordable housing on sites which would not have been granted planning permission for open market housing.
<b>SAP</b>	Standard Assessment Procedure is a measurement on a scale of 1 to 100, which indicates the energy efficiency of a property. The higher the rating the more energy efficient the property.
<b>SECTION 106 (S106) AGREEMENT</b>	Agreement under Section 106 of the Town & Country Planning Act 1990 on development of land. Often used as a legally binding agreement between a local authority and developer for a percentage of affordable social housing in a development. Often at nil public cost.
<b>SEEDA</b>	South East England Development Agency established in 1998 coming into operation April 1999 to take the lead in promoting the sustainable economic development of the area.
<b>SEERA</b>	South East England Regional Assembly – grouping of all South East local authorities with economic and social partners (businesses, voluntary agencies) set up and funded by central government to promote the South East England region. SEERA is the regional planning body responsible for the South East Plan and, with effect from April 2006, the South East Regional Housing Strategy.
<b>SMART</b>	How targets should be set if they are to be effective - Specific, Measurable, Achievable, Relevant, Timely.
<b>SOCIAL HOUSING</b>	Subsidised housing provided by local authorities or housing associations.
<b>SOUTH EAST REGIONAL HOUSING BOARD</b>	The strategic public body responsible for allocating public funding to Registered Providers of Social Housing and local authorities for housing investment in the South East.
<b>TERM</b>	<b>EXPLANATION</b>

<b>SCG</b>	Specified Capital Grant – capital grant funded by central government and paid to local housing authorities to meet part of the cost of funding Disabled Facilities Grants
<b>SHARED OWNERSHIP</b>	A form of affordable housing where the householder buys a share of the property and rents the remaining share, traditionally from a Register Provider In some cases it is possible for the householder to buy further shares of the property up to 100% ownership. See also ‘Low cost home ownership’.
<b>SMART TARGETS</b>	Specific, measurable, achievable, resourced, time-bound targets.
<b>SPD</b>	Supplementary Planning Document – document issued under the Local Development Framework (LDF) process setting out planning policy/guidance on a specific topic, eg affordable housing.
<b>SPLA</b>	Southern Private Landlords’ Association – a not-for-profit organisation representing residential landlords throughout Southern England. The Association actively seeks to achieve and maintain quality accommodation for rent and high standards of management in the private rented sector, whilst protecting and furthering landlords’ interests at both local and national level. SPLA offers landlords convenient access to a range of information, advice, services and support, which they would have difficulty finding elsewhere.
<b>SHG</b>	Social Housing Grant is capital grant to housing associations and other developing bodies to fully or partially fund social housing paid under S18 of the Housing Act 1996.
<b>SUPPORTED HOUSING</b>	Schemes for client groups needing additional support or care, e.g. people with learning difficulties, young at risk, frail elderly etc. Previously referred to, as special needs housing.
<b>SUPPORTING PEOPLE</b>	Grant for support services for vulnerable people to improve their quality of life and independence, providing people with housing related support services to remain independent or gain independence in their own home. Paid by central Government, administered by local authorities in partnership with NHS bodies and probation services.



<b>TERM</b>	<b>EXPLANATION</b>
<b>TSA</b>	Tenant Services Authority, launched alongside the HCA in December 2008, the TSA has taken over the Housing Corporation's responsibility for regulating housing associations and social landlords.
<b>UNFIT HOUSING</b>	A property was considered unfit for human habitation if it failed to meet one or more of the requirements of the fitness standard laid down in Section 604 of the Housing Act 1985 as amended by the Local Government & Housing Act 1989 and by reason of that failure was not reasonably suitable for occupation. The fitness standard was replaced by the Housing Health & Safety Rating System (HHSRS) which was introduced under the Housing Act 2004 in April 2006.
<b>WARM FRONT</b>	A central government-funded grant scheme (administered by EAGA) to provide heating and insulation to certain vulnerable households (e.g. over 60s, families with young children etc) where in receipt of one of the principal income or disability-related benefits. The Kent Energy Centre (KEC) can provide information on the qualifying criteria and make referrals to the scheme. Maximum grant available is currently £3,500 (or £6000 for oil central heating)
<b>WINDFALL SITES</b>	Sites not identified in development plan that may become available for development over the life of the plan.
<b>YOT</b>	Youth Offending Team – part of the Kent Youth Offending Service (YOS). There is a YOS in every local authority area in England and Wales. They are made up of representatives from the Police, Probation Service, Social Services, health, education, Drugs and Alcohol Team (DAT) and housing. Each YOT identifies the needs of individual young offenders by assessing them using a standardised national assessment guide. It identifies the specific problems that make the young person offend, as well as measuring the risk they pose to others.
<b>ZONE AGENT</b>	A Registered Provider of Social Housing (historically appointed by the Housing Corporation) to market low cost home ownership schemes (including those for key workers) across a sub-regional area. The zone agent deals with applications and assesses eligibility for such schemes. Moat Housing Group is the 'zone agent' for Kent.

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### STRATEGIC HOUSING ADVISORY BOARD

23 February 2015

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

### **1 HOUSING ALLOCATION SCHEME REVIEW**

#### **Summary**

**This report updates Members on proposed revisions to the Council's Housing Allocation Scheme and provides a draft copy of the revised scheme for approval.**

#### **1.1 Introduction**

- 1.1.1 Members will recall at the last meeting of this Board in November 2014, officers presented the proposed changes to the Council's Housing Allocations Scheme and sought Member endorsement for these changes.
- 1.1.2 Members agreed the proposed changes subject to a revaluation of the proposed financial thresholds and the status on the housing register of those households exceeding these thresholds.
- 1.1.3 Further work has now been undertaken and **[Annex 1]** contains the revised detail on the proposed changes.
- 1.1.4 Members will recall that the Council's Housing Allocation Scheme was reviewed in 2012/13 following the introduction of the Localism Act 2011 and went live in September 2013. The review simplified the priority banding system by removing points from the assessment and introduced two new qualification criteria so that all applicants now have to have a local connection and a housing need in order to join the housing register.
- 1.1.5 The revised policy has now been in operation for over a year. Whilst it has generally operated satisfactorily, it is timely to review the scheme now to address some of the operational and strategic issues that have emerged since its implementation. The proposed changes have been informed by:
- Customer and Stakeholder feedback, including regular feedback from Registered Provider partners;

- operational experience from our own staff who have provided valuable and detailed information about the practical application of the policy;
- further roll out of Welfare Reform measures;
- dynamic and changing housing market conditions; and
- recent government guidance.

1.1.6 The proposed revisions will reinforce our strategic approach to ensure local homes for local people, prioritising those in greatest housing need and making the best use of existing stock.

1.1.7 Following the previous report to Members in November 2014 two of these changes have already been implemented due to their urgent nature. All homeless households where we have accepted a duty to rehouse are now assessed as Band B high priority instead of Band C medium priority. This is to help minimise the length of time households have to spend in temporary accommodation.

1.1.8 Applicants awarded a high priority on medical, welfare or property condition grounds no longer have their priority date changed to the date this priority is awarded. This is a positive change for all customers as it means that the priority date for all applicants is the date that their application is received rather than the date their application is reassessed.

## **1.2 Draft Housing Allocation Scheme**

1.2.1 A draft copy of the revised Housing Allocation Scheme is included at **[Annex 2]**. The statutory guidance states before altering an allocation scheme to reflect a major change of policy, a copy of the draft scheme should be sent to every Private Registered Provider with which we have nomination arrangements, who should be given a reasonable opportunity to comment on the proposals. We also need to take reasonable steps to bring the changes to the attention of housing applicants and we will be informing those households once the amended Housing Allocation Scheme is finalised.

1.2.2 It is therefore proposed to draft a questionnaire based on the specific changes to send to the 13 Registered Providers with housing stock within the Borough and to our other main stakeholders. As there are a limited number of consultees, it is proposed to conduct the consultation for a six week period between March 2015 and April 2015.

1.2.3 Following the consultation period, all responses will be considered and the draft scheme amended as appropriate. The equalities impact assessment will then be updated and any final amendments made in consultation with the Cabinet Member for Housing.

- 1.2.4 Changes to the Housing Allocations Scheme will take time to implement as some existing applications will need to be reviewed and technical changes to the IT system will need to be made in advance of going live. Considering all these tasks it is proposed that the revised scheme will go live in July 2015.

### **1.3 Legal Implications**

- 1.3.1 The Council has a legal duty under Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011) to produce a Housing Allocation Scheme that sets out how affordable housing in the Borough is allocated.
- 1.3.2 There is some discretion which allows authorities to frame the scheme to meet the needs of their District/Borough, however, emphasis is placed on ensuring that affordable housing goes to the most vulnerable and those most in housing need.

### **1.4 Financial and Value for Money Considerations**

- 1.4.1 None arising from this report.

### **1.5 Risk Assessment**

- 1.5.1 Failure to properly assess housing need and homelessness would leave the Council open to legal challenge.

### **1.6 Policy Considerations**

- 1.6.1 The Housing Allocation Scheme touches upon a number of key corporate priorities including Housing, Health and Wellbeing, Community Safety and Children and Young People.

### **1.7 Equality Impact Assessment**

- 1.7.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact will be fully analysed and reported to Members prior to a final decision being reached in accordance with the timescale set out in 1.3.

### **1.8 Recommendations**

- 1.8.1 **CABINET** is **RECOMMENDED** to:
- 1.8.2 **APPROVE** the proposed revisions to the Housing Allocation Scheme.
- 1.8.3 **APPROVE** the implementation date of July 2015 for the revised Scheme.

1.8.4 **AUTHORISE** the Chief Housing Officer to finalise the details of the Housing Allocations Scheme following the consultation process in consultation with the Cabinet Member for Housing and the Chairman of the Strategic Housing Advisory Board.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Satnam Kaur/  
Lynn Wilders

Nil

Steve Humphrey  
Director of Planning, Housing and Environmental Health

	<b>Current Policy</b>	<b>Proposed Change and Comments</b>
<b>1</b>	<p><b>Qualifying criteria</b> - Local connection can be achieved through close family members (children, parents or brothers/sisters) who currently reside in the Borough and have lived here for at least the last five years.</p> <p>Other family members such as grandparents aunts and uncles will only be considered if they have a parental role or can offer practical or emotional support.</p>	<p>This category will be expanded to include grandchildren, step-parents, step-children or foster siblings.</p> <p>The reference to other family members providing practical or emotional support has been deleted.</p>
<b>2</b>	<p><b>Qualifying Criteria</b> - Applicants are assessed as having a local connection through current residence in the Borough without having to establish any minimum period of residence.</p> <p>Other categories of local connection include: Previous Residency Employment Family Association Serving or Former Members of Armed Forces Other Special Reason</p>	<p>Introduce a minimum residency criteria of at least 6 months for applicants currently living in the Borough</p> <p>All other categories to remain the same</p>
<b>3</b>	<p><b>Qualifying criteria</b> – Local connection. Some applicants may have no local connection anywhere – for example because they have recently arrived in or returned to the UK or are at risk of violence.</p>	<p>Applicants with no local connection anywhere will be included within the definition of those who have some other special reason for needing to reside in the Borough.</p>
<b>4</b>	<p><b>Overcrowding priority</b> – applicants that are assessed as Band B if they need two or more bedrooms than they currently have, or Band C if their need is for one bedroom more than they have.</p>	<p>All overcrowding cases will be assessed as Band B irrespective of the number of bedrooms lacking.</p>
<b>5</b>	<p><b>Underoccupation priority</b> – Registered Provider tenants living in the Borough are assessed as Band A if they need two or more bedrooms fewer than they currently have, or Band B if their need is for one bedroom less.</p> <p>Other underoccupiers – social housing tenants living outside the Borough are assessed as Band B or C depending on the number of bedrooms they are giving up, and private sector underoccupiers are assessed as Band C.</p>	<p>All Registered Provider tenants living in the Borough will be assessed as Band B irrespective of the number of bedrooms they are giving up. This will help prioritise local residents impacted by welfare reform and assist in making the best use of existing stock.</p> <p>Other Registered Provider and Council tenants living outside the Borough will be assessed as Band C irrespective of the number of bedrooms they are giving up.</p> <p>Underoccupiers in the private sector with no other housing need will no longer be included on the housing register.</p>

	<b>Current Policy</b>	<b>Proposed Change and Comments</b>
6	<p><b>Sheltered Housing</b> – Band C awarded to Registered Provider tenants or Council tenants assessed as needing sheltered, but not currently living in sheltered housing.</p> <p>Private sector tenants needing sheltered housing are assessed as Band D.</p>	<p>All applicants assessed as needing sheltered, but not currently living in sheltered housing will be assessed as Band C irrespective of tenure.</p> <p>Other types of occupation provided by charitable landlords such as almshouses or Royal British Legion Village will now fall within this definition.</p>
7	<p><b>Housing Needs Panel</b> – currently all medical assessment forms and any supporting letters from GPs, Health Visitors or support workers are automatically passed to the Housing Needs Panel for assessment, unless the applicant is already in Band A or B.</p>	<p>The initial decision on medical or welfare priority to be made by a member of the Housing Needs team as part of the usual assessment process. Requests for a review of these decisions will be undertaken by a senior officer not involved in the original decision. This will speed up the decision making process for customers and increase efficiency by reducing the administrative burden associated with a panel.</p> <p>The medical assessment form has been revised to emphasise that the assessment is based on the current accommodation rather than the nature or severity of the medical condition.</p> <p>Applicants must provide sufficient independent evidence of their condition – we will no longer routinely request or pay for medical reports.</p>
8	<p><b>Financial thresholds</b> – currently those with a household income of at least £50,000 or with savings or equity of at least £30,000 are placed in one band lower than their assessed need.</p> <p>Higher thresholds apply to those assessed as needing sheltered accommodation.</p>	<p>Income threshold increased to £60,000 gross per household.</p> <p>Savings and equity threshold will be reduced to £16,000.</p> <p>Those exceeding the above thresholds will no longer be included on the housing register.</p> <p>This revised income threshold is in line with Help To Buy scheme and recognises the increasing cost of housing in the Borough.</p> <p>Savings/equity threshold levels are in line with Housing Benefit regulations and reflect that those exceeding these thresholds will have alternative options in the open market.</p> <p>No change to thresholds for those seeking sheltered accommodation</p>



	<b>Current Policy</b>	<b>Proposed Change and Comments</b>
<b>9</b>	<b>Property condition</b> – currently applicants awarded priority due to the condition of their current home are placed in Band B regardless of tenure.	Property condition priority will not be awarded to Registered Provider or Council tenants as the body that regulates these organisations, the Homes & Communities Agency requires all homes meet the decent homes standard.  Private sector occupiers that are awarded priority will be placed in Band C.

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## Draft EqIA Template – for DECISIONS

This template should be completed alongside proposals that will be subject to decision by Councillors.

<b>Summary of decision to be made:</b>	Review of Housing Allocation Scheme to prioritise applicants seeking social housing		
<b>Lead Officer (job title):</b>	Lynn Wilders Housing Needs Manager		
<b>Date the final decision is due to be made:</b>	23/02/2015	<b>Date this assessment commenced:</b>	09/02/2015
<b>Is the decision relevant to the aims of the Public Sector Equality Duty?</b>			
Eliminate discrimination, harassment and victimisation			No
Advance equality of opportunity			Yes
Foster good relations			No

If the answer is yes to any of the above, proceed with the assessment. If the answer is no, please say why and summarise any evidence:

The overarching aims of the changes reinforce our strategic objectives of:

- Local homes for local people
- Prioritising those in greatest need
- Making the best use of existing stock

The changes are intended to:

- Expand the types of close family members that can give a non-resident applicant a qualifying local connection
- Introduce a minimum residence period within the Borough for applicants
- Simplify the assessment of overcrowding and under occupation
- Simplify the priority awarded to applicants seeking sheltered housing
- Simplify the priority awarded to applicants whose homes are in a poor condition
- Reduce the time taken to assess whether an applicant is entitled to priority on medical or welfare grounds
- Align the financial thresholds with those used in Housing Benefit regulations and the Help to Buy Scheme as well as reflecting the current housing market

The changes to our assessment will result in:

- 309 applicants reassessed with a higher priority (265 overcrowded households moving from Band C to Band B, 23 homeless accepted households moving from Band C to Band B and 21 private rented sector tenants needing sheltered housing moving from Band D to Band C)
- 77 applicants reassessed with a lower priority (73 under occupying tenants living in the Borough moving from Band A to Band B, 2 under occupying tenants not living in the Borough moving from Band B to Band C and 2 private sector tenants registered due to the condition of their home moving from Band B to Band C.
- 63 applicants no longer qualify to be included on the housing register (under occupying tenants in the private sector)

### Draft EqIA Template – for DECISIONS

The majority of those affected by the proposals will have a positive impact as their priority on the housing register will be increased.

For each of the following characteristics, summarise any existing data, consultation activity, interpretation of the impacts and actions that can be taken to reduce or mitigate any negative impacts:

Characteristic:	Data and consultation	Summary of impact	Actions
Disability	<p>Of the 1317 existing housing register applicants 238 (18%) have stated they have a disability</p> <p>Of the 140 applicants who will no longer qualify or will have a lower priority, 35 (25%) have stated they have a disability</p> <p>Of the 35 applicants who state they have a disability, 23 are aged over 60.</p>	<p>Proportion of disabled applicants is slightly higher in the groups adversely affected by the changes. This is not unexpected as the groups affected are predominantly under occupying tenants.</p>	<p>We will contact all applicants who no longer qualify to check whether there have been any changes in their circumstances and may have a further qualifying housing need.</p> <p>Under occupying tenants moving from Band A to Band B will still have a high priority as Band A will be aimed primarily at those needing an adapted or wheelchair accessible home</p>
			<p>WKEP Aim: <a href="#">Adapt our services and direct people more easily between services</a></p>
Carers	<p>Of the 1317 existing housing register applicants 43 (3%) have stated they are a carer</p> <p>Of the 140 applicants who will no longer qualify or will have a lower priority, 2 (1%) have stated they are a carer.</p> <p>There are no impacts that require mitigation.</p>	<p>Neutral</p>	<p>WKEP Aim: Choose an item.</p>
			<p>WKEP Aim: Choose an item.</p>
Race	<p>Of the 1317 existing housing register applicants: White British = 1054 (80%)</p>	<p>Neutral</p>	<p>WKEP Aim: Choose an item.</p>
			<p>WKEP Aim: Choose an item.</p>

**Draft EqlA Template – for DECISIONS**

	<p>White other = 44 (3%)  Mixed = 6 (0.5%)  Asian/Asian British = 23 (2%)  Black/Black British = 7 (0.5%)  Gypsy/Traveller = 9 (0.7%)  Chinese = 3 (0.3%)  Not stated 171 (13%)</p> <p>Of the 140 applicants who will no longer qualify or will have a lower priority:  White British = 119 (85%)  White other = 4 (3%)  Mixed = 1 (0.7%)  Asian/Asian British = 0  Black/Black British = 0  Gypsy/Traveller = 1 (0.7%)  Chinese = 0  Not stated 15 (10.6%)</p> <p>There are no impacts that require mitigation.</p>		
Gender	<p>Analysis of data of those currently included on the housing register indicates that the need for housing relates to other factors not directly related to a person's gender. There are no impacts that require mitigation.</p>	Neutral	WKEP Aim:Choose an item.
Age	<p>Of the 1317 existing housing register applicants:  Under 30 = 312 (24%)  30 – 39 = 252 (19%)  40 – 49 = 234 (18%)  50 – 59 = 166 (13%)  Over 60 = 353 (27%)</p> <p>Of the 140 applicants who will no longer qualify or will have a lower priority:  Under 30 = 3 (2%)  30 – 39 = 6 (4%)</p>	<p>Proportion of older applicants is much higher in the groups adversely affected by the changes. This is not unexpected as the groups affected are predominantly under occupying tenants</p>	<p>We will contact all applicants who no longer qualify to check whether there have been any changes in their circumstances and may have a further qualifying housing need.  Under occupying tenants moving from Band A to Band B will still have a high priority as Band A will be</p>

**Draft EqIA Template – for DECISIONS**

	40 – 49 = 22 (16%) 50 – 59 = 30 (21%) Over 60 = 79 (56%)		aimed primarily at those needing an adapted or wheelchair accessible home
			WKEP Aim: <a href="#">Adapt our services and direct people more easily between services</a>
Religion / Belief	This information is not collected from our customers as it is not relevant to their application for housing.	Neutral	WKEP Aim: Choose an item.
Sexual Orientation	This information is not collected from our customers as it is not relevant to their application for housing.	Neutral	WKEP Aim: Choose an item.
Pregnancy / Maternity	None of the applicants who are adversely affected fall within this group.	Neutral	WKEP Aim: Choose an item.
Marital or Civil Partnership Status	This information is not collected from our customers as it is not relevant to their application for housing.	Neutral	WKEP Aim: Choose an item.
Gender reassignment	This information is not collected from our customers as it is not relevant to their application for housing.	Neutral	WKEP Aim: Choose an item.
<b>Summary of impacts :</b> (to be included in committee reports)	<p>This assessment indicates that those who are adversely affected by the proposals include a higher proportion of people with disabilities and those aged over 60. We will contact those affected to identify how we can assist with rehousing.</p> <p>We will monitor those adversely affected and review whether they have received sufficient support as appropriate.</p>		
Please tick the outcome of this assessment:	No impact	<b>Adjust the policy</b>	Continue the policy    Stop and remove the policy
Date assessment will be reviewed:	01/04/2016		

# Housing Services

## Draft Housing Allocation Scheme

**Contact us:**

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## Quick-find

Some questions that you might have - and where to find the answers:

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How do I apply?	9
Will I be given priority?	13
I have other questions - where can I get advice?	5

### In this scheme:

**the Council, we, our or us** means Tonbridge & Malling Borough Council

**borough** means the borough of Tonbridge and Malling

**you or the applicant** means someone who applies for affordable housing

**register** means Tonbridge & Malling Borough Council's housing register

**scheme** means Tonbridge & Malling Borough Council's housing allocation scheme

**assessment form** means Tonbridge & Malling Borough Council's housing assessment form

**bid or bid for** does not involve offering money; here it means the same as apply or apply for.



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# 1 Introduction to the scheme

## 1.1 Statement of choice<sup>1</sup>

We are committed to providing excellent services to ensure that applicants can play an active role in choosing where they live by giving them the opportunity to express preferences about their accommodation whenever possible, within the constraints imposed by the limited supply of affordable housing. Choice Based Lettings allows qualifying applicants to bid for properties which they are interested in, and receive feedback from the bidding process assists them to make informed choices about where they want to live and the type of property they would prefer.

## 1.2 Summary and aims

This scheme explains how to apply to rent affordable housing in the borough of Tonbridge and Malling. It also explains who is entitled to apply for affordable housing and the rules that we use to prioritise between applicants, bearing in mind that demand far exceeds supply.

Affordable housing is also known as social housing, and includes social rented and affordable rented tenures provided by housing associations to eligible households whose needs are not met by the private market. In 1991 we transferred our housing stock to Tonbridge & Malling Housing Association, now known as Circle Housing Russet. The Council does not own or manage any of our own housing stock, so we now rely on other providers to supply affordable housing in our borough.

The types and sizes of affordable homes and the areas that they are in vary considerably. Later in this scheme we set out a guide to the size and type of homes for households of different sizes.

In order to get affordable housing, applicants must first be accepted onto our housing register.

The scheme sets out:

- who qualifies to be included on the register;
- how to apply to get on the register;
- rules for determining an applicant's priority on the register;
- how we keep the register up to date;
- how to bid for available properties; and
- how available properties are allocated.

It aims to ensure that we:

- allocate affordable housing in a fair and clear way;
- determine the priority of applicants in a consistent way;
- provide accurate and timely advice to those in need;

<sup>1</sup> S166A(2) Housing Act 1996 requires the housing allocation scheme to include a statement of the Council's policy on offering people who are to be allocated housing accommodation:

- a choice of housing accommodation; or
- the opportunity to express preferences about the housing accommodation to be allocated to them

- work effectively with housing associations; and
- comply with the law<sup>2</sup>.

### 1.3 Getting more information

There are several ways to get your own copy of this scheme. You can:

- print a copy from our website: [www.tmbc.gov.uk](http://www.tmbc.gov.uk); or
- email [Homechoice@tmbc.gov.uk](mailto:Homechoice@tmbc.gov.uk), and we will email a copy back to you; or
- telephone our Homechoice Team on (01732) 876214; or
- get a copy at our offices:
  - Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ
  - Tonbridge Gateway, Castle Street, Tonbridge, Kent, TN9 1BG.

We may make a reasonable charge for providing a paper copy of the full scheme. A summary of the scheme is also available for which there is no charge. Our Homechoice Team will give free advice on the scheme if you need it.

Our Housing Options Team, on (01732) 876067, can advise on a wide range of housing matters, including the prevention of homelessness and finding a home in the private rented sector. This service is free and confidential.

### 1.4 Allocations outside the scope of the scheme

The following are not covered by this scheme:

- provision of temporary accommodation for homeless people<sup>3</sup> ;
- transfers of housing association tenants for urgent management purposes, for example:
  - a temporary or permanent move to allow repairs to a property to be carried out;
  - where a property is due to be demolished; or
  - accommodating tenants whose home is not habitable due to an emergency; or
  - tenants needing an immediate move as a result of domestic violence, hate crime<sup>4</sup>, or threats of violence or harassment;
- tenancies offered on succession or by way of assignment, for example where a parent dies and the tenancy passes to a descendent in their household;
- transfers where housing association tenants agree to exchange properties; and
- transfers of a tenancy by a court order<sup>5</sup>.

---

<sup>2</sup> This scheme aims to ensure the Council meets its legal obligations set out in Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Localism Act 2011. Part 6 of the Housing Act 1996 covers the allocation of housing association homes and sets out the circumstances of applicants to whom we should give reasonable preference. The scheme also has regard to the 2012 Allocation of Accommodation: Guidance for local housing authorities in England, (which replaces all previous guidance), the joint West Kent Homelessness Strategy 2011/16 and our Tenancy Strategy 2013. The last of these gives details of the types of tenancies that may be offered by housing association landlords.

<sup>3</sup> In accordance with part 7 of the Housing Act 1996.

<sup>4</sup> Hate crimes are defined by the Crown Prosecution Service as any criminal offence committed against a person or property that is motivated by hostility towards someone based on their disability, race, religion, gender identity or sexual orientation

<sup>5</sup> In accordance with family law provisions or the Civil Partnership Act 2004.

## 2 Who qualifies to be included on the register

### 2.1 Reasonable preference categories<sup>6</sup>

Our housing register lists applicants within one of four priority bands, taking into account whether their housing needs are assessed as urgent, high, medium or low. In assessing priority, we are required to take into account people who fall into one or more of the reasonable preference categories, which include:

- people who are homeless<sup>7</sup>;
- people owed a duty under section 190(2), 193(2) or 195(2) Housing Act 2006 (or section 65(2) or 68(2) Housing Act 1985), or who are occupying accommodation secured under section 192(3) Housing Act 2006;
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing;
- people who need to move on medical or welfare grounds, including grounds relating to disability; and
- people who need to move to a particular locality within our borough to avoid hardship to themselves or others.

### 2.2 Additional preference

We are also required to give additional preference to the following categories of people who fall within the reasonable preference categories above and who have urgent housing needs:

- former members of the Regular Forces<sup>8</sup>;
- serving members of the Regular Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service;
- bereaved spouses and civil partners of members of the Regular Forces leaving Services Family Accommodation following the death of their spouse or partner; and
- serving or former members of the Reserve Forces<sup>9</sup> who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

Additional preference will be awarded to these people by placing them in the band that is one band higher than their assessed need.

### 2.3 Eligibility<sup>10</sup>

We cannot consider you for inclusion on the register:

- if you are subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless you are in an exempt group as decided by the Government; or

---

<sup>6</sup> In accordance with section 166A(3) of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011).

<sup>7</sup> Whether or not the applicant is owed a housing duty under part 7 of the Housing Act 1996 and including those who are considered to have become homeless intentionally and those not considered to be in priority need for accommodation.

<sup>8</sup> Regular Forces means Her Majesty's Regular Army, the Royal Navy, the Royal Marines or the Royal Air Force.

<sup>9</sup> Reserve Forces means the Army Reserve, the Territorial Army, the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

<sup>10</sup> In accordance with the Allocation of Housing and Homelessness(Eligibility)(England)Regulations 2006.

- if you are not habitually resident in the Common Travel Area (a travel zone that comprises the islands of Great Britain, Ireland, the Isle of Man and the Channel Islands) unless you are exempt from the habitual residence test; or
- because of your particular rights of residence under European Union law.

If you are not eligible to join the register, we will write to you setting out the reasons for the decision. You have the right to request a review of a decision to treat you as ineligible because of your immigration status - see section 9. If you have been accepted onto the register but later become ineligible, your application will be removed and we will write to you to let you know. This later consideration of eligibility and decision to treat you as ineligible is also subject to a right of review - see section 9.

## **2.4 Financial considerations**

Most housing associations have charitable status and provide services within the local community to satisfy needs that cannot be met by other means. Housing associations with charitable status may refuse to offer you a tenancy if they decide that you cannot be considered to be a charitable beneficiary. In most cases this means tenancies will only be offered to those who cannot afford to buy or rent a suitable home on the open market, or who are in housing need for other reasons, for example, by reason of age related infirmity or chronic illness. If you own or part own a property, whether or not you currently live there, you will not usually be included on the housing register if you require general needs accommodation unless you need to move on medical or welfare grounds or grounds relating to a disability. If you have household income or savings above the thresholds you will not usually be included on the housing register.

We will review, with housing associations, the income and savings thresholds on 1 January each year. The levels on 1 January 2015 are:

- households with a total gross income of £60,000; or
- households with total savings of £16,000; or

If you are eligible to be considered for sheltered housing, the threshold for household savings and/or income is £100,000 and equity is £250,000 if you own or part own a property.

Current payments of the following are disregarded as income for the purposes of this assessment:

- disability living allowance
- attendance allowance
- personal independence payments
- armed forces personal independence payments
- any benefit treated as attendance allowance
- war pensioners mobility supplement
- payments compensation for non-receipt of the above

## **2.5 Qualifying criteria**

The demand for affordable housing in our borough far exceeds the supply. Only those applicants who meet one or more of the local connection criteria **and** meet one or more of the housing needs criteria will qualify to join the housing register.

In order to be considered for inclusion on the housing register, you must have a **local connection** to our borough of Tonbridge and Malling. You will be required to provide evidence of your local connection as part of your application for housing. You have a local connection if you:

- are currently living within our borough, and have lived here for at least the last 6 months; or
- were previously living within our borough for either 6 out of the last 12 months, or 3 out of the last 5 years; or
- are employed (full time or part time) in our borough on a permanent basis, or need to move into our borough in order to take up an offer of permanent employment; or
- have close family members (children, step-children, grandchildren, parents, step-parents, grandparents or brothers/sisters including foster siblings) who currently reside in our borough and have lived here for at least the last five years; or
- are a serving member of the Regular Forces or a former member within five years of discharge (or a bereaved spouse or civil partner of such a member), or a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service; or
- have some other special reason for needing to reside in our borough, for example you:
  - are currently residing outside our borough but are fleeing violence or harassment (including hate crime); or
  - need to move into the borough in order to provide or receive care or support; or
  - or a member of your household is aged under 19 years, and attending full time, non-advanced<sup>11</sup> education here; or
  - have no local connection to any local authority area

Within our borough some properties and new developments have a specific local connection requirement in their planning or funding conditions. In these cases, a local connection will usually mean a connection to a specific village or parish rather than a connection to the borough as a whole, and will be detailed in the relevant local lettings plan.

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<sup>11</sup> Full time education is defined as education undertaken in pursuit of a course, where an average of more than 12 hours per week is spent during term time:

- receiving tuition
- engaging in practical work
- receiving supervised study
- taking examinations

This does not include time spent on meal breaks or unsupervised study.

Non advanced education is considered to include courses such as

- an ordinary national diploma
- a national diploma or national certificate of Edexcel
- a general certificate of education (up to and including advanced level)
- Scottish national qualifications (up to and including higher or advanced level)

(HMRC definitions)

To be considered for inclusion on the housing register you must also have a qualifying need for affordable housing. You have a qualifying “housing need” if any of the criteria described in the priority bands (see section 4.3) apply to you.

You have the right to request a review of a decision to exclude you from the register because you do not have a local connection and/or a housing need - see section 9.

## **3 How to apply to get on the register**

### **3.1 Making an application**

To be considered for inclusion on our housing register you must:

- Complete and sign an assessment form. This covers your housing history and the current needs of you and your household: and Provide original documents to verify your identity and current housing circumstances; and
- Complete any supplementary forms that we send or answer further questions that we ask you.

You can complete an assessment form to record your household's housing needs if you are 16 years of age or over. You can be included on only one application for affordable housing in this borough. This can be as a main or joint applicant in 'your application' or included as part of a household in another application.

You must complete the assessment form fully and accurately. We will use it to decide your priority on the housing register so that housing can be allocated fairly and openly on the basis of greatest need. We will carry out home visits and interviews to confirm housing needs. An incomplete form may be sent back to you, result in your application being awarded a lower priority, and/or your household not being accepted onto the register.

Blank assessment forms can be printed from our website: [www.tmbc.gov.uk](http://www.tmbc.gov.uk). They are also available by emailing [Homechoice@tmbc.gov.uk](mailto:Homechoice@tmbc.gov.uk), by telephoning our Homechoice Team on 01732 876214 or from our offices. If you need help completing the form, or need it in another format, please contact our Homechoice Team.

If you are under 18 years of age:

- your ability to manage a tenancy will be assessed, usually via a referral to Social Services or other support services, to identify any need for support; and
- any tenancy granted will be held in trust until you reach 18 years of age, with the legal interest being held by another suitable person, usually your parent, legal guardian or other relative.

### **3.2 Who can be included on your application**

You can include members of your household who are currently living together with you:

- your partner, whether you are married, in a civil partnership or cohabiting;
- your dependent children under the age of 18, including biological or adopted children;
- relatives, including adult 'children', parents or brothers/sisters unless they have a separate application or otherwise intend to live independently from you; and
- someone who currently lives with you as your carer.

We will also consider including other members of your household who are not currently living with you if:

- they are no longer able to live independently because they need care and support



- that you can provide; or
- you are unable to live together as your current accommodation does not meet the needs arising from their disability, or
- you are unable to live together as your current accommodation is not big enough to accommodate them.

### **3.3 If you have shared responsibilities for dependent children**

This is where any dependent children live with you some of the time and at other times with their other parent/guardian at a separate address. We will decide whether your address is their main home and if they can be included as members of your household on your application. We will take into account:

- the financial support you receive including Child Benefit, tax credits, disability benefits (if appropriate) and maintenance from their other parent/guardian;
- any Court Order(s) under the Children Act (1989) in respect of parental responsibility, contact or residency;
- supporting evidence from Social Services in respect of fostering, guardianship or adoption placements; and
- whether the children currently reside with someone else for all or part of each week.

Regardless of the amount of time that your children actually spend with you, if we decide that their main home is not with you:

- they will not be included on your housing register application; and they will not be considered when assessing overcrowding/under-occupation or the size of property (number of bedrooms) that you can apply for or be offered through Choice Based Lettings.

### **3.4 If you need a carer**

A carer is someone who looks after and supports a partner, friend, relative or neighbour, who would not be able to manage without their help. This could be due to age, physical or mental illness or disability. It does not mean a professional care-worker or personal assistant who gets paid for their work.

If you have identified a primary carer we will consider whether they need to live with you or near you to provide care. They may be entitled to Carer's Allowance if they spend at least 35 hours per week in their caring role. Even if your carer receives Carer's Allowance it may not be essential that they live with you as a member of your household. If you have requested an additional bedroom for your carer, we will take into account:

- whether your carer receives Carer's Allowance;
- whether your care needs have been assessed as including overnight support;
- whether you have been awarded benefits because of illness or disability. This includes : Disability Living Allowance (Care component), Personal Independence Payment (Daily living component), Attendance Allowance, Industrial Injuries Disablement Benefit, Employment and Support Allowance;
- the level of care that you need and whether this is likely to change in the future;
- the ability of your carer to provide the level of care required; and
- your current accommodation, and where your carer currently resides.

### **3.5 Declarations**

You are required to sign declarations to confirm that you:

- have provided true, accurate and complete information;
- will notify us of any change in your circumstances within 14 days of the change;
- understand that information given on the assessment form will be shared with housing association landlords, other council departments, data matching companies and other relevant parties;
- consent to us making relevant enquiries to verify the information given on the assessment form;
- consent to the disclosure of relevant information by third parties to us, or by us to third parties; and
- understand that information provided may be used to help in the detection and prevention of fraud.

### **Fair processing notice**

The Council is under a duty to protect the public funds it administers and to this end may use the information you provide for the prevention and detection of fraud. It may also share this information with other Council departments, other local authorities, government agencies and credit referencing agencies for the detection and prevention of crime.

### **3.6 Offences related to information given or withheld by applicants**

It is an offence under the Housing Act 1996 and/or the Fraud Act 2006 for anyone seeking help from the Council to:

- give false or misleading information; or
- withhold information that we have asked for on an assessment form or in subsequent correspondence; or
- fail to tell us of a relevant change in their circumstances which could affect the priority they have been awarded.

This may result in prosecution, the application being suspended or cancelled and/or any tenancy granted to you being terminated. Prosecution by the Council could result in a sentence of up to ten years in prison. Any decision regarding criminal proceedings will be made in accordance with the Council's Housing Services Anti-Fraud Policy and its associated sanctions policy.

It is your responsibility to inform us of any change that could affect the priority that has been awarded. If we offer affordable housing to you and, on further investigation, it appears that your circumstances had changed before the offer in a way that affected your housing priority; we reserve the right to withdraw the offer. While the investigation is ongoing the housing association may choose not to hold the property for you.

When housing has been allocated on the basis of false or misleading information, legal action may be taken to obtain possession of the property. We will decide when these provisions apply and when to begin criminal proceedings.

### **3.7 Advice and information about your application**

Advice and information about your application is available in a range of formats from our Homechoice Team. Depending on the format there may be a short delay in providing this information. You can request a home visit if you are unable to come to our offices for help and advice.

You have the right to certain information:

- to work out how your application is likely to be treated under the scheme;
- whether your circumstances mean that you qualify for reasonable preference; and
- when a suitable property is likely to become available, based on turnover rates.

In practice, waiting times depend on a range of factors, including:

- your personal circumstances including your priority banding and the size and type of property needed to meet your household's needs;
- the number of properties available for letting;
- the number of bids placed for each property; and
- changes in the law.

So only a very general indication can be given as to how long an applicant may have to wait to be successful. There is no guarantee of housing by a certain date. Households with a relatively low need are likely to wait a very long time before receiving an offer and many will never receive an offer of affordable housing.

### **3.8 Data protection**

The housing register is registered under the Data Protection Act 1998. Information on it is received, held, and disclosed only for registered purposes. We deal with all applications in a confidential manner. Applicants have the right to see information on their file relating to their application except where this involves confidential third party information. We may make a reasonable charge for this service. If an applicant is not eligible for inclusion on the register, does not respond to an annual review of their entry on the register or is removed from the register, their records will be kept for five years before being destroyed as confidential waste.

### **3.9 Equal opportunities**

We promote equal opportunities for all applicants regardless of race, colour, gender, nationality, religion or belief, sexuality, disability, marital status, pregnancy/maternity family circumstances or age. To help us apply our equality and diversity policy and to ensure that there is genuine equality of opportunity in access to affordable housing, we collect data for monitoring purposes only. We ask you to complete an equal opportunities section of the assessment form to assist in this monitoring.

## **4 Rules for determining priority on the register**

### **4.1 Summary**

We assess all of the information you provide to support your application in full. If your household is not assessed as being in housing need you will not usually be included on the register because there is no realistic chance of being offered accommodation. If your circumstances change you will need to re-apply.

Otherwise, the two main factors that determine a household's priority on the register are your housing need and priority date. We assess housing need in terms of four priority bands. These are urgent, high, medium and low. They are explained below. Other factors can also affect housing priority in specific cases. The main ones are explained later in this section.

We will email or write to tell you whether or not you have been included on the register. If you have been included, we tell you in which priority band you have been placed. You have the right to request a review of the facts of your case that we have used in this assessment - see section 9.

You must tell us of any change in your circumstances within 14 days of the change. We will email or write to you to let you know if the change affects your level of housing need and priority band. The banding reflects broad levels of housing need, so changes in your circumstances may make no difference to the band you are in. However, sometimes a significant change in circumstances, such as a move to another address, the birth of another child or a substantial change in mobility may result in a change of band. Your application will usually be suspended and you will not be able to bid for any properties until you have provided enough written evidence to allow us to verify the change and reassess your priority.

### **4.2 Priority date**

Your household's priority date is the date that we receive your application form. You will need to provide all the information we need to assess it at the same time or within 28 days. Otherwise, your application may not be included on the housing register.

### **4.3 Priority bands**

The four bands broadly equate to:

- A - urgent need to move
- B - high priority
- C - medium priority
- D - low priority

Within each band, relative priority is determined only by priority date.

Your household will be placed in the appropriate band according to its highest need, not the accumulation of its needs. For example, if you are awarded a high priority on medical, disability or welfare grounds, you will be placed into band B regardless of whether you are also threatened with homelessness or sharing facilities.

### **Band A**

- Households where one or more members are wheelchair dependent in the home, and do not currently occupy a wheelchair accessible/adapted home.

### **Band B**

- Overcrowding – applicants needing at least one more bedroom than their current home.
- Homeless applicants where we have accepted a duty to secure accommodation under part VII of the Housing Act 1996.
- Households where one or more members are awarded a high priority on medical, disability or welfare grounds.
- Under occupation - housing association tenants living in the borough who need at least one bedroom fewer than their current home.
- Housing association tenants in a home with significant adaptations to meet disability needs that are no longer required.

### **Band C**

- Under occupation - housing association or Council tenants not living in the borough who need at least one bedroom fewer than their current home.
- Homeless applicants where we do not owe a duty to secure accommodation, such as:
  - non-priority homeless households
  - households assessed as having become homeless intentionally
  - those who are of no fixed abode, including those
  - staying or “sofa surfing” with relatives or friends, or living in a garage, shed, outbuilding, caravan, car or tent.
- Private sector tenants who are threatened with homelessness because they have been served with a valid notice, usually at least 2 months, to quit their tenancy.
- Tenants occupying HM Forces service family accommodation who are threatened with homelessness because they have been served with a valid notice, usually at least 3 months, to vacate their tenancy.
- Applicants assessed as needing sheltered accommodation who are not currently in sheltered accommodation.
- Applicants awarded priority on property condition grounds

### **Band D**

- Households where one or more members are awarded a low priority on medical, disability or welfare grounds.
- Applicants who are not overcrowded but are sharing kitchen and/or bathroom facilities with others who are not part of their household. Applicants living in non-traditional housing (for example, houseboat, caravan or commercial premises) who lack any kitchen and/or bathroom facilities.

## 4.4 Homelessness

If we accept that you are eligible, unintentionally homeless and in priority need<sup>12</sup> you can be offered a suitable private sector tenancy. However, depending on the individual circumstances and needs of your household, we may accept you onto the housing register in band B and you will then need to bid for suitable properties.

## 4.5 Overcrowding/under-occupation

We assess overcrowding and under-occupation by comparing the number of bedrooms in your home against your household's needs. You will be assessed as needing one bedroom for:

- every adult couple
- any other adult aged 16 or over
- any two children of the same sex aged under 16
- any two children aged under 10
- a carer (or team of carers) who do not live with you but provide you or a member of your household with overnight care.

You will be assessed as needing an extra bedroom if:

- you have a disabled child who is unable to share a room with a sibling<sup>13</sup>; or
- you are an approved foster carer whether or not a child has been placed with you or you are between placements (so long as you have fostered a child, or become an approved foster carer in the last 12 months); or
- you have adult children in the Armed Forces (but who continue to live with you), who will be treated as continuing to live at home, even when deployed on operations.

A bedroom is defined as any room intended to be used as a bedroom, in line with what is stated on any tenancy agreement and to reflect the level of rent charged.

Your living room will not be considered as a bedroom unless you live in bedsit/studio accommodation without a separate bedroom. Where a dwelling has two separate living/reception rooms it may be that one of these could be considered as suitable for use as a bedroom, as long as this leaves enough living room space for the household.

For the purposes of assessing overcrowding:

- Two children of the same sex would be expected to share a bedroom until the eldest reaches 16 years of age.
- Two children of the opposite sex would be expected to share a bedroom until the eldest reaches 10 years of age.
- A couple or single parent would not be expected to share their bedroom with a child,
- An unborn child will be included as a member of your household 8 weeks before the

<sup>12</sup> And therefore owed a housing duty under s193 Housing Act 1996 (as amended), the offer of a suitable private sector tenancy will discharge this duty. Further details are contained within our separate policy for discharging the statutory homelessness duty into the private rented sector.

<sup>13</sup> In making this assessment we will consider not only the nature and severity of the disability, but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom. We will take into account any relevant medical evidence and whether your child is in receipt of disability benefits.

estimated date of delivery, where you have no other housing needs and would otherwise not be included on the housing register.

#### **4.6 Property Condition**

If you are a tenant of a housing association and state on your housing application form that there are problems with the condition of your home, your case will be referred to your landlord and you will not be awarded any priority.

If you are a tenant of a private landlord or a home owner and state on your housing application form that there are problems with the condition of your home, a member of our Private Sector Housing Team may contact you. They may visit your home, assess the problems and discuss the options to get your landlord to carry out any work that is needed where appropriate. You must co-operate with this. No priority will be awarded if you refuse to allow us to contact your landlord or prevent works being carried out; for example, by refusing to let workmen into your home.

We will inspect your home using the Housing Health and Safety Rating System (HHSRS). We use this to identify and categorise any hazards<sup>14</sup> to health and safety. Hazards of crowding and space are included within the assessment of overcrowding and, if present, no additional priority will be awarded under property condition grounds.

We must act to deal with category 1 hazards. We may act to deal with category 2 hazards. Priority will only be awarded based on this assessment where:

- we have confirmed category 1 hazards are present in your home;
- a move is necessary as occupying the property poses a serious and imminent risk to the health and safety of your household; and
- it would not be reasonable to live in the property whilst remedial works are undertaken and/or the property will remain unsuitable for your occupation following remedial works.

If you are awarded priority because of the condition of your current home your application will be placed into band C (unless you are already placed in band A or B).

#### **4.7 Medical or welfare reasons for moving**

In this section, “medical” is used to mean medical and/or disability needs (including learning disabilities) and “welfare” is used to mean social and/or welfare needs.

We will not usually assess your priority on medical or welfare grounds if your household is already in band A or B as an assessment cannot increase your priority. If your household is in band C or D we will only assess your priority on medical and/or welfare grounds if there is evidence that your current housing impacts directly on your medical condition or welfare.

We will decide the level of priority to be awarded on medical or welfare grounds on the basis of the information you submit. If you are dissatisfied with the outcome of the initial assessment you can ask for the decision to be reviewed by a senior member of staff not involved in the original decision. If you consider that anyone in your household has a

<sup>14</sup> A serious hazard will be deemed to be a category 1 hazard, for example, the hazard of falling between levels from an unsecure window with a low sill on the second floor where you would fall onto a concrete yard area. More minor hazards will be deemed category 2 hazards, for example, the hazard of excess cold from draughty windows in a property with a good heating system and good insulation.

medical condition that is affected by your current housing you must give your reasons by completing our medical self-assessment form and provide independent verification from your GP, Hospital Consultant or other health professional. In welfare cases you should provide independent verification of your circumstances from your Social Worker, Support Worker or other professional involved in your case. We will consider your self-assessment form alongside the medical and/or welfare evidence provided. For medical cases we may ask you to provide further evidence or refer your case for independent medical advice. For welfare assessments we may ask you to provide further evidence or (where appropriate) we may make a joint assessment with Social Services, or an appropriate support agency.

We assess your priority by looking at your current housing. If it meets the medical and welfare needs of you and all members of your household there will be no change in your housing priority.

#### Medical cases:

- We look at whether your current housing makes a medical condition worse.
- In mobility cases we look at the severity of your difficulties in relation to your property. Factors such as the number of steps inside and leading to a property and whether you have a lift may be relevant.
- If so, we consider whether a move to more suitable housing would either improve the medical condition or substantially improve your quality of life.
- If you have medical needs, but a move would not significantly improve the situation, there will be no change in priority based on medical grounds.
- Overcrowding may impact on the health and well-being of some or all members of your household and/or the needs of any children as they grow up. This is taken into account in the overcrowding assessment, and usually no further priority will be awarded.

#### Welfare cases:

- Working with other people involved in your care, we may identify ways to help you stay in your current home with appropriate ongoing support. If this resolves your support needs, you will not be awarded any priority on welfare grounds.
- Otherwise, we look at whether your needs are made worse by your current housing.
- If so, we will consider whether a move to more suitable housing would improve things for you.
- If you have welfare needs, but a move would not significantly improve the situation, there will be no change in priority on welfare grounds.

If you want to move to support someone with welfare needs, we will look at whether you can drive or use public transport as part of the assessment, the level of support that is required and whether this can be provided locally.

If you are currently living in supported housing, (including refuge) and have been assessed by the support provider as ready to move-on into independent living, you will usually be awarded a high priority on welfare grounds.

We take into account all the information received for your household. Priority on medical or welfare grounds is assessed as either high, low or no priority and the decision on medical or welfare priority may increase your priority banding or make no change.

High priority will usually be awarded where:

- Your accommodation is unsuitable and has a significant impact on your medical,



- welfare or disability needs, and as a result a move is essential; or
- a medical condition is very serious or life threatening, or welfare needs are very high, and health or related quality of life could be substantially improved by a move to more suitable accommodation.

If awarded a high priority, your household will be assessed as band B. Examples of cases where we may award high priority are shown in the table below.

Low priority will usually be awarded where:

- Your accommodation has some impact on your medical, welfare or disability needs, and a move would be desirable but is not essential; or
- a medical condition or welfare needs are low and related quality of life could be improved to a limited extent by a move to more suitable accommodation.

If awarded a low priority, your household will be assessed as band D.

If you are experiencing difficulties in accessing your home due to non-medical matters such as carrying children, shopping, prams or pushchairs on external stairs you will not usually be awarded any change in priority based on medical or welfare grounds.

Examples of cases where we may award high priority: (In this table “you” means you, or someone in your household.)
• A medical condition may get worse as a result of continuing to live in the property.
• If you are unable to get in or out of your home due to your mobility difficulties and it is not possible for adaptations to be carried out.
• You may be at risk in your home but could continue to live independently if you were able to move nearer to friends or relatives who could provide suitable care for you.
• You need to move because you provide care, without which the person being cared for is at risk of harm or may have to move into residential care.
• You need to move to suitable accommodation because of a serious injury, medical condition or disability sustained as a result of service in the Regular or Reserve Forces.
• Your household includes a child who is assessed as a Child in Need under the Children Act 1989, for example, because of a disability, illness or developmental problems, and you require suitable accommodation to meet that need.
• You have been approved by Social Services for adopting or fostering a child and a child is to be placed, but your current accommodation is not suitable for the child.
• Where the Council has a duty to re-house displaced occupiers into suitable alternative accommodation: <ul style="list-style-type: none"> <li>○ under the Rent (Agriculture) Act 1976, where an agricultural worker needs to be re-housed as his/her accommodation is required to accommodate another worker in the interests of efficient agriculture or</li> <li>○ following the compulsory purchase of a property under the Land Compensation Act 1973.</li> </ul>
• You have suffered severe emotional or physical trauma resulting from violence (including hate crimes and domestic violence) or threats of violence, or physical, emotional or sexual abuse. Your priority will be reviewed after 6

months if you have not been rehoused, and may be removed if you are no longer considered to need an urgent move.

- You are currently living in specialist supported accommodation and have successfully completed a support programme and are considered by the scheme manager to be both ready to move-on and capable of sustaining an independent tenancy. Your priority will be reviewed after 6 months if you have not been rehoused, and may be removed if you are no longer considered to need an urgent move.

#### **4.8 Local lettings policies**

National and regional policies encourage new housing schemes to be mixed tenure, catering for a range of needs and aspirations. Similarly, local lettings policies may make affordable housing available to a wider range and variety of households, rather than concentrations of those with particular support needs. In line with these policies we sometimes give priority to working households or those with limited housing need. Through this process lettings can contribute toward balanced, sustainable communities, with a positive impact on:

- education, by influencing school populations;
- local businesses, because of more spending power; and
- health, by balancing the demand for services with local provision.

We will work with housing associations where needed to develop local letting policies for new developments and deprived areas, without disadvantaging other areas.

#### **4.9 Down-banding**

Down-banding will usually be applied if you are assessed as having deliberately worsened your housing situation. For example, you:

- have given up a suitable tenancy to move into overcrowded accommodation; or
- have transferred your property, as a homeowner, to another family member during the seven years before the date of your application; or
- have disposed of, or deprived yourself of, capital or assets which could reasonably have been used to secure housing during the seven years before the date of your application; or
- make a homeless application and the decision reached is that you became homeless intentionally; or
- you refuse an offer of suitable accommodation resulting in the duty owed to you as a homeless household being discharged.

Down-banding will not usually be applied if you require sheltered housing or need a property adapted for wheelchair access or to meet other disability needs.

We will decide whether or not to apply down-banding to your application. We will write to you setting out the reasons for the decision and your right to ask for this to be reviewed. You have the right to request a review of a decision to apply a lower band to your application - see section 9. If your application has been down-banded, this decision will usually be reviewed after 12 months unless you notify us of a relevant change in your circumstances.

#### **4.10 Exceptional priority**

Exceptionally, circumstances require an applicant to move urgently. These include cases where:

- the applicant is a high risk offender where the Council has been asked to assist under the Multi Agency Public Protection Arrangements; or
- the Council has been asked by the National Witness Mobility Service to assist in relocating witness households

A senior member of staff will consider such cases on an individual basis and can place the application in band A on the grounds of exceptional priority. Applicants with exceptional priority can be directly nominated to a housing association vacancy.

## **5 Keeping the register up to date**

### **5.1 Annual review**

We will write to you once a year, on or near the anniversary of the date you were first registered. We will ask you whether you wish to remain on the register for another year. We will also remind you to tell us about any changes in your circumstances. You must reply to this letter. If you fail to reply, or fail to provide any further information we ask for within 28 days, we will assume that you no longer wish to be on the register. We will then remove you from the register without contacting you again. If you reply to the review letter telling us of a change of circumstances, you must also supply evidence of the change so we can reassess your application.

### **5.2 Removal from the register**

You will be removed from the register for any of the following reasons, where you:

- accept a tenancy offered by one of our housing association partners; or
- accept a private sector tenancy, including when we have provided financial assistance by way of a rent deposit/bond; or
- do not respond to the annual review; or
- do not respond to correspondence from the Council asking you to provide information; or
- are no longer eligible to be included on the register; or
- no longer wish to be re-housed; or
- have left temporary accommodation that we arranged for you and we do not have your forwarding address; or
- have moved without notifying us of your new address.

You may also be removed if we are satisfied that (on the balance of probabilities) you have given false or misleading information or have withheld any relevant information at any time.

## **6 Range of available properties**

### **6.1 Affordable homes**

The types and sizes of affordable homes and the areas that they are in vary considerably. The needs of applicants also vary widely. We set out a guide to the size and type of homes for households of different sizes in section 8.3.

### **6.2 Some restrictions**

Existing and newly built affordable housing may be subject to certain restrictions. These include:

- a local lettings plan to try to achieve balanced and stable communities on new developments;
- planning conditions - for example, that only certain people with a specific local connection to the area can be offered the accommodation may apply in rural areas; and
- some properties, including those within sheltered schemes, being designated or adapted for people who are frail, disabled or with special support needs. When such properties become available they will, where possible, be let only to people who meet the relevant criteria.

## **7 How to bid for available properties**

### **7.1 Choice based lettings**

We are a member of Kent Homechoice, a partnership of district councils and housing associations operating in Kent. It was set up to provide Choice Based Lettings (CBL).

CBL enables applicants to bid for suitable properties. In this context “bid” does not involve offering money; here it means the same as “apply”. After a property is let, the number of households that made a bid, the priority band of the successful applicant, and their priority date is available to all applicants. This helps applicants to understand the availability of suitable properties, their likelihood of success when applying and the possible time they could be waiting.

The need for affordable housing greatly exceeds the supply. So CBL should be considered as one of a range of options available to applicants seeking housing. Information and advice on all available housing options can be obtained from our Housing Options Team on 01732 876067.

### **7.2 The bidding process**

When you have been accepted onto our housing register you will receive a Kent Homechoice user guide. This describes the CBL process. Step by step it sets out the various bidding processes and explains the symbols used in the property advertisements.

Our housing association partners will advertise homes that are available to let in our borough. Each property will be available for applicants to place bids for a period of 7 days. These are advertised on the internet at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk), on the Kent Homechoice app and on digital TV. We and housing associations provide internet access at our offices. We also provide information about advertised properties in other ways where needed.

The advertisements show photographs and give basic details of the properties. These include: the area, number of bedrooms, floor level and mobility level, weekly rent and service charges, along with any age or pet restrictions. Advertisements also say when each property should be ready to occupy, and whether it is available to home seekers and/or existing housing association or council tenants. Properties that have been adapted for wheelchair users and those within sheltered housing schemes are usually offered to those who would benefit from them.

Occasionally, Circle Housing Russet will advertise a property as available to home seekers and tenants, but with priority given to their tenants. A home seeker is an applicant who is not an existing tenant of a housing association or council. In these cases, Circle Housing Russet will consider bids placed by their own tenants first and other applicants are only considered if the property is not let to a current tenant.

At any given time you may place up to three bids for properties that are currently being advertised and which are suitable for your needs. You can refuse any resulting offers of housing without losing your priority on the register, unless we have accepted the duty to rehouse you as a homeless household (see section 8.7)

You will be given a unique Kent Homechoice number to be used when applying for properties. The user guide explains how you can apply for properties:

- on the internet;
- by telephone;
- by text message;
- in person at the Council's offices;
- by digital TV; and
- smart phone app.

Relatives, friends, staff or support workers can do this for you if you have difficulty in doing it yourself.

## **8 How available properties are allocated**

### **8.1 Processing the shortlist**

When advertisements close for each property, all bids are put into priority order. They are ranked according to the priority bands with band A first, band B second and so on. Within each band, order is by date of registration, starting with the earliest. This produces a shortlist of eligible applicants for each property. For each property the housing association contacts the applicant at the top of the shortlist to check that the information they have given is correct and that the property is affordable. Subject to this, the highest priority applicant will usually be offered the property. If two or more applicants share the same priority date within the priority band, the housing association decides which of the applicants will be offered the property based on the best use of the housing stock and the applicants' needs.

If an offer is refused, the property will be offered to the next applicant in the shortlist, and so on, until the property is successfully let.

An applicant who is the highest priority bidder for more than one property will be asked to list the properties in their order of preference. They will usually be offered their first choice of property. If this is not suitable they will be offered their second choice, and so on.

The relative position of bidders on the shortlist for a property may change between bidding and when the property is offered. This will happen only if there is a change in priority band for one or more applicants. In such cases, the property will usually be offered to the applicant with the highest priority at the time of the offer.

We may refuse to shortlist or offer housing, for example where offering the property to the highest priority applicant would put others at risk. Housing associations may also refuse to offer housing to applicants:

- whose behaviour has been unacceptable; or
- who do not satisfy their verification checks, which include confirming the members of the household and their current circumstances.

In these cases the housing association will write to the applicant and explain why they have been rejected.

### **8.2 Unacceptable behaviour**

When deciding if your behaviour has been unacceptable, housing associations may consider:

- If you, or any member of your household, have been evicted from a housing association or a council tenancy during the past five years due to rent arrears, anti-social behaviour or criminal/fraud activities; or
- If you, or any member of your household, have outstanding rent arrears with your current landlord or a former landlord; or
- If there is evidence that you, or any member of your household, have a history of anti-social behaviour or other breach of tenancy conditions.

Each case is judged individually. Where you owe rent for a previous tenancy, you will



be encouraged to enter into an agreement to pay your arrears. If you keep to such an agreement for a reasonable period, usually a minimum of three consecutive months, the housing association will reconsider whether or when you will be offered a tenancy. However, if you are an existing housing association tenant seeking a transfer, a rent account with no arrears is normally expected, except in the case of a re-housing emergency.

### 8.3 Property size guidelines

Generally, homes are offered in line with the following guide:

Household size	Type and Size of Home
A single person.	Bedsit, studio flat, or one bedroom flat, house, bungalow or sheltered accommodation.
A couple. <sup>1</sup>	One bedroom flat, house, bungalow or sheltered accommodation.
Two adults with a verified need for separate bedrooms.	Two bedroom flat, house, bungalow or sheltered accommodation.
A couple <sup>1</sup> or single parent with one child or expecting a first child. <sup>2</sup>	Two bedroom flat, house or bungalow.
A couple <sup>1</sup> or single parent with two children, or expecting a second child. <sup>2</sup>	Two or three bedroom flat or house, depending on age/sex of children.
A couple <sup>1</sup> or single parent with three or more children, or expecting a third or subsequent child. <sup>2</sup>	Three or four bedroom house, depending on age/sex of children.

Notes:

1. Couple includes heterosexual or same-sex couples, whether married, in a civil partnership or living together in the same household.
2. Proof of pregnancy will be required where an extra bedroom is required for an expected child.

Exceptions to this guide, depending on individual circumstances, include:

- a medical recommendation for a bigger home<sup>15</sup> for example to:
  - meet a medical or disability need for an extra bedroom; or
  - accommodate a carer; or
- the available home has special adaptations and there are no other applicants of the correct household size available that need those adaptations; or
- the allocation is the result of an emergency; or
- the home is being used as temporary accommodation; or
- the home is being let under the terms of a local lettings policy.

Bungalows will generally be allocated to households where the applicant or a member of their household needs level-living accommodation.

<sup>15</sup> A decision that you are entitled to be considered for a bigger home for the purposes of this allocation scheme does not mean that you would automatically be entitled to housing benefit to cover the increased rent for any additional bedrooms.

## **8.4 Direct Offers**

Occasionally, certain properties are excluded from CBL and allocated by making direct offers to selected applicants. For example, this could apply to applicants:

- with an immediate need to move on health or welfare grounds, for example in cases of terminal illness where the current home is unsuitable, or where there is an immediate threat of violence; or
- who are subject to current multi-agency public protection arrangements (MAPPA), and who pose a very serious risk to the community, where the type or location of properties that are suitable may need to be restricted; or
- To discharge our duty to provide accommodation under the Housing Act 1996 (as amended).

Wherever possible a direct offer will match your assessed need in terms of location, property type and floor level, and any essential requirements on health and welfare grounds. Other factors such as your non-essential preferences regarding the location or type of rehousing will not normally be taken into account.

## **8.5 Bidding for homeless accepted households**

If you are assessed as homeless where the Council accepts a duty to secure accommodation then you can be offered a suitable home in either the private rented sector or the social rented sector. If you are assessed as homeless where the Council accepts a duty to secure accommodation and you are accepted onto our housing register you will be expected to bid for all properties that potentially meet your needs. We can also bid for any potentially suitable properties on your behalf if you fail to place bids.

The Council is also able to make you a direct offer of accommodation in order to discharge our duty to provide accommodation under the Housing Act 1996 (as amended).

## **8.6 Period for considering an offer**

After the short listing and checking processes, the housing association will visit or telephone the successful bidder and arrange for them to view the property. A longer period is allowed to arrange the viewing where, for example, the applicant:

- is particularly vulnerable and needs to arrange for a relative or advocate to accompany them to a viewing or wishes to take advice before reaching a decision; or
- lives outside the borough, is not familiar with the locality and needs to make arrangements to travel; or
- is in hospital or some form of temporary home such as a hostel or refuge; or
- requires adaptations to help them cope with disabilities and the property needs to be assessed by an occupational therapist.

If you are offered a home then you will normally be expected to accept or refuse it within 24 hours of the viewing.

## 8.7 Refusing an offer

You can generally refuse offers of accommodation without penalties. However, where you refuse a direct offer, in most cases your needs will be re-assessed to check whether your priority or urgency for a move should be reduced.

If we have accepted the duty to re-house you as homeless, refusal of a direct offer will usually result in discharge of the re-housing duty.

We are under a legal duty to offer suitable housing to such homeless applicants. A suitable offer is one that takes into account:

- whether the housing is affordable, considering income, including housing benefit where applicable, and living expenses, including rent;
- the size, floor level, space and arrangement of the property, where applicable to the housing needs of the household;
- any medical or welfare grounds for re-housing; and
- any risk of domestic or other violence.

A direct offer is made by letter to you, explaining it is a final offer and, if refused, you have the right to ask us to review whether it was suitable for your needs. Any review is conducted by our Housing Needs Manager. If the review confirms the property is not suitable you will be entitled to a further offer.

We do not hold the property for you during the review period; it will be immediately re-offered to another applicant. No further offers will be made, and you will be required to secure your own housing and leave any temporary accommodation that may have been provided if the review confirms the property was suitable.

Alternatively, you can both accept the offer and also seek a review as to its suitability. If the review confirms the property is suitable you can remain there.

## 9 The right to request a review of a decision

You have the right to request a review of any decision:

- to treat you as ineligible because of your immigration status; or
- to exclude you from the register because you do not have a local connection and/or a housing need; or
- about the facts of your case which have been, or are likely to be taken into account in considering your priority on the register; or
- to apply a lower priority band to your application.

The notification of the decision will give clear grounds for the decision based on the relevant facts of the case. If you do not understand the implications of a decision on eligibility or disqualification we can give you an oral explanation as well as a written decision.

To request a review of a decision you must write to us within 28 days of receiving it and clearly state why you do not agree with the decision. You can ask someone else to do this for you. If you have problems requesting a review in writing, we can accept your request orally. We can allow you extra time to request a review in exceptional circumstances.

We will email or write to you within 10 days of receiving your request a review. We may ask you to provide more information and/or attend an interview. A senior member of staff who has not been involved in the original decision will carry out the review. We will explain the outcome of the review, and the grounds for the conclusion to you in writing within 4 weeks of your request. If we need further time to complete the review, we will let you know why and how much longer we will need.

The review will look at your case on the basis of the rules in our housing allocation scheme, any legal requirements and all relevant information. This includes information you have provided and any changes since the original decision was made, for example paying off arrears or setting up a repayment plan, or where someone responsible for anti-social behaviour has left your household.

We will not consider a further review of the decision unless there is a material change in your circumstances.

## **10 Scheme maintenance**

### **10.1 Regular review**

The Director of Planning, Housing & Environmental Health is responsible for this scheme, and will review its operation every year.

### **10.2 Amendments to the scheme**

It may sometimes be necessary to make minor amendments to this scheme. For example, if we decide to allow unlimited bids or change the frequency of reviewing applications from annually to every two years. Authority to introduce such minor amendments is delegated to the Director of Planning, Housing & Environmental Health. However, we will seek to inform all applicants of any changes by publicising details on our website and in the Kent Homechoice user guide.

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### STRATEGIC HOUSING ADVISORY BOARD

23 February 2015

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

### 1 DAILY BIDDING REPORT

#### Summary

**This report seeks Members approval on the implementation of a daily bidding system in respect of the Kent choice based lettings scheme.**

#### 1.1 Introduction

- 1.1.1 Since 2009 the Council has operated a choice based letting scheme to allocate affordable housing in the Borough. The scheme is delivered county wide through the Kent Choice Based Lettings Partnership. All 13 Kent local authorities are members of the partnership as are the majority of Registered Providers operating in Kent.
- 1.1.2 Choice Based Lettings allows qualifying applicants to express their interest in (bid for) available homes and the publishing of feedback regarding the allocation of these homes.
- 1.1.3 At present available homes are advertised for a period of five days in fortnightly cycles. Having such bidding cycles introduces inefficiencies and delays with the allocation of available homes. For example, homes becoming available to advertise just after the deadline for a forthcoming bidding cycle will need to wait a further two weeks before they can be advertised in the following cycle.
- 1.1.4 The move to daily bidding is about the continuous advertising of available homes. Operationally the aim is to reduce the delays with letting these homes by allowing landlords to advertise them as soon as they become available.
- 1.1.5 Applicants will be able to view the advert for a minimum period of seven days during which time they can bid for the home if they so wish. Where the minimum period expires during a weekend, the date will be extended to Sunday at midnight. To make it clear for customers property adverts will show a 'bidding closes' date.
- 1.1.6 As there are no advertising deadlines within the daily bidding system this will assist our Registered Provider partners with letting their homes more efficiently

and give more flexibility with managing their resources. Customers will be advised to check regularly for new properties as homes may be added daily.

- 1.1.7 Customers will continue to be able to bid by logging into the Kent Homechoice website, using their digital TV, using the Kent Homechoice mobile apps, telephoning or dropping into the Council, by text message or through staff and/or agency assistance. Free internet access is available at Council offices and libraries across Kent.
- 1.1.8 Customers will no longer be able to use postal coupons to bid as these rely on our contractor (Locata) to add or change bids manually. Daily bidding makes this arrangement impractical. To put this into context, since September 2014 there have been only four bids placed by two customers using this method of bidding.
- 1.1.9 Daily bidding means that there will no longer be a printed property sheet. At present there are four customers who pay to receive this and a further seventeen who the Council provide a copy to assist with their participation in the scheme. Of the four who subscribe, one was housed in January this year. The strategy for ensuring there is no adverse impact on these customers is set out in section 1.3 of this report.

## **1.2 Analysis of the daily bidding pilot**

- 1.2.1 As reported previously to this Board, Swale Borough Council and Amicus Horizon have piloted daily bidding on behalf of the Kent Choice Based Lettings Partnership. This began on 14 February 2014.
- 1.2.2 The implementation of the daily bidding system was a relatively smooth process, with most issues being corrected in the first few days. An evaluation meeting was held on 18 June 2014 at which the findings of the pilot were discussed.
- 1.2.3 Amicus Horizon reported that bidding did not appear to have been adversely affected by the removal of bidding cycles. Interestingly, the number of bids per property increased due to higher participation. Furthermore through daily bidding they were able to let their homes more quickly with evidence that the pilot has reduced void turnaround times. Management and staff have expressed strong views that the new system is more effective and efficient, and has had a positive effect on workloads.
- 1.2.4 Swale Borough Council and Amicus Horizon both made efforts to ensure that vulnerable people received the additional support they needed during the pilot period. It was noted that 45 per cent of households who they identified as vulnerable were placing bids for available homes compared to 42 per cent of households who had no identified vulnerability.
- 1.2.5 Following the success of the pilot, Swale Borough Council and Amicus Horizon have now fully implemented the new system.



### **1.3 Implementation Timetable**

- 1.3.1 The technical changes to the housing register system (Locata) are planned to be completed during February 2015. However, the Council will be able to continue advertising properties in fortnightly cycles following these changes being made.
- 1.3.2 The aim is to go live with daily bidding on 16 March 2015, subject to Member approval and satisfactory testing of the new system.
- 1.3.3 Prior to implementation we will contact all those applicants who currently receive assistance with bidding (20 households) as well as those who receive property sheets (21 households) to discuss how we can ensure their continued participation with our choice based lettings scheme. We will explain the various methods available for bidding and signpost them to available support where necessary. We will also offer customers direct assistance with bidding if they so wish.
- 1.3.4 We will contact the 19 households who we currently assist with bidding, which include those who have been identified as vulnerable, to explain the changes. No adverse impact on these households has been identified as a result of the changes, however we wish to contact them personally so that they fully understand the changes and offer reassurance that we will continue to assist them with bidding in the same way.
- 1.3.5 We will be writing to all households on the housing register to inform them of the changes being made. We will also be running campaigns both online and through social media and providing information in the form of a leaflet that will be available in Council offices.
- 1.3.6 We will ensure that key staff, such as customer service officers, are aware of the changes and are able to advise and support our customers appropriately.

### **1.4 Legal Implications**

- 1.4.1 None arising from this report.

### **1.5 Financial and Value for Money Considerations**

- 1.5.1 It is estimated that the final cost to rollout this system across Kent will be £35,750. The Kent Choice Based Lettings Partnership will meet the cost of this enhancement using existing funds that are collected from all of the existing partners.

### **1.6 Risk Assessment**

- 1.6.1 No risk identified.

### **1.7 Equality Impact Assessment**

- 1.7.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact on those who receive printed property sheets or currently receive assistance with bidding has been analysed and varies between groups of people.
- 1.7.2 The results of the analysis indicate that those who currently receive assistance with bidding (20 households) or property sheets (21 households) include a higher proportion of households with disabilities and those aged over 65. We will contact those affected to set out the options available for bidding and signpost them to available support where necessary. Further information regarding how we will support these customers with the change is detailed in section 1.3 of this report.
- 1.7.3 We will regularly monitor whether those affected by the removal of property sheets and those who require assistance with bidding are participating in daily bidding and review whether they have received sufficient support as appropriate. The full analysis is set out in **[ANNEX 1]**.

## **1.8 Policy Considerations**

- 1.8.1 The Kent Choice Based Lettings scheme touches upon a number of key corporate priorities including Housing, Health and Wellbeing, Community Safety and Children and Young People

## **1.9 Recommendations**

- 1.9.1 **CABINET** is **RECOMMENDED** to **APPROVE** the Council moves to a daily bidding system.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Jason Wheble

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

Draft EqIA Template – for DECISIONS

Annex 1

This template should be completed alongside proposals that will be subject to decision by Councillors.

<b>Summary of decision to be made:</b>	Move our choice based lettings scheme to continuous advertisements and bidding (daily bidding)		
<b>Lead Officer (job title):</b>	Jason Wheble Homechoice Team Manager		
<b>Date the final decision is due to be made:</b>	01/01/2015	<b>Date this assessment commenced:</b>	06/10/2014
<b>Is the decision relevant to the aims of the Public Sector Equality Duty?</b>			
Eliminate discrimination, harassment and victimisation			No
Advance equality of opportunity			Yes
Foster good relations			No
If the answer is yes to any of the above, proceed with the assessment. If the answer is no, please say why and summarise any evidence:			
The change is intended to:			
<ul style="list-style-type: none"> <li>• Reduce the time that available homes are void</li> <li>• Make the Choice Based Lettings system work as efficiently as possible</li> <li>• Improve the verification process of adverts in order to raise the quality of the information given to customers</li> <li>• Simplify the advertising service for customers by removing the fortnightly cycles and advertising homes for a period of seven days</li> </ul>			
This change to our system could have a negative impact on those customers who currently rely on us to assist them with placing bids for available homes. We must consider how we convey the details of this change to our customers, ensuring that we do not exclude people with additional needs.			
The change to our system means personalised property sheets will no longer be available.			
The change to our system means coupon and automated telephone bids will no longer be accepted.			
Kent Homechoice conducted a Kent-wide consultation in 2010 in which an overwhelming response was received to reduce the bidding cycle.			
Continuous advertising of available homes has been piloted by Swale Borough Council and their stock transfer partner, Amicus Horizon, on behalf of the Kent Homechoice partnership.			
For each of the following characteristics, summarise any existing data, consultation activity, interpretation of the impacts and actions that can be taken to reduce or mitigate any negative impacts:			
<b>Characteristic:</b>	<b>Data and consultation</b>	<b>Summary of impact</b>	<b>Actions</b>
Disability	<p>We currently hold a record of applicants who require our assistance with placing bids for available homes.</p> <p>There are 21 customers who receive property sheets. 43% are known to be</p>	<p>A change in routine, we will assist these customers with bidding weekly rather than fortnightly.</p> <p>Unable to provide property</p>	<p>We will contact each of these customers to discuss how we can best support them with bidding.</p>

Draft EqIA Template – for DECISIONS

Annex 1

	disabled.	sheets.	WKEP Aim: <a href="#">Adapt our services and direct people more easily between services</a>
Carers	At present there are no customers who have told us they are carers that require our assistance to place bids.	Neutral	WKEP Aim: Choose an item.
Race	Analysis of data of those currently receiving assistance or property sheets indicates that the nature of the need for additional assistance with bidding relates to other factors not directly related to a person's race. There are no impacts that require mitigation.	Neutral	WKEP Aim: Choose an item.
Gender	Analysis of data of those currently receiving assistance or property sheets indicates that the nature of the need for additional assistance with bidding relates to other factors not directly related to a person's gender. There are no impacts that require mitigation.	Neutral	WKEP Aim: Choose an item.
Age	We currently hold a record of applicants who require our assistance with placing bids for available homes. This is currently 19 households of which 80% fall into the 65 and over age band.  There are 21 customers who receive property sheets. 90% of which fall into the 65 and over age band.	A change in routine, we will assist these customers with bidding weekly rather than fortnightly.  Unable to provide personalised property sheets.	We will contact each of these customers to discuss how we can best support them with bidding for available homes.  WKEP Aim: <a href="#">Adapt our services and direct people more easily between services</a>
Religion / Belief	This information is not collected from our customers as it is not relevant to their ability to bid for available properties.	Neutral	WKEP Aim: Choose an item.
Sexual Orientation	This information is not collected from our customers as it is not relevant to their ability to bid for available properties.	Neutral	WKEP Aim: Choose an item.
Pregnancy / Maternity	None of the applicants who require our assistance with bidding or who currently	Neutral	WKEP Aim: Choose an item.

**Draft EqIA Template – for DECISIONS**

**Annex 1**

	receive property sheets fall within this group.		
Marital or Civil Partnership Status	This information is not collected from our customers as it is not relevant to their ability to bid for available properties.	Neutral	WKEP Aim:Choose an item.
Gender reassignment	This information is not collected from our customers as it is not relevant to their ability to bid for available properties.	Neutral	WKEP Aim:Choose an item.
<b>Summary of impacts :</b> (to be included in committee reports)	<p>This assessment indicates that those who currently receive assistance with bidding or property sheets include a higher proportion of people with disabilities and those aged over 65. We will contact those affected to identify how we can best support them during the change to daily bidding.</p> <p>We will regularly monitor whether those affected by the removal of property sheets and those who require assistance with bidding are participating in daily bidding and review whether they have received sufficient support as appropriate. If an adverse impact is identified this will be remedied accordingly.</p>		
Please tick the outcome of this assessment:	No impact	<b>Adjust the policy</b>	Continue the policy    Stop and remove the policy
Date assessment will be reviewed:	01/04/2016		

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### STRATEGIC HOUSING ADVISORY BOARD

23 February 2015

Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Information

#### 1 PRIVATE SECTOR HOUSING UPDATE

##### Summary

This report updates Members on the following:

- **Kent & Medway Sustainable Energy Partnership procurement framework for energy efficiency improvements;**
- **Partnership working with health;**
- **Winter Warmth funding;**
- **Collective Switching Scheme;**
- **The Overview and Scrutiny Committee review of the actions undertaken to return empty homes to active use; and**
- **The overall work undertaken by the Private Sector Housing team, which will be delivered through a presentation at the meeting.**

#### 1.2 **Kent & Medway Sustainable Energy Partnership procurement framework for energy efficiency improvements**

1.2.1 The Kent & Medway Sustainable Energy Partnership (KMSEP) was formerly known as the Kent & Medway Green Deal Partnership (KMGDP). Members will recall that this partnership was established to enable Kent to maximise the amount of energy efficiency funding coming into the County particularly through Energy Company Obligation (ECO). The partnership delivers measures through a Warm Homes Scheme. Members may recall that in the Autumn Statement in December 2013 a number of key changes to ECO were identified which impacted on the level of funding available for the Kent and Medway Warm Homes scheme. These came into force in autumn 2014.

1.2.2 Following the changes the partnership agreed to retender for energy efficiency retrofitting across the county to establish a framework of providers.

- 1.2.3 The framework has now been awarded and a number of providers sit across four separate lots covering heating, general energy efficiency measures, Green Deal assessments and building surveys and renewable energy.
- 1.2.4 Tonbridge & Malling Borough Council is able to draw down from this framework should the Council decide to undertake an initiative promoting energy efficiency works. There would still be a requirement for a mini-tendering process within the appropriate lot on the framework however this would be a very quick process.
- 1.2.5 In addition KMSEP have already undertaken a mini-tender process under the framework for a Kent-wide offer on heating repairs/provision and cavity wall/loft insulation so we are now able to advise residents of these options where applicable.

### **1.3 Partnership working with Health**

- 1.3.1 Officers from the Private Sector Housing Team have recently been attending training events and meetings with health professionals across West Kent in order to promote the links between health and housing.
- 1.3.2 Specifically we have spoken to the two Falls Prevention services that operate across West Kent and the Falls Practitioner who works across Maidstone and Pembury Hospitals. The purpose of this has been to reinforce how the Private Sector Housing team may be able to assist their clients through the following aspects of our work:
- Housing Assistance to help remove/reduce major hazards including those that may lead to a fall in and around the home;
  - Enforcement in the private rented sector where major hazards are present;
  - Initiatives to make homes warmer (which can reduce falls in the home);
  - Access to the Home Improvement Agency and in particular the Handyperson service;
  - Disabled Facilities Grants; and
  - Public Health enforcement around hoarding and filthy and verminous premises.
- 1.3.3 In order to progress this we are in the process of agreeing a referral form and guidance for their staff to work to. We hope this will be the start of a positive working relationship between housing and health.



## **1.4 Winter Warmth Funding**

1.4.1 Members may be aware of the KCC Winter Warmth initiative that operates in the winter period with the aim of reducing the number of excessive winter deaths across the county.

1.4.2 There are three main facets to the initiative:

- promotion around keeping warm in the home;
- urgent response via the Home Improvement Agency for appropriate cases where items such as blankets, suitable clothing and heaters can be provided; and
- longer term solutions such as provision of appropriate heating and heating repairs.

1.4.3 For the first time this year KCC have allocated the funding set aside for the longer term solutions to the Districts in recognition that many, including this Council, already operate Housing Assistance programmes where assistance is available for such schemes. In addition the Districts can help recycle the funding by offering grants that are repayable on sale of the property.

1.4.4 The major difference between the KCC scheme and our own Housing Assistance programme is that to be eligible for assistance under Winter Warmth the resident must have an underlying health issue and this has to be confirmed by a health professional.

1.4.5 Tonbridge & Malling Borough Council will receive £9,291 this winter for residents to access heating provision/repairs with some additional funding being held centrally by KCC in the event that we need to access further funding due to high demand.

## **1.5 Collective Switching Scheme**

1.5.1 We reported to this Board in November 2014 the Council was working with 'Energy Deal' to promote their winter collective switching campaign to residents in the Borough. Government has encouraged local councils to take on this role to develop schemes for the benefit of residents. The winter collective switching campaign ran from the 2 December 2015 to the 2 February 2015 with the energy auction taking place on the 3 February 2015 and participants receiving their energy offer from 13 February 2015.

1.5.2 Collective switching is where a third party negotiates a better energy tariff on behalf of a group of residents. Such schemes enable residents to register an interest in participating in an 'energy auction' and receiving a new energy provider offer.

- 1.5.3 Provisional figures indicate that 856 local residents have registered an interest in the collective switch from the five Kent authorities that form 'Energy Deal'. Of those, 262 Tonbridge & Malling residents have registered their interest online. A further 25 residents have been registered offline with assistance from the Council as they had no access to an email account.
- 1.5.4 A further update report will be brought to this Board once the outcome of the campaign is known. This will include for example, the energy offers available following the energy auction and the numbers taking up the offer.

## **1.6 Empty Homes Review**

- 1.6.1 The Overview and Scrutiny Committee met on the 27 January 2015, to consider and endorse the recommendations arising from the Scrutiny Review Group on the issue of empty homes in the Borough as reported to Members in the November 2014 meeting of this Board. The group considered why empty homes work is important, the reason homes become empty, the benefits of bringing empty homes back into use, the Council's current approach to tackling empty homes and information on the numbers of empty homes there are in Tonbridge and Malling and the wider Kent area.
- 1.6.2 At a time when the demand and need for housing of all types continues to rise, the group recognised the importance of making the best use of existing stock. In this context bringing empty homes back into use is a valuable and important role for the Council to focus on in partnership with other agencies.
- 1.6.3 The group noted that empty homes work is a cross cutting issue and impacts on all of the Council's key corporate priorities.
- 1.6.4 The Overview and Scrutiny committee agreed for the Housing Service to take the corporate lead for empty homes to allow a more streamlined approach to progressing cases and provides for one contact for empty property owners or customers who are enquiring about empty homes. A corporate working group is established to tackle the issues of long term empty homes. This will include all Services that have a role to play in empty homes, for example Planning Enforcement, Legal, Finance, Housing and Council Tax; who will meet regularly to share information. This sharing of information will assist in "cleansing" of Council Tax data and could be used when considering any enforcement options.
- 1.6.5 The committee also agreed that we raise public awareness of empty homes through a variety of communications medium and simplifying the process of reporting empty homes. We have already made use of Twitter and Facebook to advertise "Empty Homes Week" and Housing have worked with Council Tax to include advice for empty home owners on the back of the latest Council Tax bills.

**1.7 Presentation from the Private Sector Housing Team**

1.7.1 The presentation by the Private Sector Housing team includes case study examples of the varied and vital work that the team undertakes. It will illustrate the partnership working required with other Council Services and external organisations, for example Social Services and Health, to achieve positive outcomes for customers.

**1.8 Legal Implications**

1.8.1 None arising from this report.

**1.9 Financial and Value for Money Considerations**

1.9.1 None arising from this report.

**1.10 Risk Assessment**

1.10.1 None arising from this report.

Background papers:

Nil

contact: Linda Hibbs/Hazel  
Skinner

Steve Humphrey  
Director of Planning, Housing and Environmental Health

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### STRATEGIC HOUSING ADVISORY BOARD

23 February 2015

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Information

### 1 STRATEGY AND ENABLING UPDATE

#### Summary

**This report updates Members on the progress being made by the Council's Registered Provider (RP) Partners in providing new affordable housing in the Borough and summarises the programmes for 2012/13 to 2014/15. The report goes on to describe the progress on various housing strategy initiatives.**

- 1.1.1 The effective negotiation, planning and delivery of affordable housing forms one of the key priorities of the Council and is an area of significant activity for the housing and planning services. Allied to this is the need to track and monitor the progress of RPs in delivering new schemes. Failure to secure a steady supply of new homes has a direct knock-on effect on the levels of homeless households placed in temporary accommodation or bed and breakfast.
- 1.1.2 While we work with our partners to plan and ensure timely delivery of new housing, the Council also has a role to play in facilitating progress and in tracking performance. This is important to ensure that any difficulties arising on new schemes are highlighted early on and corrective action taken.
- 1.1.3 Set out at **[Annex 1]** is a monitoring spreadsheet showing the completed schemes in the year to date and the development programme to 2014/15. The table identifies:
- the scheme address;
  - RP Partner;
  - start on site (SoS);
  - total number of units to be provided (rent and/or shared ownership);
  - detailed split of rent and shared ownership units;
  - expected date of completion; and

- information on progress.

1.1.4 Members should be aware that details on some schemes may alter where planning permission has yet to be secured and some may not proceed. The number of units to be provided is therefore an indicative figure for strategic planning purposes, pending confirmation of final scheme details. As new schemes come forward these will be also be added to the schedule.

## **1.2 Affordable Housing Scheme Updates**

1.2.1 Officers have been delighted to attend a number of site visits to schemes in the Borough to see them nearing completion as the Homes & Communities Agency's (HCA) Affordable Homes Program 2011-2015 draws to a conclusion.

1.2.2 This includes sites such as the Scott Road and Marvillion Court developments through Circle Housing Russet (which are now completed), and the fantastic progress made at the regeneration at the Winterfield Estate, (also Circle Housing Russet).

1.2.3 The end of March marks the end of the current HCA funding round, and the beginning of the 2015-2018 Funding Program. Furthermore, the HCA have recently announced the extension of this latter program to 2020 along with an additional £2bn of grant funding.

1.2.4 Members will be updated on successful bids submitted by our Registered Provider Partners to the new funding round through future papers to this Board.

## **1.3 Affordability of Affordable Rent Homes**

1.3.1 Members will recall that the Council has concerns regarding the "Affordable Rent" tenure in terms of enabling affordable and sustainable tenancies. Our alarm about pursuing the Affordable Rent tenure was expressed in last February's letter from both the Leader and Cabinet Member for Housing to Sir John Stanley MP on the basis that these rental levels set at up to 80 per cent of market value are, in some cases, simply not "affordable".

1.3.2 Subsequent letters from both the Leader and Cabinet Member for Housing to Sir John Stanley MP continuing this dialogue are attached at **[Annex 2]**, concluding with a response from the Secretary of State for Work and Pensions.

1.3.3 As referenced by Sir John Stanley, it is unfortunate that the response does not provide more operational detail on how rent levels are to be reduced and homes made truly more affordable. The remarks that "*(Registered Providers) are not fixed at 80 per cent of the market level. Landlords will have flexibility to set their affordable rents based on a lower percentage in areas where the market rents are acutely high*" do not align with the HCA's own guidance to Registered Providers on this matter. Their funding guide (The Prospectus) is quite clear that Registered Providers are indeed expected to maximise their rental costs to the maximum 80

per cent, unless in some very exceptional circumstances beyond simply “acutely high market rents”.

- 1.3.4 Members will see that the correspondence on this matter is not at an end, and Sir John Stanley has written to Eric Pickles at the Department for Communities and Local Government (DCLG) in order to gain further clarification on these issues. Officers hope to provide additional updates through further papers to this Board.

#### **1.4 Changes to Affordable Housing Triggers In The Planning System**

- 1.4.1 The Minister for State for Housing and Planning recently announced changes to the planning system introducing into national policy a threshold beneath which affordable housing contributions should not be sought. These changes have been made following a national consultation exercise on how best to assist small scale house builders, along with custom and self-builders.
- 1.4.2 The changes to national policy with regard to Section 106 planning obligations are that for sites of ten units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and payments in lieu (tariff style contributions) should not be sought. Members will be aware that the Council’s current trigger points for the provision of affordable housing are 15 units or more in urban areas, and five units or more rural areas, with the operational details contained within policy CP17.
- 1.4.3 This change will not apply for designated rural areas under Section 157 of the Housing Act 1985, but the Borough does not contain any areas listed within this Act. The changes also do not apply to National Parks and Areas of Outstanding Natural Beauty, where authorities may choose to implement a threshold of five units or less, beneath which affordable housing and tariff style contributions should not be sought.
- 1.4.4 The new guidance states that within these designated areas, if a five unit threshold is implemented then payment of affordable housing and payment in lieu contributions on developments of between six to ten units should be sought as a cash payment only, and be commuted until after completion of units within the development.
- 1.4.5 Members will be glad to learn that these changes in national planning policy will not apply to Rural Exception Sites which, subject to the local area demonstrating sufficient need (as detailed in the Council’s policy CP19), remain available to support the delivery of affordable homes to address local need.
- 1.4.6 Officers are yet to fully digest the rule changes (which are complex) and understand their impact on the Borough’s future pipeline of affordable provision. It is frustrating that the changes do not allow any provision to be means tested, or applied on a case by case basis. Neither have the changes been means tested, or allowed local authorities any local discretion in how they are implemented.

- 1.4.7 A more detailed analysis with a focus on the development control and planning policy implications in accordance with the emerging Local Plan will be reported to future occurrences of the Planning & Transportation Advisory Board (PTAB).

## **1.5 The Help To Buy Equity Loan Scheme**

- 1.5.1 The Help to Buy (HTB) Equity Loan scheme was first announced in the 2013 March budget, in an attempt to encourage banks and building societies to offer mortgages. The data for the third quarter of 2014-15 has now been released, and it shows that since the launch 807 properties have been purchased in Kent, (KCC area), with the help of an equity loan. To put this in context, nationally 33,911 properties were bought.
- 1.5.2 The total value of these loans in Kent amounted to just under £39 million, with an average loan of £47,929. This varies from £91,333 for Sevenoaks to £38,359 for Canterbury, with the national average being £47,926. It is estimated that about 84 per cent of these were for first time buyers.
- 1.5.3 Members will be glad to learn that Tonbridge & Malling is second for the whole of Kent for the number of equity loans issued since the schemes inception, with 144 products, (Dartford saw 181). Accordingly, the Council saw the second highest total levels of loans within Kent, £8.6 million compared to Dartford's £8.9m.

## **1.6 Legal Implications**

- 1.6.1 The Council needs to secure a sufficient supply of affordable housing to meet its statutory duties.

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 The Affordable Housing Programme (AHP) is the means by which public subsidy is secured for the delivery of affordable housing. RPs must adhere to strict value for money and design considerations imposed by the HCA.

## **1.8 Risk Assessment**

- 1.8.1 Failure to secure sufficient investment in affordable housing could mean that the Council is unable to deliver its local strategic housing priorities and meet its statutory obligations to the homeless and others in housing need resulting in unacceptable financial and reputational risk.

Background papers:

contact: Chris Knowles

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health



TONBRIDGE AND MALLING BOROUGH COUNCIL: AFFORDABLE HOUSING DEVELOPMENT PROGRAMME 2012/13

SCHEME DETAILS		AFFORDABLE HOUSING UNITS											DELIVERY TIMETABLE		
Address	RSL	Tenure	Flats			M'nette		Houses			B'galow		Total Units	Start on site date	Planned completion date
			1 bed	2 bed	3 Bed	1 bed	2 bed	1 bed	2 bed	3 bed	4+bed	1 bed			
Leybourne Grange	Russet Homes	Affordable Rent											15	Feb-11	Oct-12
		Shared Ownership											2		
Holborough Valley	Southern Housing Group	Social Rent	27	39	5					14			85	Apr-11	Jun-12
		Shared Ownership													
SomerHill Garages Site	Russet Homes	Affordable Rent										6	6	Mar-12	Mar-13
		Shared Ownership													
<b>TOTALS 12/13</b>												<b>108</b>			

TONBRIDGE AND MALLING BOROUGH COUNCIL: AFFORDABLE HOUSING DEVELOPMENT PROGRAMME 2013/14

SCHEME DETAILS		AFFORDABLE HOUSING UNITS											DELIVERY TIMETABLE			
Address	RSL	Tenure	Flats			M'nette		Houses			B'galow		Total Units	Start on site date	Planned completion date	
			1 bed	2 bed	3 Bed	1 bed	2 bed	1 bed	2 bed	3 bed	4+bed	1 bed				2 bed
Cocleshed Wood Farm	Russet Homes	Shared Ownership		3									3	Jan-12	Sep-13	
Coldharbour	KCC	Affordable Rent							18				18	May-12	Dec-13	
		Shared Ownership														
Ashby's Yard	Town & Country HGrp	Affordable Rent	15	40	5								60	Mar-11	Oct-13	
		Shared Ownership	11	21									32			
TGGS	WKHA	Affordable Rent	6	8					8				22	Oct-11	Jan-14	
		Shared Ownership	3	4									7			
Leybourne Grange Phase 2 Continued	Russet Homes	Affordable Rent	3	6				5					14	Apr-13	Mar-14	
		Shared Ownership		6				6	2				14			
The Red House	Moat	Affordable Rent							7				7	Aug-12	Jun-13	
		Shared Ownership							7				7			
K College	WKHA	Affordable Rent						4	3				7	Jan-13	Jan-14	
		Shared Ownership		2									2			
Grange Road	Russet Homes	Shared Ownership						1	2				3	Aug-12	Jun-13	
The Pinnacles	Russet	Social Rent							2				2	Jun-12	Mar-14	
		Shared Ownership		6				12					18			
<b>TOTALS 13/14</b>			<b>38</b>	<b>96</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>28</b>	<b>49</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>216</b>		

## TONBRIDGE AND MALLING BOROUGH COUNCIL: AFFORDABLE HOUSING DEVELOPMENT PROGRAMME 2014/15

SCHEME DETAILS		AFFORDABLE HOUSING UNITS											DELIVERY TIMETABLE			
Address	RSL	Tenure	Flats		M'nette			Houses			B'galow			Total Units	Start on site date	Planned completion date
			1 bed	2 bed	3 Bed	1 bed	2 bed	1 bed	2 bed	3 bed	4+bed	1 bed	2 bed			
Isles Quarry	Russet Homes	Affordable Rent		9					4	10	5			28	May-13	Feb-15
		Shared Ownership								2				2		
Cannon Lane	Moat	Affordable Rent	12	13										25	Apr-13	May-14
		Shared Ownership	4	11										15		
Scott Road Scheme	Russet Homes	Affordable Rent						4	2					6	Aug-13	Sep-14
		Shared Ownership		8										8		
Marvillion Court Regeneration	Russet Homes	Affordable Rent	4					1	2					7	Jan-13	Dec-14
		Shared Ownership						1	8					9		
Fen Pond Road	Russet Homes	Affordable Rent							2					2	Jan-13	Apr-14
		Shared Ownership							5					5		
Carnation Close	Russet Homes	Shared Ownership							2					2	Sep-13	Mar-15
Twicken Road	Russet Homes	Affordable Rent						5						5	Feb-13	Mar-15
Lavender Road	Russet Homes	Affordable Rent	4											4	Feb-13	Mar-15
Winterfield Phase 1	Russet Homes	Affordable Rent						4	2	4				10	Feb-13	Mar-15
		Shared Ownership						4	2					6		
Winterfield Phase 2	Russet Homes	Affordable Rent	9	8						2				19	Feb-13	Mar-15
		Shared Ownership	2	14					2					18		
The Mound, Hadlow	Sanctuary	Affordable Rent						2	1					3	May-14	Sep-15
		Shared Ownership														
<b>TOTALS 14/15</b>			<b>27</b>	<b>71</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>21</b>	<b>42</b>	<b>9</b>	<b>4</b>	<b>0</b>	<b>174</b>		

TONBRIDGE AND MALLING BOROUGH COUNCIL: AFFORDABLE HOUSING DEVELOPMENT PROGRAMME 2015/16

SCHEME DETAILS		AFFORDABLE HOUSING UNITS											DELIVERY TIMETABLE				
Address	RSL	Tenure	Flats			M'nette			Houses			B'galow		Total Units	Start on site date	Planned completion date	
			1 bed	2 bed	3 Bed	1 bed	2 bed	1 bed	2 bed	3 bed	4+bed	1 bed	2 bed				
Isles Quarry	Crest Nicholson	Shared Equity		12					6						18	May-13	Mar-16
Shrubshall Meadow, Plaxtol	Moat	Affordable Rent					2	1							3	May-13	May-15
		Shared Ownership						3	1					4			
Sovereign House	Circle Housing	Affordable Rent														tbc	Jun-15
		Shared Ownership		22										22			
<b>TOTALS 15/16</b>				<b>34</b>			<b>2</b>	<b>10</b>	<b>1</b>					<b>47</b>			

TONBRIDGE AND MALLING BOROUGH COUNCIL: AFFORDABLE HOUSING DEVELOPMENT PROGRAMME 2016-18

SCHEME DETAILS		AFFORDABLE HOUSING UNITS											DELIVERY TIMETABLE				
Address	RSL	Tenure	Flats			M'nette			Houses			B'galow		Total Units	Start on site date	Planned completion date	
			1 bed	2 bed	3 Bed	1 bed	2 bed	1 bed	2 bed	3 bed	4+bed	1 bed	2 bed				
Isles Quarry	Russet Homes	Affordable Rent							2	6					8	May-13	Mar-15
		Shared Ownership		6				1	6					13			
A-Z Factory	Hyde	Affordable Rent		9										9	tbc	Mar-18	
		Shared Ownership							7					7			
Bunyard's Farm	WKHA	Affordable Rent	2	7					4					13	tbc	Mar-18	
		Shared Ownership							4					4			
Enterprise House	Circle Housing	Affordable Rent	7											7	tbc	Mar-18	
		Shared Ownership												37			
Preston Hall	TBC	Affordable Rent	35	1				8	5	2				51	tbc	Mar-18	
		Shared Ownership	12					1	1	2				16			
Priory Works	TBC	Affordable Rent	3	13					17	4				37	tbc	Mar-18	
		Shared Ownership						21						21			
60 Mill Hall	Hyde Housing	Affordable Rent	3	15										18	tbc	Mar-18	
		Shared Ownership	2	10	16									28			
Kings Hill	TBC	Social Rent	11	6				7	10	5				39	tbc	Mar-18	
		Affordable Rent	18	10				11	0	0				39			
		Shared Ownership	0	20				0	14	0				34			
Woodgate Extra Care	AKS	Affordable Rent												15	tbc	Mar-18	
		Shared Ownership												7			
<b>TOTALS 16-18</b>			<b>46</b>	<b>143</b>	<b>17</b>			<b>51</b>	<b>74</b>	<b>13</b>				<b>403</b>			

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**TONBRIDGE & MALLING  
BOROUGH COUNCIL**

**Nicolas Heslop**  
**Borough Councillor for Cage  
Green, Tonbridge**  
Leader of The Council

The Rt Hon Sir John Stanley MP  
House of Commons  
London  
SW1 0AA

9 December 2014

**Re: New Social Housing Delivery Brings Continued Affordability Concerns**

We are writing to let you know of the recent success of our Registered Provider Partners in sustaining an ongoing stream of affordable housing in the Borough and to simultaneously reiterate our concerns regarding the affordability of these homes when they are delivered and ready for occupation.

The Homes & Communities Agency (HCA) recently announced the successful bidders for their Affordable Homes Programme 2015 – 2018. We were very satisfied to learn that Tonbridge and Malling is to receive by far the largest allocation within Kent, with over £7 million of capital grant funding allocated to our Registered Provider Partners. To put this figure into context, the next highest allocation within Kent is to Swale Borough Council, with an allocation of £4 million. We also take great pride in seeing the highest number of new affordable units proposed across the 2015-18 programme, with 283 homes allocated funding. Again, to put this figure into context, the next highest in Kent, with 235 homes, is Medway Council. These prospects for future years will continue our high level performance which was demonstrated by Tonbridge and Malling enabling the highest number of new affordable homes to be built within Kent during 2013/14.

In terms of the wider housing “offer” to our residents, Tonbridge & Malling saw the most successful implementation of the “Help to Buy” scheme within the County for both shared ownership homes and equity loans. It is evident that the Council has continued to achieve high levels of performance on the provision of affordable housing. This has been across a broad and varied spectrum of tenures and dwellings in relation to actual delivery, current outturn, future pipeline schemes and level of subsidy received.



Despite such successes, we are not complacent and are acutely aware of the continuing challenges that lie ahead. The affordability gap appears to be widening and funding for affordable housing generally is ever more challenging to secure. You will recall we wrote to you in February this year highlighting some of the increasing concerns we have regarding the affordability of social housing within Tonbridge & Malling and, in particular, the effect of the "Affordable Rent" tenure model.

Our previous letter to you expressed concerns that these rental levels, set at up to 80 per cent of market value are, in some cases, simply not "affordable".

Typically, in this Borough, that rent level is out of reach for working households on low income. However, there is pressure on Registered Housing Providers to maximise income from rent levels in order to sustain their business plans. There is a tension here that hinders meeting real affordability problems in the social housing sector.

The issue of attracting working families into homes at Affordable Rent also raises a dilemma for the Government's focus on reducing the national housing benefit and welfare bill overall. There are clear tensions between affordable housing policy and welfare reform policies.

Previously, social housing rents, which were set at around 50 per cent of local market rents, allowed people to work without being dependent on housing benefit. However, under the Affordable Rent model the Borough Council continues to find that our historically sought after, family-size homes, now offered for Affordable Rent, are beyond the reach of many working households altogether. For example, a typical level of Affordable Rent on a 3 bedroom house in Tonbridge, provided by one of our partners, is around £220 per week.

The consequence of this higher cost tenure is that it best serves households that are either entirely welfare dependent or those that may otherwise be able to access market rented homes, or intermediate tenures, such as shared ownership, due to being on relatively higher incomes. Those working households on modest incomes continue to be the ones to find Affordable Rent the most challenging. It would not be the wish of the Borough Council to lock out hard working families from accessing affordable housing in this Borough.

Conversely, if families are entirely benefit-dependent, it can also prove very difficult for them to make the transition to work and become economically active if the Affordable Rent is to be maintained without arrears accruing. The situation is further exacerbated by the challenges of accessing alternative options in the private rented sector, where rents are very high and continue to rise.

The Council's new independent Strategic Housing Market Assessment (2014) clearly describes an environment with ongoing high property prices and affordability pressures, relatively static local salary levels, and historic low levels of provision across all tenures. Therefore, the provision of a continuing supply of truly *affordable* housing is a key priority of the Borough Council if we are to meet our strategic goals and address our identified housing need. However, operating in a residential property market which drives high (and rising) land values, rents and house prices is a major challenge.

Clearly our Borough Council faces the dilemma of a providing healthy affordable housing pipeline, contrasted with the challenge of occupying these homes in a sustainable and affordable way that meets the housing needs of our hard working low income families and most vulnerable households.

We would be grateful if you would draw our concerns to relevant Ministers at both the Department for Communities and Local Government, and at the Department for Work and Pensions.

Yours sincerely

**Councillor Nicolas Heslop**  
Leader TMBC

**Councillor Mrs Jill Anderson**  
Cabinet Member for Housing



From: The Rt. Hon. Sir John Stanley, M.P.



HOUSE OF COMMONS

LONDON SW1A 0AA

18 December 2014

Councillor Nicolas Heslop  
Leader, Tonbridge & Malling Borough Council  
Councillor Mrs Jill Anderson, Cabinet Member for Housing  
Tonbridge and Malling Borough Council  
Gibson Building, Gibson Drive  
Kings Hill, West Malling  
Kent, ME19 4LZ



Many thanks for your joint letter of December 10 headed "New Social Housing Delivery Brings Continued Affordability Concerns".

I warmly congratulate the Tonbridge and Malling Borough Council on the financial recognition it has been receiving from the Government and the Homes and Communities Agency of the success of the Council's drive to create new affordable homes in the Borough Council's area as demonstrated in the second paragraph of your letter. The key points that you make so well in the remainder of your letter about "Affordable Rent" being not truly affordable are borne out in letter after letter that I have been receiving from my constituents.

I will certainly take up this key policy issue with both the Secretary of State for Communities and Local Government and the Secretary of State for Work and Pensions to whom I am sending your letter of December 10.

I shall be writing to you again when I receive the reply.

I am sending a copy of this letter to the Borough Council's Chief Executive, Ms Julie Beilby, who also highlighted the issues you raised when I had my annual meeting with the Borough Council's senior management team last Friday and to whom I shall be sending a copy of the replies I receive.



From: The Rt. Hon. Sir John Stanley, M.P.



HOUSE OF COMMONS

LONDON SW1A 0AA

26 January 2015

Councillor Nicolas Heslop  
Leader, Tonbridge & Malling Borough Council  
Councillor Mrs Jill Anderson, Cabinet Member for Housing  
Tonbridge and Malling Borough Council  
Gibson Building, Gibson Drive  
Kings Hill, West Malling  
Kent, ME19 4LZ

*Re Nicolas and Jill.*

Further to my letter of December 18, I now attach this reply of January 18 that I have received from the Secretary of State for Work and Pensions, Iain Duncan Smith.

Though the Secretary of State states that his Department "is committed to supporting affordable rent arrangements", it is disappointing that he does not provide any details as to how his Department is doing so. I hope that the reply I receive to my letter to Eric Pickles will be more illuminating.

With regard to the last paragraph of Iain Duncan Smith's reply, my own view is that it is illusory to think that in most cases social landlords will do anything other than to charge rents up to the maximum level, namely 80 per cent of the market level.

I am sending a copy of this letter to the Borough Council's Chief Executive together with a copy of the Secretary of State's reply.

I shall of course be writing to you again when I receive the reply to my letter to Eric Pickles.

*With best wishes  
Yours sincerely  
John Stanley*



Department  
for Work &  
Pensions

Secretary of State  
Caxton House  
Tothill Street  
LONDON  
SW1H 9DA

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Our ref: POS(1)10977/578

Rt Hon Sir John Stanley MP

18<sup>th</sup> January 2015

*Dear Sir,*

Thank you for your letter of 18 December 2014 on behalf of Councillor Nicolas Heslop, Leader of Tonbridge and Malling Borough Council and from Councillor Jill Anderson regarding the Affordable Rent Scheme.

I note that you have also written to Eric Pickles at the Department for Communities and Local Government (DCLG) on the same matter. The DCLG have primary responsibility for the Affordable Rent Scheme and Affordable Housing policy.

My Department, the Department for Work and Pensions, is working closely with colleagues in the DCLG on the Affordable Rent Scheme and is committed to supporting affordable rent arrangements as a means of increasing the supply of housing in the social rented sector. Building more homes across all tenures will assist in reducing rent levels and contribute to making Housing Benefit more affordable in the long term.

It is important to note that the Affordable Rent Scheme allows social landlords to charge rents that are up to 80 per cent of the market level, but they are not fixed at 80 per cent of the market level. Landlords will have flexibility to set their affordable rents based on a lower percentage in areas where market rents are acutely high.

*Iain Duncan Smith*

*CD*

**The Rt Hon Iain Duncan Smith MP**

SECRETARY OF STATE FOR WORK AND PENSIONS

## TONBRIDGE & MALLING BOROUGH COUNCIL

### STRATEGIC HOUSING ADVISORY BOARD

23 February 2015

Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Information

### 1 HOUSING NEEDS UPDATE

#### Summary

The Council's Housing Options team continues to promote the prevention of homelessness and address the housing needs of local residents. The number of households seeking advice and/or applying to the Housing Register for social housing remains significantly high.

#### 1.1 Housing options, Prevention and Homelessness

- 1.1.1 The table below illustrates the number of customers seen by the Housing Options Team since July 2014 both in person and via the telephone advice service. Members will note that the majority of our customers make contact for advice to help keep their homes or are seeking assistance to find alternative accommodation. The number of households making homeless applications increased significantly during November and December 2014. This is consistent keeping with seasonal peaks.

Month	Contact Made	Homeless Applications	Advice Only	Prevented	Relieved	Open
July 2014	63	6	50	4	0	4
Aug 2014	52	9	35	4	0	8
Sept 2014	64	7	27	1	0	33
Oct 2014	66	7	45	10	0	9
Nov 2014	51	19	31	4	0	9
Dec 2014	38	11	17	1	0	14
Jan 2015	56	6	10	4	0	42
<b>TOTAL</b>	<b>505</b>	<b>65</b>	<b>215</b>	<b>28</b>	<b>0</b>	<b>119</b>

1.1.2 The working definitions for the above table are as follows:

- **Contact Made** – Total number of customers approaching Options Team
- **Advice Only** – Customer able to solve their own housing problems following advice and assistance from the Options team.
- **Prevented** – Advice and assistance from the Options Team to secure accommodation to prevent customer from becoming homeless.
- **Relieved** - Advice and assistance from the Options Team allowing customer to remain in their home, from where they have been threatened with homelessness.
- **Open** – Continued advice and assistance to prevent or relieve homelessness.

## 1.2 Numbers in Temporary Accommodation

1.2.1 The following table gives the numbers of households living in temporary accommodation at the end of each month.

<b>Date</b>	<b>Number in self contained Temporary Accommodation (AST)</b>	<b>Number in self contained Temporary Accommodation (nightly paid)</b>	<b>Number in traditional Bed &amp; Breakfast</b>	<b>Total</b>
31.07.14	3	10	3	16
31.08.14	3	16	4	23
30.09.14	3	16	3	22
31.10.14	3	11	2	16
30.11.14	3	9	2	14
31.12.14	3	14	2	19
31.01.15	3	16	2	21

1.2.2 The increase in homeless presentations has led to an increase in the number of households being accommodated pending a decision on their application.

1.2.3 The housing options team continue to explore innovative ways to incentivise landlords from the private sector to consider working with the Council which will provide the availability of more homes to which we can discharge our duty to homeless customers.

1.2.4 In the meantime due to a lack of available private rented properties and the impact this has had on the increasing the length of stay in temporary accommodation it has proved necessary to reassess households to whom the Council has accepted

a statutory homeless duty from a Band C to a Band B priority. It is envisaged that this will reduce the length of time homeless households are being accommodated in temporary accommodation.

### 1.3 Rent Deposit Scheme

1.3.1 The table below shows the number of households who have been assisted to secure alternative accommodation in the private sector to prevent them from becoming homeless. It is becoming increasingly challenging for customers to access the private sector particularly those on a low income as the gap between housing benefit levels and the amount of rent private landlords can achieve rises.

Month	Number of Loans approved	Bonds	Customers assisted into a private rented property without a deposit loan or bond	Total
July 2014	0	2	2	4
Aug 2014	1	1	1	3
Sept 2014	0	1	2	3
Oct 2014	1	1	2	4
Nov 2014	0	3	1	4
Dec 2014	0	0	1	1
Jan 2015	0	0	0	0
<b>TOTAL</b>	<b>2</b>	<b>8</b>	<b>9</b>	<b>19</b>

1.3.2 The Housing Options team continue their work to improve relationships with landlords in the private sector and support tenancies to promote our rent deposit scheme and tenancy support programme. It is hoped this work will attract other landlords who would normally engage the services of local lettings agents.

### 1.4 Severe Weather Procedure

1.4.1 It is acknowledged that from time to time there will be some people sleeping rough within the Borough of Tonbridge and Malling. Some rough sleepers do not sleep rough every night and will alternate between sleeping rough and staying with friends or family members before finding a more settled solution or moving out of the Borough.

1.4.2 The winter period often presents greater risks to people's health, particularly if they are old, vulnerable or have chronic medical conditions. Those sleeping rough are likely to experience a greater risk to their health and well-being during periods of severe weather. There is a humanitarian obligation on all local authorities to do all they can to prevent deaths on the streets caused by severe winter weather, which currently triggers a duty to accommodation during periods of severe cold.

1.4.3 We currently offer emergency accommodation to rough sleepers when the Meteorological Office forecast that the temperature will be at zero degrees centigrade or below for a period of at least three consecutive nights. Following a

recent review of this Council's procedure, categories of severe weather conditions have been extended to include extreme wind and rain or flooding. The Council will therefore provide accommodation to rough sleepers for periods when there is a red severe weather warning is in place outside normal office hours until the next working day.

## 1.5 Housing Register

1.5.1 The table below shows the number of applicants joining and leaving the housing register, including home seekers (those applying for their first social tenancy) and transfers (existing social tenants applying for a move).

<b>Month</b>	<b>New Applications Received</b>	<b>Applications Cancelled</b>	<b>Number on Housing Register</b>
October 2014	115	81	1,304
November 2014	91	70	1,292
December 2014	67	63	1,291

1.5.2 The following table gives the breakdown of applicants who have been housed through Choice Based Lettings since the beginning of the financial year:

<b>Month</b>	<b>Home seekers</b>	<b>Transfers</b>	<b>Total</b>
April 2014	26 (53%)	23 (47%)	49
May 2014	16 (55%)	13 (45%)	29
June 2014	16 (50%)	16 (50%)	32
July 2014	32 (86%)	5 (14%)	37
August 2014	15 (56%)	12 (44%)	27
September 2014	21 (78%)	6 (22%)	27
October 2014	28 (61%)	18 (39%)	46
November 2014	25 (76%)	8 (24%)	33
December 2014	23 (59%)	16 (41%)	39

1.5.3 The Homechoice Team has recently undertaken a review of the processes involved with assessing housing register applications which has led to some changes being made in order to streamline and administer applications more efficiently. Prior to these changes applications were dealt with in stages by different officers which included logging applications, checking applications and processing them. There were a number of "hand offs" leading to inefficiencies which resulted in delays with processing applications and customers having to chase progress.

1.5.4 The new process now enables officers to complete the whole assessment in a single stage. This has resulted in the average processing time reducing to one week but rising to two weeks during our busiest periods. Previously processing



times averaged two weeks but had reached four weeks during busy periods. Customers are benefitting as they are now able to bid for properties without experiencing delays in their application being processed.

**1.6 Legal Implications**

1.6.1 Non arising from this report

**1.7 Financial and Value for Money Considerations**

1.7.1 None arising from this report

**1.8 Risk Assessment**

1.8.1 None arising from this report

Background papers:

Nil

contact: Jane Smither  
Jason Wheble

Steve Humphrey  
Director of Planning, Housing and Environmental Health

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# Agenda Item 10

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 11

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Agenda Item 13

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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